THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C814-2012-0160
211 South Lamar Boulevard Planned Unit Development

REQUEST:
Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 211 South Lamar Boulevard (Lady Bird Lake Watershed) from general commercial services (CS) district zoning and general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning.

DEPARTMENT COMMENTS:
All Land Use Plan notes have been incorporated into the draft ordinance document. The following language has been incorporated into an ordinance provision: none of the pedestrian oriented uses along Riverside Drive or South Lamar Boulevard shall consist of residential uses.

Prior to Second Reading, a private restrictive covenant, incorporating the terms of the Memorandum of Understanding between the Bridges on the Park Condominium Association and the property owner, was executed and provided to Council.

The staff report and exhibits, with a few exceptions, remain unchanged from materials previously posted. Those exceptions are 1) an update to the staff report capturing Council actions; 2) a new appendix Q that includes late back up materials submitted for the August 8 Council meeting; 3) incorporation of the above Memorandum of Understanding as Exhibit MOU; and 4) an updated Land Use Plan (Exhibit B) in which all but 2 notes have been removed and incorporated into the ordinance document.

OWNER: Post Paggi, LLC (Jason Post)

APPLICANT: Winstead PC (Stephen O. Drenner)

DATE OF FIRST READING: August 8, 2013

ACTION ON FIRST READING: Approved PUD district zoning with the following two amendments and direction to staff:

The amendments were:

- Use all notes presently on the land use plan.
- Add the following language to note 36 "none of the pedestrian oriented uses along Riverside Drive or South Lamar Boulevard shall consist of residential uses."

Direction was given to staff to have the MOU codified before it comes back to Council on second reading and to bring back the planned unit development (PUD) density ordinance on third reading.

Motion with amendments and staff direction by Council Member Riley; Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem

Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

DATE OF SECOND READING: August 22, 2013

ACTION ON SECOND READING: Approved PUD district zoning on consent on Council Member Spelman's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

CITY COUNCIL HEARING DATE: October 3, 2013

ASSIGNED STAFF: Lee Heckman / tel: 512-974-7604/ e-mail: lee.heckman@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C814-2012-0160
211 South Lamar PUD

P.C. DATE: 03/12/2013; 04/09/2013; 04/23/2013; 05/14/2013; 05/28/2013: 06/11/2013

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: Zilker
(South Lamar Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION
To Grant Planned Unit Development (PUD) District Zoning as Requested

PLANNING COMMISSION ACTION:

June 11, 2013	To Grant Planned Unit Development (PUD) District Zoning as Recommended by Staff [R. Hatfield; J. Nortey-2nd]. Passed 5-3 (Nays: D. Chimenti, J. Stevens, M. Smith; Absent: D. Anderson)
May 28, 2013	Postponed to June 11, 2013 at the request of neighborhood stakeholders, with a request for a historical assessment *
May 14, 2013	Postponed to May 28, 2013 at the request of the applicant.
April 23, 2013	Postponed to May 14, 2013 at the request of City staff.
April 9, 2013	Postponed to April 23, 2013 at the request of City staff.
March 12, 2013	Postponed to April 9, 2013 at the request of City staff.

* Representatives of the Bridges On The Park Condominium Association requested a 30-day postponement and requested the Commission direct staff to prepare a historic impact statement regarding the impact of the proposed PUD on the Paggi House. The Zilker Neighborhood Association concurred with the request. Staff informed the Commission a report could be finalized before the June 11 meeting. The Planning Commission granted a two-week postponement.

The historic context report, completed by the City's Historic Preservation Officer, has been attached as Exhibit H.

WATERFRONT PLANNING ADVISORY BOARD ACTION:

April 8, 2013	Motion to not recommend PUD rezoning [Motion by Board Member Walton; Seconded by Board Member Rindy. Passed 4-1-2. Board Member Schultz Opposed; Board member Zickert Abstained; Board member Pilgrim Recused].

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]

Approved minutes of these Board meetings have been attached (please see Exhibit M).

ISSUES:

The 10-acre Requirement

One of the Tier 1 requirements for a Planned Unit Development (PUD) reads: a PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. Tier 1 requirements are those that are to be met by all PUDs. However, the City Council has the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed.

As discussed in the Basis for Land Use Recommendation, staff thinks the site, at less than 1 acre, is characterized by special circumstances given it is surrounded by public rights-of-way, City-owned property, and existing development, including historically-zoned property. Whether the City Council concurs that a site less than 10 acres is appropriate for PUD designation is at their discretion.

Provision for Affordable Housing

The Density Bonus section of the PUD ordinance requires affordable housing or fee-in-lieu of for residential development that exceeds height, floor-area-ratio (FAR) or building coverage over a baseline amount. As written, the PUD ordinance requires affordable units or fee-in-lieu payment for the entire habitable square feet of the PUD. Planning and Development Review Department staff operated with the interpretation that the intention of the ordinance was that affordable housing or fee-in-lieu payment be provided for a percentage of the "bonus", or square footage above the baseline amount.

In this case, the existing zoning of CS allows a 2:1 FAR; with existing bonus provisions of the Waterfront Overlay, the site could, theoretically, be developed at an FAR of 3.2:1. The applicant is proposing a FAR of 5.0:1, resulting in an additional 73,154 square feet of habitable space. The fee-in-lieu payment option is calculated at 60% of the Interim Downtown Density Bonus rate, or $6/square foot. The applicant is proposing to pay a fee equal to an amount of $6 per square feet on the entire amount of square footage above the baseline. Others had differing opinions on what was intended or required, as this issue was discussed or mentioned at Board and Commission meetings. Please see the memo from

Neighborhood Housing and Community Development regarding this issue, and a response from the applicant (see Exhibit AH).

On June 6, 2013, the Council adopted a Resolution relating to affordable housing and PUDs, in response to varying interpretations of the density bonus section and affordable housing requirements of the PUD ordinance. Specifically, adoption of the Resolution (see Exhibit AH) initiated a code amendment to clarify that the calculation of affordable housing requirements, or fee in lieu of, be calculated using the amount of building square footage in the proposed PUD that exceeds the baseline height or floor to area ratio. The Resolution did not specify the formula or dollar amounts to be used, as further study was deemed necessary to determine appropriate rates. Nevertheless, this Resolution clarifies that affordable housing participation is based on the bonus square footage only, and, as noted above, that is what the applicant proposes to do.

Open Space

A PUD's Tier 1 requirements for the provision of open space are 10% for residential and 20% for nonresidential; candidacy for Tier 2 superiority requires an additional 10% above the Tier 1 minimum. For this project as currently envisioned, that would equate to 4,215 square feet at Tier 1 and 4,636 square feet at Tier 2, when based on a 202,796 square foot building.

There is no specification in the PUD requirements what type of open space is required. When the Development Assessment was reviewed, and when the application was submitted, a request was made by the applicant to include part of the non-public open space towards the open space requirement. This has been listed in previous staff reports as one of the six proposed modifications to the LDC sought in the PUD.

Such a modification, or variance, is not required.

An ordinance adopted in December 2011 provides for Private Common Open Space and Private Personal Open Space, and addresses how Condominium Residential Use open space requirements are to be met in conjunction with Design Standards and Mixed Use. Essentially, this ordinance recognizes that a private residential building on private property but with public interfaces and spaces, may have different open space needs or offer different amenities than a multifamily or non-mixed use project. It also recognizes there is a difference between open space that can be used by residents and their guests, versus the general public.

Upon refinement of the proposed development, the applicant has determined their common open space amount, which includes a public plaza, outdoor sitting areas, and certain-sized landscaping amenities, is 3,446 square feet. The Private Common Open Space, which includes a pool area and residents'-only patio, will be approximately 5,882 square feet; above grade open space is credited at a 30% rate, or in this case 1,391. Taken together, the public open space (3446) and private common open space (1391) equals 4837, which is above the 4,636 required by Tier 2.

The balconies serving the individual units are considered Private Personal Open Space under the ordinance, but are not required to be included in meeting open space requirements. Similarly, water quality treatments – which can be included in meeting open space requirements (if they meet associated criteria), have not been included in the public or private common open space calculations.

The Tier 1 & 2 Compliance Table (please see Exhibit B) and Land Use Plan notes reflect this update. Please note, the Land Use Plan notes have since been included in the draft ordinance with the exception of 2 or 3 notes which are informational only in nature, and have no regulatory impact. Compliance with open space requirements is the purview of the City's Parks and Recreation Department. Staff from that Department have reviewed the proposed open space provisions, and have concurred with the applicant's proposal (see Exhibit D – 99).

Board and Commission Consideration and Recommendations
The proposed PUD application does not seek any variances to the Waterfront Overlay District/Butler Shores Subdistrict land uses or development regulations under 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 were 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 any 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 the proposed PUD, the applicant developed summary tables that highlighted compliance with the Waterfront Overlay requirements and Environmental code, as well as identifying those proposals which provided superiority (please see Exhibit E). 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, and a motion to recommend the proposed environmental features as such failed. The Environmental Board also specifically approved a recommendation to not make a recommendation as to whether the property should be rezoned PUD. The WPAB considered the PUD application on April 8, and a recommendation to deny PUD zoning was approved.

The WPAB and Environment Board are advisory boards. The Planning Commission and City Council are not bound by their recommendations, and with one exception a simple majority is required in terms of Council voting requirements. The exception is that should the Planning Commission recommend denial of a PUD request, a supermajority of the Council is required to approve such a request. As noted above, the PUD was recommended for approval as requested by the Planning Commission.

Petition & Correspondence
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, the Zilker Neighborhood Association, individual property owners and other stakeholders objecting to the proposed PUD has been submitted to staff (see Exhibit C). Because this project has been in for review for a number of months, first as a Development Assessment application and then as a formal PUD application, correspondence to the case manager began arriving in December, in response to the first public notice. An attempt has been made to include all correspondence received, to the date of this report.

Illustrations
In response to a request from the Waterfront Planning Advisory Board, the applicant has provided illustrations of the project (see Exhibit I). 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.

Changes in Applicant's Proposal since Planning Commission Recommendation for Approval
At the time the PUD was presented to, and recommended for approval by, the Planning Commission, the PUD proposed a minimum front yard and street yard setback of 0 feet. That is, there would be no minimum building setback from Lamar, Riverside, or Lee Barton. Currently, the applicant is proposing a minimum setback, of varying depth, at varying heights, and for varying lengths along Lamar Boulevard. The specifics of this change are reflected in the following:

> *South Lamar:*
> *5' At ground floor (i.e. first above grade heated and cooled level)*
>
> *8.5' for all floors above first level and between the southwestern corner of site and a point 100; north of such southwestern corner (the "100' Point");*
>
> *0' for all floors above first level and north of the 100' Point*
>
> *Note: The setback described above for floors above the first level and between the southwestern corner of the site and the 100' Point shall not be applicable to balconies or canopies or similar improvements other than the primary westerly structural wall of the project in that location, as well as any adjacent stairwells.*

Similarly, with CS as the base zoning district of the PUD, there were no setbacks required, or proposed, for the rear or internal side yard. This meant the south setback, along the property line with the Bridges on the Park condominiums, would have been 0 feet. The applicant is currently proposing a minimum setback, again of varying depth, height, and distance from east to west. The specifics of this change are reflected in a revised note regarding the building's design as relates to the "U" orientation and basic "building blocks" design, as follows:

The project will have three basic building blocks described as follows:

a) *The first building block will have a maximum height of 96 feet and will be situated (1) along the entire length of the project's South Lamar Boulevard Edge; (2) along the*

entire length of the project's Riverside Drive Edge; and (3) along the project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than 48 feet (excluding balconies) from the project's southern property line along Lee Barton Drive;

b) *The second building block will have a maximum height of 78 feet and will be (1) on the exterior side of the "U"; (2) situated along a portion of the project's Riverside Drive edge (although will not extend all the way to the project's South Lamar Boulevard edge), wrapping the project's Riverside Drive/Lee Barton Drive corner, and extending along the project's Lee Barton Drive edge to the approximate terminus of the first building block described in subpart a above; and,*

c) *The third building block will include the area on the Lee Barton Drive edge between a point 40 feet from the southern property line (the "Lee Barton 40 Foot Point") and a point 8 feet to the north of the Lee Barton 40 Foot Point, this point is 48 feet from the southern property line and may be an enclosed or non-enclosed structure. The third building block is limited to a height of 40 feet.*

Similarly, and to clarify the varying setback and height restrictions on the southeast portion of the property, the following design note has been added:

The area on the Lee Barton Drive edge between the southern property line and the Lee Barton 40 Foot Point may not be fully enclosed, but it may contain a roof or shelter structure as long as the roof or shelter structure's height does not exceed 35 feet, as defined by City Code. The terms of the restriction in this subsection shall not apply to the elevator providing access to the Paggi House, mechanical equipment, landscaping, outdoor furniture, grills, or similar items.

These design-oriented notes have been refined and clarified several times for the proposed project, but are consistent with the terms of the agreement negotiated with the adjacent Bridges On The Park Condominium Association (see Exhibit MOU), and consistent with the intent of the PUD as first proposed to the Commission and Council. Each of these notes has been incorporated into the PUD ordinance (see Part 4, Section H).

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.

The subject property is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district (please see Exhibit A-3). 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.

At the time the PUD was presented to and approved by the Planning Commission, it proposed base zoning district of CS, with the following modifications or variances to the Land Development 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 5.0:1; and
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)

** The request has been modified since recommended for approval by the Planning Commission; please see above under "Issues" for discussion.*

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 with Notes page reflecting these items).

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's initial review comments were issued on January 11 and a formal update was provided by the applicant on February 1. The applicant has continued to work with staff from various departments and disciplines through meetings and informal

updates to clear any remaining comments or questions (see Exhibit D for application and staff comment materials).

As the application was reviewed and refined, there were several iterations of the Tier 1 & 2 Compliance Table and Land Use Plan, especially as it related to water quality and transportation. Other modifications reflected confirmation of specific terms, such as the size and duration of providing space for the City's Parks and Recreation Department. None of these iterative copies have not been included in exhibits (save for the initial submittal and first response in Exhibit D), in part because they were interpreted by staff as "current" and not necessarily "final" versions, and because the most up-to-date version of the Table and Plan were always provided to Boards and the Commission as a separate exhibit (see Exhibit B). The versions of the Plan and Table included with this report reflect changes to notes numbered 22 (a clarification of the design characteristics of the building) and 37 (an update to the provision of open space since a waiver is not required).

EXISTING ZONING AND LAND USES:

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

AREA STUDY: No
TIA: Not Required
CAPITOL VIEW CORRIDOR: No

WATERSHED: Lady Bird Lake
DESIRED DEVELOPMENT ZONE: Yes
HILL COUNTRY ROADWAY: 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 Appealers Organization	1200
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 Zach Theatre/COA parkland (C14-2008-0060).

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
East of Lamar (north to south)			
Town Lake Park C14-89-0039	CS; CS-1; LI; & 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 C14-70-050	From "A" 1st H&A & "C" 1st H&A to "C" 1st H&A	Granted	Approved; 05/14/1970
211 S Lamar Blvd 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	"C" to "C-H"	Granted	Approved; 11/21/1974

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

August 22, 2013

Approved PUD district zoning on consent on Council Member Spelman's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

August 8, 2013

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for planned unit development (PUD) district zoning was approved with the following amendments and direction on Council Member Riley's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

	The amendments were: • Use all notes presently on the land use plan. • Add the following language to note 36 "none of the pedestrian oriented uses along Riverside Drive or South Lamar Boulevard shall consist of residential uses." Direction was given to staff to have the MOU codified before it comes back to Council on second reading and to bring back the planned unit development (PUD) density bonus and affordable housing ordinance with third reading.
June 20, 2013	Postponed to August 8, 2013 at the request of the following organizations: Save Town Lake, Zilker Neighborhood Association, Bridges on the Park Condominium Association, Bouldin Creek Neighborhood Association, and the Barton Hills Neighborhood Association (see Exhibit PP).
June 6, 2013	Postponed to June 20, 2013 at the request of City staff.
May 23, 2013	Postponed to June 6, 2013 at the request of City staff.
April 25, 2013	Postponed to May 23, 2013 at the request of City staff.
March 28, 2013	Postponed to April 25, 2013 at the request of City staff.
April 25, 2013	Postponed to May 23, 2013 at the request of City staff.

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman **PHONE:** 974-7604
e-mail address: lee.heckman@austintexas.gov

STAFF RECOMMENDATION **C814-2012-0160**

To Grant Planned Unit Development (PUD) District Zoning as Requested

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. To the west is City-owned property housing the Zach Theatre, recently redeveloped, and the headquarters of the City's Parks and Recreation Department To the east is City-owned property that currently hosts the Butler Park Pitch and Putt. 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.

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.

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.

This 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, private common, and private open space areas and amenities, 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 offers an improvement over what would otherwise be required of standard CS or CS-V development requirements. In short, the proposed PUD does exceed code requirements; therefore, by LDC definition it is superior. However, it is City Council that has the authority and discretion 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.

Relating to these standards, a Tier 1 requirement states that all PUDs must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. There is no truly unique topography on the site, as it is relatively flat. However, it is surrounded on three sides by public right-of-way, and public parkland beyond those rights of way. It is further constrained on the fourth side by an existing historical site and a recently constructed condominium project. There is simply no feasible way for the property to expand in terms of acreage. Even if the entire block were somehow incorporated into a redevelopment project, the acreage involved would be only 3.26 acres. Staff thinks the existing public infrastructure, public property and private property constraints do characterize the property with special circumstances. But again, this assessment of special circumstances is subject to Council deliberation.

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 5.0:1 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-feet tall building, and the Broadstone PUD, at 201 S 1st & 422 W Riverside, approved in Autumn 2012 and allows for a 76-feet 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-feet 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.

One concern expressed to staff and a discussion point of previous Board meetings has been the applicant's request for a variance to open space requirements, proximity to City parkland and hike-and-bike trails notwithstanding. As noted in the "Issues" section, there is no longer a variance related to the provision of open space, as the application fully complies with the City's open space requirements. Open space is a desirable amenity, and the applicant is providing more than the amount required with public, private common, and private personal open space.

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.

C814-2012-0160 / 211 South Lamar Boulevard

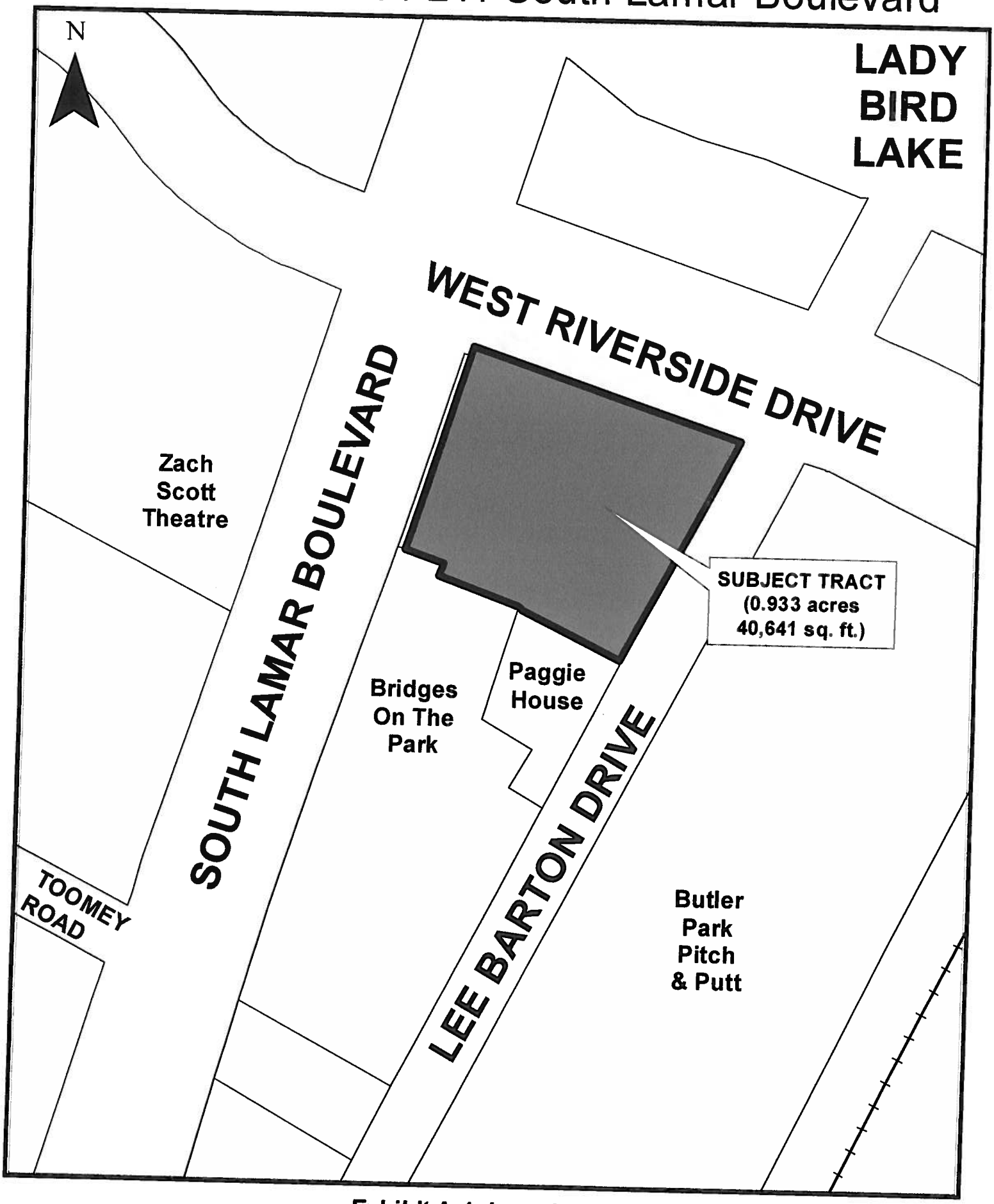


Exhibit A-1: Location

0 50 100 200 Feet

1 inch = 100 feet

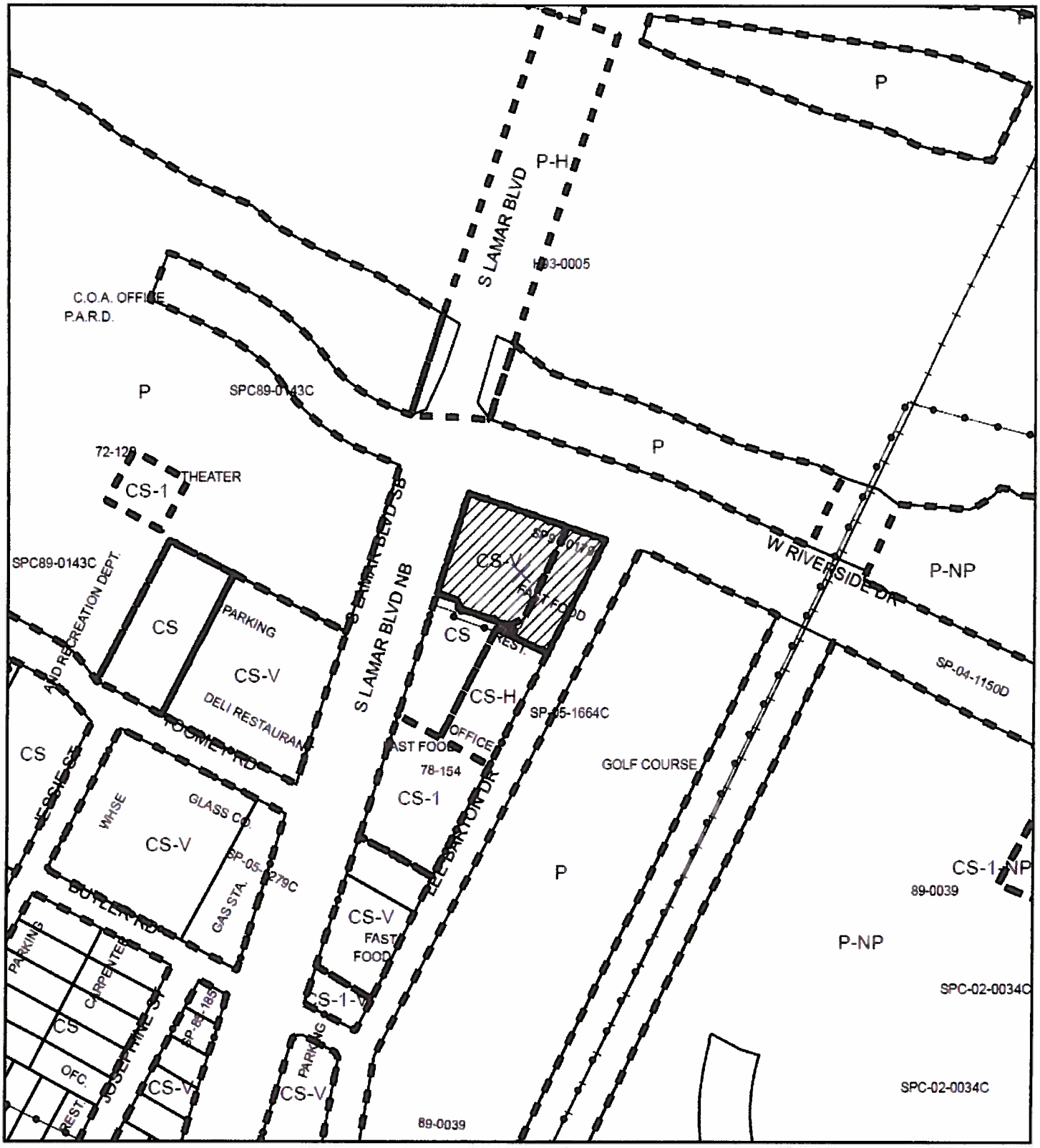
C814-2012-0160 / 211 South Lamar Boulevard

Imagery: 2013-03

Exhibit A-2: Site Context

0 50 100 200 Feet

1 inch = 100 feet



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C814-2012-0160

1 " = 200 '

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

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

Exhibit A - 3

RESOLUTION NO. 20130606-051

WHEREAS, in the early 2000's property owners started to request planned unit development (PUD) district zoning for urban infill projects; and

WHEREAS, the City Council at that time found the existing PUD process and regulations were not well suited to addressing urban infill projects; and

WHEREAS, on April 7, 2007, the City Council passed a resolution directing the City Manager to provide staff support to a Council-led stakeholder process to recommend revisions to the PUD sections of the City Code; and

WHEREAS, on June 18, 2008, the City Council passed an ordinance amending the PUD regulations and process; and

WHEREAS, the ordinance passed in 2008 included provisions to address PUD requests for urban infill projects; and

WHEREAS, the intention of PUD zoning is to create superior projects than would not occur using conventional zoning and site development regulations; and

WHEREAS, the superiority elements are typically those that provide greater environmental protections, connectivity, innovative design and affordable housing, and other community benefits in return for additional density and flexible site development regulations; and

WHEREAS, the ordinance includes a baseline determination in a section on density bonus; and

WHEREAS, given the limitations of Texas zoning laws, density bonuses are a way to create or pay for, additional affordable housing; and

WHEREAS, the ordinance requires the construction of affordable housing or the payment of a fee in lieu of construction for PUDs requesting height or floor to area ratios (FAR) above the baseline amount; and

WHEREAS, recently the interpretation of the density bonus section of the ordinance that applies to the affordable housing requirement has been questioned; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates amendments to the PUD section of the City Code such that the affordable housing requirement, and fee in lieu of, are calculated using the amount of building square footage in the proposed PUD that exceeds the baseline height or floor to area ratio.

BE IT FURTHER RESOLVED:

The City Manager is directed to process the Code amendment and to present the proposed amendments to the Community Development Commission for review, in addition to the Code-required Planning Commission review, before placement on the City Council agenda.

ADOPTED: June 6, 2013 **ATTEST:** Jannette S. Goodall

Jannette S. Goodall
City Clerk

Exhibit AH - 2

City of Austin **MEMO**

Neighborhood Housing and Community Development
P.O. Box 1088, Austin, TX 78767-1088
1000 East 11th Street, Ste 200, Austin, TX 78702
(512) 974-3100 • Fax: (512) 974-3161 • www.austintexas.gov/housing

Date: May 9, 2013

To: Greg Guernsey, Director
Planning and Development Review Department

From: Elizabeth A. Spencer, Director R Copic for Betsy Spencer
Neighborhood Housing and Community Development

Subject: Planned Unit Development Affordability Requirements
211 South Lamar PUD

The purpose of this memorandum is to provide affordability requirements in the 211 South Lamar Planned Unit Development (PUD), in accordance with the Planned Unit Development zoning district of the Land Development Code. This item is scheduled for a public hearing at Planning Commission on May 14, 2013.

The PUD Ordinance outlines a variety of ways affordable housing may be incorporated in a development – on site; land donation; or fee in lieu of on-site affordability. Affordable housing is a Tier Two option, which indicates that it is a part of a menu of criteria that a developer may pursue to achieve superiority. Affordability does however, become a required element when the development proposes to exceed baseline site development regulations for maximum height, floor area ratio (FAR), and building coverage. The South Lamar PUD proposes to exceed FAR and height; and therefore affordability is required.

The current recommendation by the Planning and Development Review Department (PDRD) proposes a bonus that is calculated on the delta between the FAR the applicant proposes and the FAR that would be achieved pursuant to existing zoning and existing site development regulations. This interpretation results in a calculation that accounts for the bonus area exceeding the baseline entitlements. In addition, PDR is proposing the fee to be calculated only for 10% of that bonus square footage. Likewise, if units were provided on site, it would be 10% of the units in the bonus square footage.

As the ordinance is currently written, the calculation for determining number of affordable units is based on the **total number of units or total habitable square footage within the PUD.** The fee in lieu donation is the established fee multiplied by **each square foot of climate controlled space within the PUD.** The ordinance designates this square footage as both residential and non-residential square footage.

The City of Austin is committed to compliance with the American with Disabilities Act and will provide reasonable modifications and equal access to communications upon request.

Exhibit AH - 3

A component of the ordinance requires PDRD to establish baseline entitlements. The South Lamar PUD site area is 40,641 square feet with 2:1 FAR. Due to increased entitlements achieved through the Waterfront Overlay, PDRD established the baseline square footage at 130,051.

The development proposes a 5:1 FAR to build 203,207 square feet that includes 175 units and 11,000 square feet of retail. Bonus square footage would be 73,154. This information provides the basis for determining the fee in lieu.

The following illustrates the calculation of the proposed fee in lieu based on (1) PDRD's recommendation and calculation of the fee in lieu; (2) the developer's calculation and proposed fee in lieu; and (3) NHCD staff's calculation and recommendation for the fee in lieu.

(1) PDRD staff's calculated fee is based on 10% of the bonus square footage:
73,154 x 10% = 7,315 x $6 = $43,890 fee in lieu

(2) The developer's proposed fee is based on the overall bonus square footage:
73,154 x $6 = $438,924 fee in lieu

(3) NHCD's recommended fee in lieu is based on the total square footage within the PUD:
203,207 x $6 = $1,219,242 fee in lieu

NHCD staff recognizes the importance of the many competing benefits as Austin continues to develop in an evolving and dynamic environment. With a central focus to maximize existing affordable housing policy tools, NHCD recommends a fee in lieu that is aligned with the strictest interpretation of the PUD ordinance.

Please contact me if additional information is required. I can be reached at 512.974.3182.

cc: Bert Lumbreras, Assistant City Manager
Sue Edwards, Assistant City Manager

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, 4, 6, 7, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37 and 38.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	▪ The project 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	NOTE 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

Exhibit B - 1

		treatment of untreated off-site stormwater. ▪ 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. ▪ Given the location of the project, adequate public facilities and services are generally found in the	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.

		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. ▪ 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. ▪ 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. ▪ See additional notes referenced in this chart for other terms described herein.	
3. Provide a total amount of	Yes.	The PUD is required to provide 4,215 square feet of	NOTE 37. THE MINIMUM

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: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.		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 4,636 square feet of open space.	AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 4,636 SQUARE FEET WHICH IS 10% ABOVE THE TIER I MINIMUM. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2 SUBCHAPTER E SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.
4. Comply with the City's Planned Unit Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL 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	Yes	• 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. • The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the	NOTE 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA. NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR

with adjacent property and land uses.		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. • The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. • 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.	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. NOTE 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). NOTE 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I.THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE

			DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE ALONG LEE BARTON DRIVE; AND II.THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I

			ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. THE TERMS OF THE RESTRICTION IN THIS SUBPART C SHALL HAVE NO APPLICATION TO THE ELEVATOR DESCRIBED IN NOTE 35 BELOW, MECHANICAL EQUIPMENT, LANDSCAPING, OUTDOOR FURNITURE, GRILLS, OR SIMILAR ITEMS. D. THE MOST SOUTHERLY VERTICAL STRUCTURE OF THE PROJECT (I.E., THE WALL CLOSEST TO THE EXISTING BRIDGES ON THE PARK PROJECT) WILL HAVE THE FOLLOWING CHARACTERISTICS. I. THE PORTION OF SUCH WALL FROM THE SITE'S

			SOUTHWESTERN CORNER (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD) TO A POINT (THE "MEASURING POINT") APPROXIMATELY 54 FEET TO THE EAST OF THE PROJECT'S SOUTHWESTERN CORNER (IT BEING INTENDED THAT THE MEASURING POINT BE DIRECTLY ACROSS FROM THE EASTERNMOST EDGE OF THE EXISTING RECESSED WINDOW ON THE MOST NORTHERLY FACE OF THE BRIDGES ON THE PARK PROJECT) MUST (A) BE SET BACK AT LEAST 7.5 FEET FROM THE SITE'S MOST SOUTHERLY PROPERTY LINE AT THE MEASURING POINT LOCATION (THE "SETBACK LOCATION") AND (B) EXTEND IN GENERALLY A STRAIGHT LINE (RUNNING GENERALLY EAST AND WEST) FROM THE SETBACK LOCATION TO A POINT ON THE SITE'S MOST WESTERLY BOUNDARY LINE (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD);

			II. THE SETBACK REQUIRED BY SUBPART I ABOVE SHALL NOT BE APPLICABLE TO ANY PORTION OF THE PROJECT PARKING GARAGE; III. THE PORTION OF SUCH WALL IDENTIFIED IN SUBPART I ABOVE SHALL HAVE A LIGHT REFLECTIVE SURFACE. NOTE 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 AND AS LONG AS THE PAGGI HOUSE REMAINS IN ITS CURRENT SIZE (INCLUDING USABLE OUTDOOR SPACE), 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.

			NOTE 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.
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	Yes.	• The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code	NOTE 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 natural and traditional character of the land.		requirements (via capturing and treating off-site stormwater) and utilize the designs that meet "best practices". • 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.	THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPERTUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITES, ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTALLY 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 FACILITES TREATING OFF-SITE RUNOFF BE REMOVED AT THE DIRECTION 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 ($18,488) ADJUSTED FOR INFLATION BASED ON THE CURRENT ANNUAL ADJUSTMENT FACTOR (E) AT THE TIME OF REMOVAL. 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. NOTE 32. THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. 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. NOTE 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.

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.	• Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. • 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.	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 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.	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. • 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide	NOTE 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.

		(Note: 90% is required under base regulations); • 100% of the all landscaping on site will be irrigated by either stormwater 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 • 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).	NOTE 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. NOTE 17. 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORMWATER 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.
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.	• 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. • The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include	NOTE 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

		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). • Two charging stations for electric vehicles will be provided in the parking garage.	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.

			NOTE 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.
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.)	NOTE 12. 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.	• 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. • 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 and remains in its current size, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently	NOTE 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.

		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. • 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.	NOTE 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT

			APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE ALONG LEE BARTON DRIVE; AND II.THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE

			SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. THE TERMS OF THE RESTRICTION IN THIS SUBPART C SHALL HAVE NO APPLICATION TO THE ELEVATOR DESCRIBED IN NOTE 35 BELOW, MECHANICAL EQUIPMENT, LANDSCAPING, OUTDOOR FURNITURE, GRILLS, OR SIMILAR ITEMS. D. THE MOST SOUTHERLY VERTICAL STRUCTURE OF THE PROJECT (I.E., THE WALL CLOSEST TO THE EXISTING BRIDGES ON THE PARK PROJECT) WILL HAVE THE FOLLOWING CHARACTERISTICS. I.THE PORTION OF SUCH WALL FROM THE SITE'S SOUTHWESTERN CORNER (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD) TO A POINT (THE "MEASURING

			POINT") APPROXIMATELY 54 FEET TO THE EAST OF THE PROJECT'S SOUTHWESTERN CORNER (IT BEING INTENDED THAT THE MEASURING POINT BE DIRECTLY ACROSS FROM THE EASTERNMOST EDGE OF THE EXISTING RECESSED WINDOW ON THE MOST NORTHERLY FACE OF THE BRIDGES ON THE PARK PROJECT) MUST (A) BE SET BACK AT LEAST 7.5 FEET FROM THE SITE'S MOST SOUTHERLY PROPERTY LINE AT THE MEASURING POINT LOCATION (THE "SETBACK LOCATION") AND (B) EXTEND IN GENERALLY A STRAIGHT LINE (RUNNING GENERALLY EAST AND WEST) FROM THE SETBACK LOCATION TO A POINT ON THE SITE'S MOST WESTERLY BOUNDARY LINE (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD); II.THE SETBACK REQUIRED BY SUBPART I ABOVE SHALL NOT BE APPLICABLE TO ANY PORTION OF THE

			PROJECT PARKING GARAGE; III. THE PORTION OF SUCH WALL IDENTIFIED IN SUBPART I ABOVE SHALL HAVE A LIGHT REFLECTIVE SURFACE. NOTE 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 AND AS LONG AS THE PAGGI HOUSE REMAINS IN ITS CURRENT SIZE (INCLUDING USABLE OUTDOOR SPACE), 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. NOTE 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.
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.	

Tier I - Additional PUD Requirements for a mixed use development	**Compliance**	**Superiority**	**PUD Note**
1. Comply with Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*	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.	NOTE 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). NOTE 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE ALONG LEE BARTON DRIVE; AND II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A

			PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. THE TERMS OF THE RESTRICTION IN THIS SUBPART C SHALL HAVE NO APPLICATION TO THE ELEVATOR DESCRIBED

			IN NOTE 35 BELOW, MECHANICAL EQUIPMENT, LANDSCAPING, OUTDOOR FURNITURE, GRILLS, OR SIMILAR ITEMS. D. THE MOST SOUTHERLY VERTICAL STRUCTURE OF THE PROJECT (I.E., THE WALL CLOSEST TO THE EXISTING BRIDGES ON THE PARK PROJECT) WILL HAVE THE FOLLOWING CHARACTERISTICS. I.THE PORTION OF SUCH WALL FROM THE SITE'S SOUTHWESTERN CORNER (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD) TO A POINT (THE "MEASURING POINT") APPROXIMATELY 54 FEET TO THE EAST OF THE PROJECT'S SOUTHWESTERN CORNER (IT BEING INTENDED THAT THE MEASURING POINT BE DIRECTLY ACROSS FROM THE EASTERNMOST EDGE OF THE EXISTING RECESSED WINDOW ON THE MOST NORTHERLY FACE OF THE BRIDGES ON THE PARK PROJECT) MUST (A) BE SET BACK AT LEAST 7.5 FEET FROM THE SITE'S MOST SOUTHERLY PROPERTY

			LINE AT THE MEASURING POINT LOCATION (THE "SETBACK LOCATION") AND (B) EXTEND IN GENERALLY A STRAIGHT LINE (RUNNING GENERALLY EAST AND WEST) FROM THE SETBACK LOCATION TO A POINT ON THE SITE'S MOST WESTERLY BOUNDARY LINE (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD); II. THE SETBACK REQUIRED BY SUBPART I ABOVE SHALL NOT BE APPLICABLE TO ANY PORTION OF THE PROJECT PARKING GARAGE; III. THE PORTION OF SUCH WALL IDENTIFIED IN SUBPART I ABOVE SHALL HAVE A LIGHT REFLECTIVE SURFACE.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 *(Core Transit Corridor Sidewalk and Building Placement).*	Yes.	As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.	NOTE 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).
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) 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).	NOTE 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).

Tier II Requirement	Compliance	Superiority	PUD Note
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (*Minimum Requirements*). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Yes.	The PUD is required to provide 4,215 square feet of open space to meet the Tier I PUD requirements and 4,636 square feet of open space to meet the Tier II PUD requirement of 10% above the Tier I requirement. The PUD will meet or exceed 4,636 square feet of openspace onsite without seeking an alternative interpretation for the calculation of open space.	NOTE 37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 4,636 SQUARE FEET WHICH IS 10% ABOVE THE TIER I MINIMUM. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2 SUBCHAPTER E SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.
2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater	Yes.	• This PUD will not request any exceptions or modifications of environmental regulations. • 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. • The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.	NOTE 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 PERPERTUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITES, ON OR

pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious			ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTALLY 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 FACILITES TREATING OFF-SITE RUNOFF BE REMOVED AT THE DIRECTION 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 ($18,488) ADJUSTED FOR INFLATION BASED ON THE CURRENT ANNUAL ADJUSTMENT FACTOR (E) AT THE TIME OF REMOVAL. THE CALCULATD FEE SHALL BE BASED ON THE FULL BUILD OUT OF THE DEVELOPMENT WITHOUT REDEVELOPMENT

cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may contribute to air or water quality pollutants. k. Employ other creative or innovate measures.			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. NOTE 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. SEE LIST OF PRHOBITED USES ON PAGE 1 OF THE LAND USE PLAN.
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	Yes.	The project will meet the Austin Green Builder program at a 3-star level.	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.
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	Yes.	The project will provide art approved by the Art In Public Places Program on-site.	NOTE 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

successor program.			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.
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 (*Design Standards and Mixed Use)*	Not applicable.	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	NOTE 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).
6. Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	• The PUD will provide 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.	NOTE 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.
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	• 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. The owner of the site shall be responsible for the cost of the "bike share kiosk" • The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. • The project will provide funding for off-site	NOTE 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

		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.	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. NOTE 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. THE OWNER OF THE SITE SHALL BE RESPONSIBLE FOR THE COST OF THE "BIKE SHARE KIOSK". NOTE 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.
8. Building Design – Exceed the minimum points required by	Yes.	The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building	NOTE 29. THE PROJECT WILL ACHIEVE A MINIMUM OF 13 POINTS

the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use)*		Design Calculation Worksheet. The project will obtain a minimum of 13 points by providing a variety of design options.	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
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) (*Waterfront Overlay District Uses)* in ground floor spaces.	Yes	• There is no above grade structured parking and no parking for the project that is visible to the public. • 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%.	NOTE 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. NOTE 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).
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	NOTE 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

		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).	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).
11. Historic Preservation – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	• 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. • 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 and remains in its current size, the number of parking spaces	NOTE 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. NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO

		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. • 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.	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. NOTE 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B)

			ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE ALONG LEE BARTON DRIVE; AND II.THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE

			TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. THE TERMS OF THE RESTRICTION IN THIS SUBPART C SHALL HAVE NO APPLICATION TO THE ELEVATOR DESCRIBED IN NOTE 35 BELOW, MECHANICAL EQUIPMENT, LANDSCAPING, OUTDOOR FURNITURE, GRILLS, OR SIMILAR ITEMS. D. THE MOST SOUTHERLY VERTICAL STRUCTURE OF THE PROJECT (I.E., THE WALL CLOSEST TO THE EXISTING BRIDGES ON THE PARK PROJECT) WILL HAVE THE

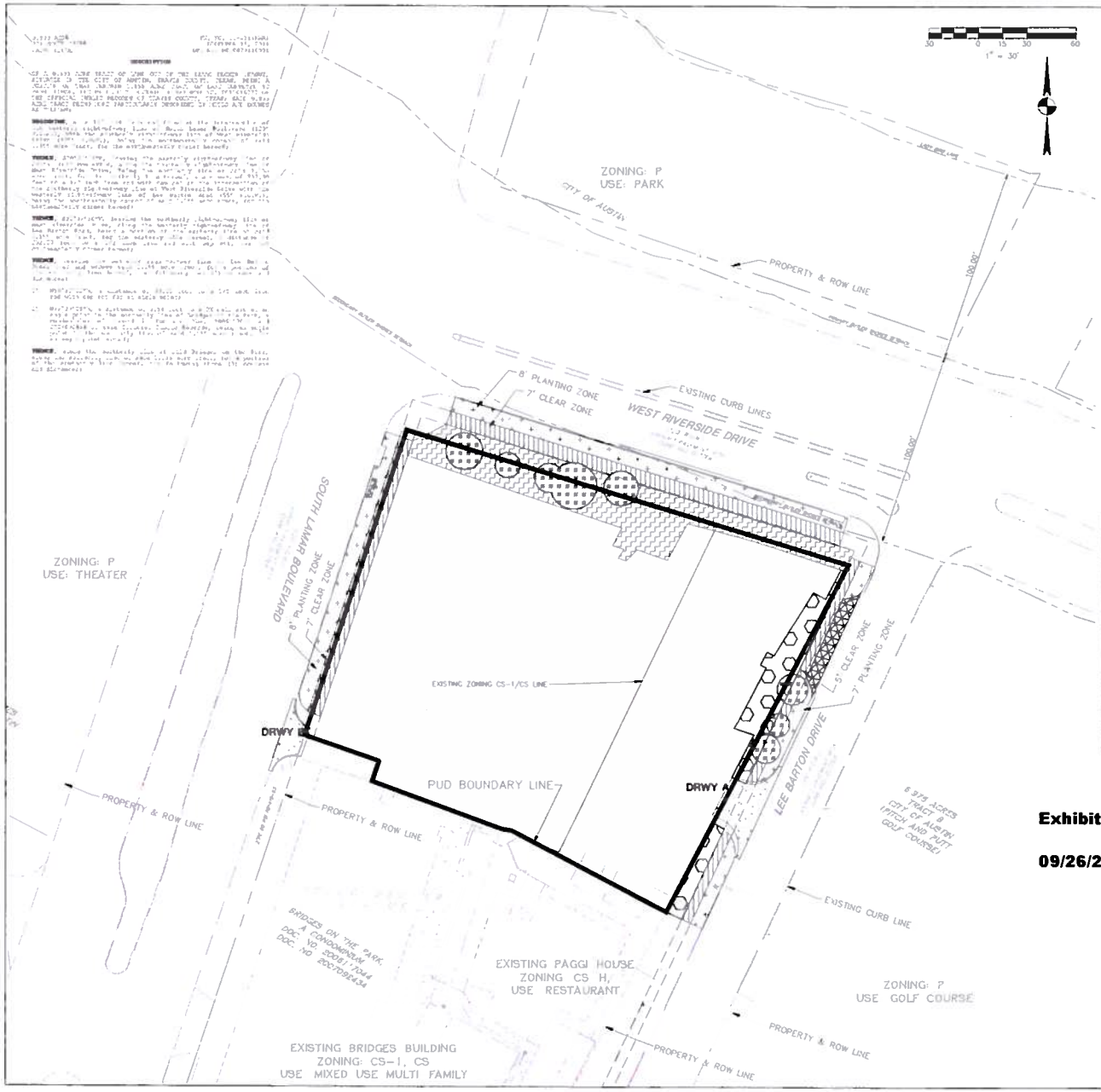
			FOLLOWING CHARACTERISTICS. I.THE PORTION OF SUCH WALL FROM THE SITE'S SOUTHWESTERN CORNER (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD) TO A POINT (THE "MEASURING POINT") APPROXIMATELY 54 FEET TO THE EAST OF THE PROJECT'S SOUTHWESTERN CORNER (IT BEING INTENDED THAT THE MEASURING POINT BE DIRECTLY ACROSS FROM THE EASTERNMOST EDGE OF THE EXISTING RECESSED WINDOW ON THE MOST NORTHERLY FACE OF THE BRIDGES ON THE PARK PROJECT) MUST (A) BE SET BACK AT LEAST 7.5 FEET FROM THE SITE'S MOST SOUTHERLY PROPERTY LINE AT THE MEASURING POINT LOCATION (THE "SETBACK LOCATION") AND (B) EXTEND IN GENERALLY A STRAIGHT LINE (RUNNING GENERALLY EAST AND WEST) FROM THE SETBACK LOCATION TO A POINT ON THE SITE'S MOST

			WESTERLY BOUNDARY LINE (I.E., ADJACENT TO SOUTH LAMAR BOULEVARD); II.THE SETBACK REQUIRED BY SUBPART I ABOVE SHALL NOT BE APPLICABLE TO ANY PORTION OF THE PROJECT PARKING GARAGE; III.THE PORTION OF SUCH WALL IDENTIFIED IN SUBPART I ABOVE SHALL HAVE A LIGHT REFLECTIVE SURFACE. <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 AND AS LONG AS THE PAGGI HOUSE REMAINS IN ITS CURRENT SIZE (INCLUDING USABLE OUTDOOR SPACE), 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. NOTE 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.
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.	NOTE 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. NOTE 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.
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.	NOTE 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.



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

PLANTING ZONE

CLEAR ZONE

SUPPLEMENTAL ZONE ONLY

PLAZA AND OUTDOOR SEATING AREA (AND SUPPLEMENTAL ZONE)

HALF-CRITICAL TREE ROOT ZONE

ACREAGE: 0.933

SITE DEVELOPMENT REGULATIONS: BASE DISTRICT: CS	
MAX IMPERVIOUS COVER	95%
MAX BUILDING COVERAGE	95%
MAX HEIGHT	90'
MAX F.A.R.	3:1
MIN SETBACKS	SOUTH LAMAR 5' AT GROUND FLOOR (I.E. FIRST ABOVE GRADE HEATED AND COOLED LEVEL), PROVIDED, THAT STRUCTURAL COLUMNS, RETAINING WALLS, STEPS, HANDRAILS AND SIMILAR PEDESTRIAN ORIENTED FACILITIES MAY BE LOCATED IN SUCH SETBACK AREA. 8' FOR ALL FLOORS ABOVE FIRST LEVEL AND BETWEEN THE SOUTHWESTERN CORNER OF SITE AND A POINT 100' NORTH OF SUCH SOUTHWESTERN CORNER (THE 100' POINT). 0' FOR ALL FLOORS ABOVE THE FIRST LEVEL AND NORTH OF THE 100' POINT NOTE: THE SETBACK DESCRIBED ABOVE FOR FLOORS ABOVE THE FIRST LEVEL AND BETWEEN THE SOUTHWESTERN CORNER OF THE SITE AND THE 100' POINT SHALL NOT BE APPLICABLE TO BALCONIES OR CANOPIES OR SIMILAR IMPROVEMENTS OTHER THAN THE PRIMARY WESTERN STRUCTURAL WALL OF THE PROJECT IN THAT LOCATION, AS WELL AS ANY ADJACENT STAIRWELLS
	0' RIVERSIDE
	0' LEE BARTON
	0' REAR (EXCEPT AS NOTED IN NOTE [illegible])
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
MULTI-FAMILY RESIDENTIAL
CONTINUAL 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	

Exhibit B - Updated

09/26/2013

PUD BASELINE	
ZONING	CS
HEIGHT	60'
F.A.R.	3.2:1*
IMPERVIOUS COVER	95%

*Note: 3.2:1 FAR is calculated by taking into account applicable FAR regulations for the "CS" zoning classification and the applicable regulations outlined in section 25-2-714 (additional floor area) of the land development code for properties in the waterfront overlay.

VICINITY MAP
N.T.S.

Bury+Partners

LAND USE PLAN

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: JPS
DESIGNED BY: JPS
REVIEWED BY: CLR

SHEET
Page 1 of

C814-2012-0160

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.

Exhibit B - Updated

09/26/2013

Bury+Partners

LAND USE PLAN NOTES

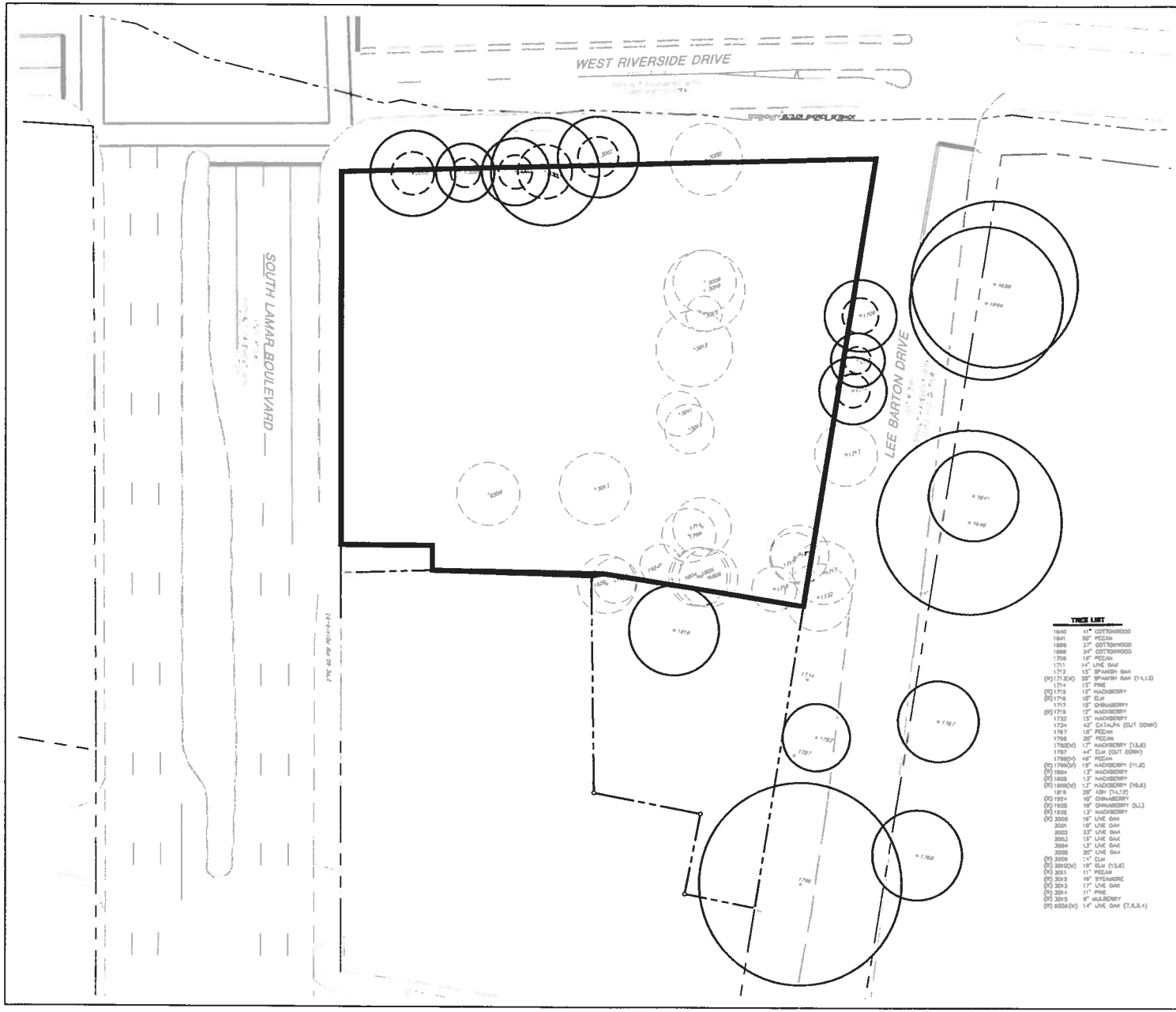
211 SOUTH LAMAR

POST PAGGI, LLC

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

SHEET
Page 2 of 4

C814-2012-0160



Bury+Partners

ENV. TREE
PUD EXHIBIT

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: PSD
DESIGNED BY: JPS
REVIEWED BY: JPS
PROJECT NO: 100791-10003

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Page 3 of 4

C814-2012-0160

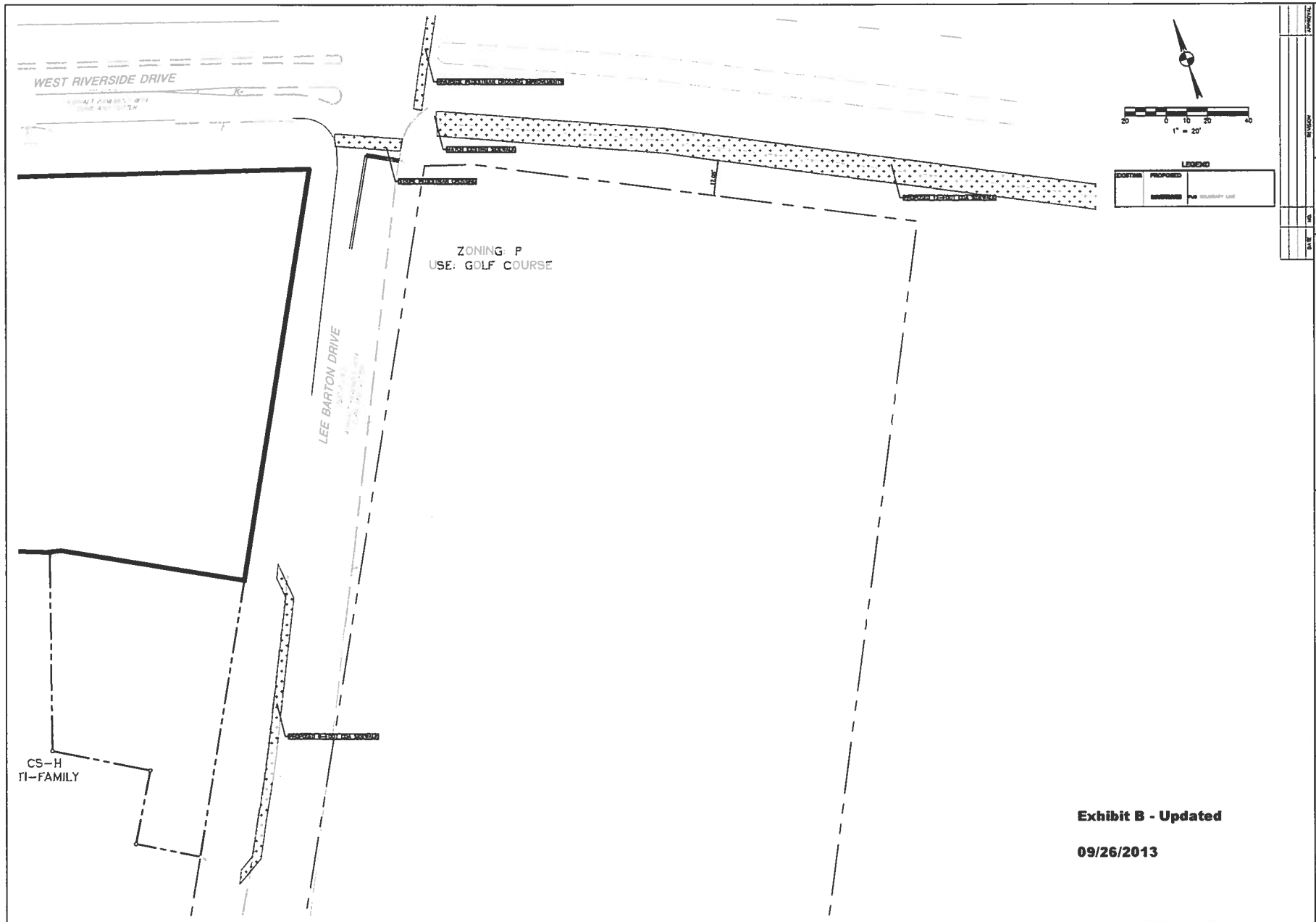

Exhibit B - Updated

09/26/2013

C814-2012-0160

From: Tracey Carroll
Sent: Tuesday, December 11, 2012 9:58 AM
To: Heckman, Lee
Subject: CD-2012-0021 aka 211 S. Lamar Blvd.

Dear Mr. Heckman,

I understand that the City is in the early stages of review of the PUD for 211. S. Lamar Blvd., and as an owner, I respectfully ask that you oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height of 60ft. permitted in the base zoning district (CS-V).

Although we welcome development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods and limit the migration of high-rises to the southern side of the river. While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe this site offers additional unique considerations, and as such, the developer should be required to honor existing zoning regulations. We respectfully request that the City consider the following factors when evaluating this particular PUD:

- Notably this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station/PICO/Park sites.

- This site serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake. It also is the starting point or end point on a stretch of Scenic Riverside Drive.

- It is the gateway to Zilker Park and the Austin Arts District, directly across Lamar Blvd. from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. Additionally, the site is far less than the ten acres generally required for a PUD. Density can be met within existing zoning.

- The site is next to Paggi House is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 ft.*

We appreciate your attention and support.

Respectfully,
Tracey Carroll.
210 Lee Barton Drive Unit 301
Austin, TX 78704
M. 682.300.8040

Exhibit C - 1

From: John Sumpter
Sent: Tuesday, December 11, 2012 11:21 AM
To: Heckman, Lee
Subject: Opposition of 211 Lamar Blvd zoning exceptions

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is my understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD. Additionally, the following information has not been provided:
- Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- Maximum floor-area ratio;
- Total square footage and whether structured parking facilities are proposed;
- Maximum impervious cover;

Exhibit C - 2

- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

John Sumpter
210 Lee Barton Dr #213
Austin TX 78704

From: Ken Rochlen
Sent: Tuesday, December 11, 2012 12:04 PM
To: Heckman, Lee
Subject: Re: Rezoning request 211 S.Lamar file CD-2012-0021 PUD

Based on the currently available information for the 211 S.Lamar PUD that would allow an exception to the current existing zoning and height requirements of 60 feet. we have seen no evidence that there is ANY community benefit to the requested 96 foot height. All 106 of the original buyers at Bridges (210 lee barton) were told that a companion condo of the same height and description was in the plan for the Taco Cabana property. We bought on that basis. The PUD proposal is 60% higher than our building and significantly higher than the Zach. In addition adding more units simply creates more traffic nightmare on an already overcrowded corner of Riverside and Lamar. Keep south of the river at 60 feet!

Ken Rochlen
Bridges on the Park
#618

From: Lilit Mouradian
Sent: Tuesday, December 11, 2012 12:05 PM
To: Heckman, Lee
Subject: Opposition of 211 Lamar Blvd zoning exceptions

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is my understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD. Additionally, the following information has not been provided:
- Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- Maximum floor-area ratio;
- Total square footage and whether structured parking facilities are proposed;
- Maximum impervious cover;

- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Lilit Mouradian
210 Lee Barton Dr #516
Austin TX 78704

From: Chris Jordan
Sent: Tuesday, December 11, 2012 1:38 PM
To: Heckman, Lee
Subject: FW: 211 S. Lamar

Mr. Lee Heckman
City of Austin Planning and Development Review Department

Re: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Council Members:

As a pre-construction buyer on the top floor overlooking the site in question, I was told that any project built next door would not exceed the height of our building.

The quality and methods of construction were far less than we were led to believe. Finish out and workmanship turned out to be subpar.

We are now told that it would not make business sense to build at 60' tall and that for it to be economically feasible they need to go to 96'. This is simply CLB Partners attempting to salvage as much value as possible from the original land investment since the Bridges on the Park project was a financial disappointment.

CLB Partners, the Bridges on the Park developer, were entirely uncooperative in addressing construction defects throughout every facet of the development.

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

    - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
    - the maximum floor-area ratio;
    - total square footage and whether structured parking facilities are proposed;
    - maximum impervious cover;
    - minimum setbacks;
    - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
    - all civic uses by type and proposed site development regulations; and
    - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Chris Jordan, Unit 604 Bridges on the Park
Intercity Investments
4301 Westside Drive
Dallas, TX 75209

From: Saundra Jain
Sent: Tuesday, December 11, 2012 3:53 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman,

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

  o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
  o the maximum floor-area ratio;
  o total square footage and whether structured parking facilities are proposed;
  o maximum impervious cover;
  o minimum setbacks;
  o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
  o all civic uses by type and proposed site development regulations; and
  o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Saundra and Rakesh Jain
210 Lee Barton #602
Austin, Texas 78704

From: Claudia Davila C.
Sent: Tuesday, December 11, 2012 4:56 PM
To: Heckman, Lee
Cc: Chris Aune
Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Claudia & Christian Aune
210 Lee Barton Dr #511 Austin, TX 78704

From: ryancrossland@hsbc.com.hk
Sent: Tuesday, December 11, 2012 7:30 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, **I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.**

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

  - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
  - the maximum floor-area ratio;
  - total square footage and whether structured parking facilities are proposed;
  - maximum impervious cover;
  - minimum setbacks;
  - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
  - all civic uses by type and proposed site development regulations; and
  - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland
Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong

From: David Edrich
Sent: Thursday, December 13, 2012 10:34 AM
To: Heckman, Lee
Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum.
I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich
210 Lee Barton Drive Unit #417

bridges
on the park

December 11, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment;
Item 91 on Austin City Council's Agenda for December 13, 2012

Dear Council Members:

As owners of Bridges on the Park Condominiums, we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. This is Item 91 on Council's agenda for December 13, 2012.

The site is approximately 0.993 acres and is located on West Riverside Drive between South Lamar Boulevard and Lee Barton Road. For many years, Taco Cabana has leased this site. Bridges on the Park abuts the site directly to the south (for your reference, our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

Although we understand that the City is in the early stages of review of the PUD, we respectfully ask that you consider the input of Bridges on the Park owners.

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While we are aware that a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully request that the City consider the following factors when evaluating this particular PUD:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The existing PUD documents do not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

  - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
  - the maximum floor-area ratio;
  - total square footage and whether structured parking facilities are proposed;
  - maximum impervious cover;
  - minimum setbacks;
  - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
  - all civic uses by type and proposed site development regulations; and
  - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river. We have included these concerns in a valid petition, which was submitted to Lee Heckman in the City's Planning and Development Review Department.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would enhance our neighborhood, we have not received a response from anyone since mid-September.

In addition to shutting us out of the development process, as several of you are aware, the developer has refused to turn over control of the Bridges on the Park Condominium Association, Inc. to the owners. The developer's failure to turn over control has not only denied the owners their rights under the condominium documents, it has negatively impacted owners' ability to sell or refinance their units at Bridges on the Park. Many owners and prospective buyers have encountered significant problems with lenders when financing or refinancing. Because Bridges on the Park owners lack control, Bridges on the Park is considered a "non-warrantable" condominium project, and therefore, the units at Bridges on the Park are not eligible for Freddie Mac or Fannie Mae financing.

Despite numerous attempts by our attorney to work with the developer's legal counsel in good faith, we have received no written response; our first request for turn over was made on December 20, 2011. This lack of responsiveness from the developer and his legal counsel as well as the financial difficulties that our existing owners and prospective owners continue to face have left us no recourse other than to file a lawsuit to compel compliance with our governing condominium documents as well as applicable Texas law. Our attorney, James Cousar of Thompson & Knight, filed suit on our behalf on November 14, 2012.

Based on our considerable experience with the developer, we have serious doubts that we can trust a project of "superior" quality will be built at 211 South Lamar when we have been unable to achieve a reasonable level of cooperation thus far.

Thank you in advance for your time and assistance.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

Enclosure: signed and dated Valid Petition

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

  - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
  - the maximum floor-area ratio;
  - total square footage and whether structured parking facilities are proposed;
  - maximum impervious cover;
  - minimum setbacks;
  - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
  - all civic uses by type and proposed site development regulations; and
  - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Oleg and Laura Buzinover
210 Lee Barton Drive
Unit 303
Austin, TX 78704

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

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Sincerely,

Jerry and Janet Doyle
210 Lee Barton #416
Austin, Texas 78704

December 11, 2012

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

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Sincerely,

John Spotts / Julie Blahnik

John Spotts / Julie Blahnik
210 Lee Barton Dr.
Unit 311
Austin, TX 78704

From: Saundra Jain
Sent: Tuesday, December 11, 2012 3:53 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman,

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

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Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Saundra and Rakesh Jain
210 Lee Barton #602
Austin, Texas 78704

From: Claudia Davila C.
Sent: Tuesday, December 11, 2012 4:56 PM
To: Heckman, Lee
Cc: Chris Aune
Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

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Sincerely,

Claudia & Christian Aune
210 Lee Barton Dr #511 Austin, TX 78704

From: ryancrossland@hsbc.com.hk
Sent: Tuesday, December 11, 2012 7:30 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, **I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.**

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

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- a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland
Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong

From: David Edrich
Sent: Thursday, December 13, 2012 10:34 AM
To: Heckman, Lee
Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum.
I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich
210 Lee Barton Drive Unit #417

bridges
on the park

December 18, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums, we wrote to you last week regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

During the City Council's meeting on December 13, 2012, the preliminary presentation of this PUD was noted as item 91. Since the item did not allow for public comment, we would like to take this opportunity to address some of the statements made by the developer's representative, Mr. Steve Drenner, at the Council meeting.

First and foremost, the developer and his representatives have not been consulting with us in the manner that was portrayed. Mr. Drenner stated that the developer had been planning the proposed project in consultation with Bridges' owners for a year and a half. We have surveyed previous board members and other owners, and based on their responses, this timeline is inaccurate. The developer and his representatives made presentations to Bridges' owners on May 2, 2012 and September 4, 2012. In addition, two board members met with the developer and his representatives on July 17, 2012. In sum, as far as we are aware, the developer has met with Bridges' owners three times during the last seven months. In addition, since the last presentation in early September, the developer has not given us an opportunity to discuss how our concerns may be addressed or included us in the planning process. While we respect the property owners' right to develop this land, we feel that the numerous zoning exceptions

the developer is requesting for this project give us a stake in the changing character of our neighborhood. We ask that you provide us this opportunity and allow us to have a seat at the table while this project is being developed.

Regarding the matter of the developer turning over control of the Bridges on the Park Condominium Association, Inc., Mr. Drenner stated last week that the "principal is the same" in both the Bridges project and the proposed project for the Taco Cabana site. Although one individual associated with the Bridges project may be involved in some other capacity in the proposed project, he is not the legal owner of the Taco Cabana site or the applicant seeking City approvâl. This key fact that Mr. Drenner called a mere technicality during his presentation is what has and continues to cause significant financial difficulties for our existing owners as well as prospective buyers—financial difficulties that the developer and Mr. Drenner were made aware of in August of this year. As of today, although the documents were once again provided to the developer's attorney, he has yet to sign over control of our homeowners' association.

On a final note, we have several questions related to Mr. Jerry Rusthoven's comments to the Council Members this past Thursday. The staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, Mr. Rusthoven indicated that the maximum height is 96 feet. What is the accurate number? In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

As constituents who are unfamiliar with the planning and development process, we remain unclear as to how the planning ordinances should be read. Mr. Rusthoven's responses seem to indicate that the City Planning and Development Review staff has flexibility to reinterpret ordinances or, in some cases, to disregard certain ordinances. We would very much appreciate any information that you can provide us as to how we can better understand this process and which ordinances will control this development.

We have designated one board member as the point of contact, but we have included all of our contact information for your convenience:

- Point of contact: Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Once again, thank you for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department

From: Sushma Jasti Smith
Sent: Monday, February 25, 2013 9:27 PM
To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Spelman, William; Tovo, Kathie; Anderson, Greg; Moore, Andrew; Tiemann, Donna; Bojo, Leah; Gerbracht, Heidi; Harden, Joi; Heckman, Lee
Cc: Robert Wilson; Claudia Davila C.; Cousar, James E.; Donisi, John
Subject: Bridges on the Park Board of Directors' letter re: 211 S. Lamar PUD application

Dear Mayor and Council Members:

Please find attached a letter from the Board of Directors of Bridges on the Park regarding the 211 S. Lamar PUD application. Given the recent media coverage and the proposed timeline for consideration of the PUD, we thought it prudent to write to you with our concerns.

Please note that the other two Board members Robert Wilson and Claudia Davila, our attorney Jim Cousar, and the developer's attorney John Donisi are copied on this email.

We look forward to your reply and hope to have your assistance.

Thank you, Sushma

Sushma Jasti Smith
Vice President
Bridges on the Park Association, Inc.
210 Lee Barton Drive #609
Austin, TX 78704
281.772.9618 (mobile)

bridges
on the park

February 25, 2013

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums (BOTP), we wrote to you twice in December of 2012 regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

We truly appreciate the responsiveness of the majority of Council to our letters. Your assistance helped to initiate communications with the developer's representatives at Winstead, including Mr. Steve Drenner and Mr. John Donisi. To date, we have had one meeting, which took place on January 17, 2013, with the developer's representatives. Since that time, we have received some follow up information from Winstead. However, the majority of the owners' questions remain unanswered.

We are concerned that recent media coverage gives the false impression that BOTP owners approve of the requested PUD (see enclosed Austin American Statesman and Austin Business Journal articles). The reality is that we have been waiting for information from the developer. In good faith, we have kept an open mind to the proposed development but we cannot endorse a zoning change of this magnitude until either the developer or the City staff provide us the information that we have been requesting for months.

For your reference, we have enclosed a list of follow up questions that we sent to Winstead on January 18, 2013. The items that remain unanswered and/or incompletely answered are highlighted in yellow. As you can see, most of our questions remain unanswered, even though it has been nearly six weeks since our meeting and the developer continues to finalize building plans with City staff.

Although we trust that you can review this list of items, there are several items of note that we request your attention:

1. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives, City staff, and Council Members. However, every schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.

2. The most recent schematic shows that the proposed PUD has 0' setbacks on Lamar Blvd., Riverside Drive, and Lee Barton Drive. We ask that minimum setbacks be put in place. In particular, on Lamar Blvd., we seek to ensure that the proposed building and sidewalks are built in alignment with our existing building. We fear that the schematic shows the proposed building will be built closer to the road than BOTP, and therefore, our owners whose balconies and windows face Lamar will be confronted by a 96-ft building, which is 60% higher than our building.

3. We are still waiting to learn where the base of the building is and how to calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House. We understand from the developer that the PUD site is six feet lower ***on average*** than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. Those familiar with Paggi House are aware that there are a significant number of stairs one must climb to get from the parking lot to the front door of Paggi House.

4. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. During our January 17th meeting, we asked the developer's representatives to address this issue. They offered to arrange a meeting with City Transportation staff, but we are still waiting on a time and place for this meeting.

5. We asked that several conditions be included as PUD notes. Based on the document provided by Winstead (see enclosure), these items are not included:

    - Filing a condo regime
    - Maintaining existing buffer with Paggi House
    - Prohibiting blockage of five north-facing hallway windows of BOTP
    - Requiring minimum setbacks (more than 0 ft) on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
    - Including sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

In addition to these aforementioned items, BOTP recently reached a sizeable settlement with the developer's insurance carrier with regard to faulty installation of the stucco exterior at BOTP. This poor installation by the builder has resulted in significant leaks throughout our building and garage. We are in the process of approving a bid for repairs and expect repairs to commence within the month. We would like the developer to ensure that, as they begin site preparation and construction, their building activities do not negatively impact our building with regard to shifts in our foundation, etc.

On a final note, we have not received answers to the questions that we posed to Council Members in our December 18, 2013 letter. For your reference, we have included the questions again herein below:

1. The City staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?

2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered at the Planning Commission and City Council, we write to you now to ask that you provide us with the answers to our questions and consider delaying consideration of the PUD until April to give BOTP owners an opportunity to truly be part of the planning process.

For your convenience, here is our contact information:

- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department
John Donisi & Steve Drenner, Winstead
James Cousar, Thompson & Knight

Enc: Follow up items from January 17, 2013 meeting of BOTP owners & Winstead
Proposed PUD document and schematic from Winstead
Austin American Statesman and Austin Business Journal articles

Plans for Taco Cabana site grow grander

Post prefers to build site bigger and as condos

JAN BUCHHOLZ
JBUCHHOLZ@BIZJOURNALS.COM

The multifamily project that will replace a downtown Taco Cabana restaurant will be taller and denser than originally proposed if developers gain approval for a rezoning request that's in the works.

Drenner

Stephen Drenner, an entitlement lawyer with Winstead PC, said his client — a partnership of Post Investment Group of Los Angeles and Ascension Development of Dallas — submitted new plans to the city for the almost 1-acre site at South Lamar Boulevard and Riverside Drive. The new design contemplates 96 feet of height, or about 10 stories — nearly 50 percent above the current limit of 65 feet.

The location is one of the few waterfront parcels left in downtown.

"This was a difficult decision because a rezoning takes time and the outcome is uncertain," Drenner said. "But they decided it was a special enough site to do something else besides a 65-foot apartment complex."

Simply called 211 South Lamar, the location is prime real estate with its access to the Lady Bird Lake trail, the Pfluger pedestrian bridge, the new Zach Theatre and Whole Foods Market Inc.'s flagship store.

SUBMITTED RENDERING

The building featured in this rendering is proposed for the corner of South Lamar Boulevard and Riverside Drive across the street from the new Zach Theatre. The site now holds a Taco Cabana restaurant. To get the project going, it'll take a rezoning.

The developers also hope to build condominiums to sell rather than apartments, which were planned as recently as last fall.

The *Austin Business Journal* broke the news in October 2012 that the site was earmarked for some form of residential development after years of languishing as a proposed hotel site.

Questions pending for rezoning

The rezoning application is in the hands of city staff, which has yet to make a recommendation to two environmental-related boards, the Planning Commission and eventually the City Council.

"There's nothing substantial, in terms of the plans being problematic. Mostly, we just have questions about things that need clarification," said Lee Heckman, a case manager with city of Austin's Planning and Development Review Department.

Until those questions are answered, however, the rezoning application cannot move forward, Heckman said.

The developers are dangling some carrots at city staff and adjacent neighbors, who weren't enthusiastic about the original apartment plans that were submitted.

For starters, the building configuration was a U-shape, which backed up to the Bridges on the Park condo development and blocked views. The new design flips the orientation such that there is a courtyard facing the existing condos with the mass of development more dominant along the streets — South Lamar Boulevard, Riverside Drive and Lee Barton Drive.

Should the rezoning prevail, the developers will incorporate about 10,000

SEE BUILD, P27

BUILD: Neighbors, city planners scruitinizing new proposal for prime land downtown

FROM PAGE 3

square feet of restaurant and retail space, designed to take advantage of the curbside views of the lake. Some of the space would be donated for community art purposes. Other community space would be dedicated to a bicycle-sharing program. There would be three levels of below-grade parking, none of which would be visible to passers-by.

The revised design also would preserve several stately trees along Riverside Drive, which would be removed if the rezoning is rejected, Drenner said.

If the rezoning fails, Drenner said the developer intends to move ahead with the original apartment plans without any retail and the public perks.

Drenner said the development team has been meeting with the Bridges on the Park homeowners association and members of the Zilker Neighborhood Association, and that they are optimistic about the outcome.

"I think it's fair to say with the majority of folks it's been well-received," Drenner said.

Tracey Carroll, a spokeswoman for the Bridges on the Park, said there are still a lot of questions to be answered before that organization supports the rezoning.

"We support responsible development, but we still have a lot of concerns about things like height, view corridors, traffic and whether it fits the character of Zilker Park and Town Lake," Carroll said. "This site is in the Waterfront Overlay District and we want to make sure that it provides the city with superior development."

NICK SIMONITE | ABJ

Few will argue that this acre on Lady Bird Lake just south of downtown isn't underused.

Demand for condos observed

Whether the development will be for sale or for lease has not been determined, but Drenner said the developers would prefer a for-sale product. Apartment developers, however, have a much easier time securing capital with access to financing backed by Fannie Mae and Freddie Mac. Condo development still is very much dependent on conventional lending sources, which have been much harder to access since the recession.

Nevertheless, two housing experts said for-sale product is direly needed in downtown and South Austin.

Heimsath

"It does make a lot of sense. There's definitely a market if they can get it done," said Charles Heimsath, president of Capital Market Research, which tracks the condo market.

Prices per square foot likely have never been higher than they were last year, with the average price of a condo in the Central Business District approaching $700 per square foot, Heimsath said.

Sprague

Mark Sprague, state director of information capital at Independence Title, said inventory across all classes and locations is in short supply — and especially in downtown and South Austin.

The 78701 ZIP code, which encompasses downtown, had 212 sales in the 12 months, Sprague said. The average time on the market was 51 days. Given that there are only about 100 new condos left for sale in the 78701 and 78704 South Austin ZIP codes, Sprague said, it's time for condo developers to reemerge.

"Like everything currently in Austin, there is not enough inventory and a lot of demand," he said.

FOLLOW-UP ITEMS FROM 1/17/13 BOTP MEETING

1. Please confirm the proposed total number of units as well as the approximate number and square footage of the 1, 2, and 3 bedroom units. (Rhode)

> These numbers are an approximation based upon the current configuration: 116 one bedroom units, at an average size of 775 s.f.; 46 two bedroom units, at an average size of 1250 s.f.; and 8 three bedroom units, at an average size of 1600 s.f.

2. Please confirm the proposed total number of parking spaces and the breakdown with regard to spaces for Paggi House, retail, guests, and owners/residents. (Rhode)

> These numbers are an approximation based upon the current configuration: 305 total parking spaces, 238 provided for residents (behind the gate), and 67 provided for Paggi, retail and guests (not gated). These non-gated spaces will vary based upon time/day, serving retail during regular business hours and guests during other hours.

3. What are the setbacks on South Lamar, Riverside Drive, and Lee Barton Drive? On the South Lamar Drive, will the new building be flush with our existing building or will it be closer to the road? On Riverside Drive, how does the setback compare with the existing sidewalk where the proposed plaza will be as well as on the portion leading to corner with Lee Barton Drive? How do the proposed setbacks compare with what is required in code? For example, we know that the plaza area on Riverside will be more than what is required but we don't have the information along the remaining perimeter. (Rhode/Bury)

> We are in the process of preparing exhibits on this.

4. Please provide information on the proximity of the proposed building to BOTP on the north face of BOTP. In particular, we are interested in how close the proposed building will be to the hallway window on the north side (i.e., the concerns that we expressed regarding lack of natural light and facing a solid wall). (Rhode)

> See (3) above.

5. On a related note, what are the requirements for utility easements? And how would this affect the proximity of the two buildings (i.e., Are we required to have X number of feet on both sides of the property line?). (Bury)

> We are not aware of any utility easement existing on the 211 South Lamar tracts that would impact the placement of structures.

6. Please provide perspectives from different elevations for BOTP owners. Please let us know when you will be able to visit our building, and we will ensure access to 3-4 units. At a minimum, it would be

useful for the owners to have perspectives from at least one east-facing unit, north-facing unit, and west-facing unit. (Winstead/Rhode)

Photos were taken by Winstead on Friday, February 8th from units 308 (east facing), 405 (north facing), 609 (east facing), and 610 (west facing) as well as from several of the north-facing hallway windows. BOTP is awaiting renderings based on these photos.

7. With regard to sidewalks on Lee Barton Drive, we discussed placement and potentially prohibiting parallel parking on one side of the road as well as adding meters. Would it be possible for you to schedule the meeting with City staff to discuss these items? (Winstead)

Amanda Swor to coordinate, as well as Leslie Pollack with HDR (transportation/traffic consultants); in process.

8. We also discussed the need to determine what type of privacy barrier would be needed by the proposed building's pool area. Would it be possible for your architect to give us some options to consider? (Rhode)

Architect is preparing renderings of privacy barriers.

9. You noted the inclusion of several conditions as notes in the PUD, and we very briefly discussed the possibility of a private restrictive covenant. Below, I've listed potential items that we would likely want included in the PUD notes and/or covenant. I'm assuming that the notes will require much more detail but wanted to get a better sense of what can/cannot be included. Would you review the items with the developer to determine which items are palatable? Also, I would appreciate it if you could refer me to an example of what PUD notes look like. It will give me a better idea of what to request from owners. (Winstead)

Potential PUD notes/conditions for private restrictive covenant:

- Proposed "U"-shaped design with 96 ft building (prohibit the reverse "U" where BOTP is blocked)
- Use of condo-grade materials
- Filing condo regime
- Maintain existing buffer with Paggi House
- Prohibit blockage of singular hallway window on the north face of BOTP
- Minimum setbacks on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
- Sidewalks and other safety improvements on Lee Barton Drive
- Privacy barrier (Winstead)

PUD notes are being developed as discussions continue with regard to project.

10. Clarify the property lines and potential building placement along the northern BOTP/southern TC boundaries, as well as any utility or access easements. (Rhode/Bury)

We are in the process of preparing exhibits on this.

11. Inquire as to a ROFR of BOTP owners to purchase units in 211 South Lamar Project. (Winstead/Cureton)

Owner is open to continued discussion on this item.

12. Clarify status of out-buildings on the Paggi House site, as well as 'temporary' improvements (not part of zoning case, but of concern). (Winstead)

A portion of the tract containing the Paggi House was zoned historic by the City of Austin on November 21, 1974 (Ord. No. 74-1121H). The owner proposes no change to an exterior architectural feature of any historic structure on the Paggi site.

13. Address "run-off" or draining from 211 South Lamar structure/roof to ensure no draining to BOTP site. (Rhode/Bury)

The 211 South Lamar tracts are, on average, 6 feet lower in elevation than the BOTP site. All "run-off" or drainage from the 211 South Lamar project is required to be captured on-site.

14. Clarify the type of pedestrian cross walk improvements contemplated for crossing of Riverside at Lee Barton. (Winstead)

The owner has proposed enhancements to the existing pedestrian crosswalk of Riverside Drive at the eastern intersection with Lee Barton Road. All such improvements or enhancements must be approved and constructed by the City of Austin. Funding for the improvements or enhancements shall be provided by the owner.

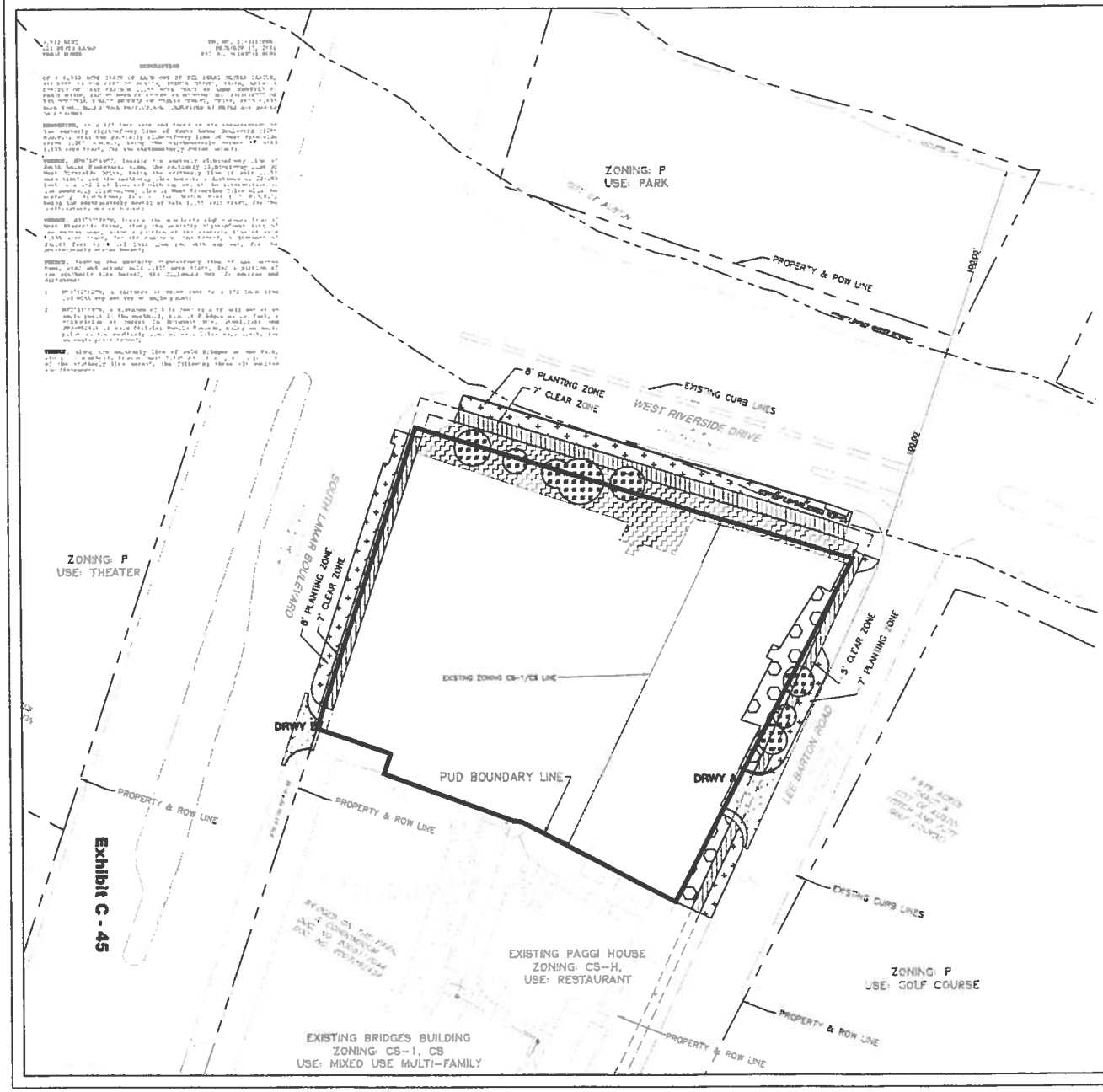

Exhibit C - 45

PLANTING ZONE

CLEAR ZONE

SUPPLEMENTAL ZONE ONLY

PLAZA AND OUTDOOR SEATING AREA (AND SUPPLEMENTAL ZONE)

CRITICAL TREE ROOT ZONE

30 0 15 30 60
1" = 30'

ACREAGE: 0.933

SITE DEVELOPMENT REGULATIONS: BASE DISTRICT: CS	
MAX IMPERVIOUS COVER	95%
MAX BUILDING COVERAGE	95%
MAX HEIGHT	90'
MAX F.A.R	9:1
MIN SETBACKS	0' LANDS
	0' RIVERSIDE
	0' LEE BARTON
	0' REAR
MAX NUMBER UNITS ALLOWED	172
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 2,000 SF)

ADDITIONAL PERMITTED USES
CONDOMINIUM RESIDENTIAL
MULTIFAMILY RESIDENTIAL
COCKTAIL LOUNGE (NOT TO EXCEED 5,000 SF)
LIQUOR SALES (NOT TO EXCEED 2,000 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	CONVENIENT STORE
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	WAREHOUSING 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
NTS

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Texas Registered Engineering Firm F-1046
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LAND USE PLAN

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: JFS
DESIGNED BY: JFS
REVIEWED BY: CLF
PROJECT NO.: 108791-10003

SHEET
Page 1 of 5

C814-2012-0160

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NOTES

1. THE SIZE AND CONFIGURATION OF THE PLAZA AND OUTDOOR SEATING AREA AT THE INTERSECTION OF SOUTH LAMAR 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. THE PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A MINIMUM THREE-STAR RATING.
4. THE 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 ROAD WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES UNLESS THERE 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 ROAD R.O.W. WILL REQUIRE APPROVAL FROM THE AUSTIN TRANSPORTATION DEPARTMENT.
10. BUILDING SIDEWALL IS DEFINED BY SECTION 25-2-172. THIS PLANNED UNIT DEVELOPMENT DEFINES THE FINISHED GRADE AS PROPOSED FINISHED GRADE OF EACH BUILDING AND THE DELINEATION LINE WILL BE DEFINED BY THE ARCHITECT. THE SIDEWALL 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 80% 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.
17. 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).
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 ROAD 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 [illegible] 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 15 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE.
B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 75 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY [illegible] FEET FROM THE SITE'S SOUTHERN PROPERTY LINE, AND
C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF [illegible] FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.
23. AT LEAST 1,500 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 [illegible] FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:
A. A SIDEWALK ON LEE BARTON ROAD 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 ROAD).
B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD 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 ROAD AT THE INTERSECTION OF LEE BARTON ROAD 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. WATER QUALITY TECHNIQUES UTILIZING RAIN GARDENS AND BIO-FILTRATION AREAS SHALL BE UTILIZED TO MEET ALL CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT, AS WELL AS TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED, OFF-SITE AREAS WITH A DRAINAGE AREA OF AT LEAST 25% OF THE SUBJECT TRACT.
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 KIOSKS" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO EXCEED 15 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 21 [illegible] STORIES 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, [illegible] 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 1700, 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 CRITICAL ROOT ZONE AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED.
33. TRANSPORTATION CRITERIA MANUAL SECTION 9.3.0 [illegible] (LOADING) IS MODIFIED TO ALLOW
A. MANEUVERING IN THE RIGHT-OF-WAY ALONG LEE BARTON ROAD.
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 2006 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 ROAD. 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 ROAD 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 25-2-691(C).
37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,[illegible] SQUARE FEET. A MINIMUM OF 3,[illegible] SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,[illegible] 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, BIO-FILTRATION 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.

Exhibit C - 46

Bury+Partners
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
TBPE Registration Number F-1048
Bury+Partners, Inc. ©Copyright 2012

LAND USE PLAN NOTES

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: JRS
DESIGNED BY: JRS
REVIEWED BY: CLR
PROJECT NO.: 108781-10003

SHEET
Page 2 of 5

C814-2012-0160

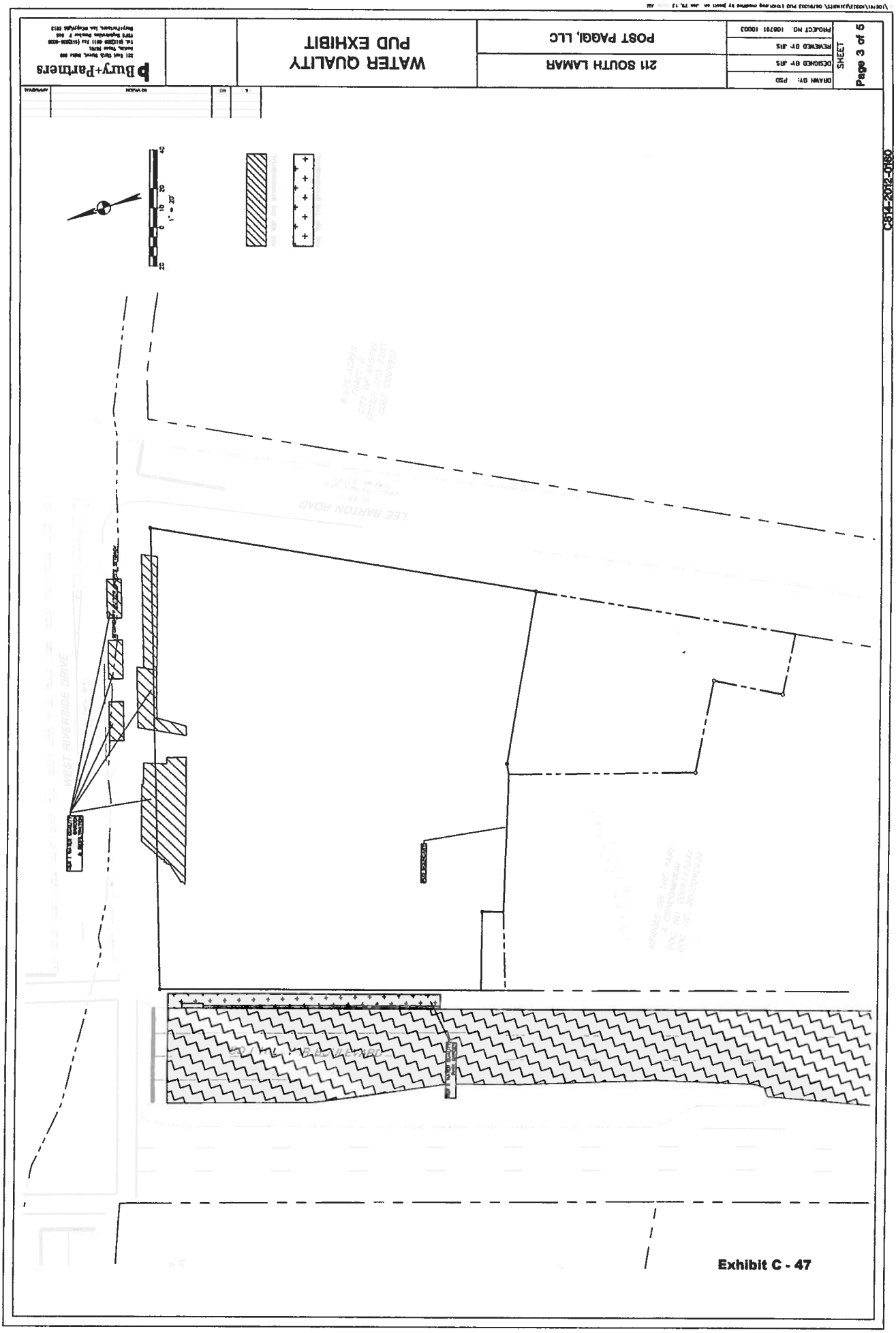
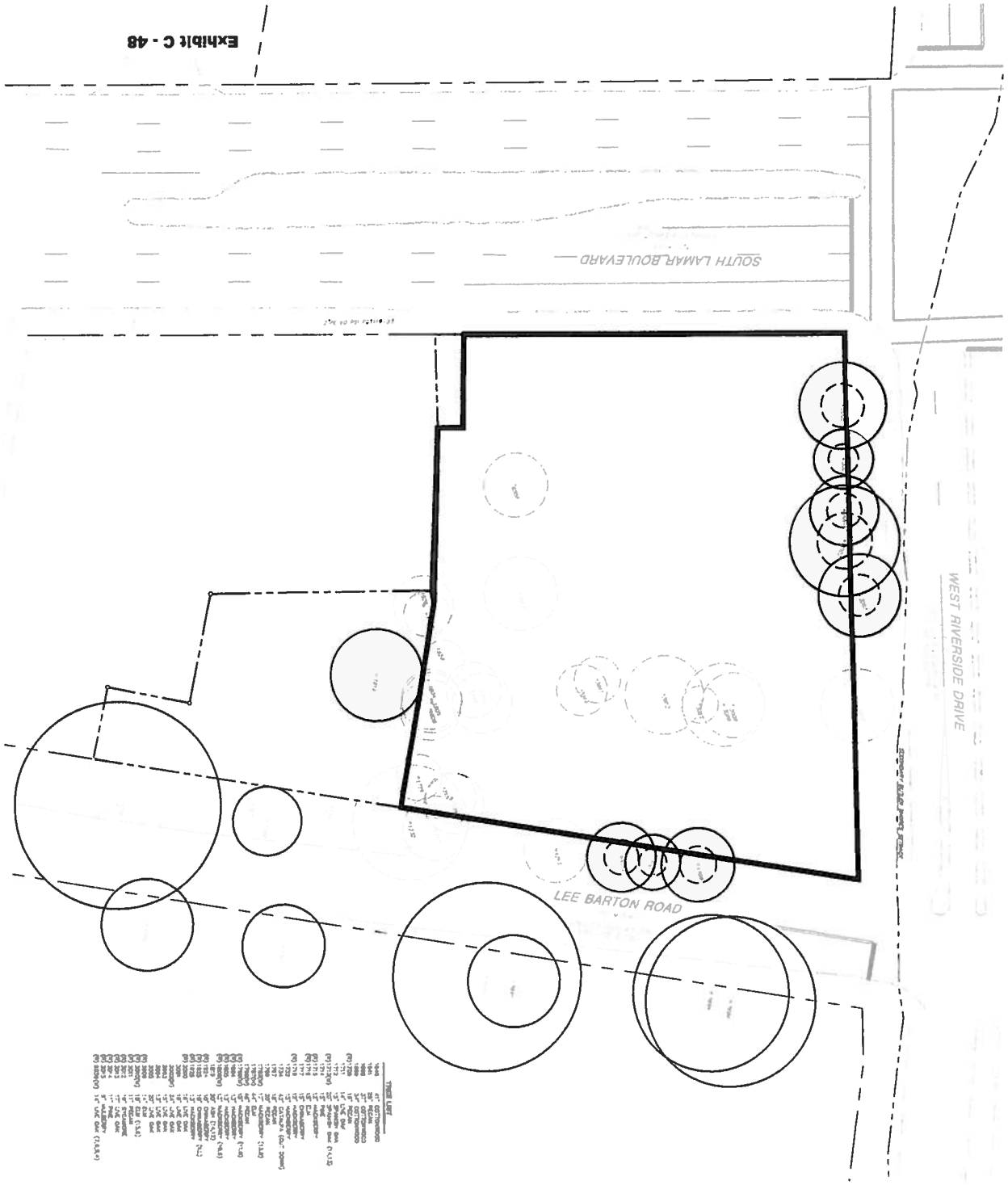

WATER QUALITY
PUD EXHIBIT
POST PAGGI, LLC
211 SOUTH LAMAR
DRAWN BY: PSD
DESIGNED BY: JRS
REVIEWED BY: JRS
PROJECT NO. 108791 10003
SHEET
Page 3 of 5
C814-2012-0160
Bury+Partners
1" = 20'
LEE BARTON ROAD
WEST RIVERSIDE DRIVE
BRIDGES ON THE PARK
A CONDOMINIUM
DOC. NO. 2005117044
DOC. NO. 2007024434

Exhibit C - 47



DRAWN BY: PSD	211 SOUTH LAMAR	ENV. TREE PUD EXHIBIT		Bury+Partners
DESIGNED BY: JRS				
REVIEWED BY: JRS	POST PAGGI, LLC			
PROJECT NO: 108791-10003				

SHEET Page 4 of 5

C814-2012-0160

Bury+Partners
221 West 6th Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-8115
TBPE Registration Number F-1046
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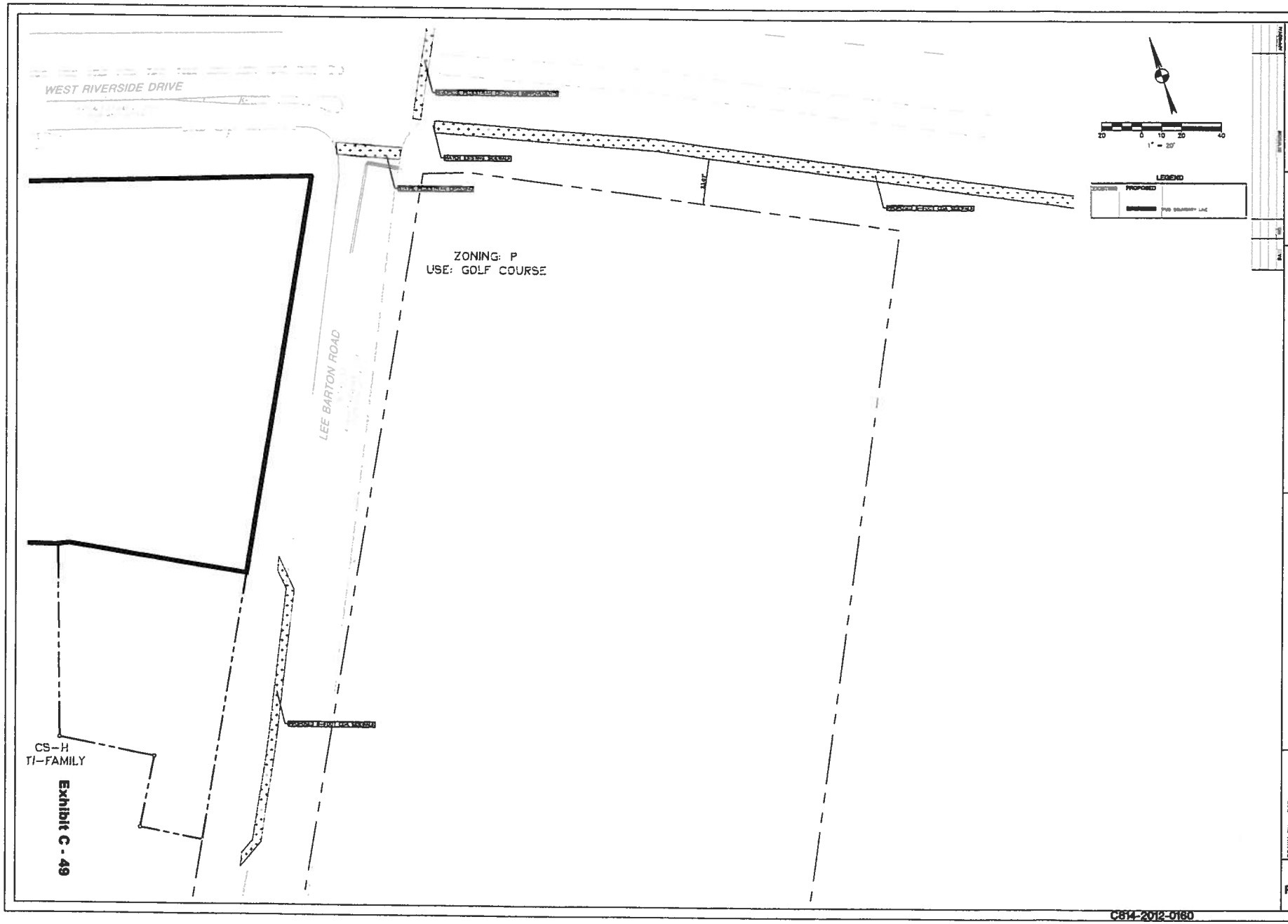
Q:\108791\10003\12DBIM12\108791003 PUD LR102.dwg modified by jbeall on Jan 29, 13 11:31 AM



OFFSITE PEDESTRIAN IMPROVEMENTS

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: PSD
DESIGNED BY: JRS
REVIEWED BY: JRS
PROJECT NO: 104791-10003

SHEET

Page 5 of 5

Exhibit C - 49

C814-2012-0160

From: Sushma Jasti Smith
Sent: Monday, March 04, 2013 6:30 AM
To: Heckman, Lee
Cc: Robert Wilson; Claudia Davila C.; Rusthoven, Jerry
Subject: letter from BOTP Board of Directors

Dear Mr. Heckman:

Please find attached a letter from the Bridges on the Park Association's Board of Directors, which is addressed to you and City staff. We have several questions and hope to receive answers quickly given the timeline for consideration of the 211 S. Lamar PUD application.

I have copied Robert and Claudia (the other Board members) on this message. I would appreciate it if you would reply to all of us.

Thank you, Sushma

Sushma Jasti Smith
210 Lee Barton Drive #609
Austin, TX 78704

bridges
on the park

March 4, 2013

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mr. Heckman and City staff:

As owners of Bridges on the Park Condominiums (BOTP), we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. For your reference, the case number is C814-2012-0160. BOTP abuts the site directly to the south (our address is 210 Lee Barton Drive), and we are the only residents within a 200-foot radius of the proposed PUD.

Based on the Land Use Plan dated February 21, 2013 (enclosed), there are several items of note that we request your attention:

1. The site is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district. The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District. In addition, although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway and subject to a Scenic Roadways Overlay. The developer is requesting a maximum height of 96 feet in the PUD, which is 36 feet higher than BOTP.

   At this time, BOTP owners remain steadfastly opposed to a height variance exceeding the maximum 60 feet currently allowed under the CS-V designation. We believe that this site has unique characteristics, and as such, the developer should be required to honor existing zoning regulations. We ask that the City staff take into account the following factors:

   - This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the ZACH Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. ***This staggering height is more than 20 feet higher than what the City approved for the newly constructed Topfer Theatre at ZACH. If approved as requested, the proposed building would dwarf Topfer Theatre, thereby diminishing the City's considerable investment.***

2. Where is the base of the proposed building and how should we calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House? We understand from the developer that the PUD site is six feet lower ***on average*** than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. We ask that City staff explain how this will be calculated.

3. The most recent plan shows that the proposed PUD has 0' setbacks on all four sides (Lamar Blvd., Riverside Drive, Lee Barton Drive, and Rear). It is our understanding that the minimum setback for CS and CS-V, which are the current zoning designations for the site, is 10 feet. If the existing height maximum of 60 feet is kept in place, then we ask that the minimum setback of 10 feet be required on all four sides of the proposed development. However, if the requested height variance of 96 feet (or any height greater than 60 feet) is granted to the developer, then we ask for a corresponding increase in the minimum setback. For example, if the developer is granted a maximum height of 96 feet, we ask for a minimum setback of 20 feet on all four sides. If the developer is granted a maximum height of 75 feet, then we ask for a minimum setback of 15 feet.

4. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives and Council Members. However, every

schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.

5. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. We ask the City staff to consider prohibiting parallel parking on the western side of Lee Barton Drive and to put in place metered parking on the eastern side, which abuts the Butler Pitch and Putt.

   In addition, the developer proposes to add a sidewalk on the portion of Riverside Drive that is adjacent to the northern edge of the Butler Pitch and Putt. It would appear that either the oleander bushes would have to be removed or additional road space would be needed to accommodate this sidewalk. Both of these options are not practical as there isn't sufficient road space and the oleander bushes serve as a natural barrier that protects pedestrians from wayward golf balls from the Butler Pitch and Putt. We ask that City staff maintain the status quo.

6. We ask that the following conditions be included as notes on the PUD:
   - Preserve maximum height of 60 feet as required by current base zoning designation
   - Require minimum setbacks of at least 10 feet on South Lamar Blvd., Riverside Dr., Lee Barton Dr., and Rear
   - Prohibit blockage of five north-facing hallway windows of BOTP
   - Include sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

We also have the following questions based on the City staff briefing to City Council on December 13, 2012:

1. The City staff report for the PUD stated that the maximum height for the site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?

2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered by the Waterfront Overlay Advisory Board, the Environmental Board, the Planning Commission, and City Council, we would appreciate your answers as soon as possible.

For your convenience, here is our contact information:

- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

From: Yang, Edward (Research)
Sent: Wednesday, March 06, 2013 11:34 AM
To: Heckman, Lee
Cc: 'EHY'
Subject: C814-2012-0160, Public Hearing March 12, 2013 Planning Commission; March 28, 2013 City Council

Dear Mr. Heckman,
Michael Simmons-Smith has already registered me as an Interested Party for this case.

Please submit this as my written objection to the zoning change for the above case number, project location 211 S. Lamar Blvd & 1211 W. Riverside Dr. I believe that the change would negatively impact the character and quality of the neighborhood, as well as contribute to the already choked off congested traffic, parking, and related safety issues in what is meant to be a park-like green environment next to Lady Bird trail.

I am also very concerned about the recent report in the Austin Statesman that the developers will be granted an exception to build taller than the normal 60-foot limit. The developer's paltry gesture for a $420,000 contribution to the city's affordable housing fund is grossly insufficient when this is the typical cost of just a single condo unit in the neighborhood. I am a business man and not opposed to responsible development, but it is distateful and injurious to our community when developers can circumvent our rules and laws with a middling payoff. Thank you,

Sincerely,

Edward H. Yang (please accept this as my e-signature)

Oppenheimer
Managing Director
Chemicals Equity Research
512-314-2619

Address affected by this application:
210 Lee Barton Dr. Unit 215
Austin, TX 78704

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

R 3/6/2013

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

Alan Lampert
Your Name (please print)

☐ I am in favor
☒ I object

300 S. Lamar #407
Your address(es) affected by this application

Signature — 3.4.13 *Date*

Daytime Telephone: 512.550.9987

Comments: 1) PUD zoning provides a blank check. This project is neither large or complex.

2) Building height on that corner should be no taller than the "Bridges" Condo building.

3) I would like to receive a copy of the Staff recommendation.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

ZACH THEATRE

DAVE STEAKLEY
PRODUCING ARTISTIC DIRECTOR

ELISBETH CHALLENER
MANAGING DIRECTOR

BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

JOY SELAK, Ph.D.
PRESIDENT

BRUCE McCANN
IMMEDIATE PAST PRESIDENT

DR. GARY GOLDSTEIN
VICE PRESIDENT

LARRY CONNELLY
SECRETARY

HITEN PATEL
TREASURER

PATRICK O'DANIEL
GENERAL COUNSEL

JOAN LAVA
MEMBERSHIP COMMITTEE CHAIR

MINDY ELLMER
DEVELOPMENT COMMITTEE CHAIR

LAURA MERRITT
EDUCATION COMMITTEE CHAIR

JANET MITCHELL
MARKETING COMMITTEE CHAIR

BETTYE NOWLIN
AT-LARGE

MARCY MELANSON
AT-LARGE

KATHLEEN GUION
AT-LARGE

TRUSTEES

KATHY BOLNER
SUE BRELAND
BRYAN CADY
MARIANNE CARROLL
WAYNE CLARK
WILL COOMBES
BERRY CROWLEY
DERRICK EVANS
A. ROBERT FISCHER
JERRY GATLIN
ERIC GROTEN
RICHARD HARTGROVE
KATHY HUTTO
JOHANNE IBSEN-WOLFORD
DR. GERALD JACKNOW
MITCH JACOBSON
SCOTT JOSLOVE
DENNIS KARBACH
MIKE KENNEDY
SUSAN LUBIN
BRIAN MCCALL
MIKE O'KRENT
CANDACE PARTRIDGE
MIKE PETERSON
THE HONORABLE JIM PITTS
THE HONORABLE EDDIE RODRIGUEZ
CAROLYN SERIFF
DEANNA SERRA
DONNA SNYDER
MARY HERR TALLY
TOM TERKEL
MORT TOPFER
JIM WHORTON

City of Austin
Planning & Development Review Department

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: March 12, 2013 – Planning Commission
March 28, 2013 – City Council

Dear Mr. Heckman,

This letter is to inform you that Zachary Scott Theatre Center (ZACH) objects to the rezoning request outlined in case number C814-2012-0160.

In 2008, ZACH was approved to build an 80 ft fly tower in the new Topfer Theatre. A copy of that particular ordinance is attached for your reference. In addition, at that time, ZACH agreed to support objections for requests of additional height buildings in the surrounding area, if asked to do so by the surrounding neighborhood associations.

As you can see from the ordinance, ZACH's right to height in excess of 60 ft was based on the unique requirements of a professional theatre building, which attributes do not apply to commercial or residential buildings. For that reason, the Topfer Theatre fly tower height is not an appropriate precedent to cite in support of additional height for nearby residential buildings.

Thank you for your time and consideration of this opposition.

Sincerely,

Elisbeth Challener

Elisbeth Challener

ZACH Managing Director

Exhibit C - 57

PHONE 512.476.0594 FAX 512.476.0314
OFFICES/MAIL 1510 TOOMEY ROAD, AUSTIN, TX 78704
THEATRE/BOX OFFICE 202 S. LAMAR, AUSTIN, TX 78704
ZACHTHEATRE.ORG

ORDINANCE NO. 20080724-082

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC PERFORMING ARTS THEATER.

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

PART 1. City Code Section 25-2-531 (*Height Limit Exceptions*) is amended to add a new Subsection (G) to read:

(G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*) The fly tower must be

(1) located on land owned by the City of Austin, and

(2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

PART 2. The city council finds that public performing arts theaters of sufficient size to include a fly tower for moving set pieces, lights, microphones and other equipment on and off stage generally provide significant community benefits

PART 3. The city council directs the city manager not to consider the height of a fly tower granted a height exemption under Part 1 of this ordinance as a factor in any recommendation regarding height entitlements for structures in the surrounding area

PART 4. This ordinance takes effect on August 4, 2008.

PASSED AND APPROVED

July 24, 2008 § Will Wynn
§
§

Will Wynn
Mayor

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A Gentry
City Clerk

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

R 03/08/2013

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

Elisbeth Challener
Your Name (please print)

☐ I am in favor
☒ I object

510 Toomey Rd. Austin, TX 78704
Your address(es) affected by this application

Elisbeth Challener — 3/7/13
Signature — *Date*

Daytime Telephone: 512-476-0594

Comments: See attached

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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R 03/11/2013

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Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

MONICA A. GREENWELL
Your Name (please print)

☐ I am in favor
☒ I object

210 LEE BARTON DRIVE #411 AUSTIN, TX 78704
Your address(es) affected by this application

Signature — 3/10/2013 *Date*

Daytime Telephone: 512-584-3408

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Zilker Neighborhood Association

www.zilkerneighborhood.org ♦ zilkerna@austin.rr.com

1115 Kinney Ave. #42 ♦ Austin, TX 78704 ♦ 512-447-7681

March 11, 2013

Waterfront Planning Advisory Board
City of Austin

At the February 25, 2013, meeting of the Zilker Neighborhood Association, the general membership voted once again, as they have numerous times since the 1980s, to support the Waterfront Overlay and to oppose the construction of a highrise on the banks of the Colorado River. The subject of this particular vote was the PUD proposal at 211 South Lamar. In general, ZNA objects to the creation of this PUD on this site because:

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this site.
- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces.
- Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.

The attached draft table addresses each of these points as they relate to the Tier I and II PUD requirements. As you will see, the PUD application seems to be a moving target, and our analysis has generated a great many questions. We hope that the board will postpone any decision on this PUD until these questions are answered and gaps in the information are filled.

Thank you for your service on this vitally important board.

Sincerely yours,

Lorraine Atherton
Newsletter editor, on behalf of the
ZNA Executive Committee

ZNA Officers, 2012–2013
Gardner Sumner, *President* ♦ Richard Gravois, *Vice President* ♦ Andy Elder, *Vice President*
Jacob Scheick, *Secretary* ♦ Merriman Smith, *Treasurer*
Tony Giustino, *ANC Delegate* ♦ Lorraine Atherton, *Newsletter Editor*

Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

Tier I Requirement	Applicant Note	ZNA Note
1. Meet the objectives of the City Code.	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.	• The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. • Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces. • Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.
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.	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 treatment of untreated off-site stormwater. ▪ 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	• Under existing standards, the trees along Riverside and Lee Barton would not be lost. Current developments on South Lamar design their projects, from the beginning, around the existing trees. They come to ZNA with a tree plan showing the major trees that the building will be designed around and estimates of the number and size of trees that will have to be replaced and where they are likely to be located. The WO provides bonus density and/or height for preserving trees. These can, and should be preserved under existing zoning—there is nothing that would prevent this; in fact, it is enabled and incented under the WO. • Ditto for green building standards, including actual rain gardens (which don't seem to be working very well where they have already been installed), native plants, rainwater harvesting, and innovative stormwater systems. We are exceedingly underwhelmed by the offer of "educational signage" in this regard.

	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 multiface 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. ▪ Given the location of the project, adequate public facilities and services are generally found in the 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.	• Steel structure is required of buildings over 75 feet in height. This is not an option. It also increases construction costs enormously, reducing the affordability and economic viability of the building. • Structurally shielded ground level parking is required by the WO. It is not an option. The "innovative design" description, especially the hidden parking garage, sounds very much like what ZNA was promised during the rezoning case for the Post project at 1500 S. Lamar, about 10 years ago, before the current commercial design standards or VMU took effect. That project was completed a few weeks ago. Post can and should meet the same design standards within the WO. • The Waterfront Overlay sets design standards that must be followed by any project in the overlay. The "storefront" is required by the WO at 60% partially see-through glass—so the facade on commercial first floor is a requirement, not an option. • By this design, (as described by the Austin Business Journal) the open space is enclosed by the building, and therefore is not accessible to the public. • Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration. • The rain gardens are not clearly defined, nor how they will be properly maintained for maximum effectiveness. • "Front door" to the park: To be precise, this site is across the street from the Pfluger Bridge. To reach this "front door," walkers and cyclists leaving the trail area must navigate the intersection with the highest traffic counts (> 50,000) of any arterial in the entire city, an arterial to which this project proposes to add about 250 cars, not including the commercial parking. From what we have seen so far, every car associated with this project will come into conflict with walkers and cyclists trying to use the park and trail system. A 96-foot high visual barrier will not help. The PUD proposes no solution to the fundamental problems at this intersection. • Are they really suggesting that reducing the height of the east side of the building (to a level that is still 10 feet above the maximum) will extend the pedestrian-friendly parkland and trail across five lanes of traffic and through the building to an interior plaza? Really? Or is "landscaped pedestrian-oriented plaza" a reference to the Zachary Scott entrance, and the proposal is describing a visual link between the theater plaza, the theater's widely despised 75-foot fly tower, and the PUD's 75-foot wall of condos on Lee Barton. Really? • What does "distinct corner" mean? The sidewalk improvements required under the existing VMU and commercial

	▪ 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. ▪ 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. ▪ See additional notes referenced in this chart for other terms described herein.	design standards will accomplish that. What we need at this corner is a plan for reducing conflicts between pedestrians trying to cross S. Lamar, cars trying to use the Lamar Bridge, cars entering and exiting the parking garages in this block, and buses that need to pick up and drop off pedestrians who are unable to cross the street to get to the bus stops. • Public facilities and services are not adequate to serve the exploding population in this area. Sidewalk and crosswalk connections, bus service, and traffic management are miserable (see item above). • This is across the street from Restaurant Row. It does not need more restaurants (although a proposal to expand the historic Paggi House to Riverside, with a Zilker-style Tavern on the Green, would be welcome). The retail space is already required under the existing zoning and VMU overlay, and the PUD offers nothing better. • Other developers have offered money to the parks department in return for increased entitlements (most recently the Pico PUD on Barton Springs Road), and the offers have always been rejected as illegal under state law. How is this rent-free deal different? • Likewise, off-site improvements like sidewalks have been rejected for other projects. Private developers can build them but they must be reimbursed. How is this different? • Bike parking provisions in the Code are currently being revised. Does this PUD meet or exceed the proposed changes to the Code? • *The vibrant public plaza needs to be more clearly defined, including the public access, size, location, security, seating, allowed public uses, and restroom facilities.*
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: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.	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.	*Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration.* *The rain gardens are not clearly defined and how they will be properly maintained for maximum effectiveness.* Where is this open space? According to the Tier II 1 description, 12,000 square feet of the "open space" is private and above the ground floor (in private balconies, for instance). The proposed 3000 square feet does not meet the requirement for ground-floor public space (at least 70% of the requirement must be on the ground floor). a. Zach Scott provided a detention-filtration area in connection with the new theater; Post could provide something similar on the non-VMU parcel to enhance the green space surrounding the Paggi House. b. This project is not subject to the parkland dedication fee. Other

		projects are paying huge parkland fees and also providing substantial open space onsite under VMU and commercial design standards. This PUD does not meet current standards for South Lamar projects.
4. Comply with the City's Planned Unit Development Green Building Program.	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 Program at a 2-Star Level).	*The public needs to know specifically how the project will comply with the City's Green Building Program at a 3-Star Level.* This is standard practice on S. Lamar (see item 2)
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.	· 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. · 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. · The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. · 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.	• The PUD is not consistent with the ZNA VMU plan. • *The location is a unique corridor view that cannot be replaced. No other south entrance into Downtown has this view of Town Lake.* • The max height in the Butler Shores subdistrict is 60 feet. • The PUD does not respect the historic Paggi House or previous agreements with the adjacent Bridges project. ZNA does not have access to the agreements regarding protection of the Paggi House, but during construction of the Bridges, there was great concern about damage caused by excavation. The PUD proposes to cut off the Paggi House from Riverside and the river. • The "view corridor" from the second floor of Zach Scott is blocked by the existing 60-foot Bridges building. The height of the PUD building on Riverside will not change that. • The PUD does not make it possible for theater patrons to cross South Lamar. • Staff note 21 suggests that the PUD has requested Alternative Equivalent Compliance for subchapter E Design Standards and Mixed Use. Based on what ZNA has seen, the alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar.
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical	· The owner will provide water quality controls superior to those otherwise required by Code through the use of rain	*Where are the specific details for the rain gardens and rooftop rainwater collection design?* *Eight existing trees will be removed according to the plans, and,*

Exhibit C - 65

environmental features, soils, waterways, topography and the natural and traditional character of the land.	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". · The project will also preserve several trees onsite via additional setbacks that would not be saved with a project developed under the standard Code regulations.	*there will be less space available for green space on the ground floor.* None of these appear to be superior to current projects on S. Lamar (see item 2). The PUD is not providing "additional" setbacks. The PUD is requesting zero setbacks and then offering to restore the required setbacks in limited areas.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	· Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. · 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.	Traffic backed up on the Lamar Bridge is a significant public safety and emergency response problem at this site. The PUD does not address its contribution to that problem. See also item 2. *Where in the project will this space be provided? The first floor would be most accessible to the public.* *Free public parking should be provided in the on-site parking garage on the first floor.*
8. Exceed the minimum landscaping requirements of the City Code.	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. · 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); · 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 · 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).	*It's important to remember that ground-level green space will be reduced by the project.* *The public needs to know the specific details for the size and location of rain gardens and rain harvesting equipment.* The streetscape dimensions, trees, and other plantings appear to be reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects. The choice of species and irrigation are trivial compared with the overall reduction in landscape and open space.
9. Provide for appropriate transportation and mass	· The project will be located along the City's	• The bus stop locations must be confirmed with Capital

Exhibit C - 66

transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.	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. · 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). · Two charging stations for electric vehicles will be provided in the parking garage.	Metro. ZNA's information is that the rapid transit buses will have only 3 stops in the 5 miles from Riverside to Ben White, and a stop is not planned north of Barton Springs Road. The rapid transit buses are scheduled to replace the #3 bus route, so there will likely be only one route stopping north of Barton Springs Road, the 338, which does not go downtown or to UT. This PUD must include a plan to provide transit service appropriate to the increased density. • The suggestion that a rail line might be added to Barton Springs Road is ludicrous. The most recent rail proposals do not include lines south of the river. • The proposed pedestrian improvements do not address the need for a traffic light and pedestrian crossing at Toomey and the difficulty of crossing South Lamar to reach bus stops. • Lee Barton should be reconfigured to handle parking garage traffic. Staff note 7 mentions that egress will not be permitted on South Lamar. The PUD does not address the issue of conflicts at parking garage driveways on either S. Lamar or Lee Barton. • *The public should be allowed to use the electric car charging parking spaces.*
10. Prohibit gates roadways	No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)	
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	· 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. · 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	The building design increases the building mass on Riverside Drive and Lee Barton beyond the WO height limit and blocks much of the unique Lady Bird Lake waterfront view from the Paggi House. See also item 5.

	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. · 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.	
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	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.	• There are probably thousands of commercial properties of similar size in the city with public roadways on three sides. The Waterfront Overlay places no restrictions on the proposed land uses. Therefore there are no special conditions on the site other than the applicant's desire to exploit its location adjacent to Auditorium Shores and Lady Bird Lake to gain additional height, density,and market value. • In 1986 the citizens of Austin codified the Waterfront Overlay to deal with the special circumstances of waterfront properties, specifically to prevent the construction of tall buildings too close to the riverbank. The special circumstances claimed here are addressed in the Waterfront Overlay. The maximum height allowed in this subdistrict of the WO is 60 feet. That is not a special circumstance confined to this property. A desire to bypass city code is not a legitimate reason to pursue a PUD.

Tier I - Additional PUD Requirements for a mixed use development	**Applicant Note**	**ZNA Note**
1. Comply with Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*	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.	Based on what ZNA has seen, the alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar. The streetscape and public plaza dimensions, public access, trees, and open space appear to be much reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 *(Core Transit Corridor Sidewalk and Building Placement).*	As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.	Same as above.
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building.	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).	

Tier II - PUD Requirements	Applicant Note	ZNA Note
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (*Minimum Requirements)*. Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), 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.	The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of nonresidential 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).	*The plan needs to provide the number of square feet of rain garden, rain water collection areas, vegetative filter strips, and bio-filtration.* At least 70% of this open space requirement must be public space on the ground floor. In this case that would be 3,977 square feet. The PUD is providing only 3,000 square feet of public space, and much of that appears to be located in public right-of-way.
2. Environment: a. Does not request exceptions to or modifications of environmen-tal regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may	· This PUD will not request any exceptions or modifications of environmental regulations. · 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. · The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.	e. What is the difference in impervious cover? It appears to be a net increase. f. What are the setbacks from the adjacent waterways? g. Does the PUD meet the Code's minimum waterway and critical environmental feature setbacks? j. Under VMU, WO, and state regulations, service stations are not allowed on the site. Existing businesses may be grandfathered, but new uses would not be allowed. We do not need a PUD here to prevent its use as a gas station.

contribute to air or water quality pollutants. k. Employ other creative or innovate measures.		
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	The project will meet the Austin Green Builder program at a 3-star level.	
4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	The project will provide art approved by the Art In Public Places Program on-site.	
5. Great Streets–Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use)*	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	Drenner indicated that the PUD is not subject to VMU standards either. Does subchapter E differ from VMU standards?
6. Community Amenities –Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	· 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.	• The space should be on the first floor and free public parking should be provided in the on-site parking lot. • Is this in addition to meeting and office space used by the condo association? • Several public and private buildings in the area already provide this service, including the Twin Oaks Library, Austin Elks Club, Mary Lee Foundation, and numerous restaurants—none of which asked for or received any additional zoning entitlements. Also this offer was already used as a ploy to gain PUD entitlements at the nearby 801 Barton Springs Road. So it seems there's no shortage of public meeting space in the area.
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multimodal transportation features not required by code.	· 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. · The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. · 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.	Bike parking provisions in the Code are currently being revised. Does this PUD meet or exceed the proposed changes to the Code? See Tier I items 2 and 9. *Free public showers for bicyclists should be provided.*
8. Building Design – Exceed the minimum points required by the Building Design Options of Section	The project is required to have 1 point (Required Base Point) as listed on the City	In the PUD notes, 5 of the 8 design options appeared to be design elements already required (not optional) under VMU and the city's

3.3.2 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use)*	of Austin Building Design Calculation Worksheet. The project will obtain a minimum of 13 points by providing a variety of design options.	commercial design standards. We need to know more about the "distinct" roof and the "sustainable" roof.
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) (*Waterfront Overlay District Uses)* in ground floor spaces.	· There is no above grade structured parking and no parking for the project that is visible to the public. · 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%.	
10. Affordable Housing –Provides for affordable housing or participation in programs to achieve affordable housing.	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).	Post is proposing to cheat Austin and Zilker out of the 10% at 60% affordability standard required under the VMU overlay. Allowing this project to calculate the affordable units on the delta, in stark violation of the code, will result in a substantially reduced contribution to affordability. The developer of a smaller condo project a couple of blocks to the west committed to provide $500,000 toward affordable housing in the Zilker Neighborhood in 2007, in an effort to meet VMU standards before the VMU ordinance took effect. The comparable contribution from the Post PUD, based on square feet, would be about $1.5 million, but Post appears to be trying to get away with $400,000 or less.
11. Historic Preservation –Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	· 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. · 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	See Tier I items 5 and 11.

	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. · 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.	
12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	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.	See item 10 on affordability.
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.	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.	Is the Paggi House eligible for this rent reduction?

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

R 3/18/2013

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

ERNEST AUERBACH
Your Name (please print)

☐ I am in favor
☒ I object

210 Lee Barton Dr #204 AUSTIN 78704
Your address(es) affected by this application

[signature]
Signature

13 March 2013
Date

Daytime Telephone: 917 545 8186

Comments: The request for change is inconsistent with the approved height of 60'. Greater height + density will diminish values at 210 Lee Barton Drive, increase traffic, + be inconsistent with lower buildings along Town Lake. Zach Theater signs will be blocked.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 73

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

Saundra & Rakesh Jain
Your Name (please print)

☐ I am in favor
☑ I object

210 Lee Barton #602 ATX 78704
Your address(es) affected by this application

Signature 3/15/13 *Date*

Daytime Telephone: 979-417-3402

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

MONICA A GREENWELL
Your Name (please print)

☐ **I am in favor**
☒ **I object**

210 LEE BARTON DRIVE #411 AUSTIN, TX 78704
Your address(es) affected by this application

Signature

3/10/2013
Date

Daytime Telephone: 512-584-3408

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

211 East 7th Street, Suite 818
Austin, TX 78701
512.469.1766

www.downtownaustin.com
www.downtownaustintx.org

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Austin Convention Center

Michele Van Hyfte
Seton Family of Hospitals

Linda Watson
Capital Metro

Daniel Woodroffe
dwg.

Charles Betts
Executive Director

March 25, 2013

Mr. Steve Drenner
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701

Mr. Drenner,

At its March 19, 2013 meeting, the Downtown Austin Alliance Board of Directors voted to support a PUD that would allow 96 feet in height for 211 South Lamar.

Sincerely,

Larry Graham

Larry Graham, Chair

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

JAMES E. COUSAR

DIRECT DIAL: (512) 469-6112
EMAIL: James.Cousar@tklaw.com

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www.tklaw.com

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April 5, 2013

Mr. Steve Drenner
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701

Re: Post-Paggi PUD Application

Dear Mr. Drenner:

This law firm represents Bridges On the Park Condominium Association, Inc. (BOTP), which is made up of the residents of the property immediately to the South of the proposed Post-Paggi PUD ("the PUD"). The developers of the PUD, whom you represent, are seeking a zoning change, and are currently scheduled to present their application to the Waterfront Planning Advisory Board (WPAB) and the Planning Commission during the week of April 8.

After reviewing the PUD application and certain conceptual drawings made available by the applicant, BOTP is prepared to withdraw its opposition to the PUD if the applicant will agree to the following terms and conditions:

1. All structures within the PUD will have a height limit no greater than the height of the Zachary Scott Theater curtain wall structure, as built, or 75 feet, whichever is lower.

2. The PUD will maintain current zoning setbacks of a minimum of ten feet along South Lamar Blvd. and Lee Barton Dr., with sidewalk continuity to the existing sidewalks of BOTP along those streets. On Lee Barton Dr., the sidewalk will begin at the southern boundary of the Paggi House property (owned by the applicant) and extend to the corner of Lee Barton Dr. and West Riverside.

3. For purposes of light, exhaust circulation, and emergency access, the south edge of the PUD structure will maintain a minimum ten foot setback opposite the existing north wall of the unit of BOTP that faces the PUD property. The south facing wall of the PUD structure opposite BOTP will be constructed

with a light reflective surface to be approved by BOTP, such approval not to be unreasonably withheld.

4. The Paggi House grease trap equipment that currently is in the public right-of-way will be removed, and no other private obstruction of the public right-of-way will be permitted adjacent to the Paggi House property.

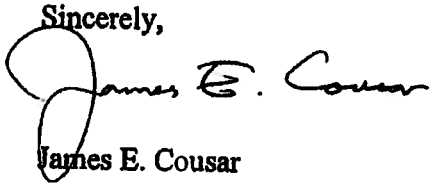
5. The owners of the PUD will agree to support a request to the City of Austin to eliminate parallel parking on the west side of Lee Barton Dr. (except short term commercial vehicle access) and to prohibit U-turns of southbound traffic on South Lamar Blvd. opposite the PUD and BOTP.

6. These provisions (other than 4 and 5) will be incorporated into the PUD ordinance and all will be incorporated into a private restrictive covenant to run with the land and to be enforceable by BOTP. The language of the covenant must be approved by BOTP, and the executed covenant will be held by counsel for BOTP until after Council approval of the PUD in a form no less restrictive than the current application, as modified by these terms, and it will be recorded only after such Council approval. If Council denies a zoning change, the executed restrictive covenant will be returned to applicant's counsel.

A copy of this letter is being provided simultaneously to City staff, to members of the WPAB, to members of the Planning Commission, and to members of the City Council.

We hope these proposals will be acceptable to the applicant and will form the basis of a long term, amicable relationship between the residents of BOTP and their new neighbors to the north.

Sincerely,



James E. Cousar

c: Members, Waterfront Planning Advisory Board
Members, Planning Commission
Mayor and City Council
Lee Heckman
Members, BOTP Board of Directors

April 5, 2013

City of Austin Waterfront Planning Advisory Board Members:

This letter is to inform you that the Bouldin Creek Neighborhood Association (BCNA) Steering Committee, is in support of the Zilker Neighborhood Association, the Bridges on the Park Condominium Association, and the Zachary Scott Theater Board of Trustees Executive Committee, in our strong opposition to the proposed up-zoning for 211 S. Lamar Blvd., **(Case Number C814-2012-00160**) and requests the Board reject the requested zoning for the following reasons:

- **The proposed site of less than one (1) acre does not meet the minimum requirement (Tier 1) for planned unit development (PUD) zoning.** PUDs were intended for large, complex projects of ten (10) acres or more. No mitigating circumstances on this site justify exemption from that minimum requirement, other than the developer's desire to maximize square footage and profit, at the expense of adjacent residents, City park-goers, and commuters. This proposal privatizes gain and socializes costs.

- **This proposal makes only token gestures at the community benefits required of such up-zoning and its accompanying entitlements.** It provides no on-site affordable housing component, which discourages ethnic diversity and widens the Social-Economic-Status (SES) gap between the current economically and racially diverse residents which characterize our Downtown and central neighborhoods.

- **The proposal would add nothing to public transit access that doesn't already exist**. It adds no pedestrian-oriented retail or other commercial use that could not be provided under existing base zoning and IS provided by adjacent similarly-zoned properties. The proposed open "public" spaces are proportionally no greater than those voluntarily provided by adjacent properties. Preserving mature or heritage trees where possible should be expected of any responsible development— especially in light of the mounting evidence of climate change.

- **The proposed up-zoning would fly in the face of the Waterfront Overlay—**which was adopted by the City of Austin to protect the waterfront from exactly the type of over-development and walling off proposed within this project. The Waterfront Overlay's clearly-defined maximum setbacks and building heights ensure enjoyment of the waterfront, its open spaces and view corridors for future generations of Austinites. Those limits must be respected if our city is to enjoy the qualities that make life here so enjoyable and marketable. Additionally, the proposed structure creates looming heights which will overshadow parkland and adjacent private properties.

- **Additional density in this delicate area would exacerbate already severe traffic burdens** - Traffic already is congested on Lamar Boulevard and the historically significant Lamar Bridge. The proposal would add traffic on Riverside Drive, which bisects our City's crown jewel public park, creating safety risks for large public events and daily use of the park.

In conclusion, the proposed development does not meet PUD minimum standards and the costs of this proposal to current residents clearly outweigh any tax-base benefits from the density increase. Density in itself is no public benefit when it only reduces people's access to and enjoyment of public and private assets, decreases their safety in transit, and increases their travel time. We hope you will consider all aspects, current and future, of this proposed development not only on its impact to the tax-base but also to the quality of lives of all Austinites who traverse this major intersection.

Thank you, board members, for your public service and for your consideration in this important matter.

Sincerely,

Cyndi Collen

Cyndi Collen, President
Bouldin Creek Neighborhood Neighborhood Association

Exhibit C - 79

Bouldin Creek Neighborhood Association * P. O. Box 3683 * Austin, Texas 78764
Email: prez@bouldincreek.org

To: Planning Commissioners

From: Mandy Dealey, Planning Commissioner 2005-2012
Chair, Waterfront Overlay Task Force, 2008

I can't be at your meeting, but there are a couple of things I want to bring to your attention in regard to the Paggi House case you are hearing tonight.

- When Zach Scott wanted to build their new theater, which violated the height limits for that part of the waterfront, there was a lot of concern that if that were granted, it would open the door for other tall buildings to be allowed in that sensitive area. But the Planning Commission, (and I was a member at that time) and later the City Council, agreed that Zach Scott is such a community asset, not just an amenity, that the additional height was granted. In doing so, however, there was a covenant made with the community that it was a unique situation and an exception, not a first step toward greater height. This understanding was so strong that the Council clearly instructed the City Manager that this was not to be considered a precedent for taller buildings in that area, and included that direction in the ordinance that granted the additional height for Zach Scott's new theater. I have attached that ordinance to this letter.

- Recognizing the unique character that makes Lady Bird Lake in irreplaceable asset for the City of Austin, the City Council commissioned the Town Lake Corridor Study, led by architect Larry Speck. It made specific recommendations about protecting the waterfront which were then codified and made a part of the Land Code for the City.

  Over time, in a rewrite of the City Code, some of those protections seem to have been lost. As a result the Council formed the Waterfront Overlay Task Force which included, among others, current and former Planning Commissioners; I served as chair. Our recommendations emphasized the need for protection of the waterfront and led to the creation of the Waterfront Advisory Commission, whose charge it is to

  Provide recommendations to the council and city boards that assist in promoting excellence in design, development and protection of the City's waterfront; and help provide harmonious interaction and transition between urban development and the parkland and shoreline of Lady Bird Lake and the Colorado River. Provide recommendations on: project-level recommendations regarding proposed development within the Waterfront Overlay (WO) combining district, as required under Section 25-2-715 (Review and Recommendation of the Waterfront Planning Advisory Board). Planning-level recommendations regarding proposed amendments impacting the WO combining district, as required under Section 25-2-715 (Review and Recommendation of the Waterfront Planning Advisory Board.) Section 2-1-187 of the City Code.

  Specifically, in relation to the case you are considering tonight, I hope you will pay close to their recommendation not to grant any additional entitlements to this project. There is no way that ground floor retail and a contribution to the affordable housing fund can compensate for the loss of character at this critical intersection. And once it is lost, I don't know how it possibly can be retrieved or replicated.

I urge you, as strongly as I can, to keep faith with the community, for now and generations to come, and deny any additional entitlements to this project.

ORDINANCE NO. 20080724-082

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC PERFORMING ARTS THEATER.

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

PART 1. City Code Section 25-2-531 (*Height Limit Exceptions*) is amended to add a new Subsection (G) to read:

(G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*) The fly tower must be

(1) located on land owned by the City of Austin, and

(2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

PART 2. The city council finds that public performing arts theaters of sufficient size to include a fly tower for moving set pieces, lights, microphones and other equipment on and off stage generally provide significant community benefits

PART 3. The city council directs the city manager not to consider the height of a fly tower granted a height exemption under Part 1 of this ordinance as a factor in any recommendation regarding height entitlements for structures in the surrounding area

PART 4. This ordinance takes effect on August 4, 2008.

PASSED AND APPROVED

July 24, 2008 § Will Wynn
§ Mayor
§

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A Gentry
City Clerk

CANTILO & BENNETT, L.L.P.

ATTORNEYS & COUNSELORS

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Telephone: (512) 478-6000 **Facsimile: (512) 404-6550**

July 31, 2013

VIA E-MAIL

The Honorable Lee Leffingwell (lee.leffingwell@austintexas.gov)
The Honorable Sheryl Cole (sheryl.cole@austintexas.gov)
The Honorable Mike Martinez (mike.martinez@austintexas.gov)
The Honorable Laura Morrison (laura.morrison@austintexas.gov)
The Honorable Chris Riley (chris.riley@austintexas.gov)
The Honorable Bill Spelman (bill.spelman@austintexas.gov)
The Honorable Kathie Tovo (kathie.tovo@austintexas.gov)

City of Austin, Texas

Re: Opposition to C814-2012-0160 (PUD Application for 211 South Lamar)

Dear Mayor Leffingwell and Members of the City Council:

I write in my individual capacity as a member of the Zilker Neighborhood Association ("ZNA"), following in the footsteps, and in support, of ZNA's previously communicated opposition to the above-referenced application for rezoning of a property as a planned unit development ("PUD") (the "Application").[1]

Much of the debate in this case has focused on whether the Application satisfies various Tier 1 and Tier 2 provisions of the PUD Ordinance. For purposes of this letter, I focused my attention on the 10-acre minimum size requirement and the issue of spot zoning, both of which have been noted by a number of opponents.[2] I reviewed the Application, the City's comprehensive zoning plan[3] (including the PUD Ordinance[4]), and applicable law. As discussed below, it is my opinion that the City Council lacks authority to approve the Application for at least the following reasons: (1) it is undisputed that the property does not meet the 10-acre minimum requirement for PUD zoning; (2) neither Code Sections 25-2-472 and 25-2-144, nor Sections 1.2 or 2.2(B) of the PUD Ordinance, permit Council to waive the 10-acre requirement;

[1] I do not represent any person or organization as counsel in this case.
[2] To my knowledge, no extensive legal analysis of the 10-acre issue or the spot zoning issue has previously been made part of the public record on the Application.
[3] Chapter 25-2 of the City Code.
[4] As used herein, the term "PUD Ordinance" refers to Austin City Code Chapter 25-2, Division 5, Sections 1.1 through 2.5.7, whereas the term "amendatory PUD ordinance" refers generally to any ordinance approving PUD rezoning for a particular property.

(3) the Board of Adjustment could not, pursuant to Section 25-2-474, grant a variance from the 10-acre requirement under the facts of this case; and (4) approval of the Application would constitute illegal spot zoning.[5]

Texas Two-Step: The PUD Rezoning Process

"Zoning regulations must be adopted in accordance with a comprehensive plan." Tex. Local Gov't Code § 211.004(a) (2013). The rezoning of a property to PUD zoning, pursuant to the comprehensive zoning plan, is a two-step process:

> Under new zoning procedures, which may be referred to as "specific use permits" and as "planned unit developments," a city may leave certain areas free of rigid zoning conditions and regulations. A landowner wishing to develop such an area usually works with the city's planning staff to prepare a site plan that provides the specific uses, conditions, and regulations for that tract. These may include, among other things, the type of use, required acreage, design of improvements, open space, and traffic accessibility.
>
> . . . .
>
> The method of zoning in question has been described as a two-step ordinance. The first step is an ordinance adopting a generalized plan for development. The second step occurs when a developer submits a precise and detailed development plan, which is approved and adopted by a second ordinance.[6]

Adoption of Austin's PUD Ordinance as part of its comprehensive zoning plan was the first step. The second step is when the City Council, after concluding that an application meets the requirements of the PUD Ordinance, amends its comprehensive zoning plan by enacting an amendatory PUD ordinance rezoning the qualifying property from its original base zoning district to a PUD base zoning district. PUD zoning has been referred to as a "floating zone device."[7]

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[5] Presumably, much of that time and effort that various persons have devoted to preparing, submitting, and reviewing the Application will still be relevant to any proposal for non-PUD use of the property that the owner and applicant might wish to pursue consistent with the requirements of the CS Base District, the V Combining District, the Butler Shores Subdistrict, and the Waterfront Overlay District.

[6] Texas Attorney General Opinion No. JM-493 (May 19, 1986) (citing Donald G. Hagman, *Urban Planning and Land Development Control Law* 460 (1975)); *see also* Patricia E. Salkin, *American Law of Zoning* 24:11 (5th ed. 2008) (describing the two-step PUD process in American zoning law).

[7] Salkin, *supra* note 6, at 24:11.

One, Two, ~~Buckle Your Shoe~~ to Thine Own Code Be True

The PUD Ordinance, at Chapter 25-2, Division 5, Section 1.2, provides:

> The council retains the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed by this division.[8]

Despite this expansive language, the Council does not have unbridled authority to enact an ordinance approving PUD rezoning where the proposed development would not satisfy the requirements of the PUD Ordinance. In a non-PUD case, the Texas Supreme Court set forth four legal criteria against which a city's amendment of its zoning ordinances may be judged, in order to "help. . . restrain arbitrary, capricious and unreasonable actions by city legislative bodies; improve the quality of the legislation; assist in eliminating ad hoc decisions, and focus the evidence from interested parties upon the real issues."[9] The first of criterion is:

> First: A comprehensive zoning ordinance is law that binds the municipal legislative body itself. . . . The legislative body does not, on each rezoning hearing, redetermine as an original matter, the city's policy of comprehensive zoning. The law demands that the approved zoning plan should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose. The duty to obey the existing law forbids municipal actions that disregard not only the pre-established zoning ordinance, but also long-range master plans and maps that have been adopted by ordinance. The adoption of a comprehensive zoning ordinance does not, however, exhaust the city's powers to amend the ordinance as long as the action is not arbitrary, capricious and unreasonable.[10]

The above-quoted criterion should apply to an amendatory PUD ordinance, because it results in a rezoning. Thus, applying that criterion to any particular amendatory PUD ordinance, it may be said that:

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[8] *See also* Zoning Change Review Sheet, Case No. C814-2012-0160, 211 South Lamar PUD, updated for CC June 20, 2013 (hereinafter "Staff Report") at 10 ("City Council . . . has the authority and discretion to determine whether PUD zoning is appropriate—regardless of whether the proposed development meets the standards prescribed by the Tier 1 or 2 requirements of a PUD").

[9] *City of Pharr v. Tippitt*, 616 S.W.2d 173, 176 (Tex. 1981).

[10] *Id.* at 176-77; *see also* Salkin, *supra* note 6, at 24:13 ("An ordinance creating a [PUD] enjoys the same presumption of validity as is generally accorded to zoning amendments. But the legislative body may not act in an arbitrary manner").

- The PUD Ordinance binds the Council itself;

- Although the Council may amend the City's comprehensive zoning ordinance in granting a PUD application, the Council may not do so by simply disregarding the standards of the pre-established PUD Ordinance;

- The Council does not, on each PUD application, redetermine as an original matter what the City's requirements should be for granting a PUD application;

- The law demands that the approved PUD Ordinance should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose;

- The duty to obey the existing PUD Ordinance forbids Council actions that disregard the pre-established PUD Ordinance; and

- The adoption of the PUD Ordinance does not, however, exhaust Council's power to amend the PUD Ordinance as long as the amendatory action is not arbitrary, capricious, and unreasonable.

A treatise on American zoning laws describes in like fashion the limits on a municipal legislative body's ability to approve PUD rezoning:

> General approval of the floating zone device does not, of course, guarantee judicial approval of every floating zone which creates a [PUD]. It is necessary to consider the features of approved ordinances which the courts [have] regarded as essential to validity . . . . These features appear in essentially all [PUD] legislation. . . . A [PUD] district may not be created unless the standards are met and the purposes of the ordinance are served. Planned unit development districts commonly are not authorized unless the applicant has assembled a large tract of land. This size element takes the planned unit development beyond reach of a challenge as spot zoning. . . . A district may not be created unless the standards are met and the purposes of the ordinance are served.[11]

Another commentator has observed that when rezoning as a PUD is approved in accordance with the PUD standards of a comprehensive zoning ordinance, "this prevents the

[11] Salkin, *supra* note 6, at 24:11.

development from appearing to be a private deal cut for a particular 'aspiring developer.'"[12] If Section 1.2 could grant Council the unrestricted power to amend the comprehensive zoning plan by rezoning as a PUD any particular property, anywhere in the City, for any reason or no reason, regardless of whether the proposed development meets the standards of the PUD Ordinance, that effectively would accomplish an end run around the above-quoted criterion for evaluating rezoning actions. "The usual ground [for challenging a city's ordinance regulating the PUD application process] is that the . . . ordinance lacks adequately detailed standards for municipalities to . . . decide whether to grant or deny applications brought under their aegis."[13] Section 1.2, if valid, would render the detailed standards of the comprehensive PUD Ordinance completely illusory and effectively lacking, in that those requirements could be totally disregarded by Council. Section 1.2 therefore appears subject to judicial challenge as unlawfully running afoul of the requirement that zoning be conducted pursuant to a comprehensive plan.[14]

Section 2.2(B) of the PUD Ordinance provides that the Council may "waive or modify a requirement" if: (1) the amendatory PUD ordinance[15] identifies the waiver or modification; *and* (2) the Council finds that: (a) the resulting development would achieve greater consistency with the goals enumerated in Section 1.1 (General Intent) than development that would occur without the waiver or modification;[16] *and* (b) the adverse effects of the waiver or modification are offset by other enforceable requirements; *and* (c) the objective of the waived or modified requirement is substantially achieved. Thus, unlike Section 1.2, Section 2.2(B) provides *some* standard for waiving or modifying the requirements of the PUD Ordinance. However, Section 2.2(B) does not permit the Council to waive the 10-acre requirement for a 0.993 acre property, because neither requirement 2(b) nor requirement 2(c) would be met.

For purposes of Subsection 2.2(B)(2)(b), the adverse effects of the waiver or modification are *not* offset by other enforceable requirements. In this case, one of the primary potential adverse effects of waiving the 10-acre requirement is that, in Staff's opinion, this would permit the proposed development to have a requested height of 96 feet rather than the 60 feet maximum permitted under current base district zoning and the Waterfront Overlay. No other enforceable requirement(s) would compensate for this adverse effect of the waiver (*i.e.*, the adverse effect of the increased 36 feet in height on "the harmonious interaction and transition between urban development and the park land and shoreline of Town Lake and the Colorado River" which the

[12] Barlow Burke, *Understanding the Law of Zoning and Land Use Controls* 12:04 (2002).
[13] *Id.* at 12:04[C].
[14] Tex. Local Gov't Code § 211.004(a) (2013) ("Zoning regulations must be adopted in accordance with a comprehensive plan").
[15] Section 2.2(B)(1) uses the term "PUD ordinance," which in context appears to refer to what this letter refers to as an amendatory PUD ordinance. *See supra* note 4.
[16] The goals enumerated in Section 1.1 are: "preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services."

Waterfront Overlay is intended to promote).[17] As a matter of logic, the only way to "compensate" for adding 36 feet of height would be to delete 36 feet of height from some other part of the building (or perhaps to drape an invisibility cloak over the top 36 feet).

For purposes of Subsection 2.2(B)(2)(c), one objective of the 10-acre minimum requirement for PUDs is taking the PUD beyond reach of a challenge as spot zoning.[18] A second objective is requiring developers of smaller properties to use conventional zoning regulations, which should provide for adequate development thereof.[19] Waiving the 10-acre minimum would not substantially achieve either of those objectives.

If the PUD Boot Doesn't Fit, Applicants Shouldn't Try to Wear It: Minimum Acreage

"A [PUD] is . . . commonly approved where a large tract of land is owned by a governmental agency or a private developer or developers capable of insuring the improvement of the entire area within guidelines established by the municipality."[20] "[T]he PUD is a technique for developing large tracts of land so that the land is best utilized for the collective benefit of an area's residents."[21] "A PUD application is typically only available to land owners holding a minimum contiguous acreage, say, ten or more acres, located in pre-determined use districts."[22]

The Austin City Code incorporates this common requirement for PUD zoning. As the Planning and Development Review Department's Internet page explains:

> The minimum size generally considered appropriate for a PUD is ten acres. Absent unique or special topographic constraints or other exceptional circumstances affecting the property, creation of a PUD is not justified for development of tracts of less than ten acres since conventional zoning regulations should provide for adequate development.[23]

City Code § 25-2-144 (Planned Unit Development (PUD) District Designation) provides in relevant part:

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[17] *See* Section 25-2-175(A) ("The purpose of the waterfront overlay (WO) district is to promote the harmonious interaction and transition between urban development and the park land and shoreline of Town Lake and the Colorado River").
[18] *See supra*, note 11 and accompanying text; *infra* notes 34, 35, 40 & 41 and accompanying text.
[19] *See infra*, note 23 and accompanying text.
[20] Salkin, supra note 6, at 24:7.
[21] Patrick J. Rohan, *Zoning and Land Use Controls* 32.01[2] (1991).
[22] Burke, *supra* note 12 at 12.04.
[23] http://www.austintexas.gov/faq/planned-unit-development-pud-what-it.

(D) A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

It is undisputed that the property which is the subject of the Application is 0.993 acres, less than one-tenth the minimum size required to be considered for PUD zoning. As discussed above, neither Section 1.2 nor Section 2.2 permits waiver of the Application's non-compliance with the 10-acre minimum requirement for PUD zoning. As discussed below, only the Board of Adjustment, not Council, may consider a "special circumstances" waiver from the 10-acre minimum for a PUD, and there are no "special circumstances" in this case. Perforce, the Council may not approve the Application without disregarding the 10-acre requirement arbitrarily, capriciously, and unreasonably.[24]

Walking in Someone Else's Boots: Only the Board of Adjustment May Grant a Section 25-2-144(D) Variance

Although Section 25-2-144(D) does not use the term "variance," it effectively purports to authorize the City Council to grant a variance from the 10-acre requirement. A variance is a suspension of the operation of a zoning ordinance under certain conditions, allowing relief from the rigidity of an ordinance where, "owing to special conditions, a literal enforcement of the provisions contained in the ordinance will result in unnecessary hardship."[25] "The spirit of the ordinance must be observed and the public interest must be served by the variance."[26] As a commentator has written:

> A variance allows the applicant to depart from the standard rules. Variances were included in the model [zoning] act to alleviate "unnecessary hardship," which typically refers to hardship inherent in the physical characteristics of the land. For example, a preexisting lot of 9,500 square feet in a zone requiring a 10,000-square-foot minimum lot size would be a good candidate for a variance. . . . [T]he variance is supposed to alleviate hardship that is inherent in the piece of land, not a hardship created by the owner's error in paying too much for the parcel.[27]

Section 25-2-472 provides in relevant part: "The Board of Adjustment shall hear and decide a request for a variance from a requirement of this chapter . . . except as otherwise provided by the Code." Staff effectively construes Section 25-2-144(D) as authorizing the City

[24] *See supra* note 10 and accompanying text.
[25] Texas Attorney General Opinion No. JM-493 at 2 (May 19, 1986) (citing cases), available at https://www.oag.state.tx.us/opinions/opinions/47mattox/op/1986/pdf/JM0493.pdf.
[26] *Id.*
[27] Frank S. So, Editor, *The Practice of Local Government Planning* 259 (2d. Ed. 1988).

Council to grant variances from the 10-acre requirement.[28] But Local Government Code section 211.008(a) provides that it is the Board of Adjustment which, "in appropriate cases and subject to appropriate conditions and safeguards, [is authorized] to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance." The Texas Attorney General has opined that "the governing body of a municipality that has adopted a comprehensive zoning plan cannot—consistent with the regulatory statutes—act as a zoning board of adjustment pursuant to a local ordinance."[29] "A city may not, consistent with the general municipal zoning enabling statutes, require that any requests for a variance be directed to the city council rather than the board of adjustment."[30] Section 25-2-472 and Section 25-2-144(D) are unlawful attempts to direct that certain requests for variances be directed to the City Council rather than to the Board of Adjustment.

The Application Cannot Be Shoe-horned into a "Special Circumstances" Variance

As quoted above, the City Code provides only one example of special circumstances (*i.e.*, topographic constraints). In its Superiority Chart dated January 1, 2013, the applicant addressed the 10-acre minimum by attempting to invoke "special circumstances," asserting:

> 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.[31]

The Staff Report's Basis for Land Use Recommendation evaluated the applicant's assertion of special circumstances as follows:

> [A] Tier 1 requirement states that all PUDs must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. There is no truly unique topography on the site, as it is relatively flat. However, it is surrounded on three sides by public right-of-way, and public parkland beyond those rights of way. It is further constrained on the

[28] Staff Report at 10 ("But again, this assessment of special circumstances is subject to Council deliberation").
[29] Texas Attorney General Opinion No. JM-1069 at 7 (July 7, 1989) (discussing authorities), available at https://www.oag.state.tx.us/opinions/opinions/47mattox/op/1989/pdf/JM1069.pdf.
[30] Office of the Attorney General of the State of Texas, Letter Opinion No. 97-062 at 5 (July 7, 1997) (discussing authorities), available at: https://www.oag.state.tx.us/opinions/opinions/48morales/lo/1997/pdf/lo1997062.pdf.
[31] Staff Report at Exhibit D-62.

> fourth side by an existing historical site and a recently constructed condominium project. There is simply no feasible way for a property to expand in terms of acreage. Even if the entire block were somehow incorporated into a redevelopment project, the acreage involved would be only 3.26 acres. Staff thinks the existing infrastructure, public property and private property constraints do characterize the property with special circumstances.[32]

In essence, the applicant argues (and Staff agrees) that special circumstances warrant a variance from the 10-acre requirement because the owner purchased a piece of property that is (much) less than 10 acres in size. Under that logic, any property of less than 10 acres would *ipso facto* qualify for the "special circumstances" exception (*i.e.*, a variance). Such an interpretation of a "special circumstances" exception (*i.e.*, variance) would swallow the 10-acre rule.

As discussed above, only the Board of Adjustment may consider a request for a variance, but it could not grant the Application a variance from the 10-acre requirement consistent with the standards set forth in Section 25-2-474. Moreover, as discussed below, variances are not intended to allow gross departures from the standards required by the comprehensive zoning ordinance, in order to benefit a private developer (*e.g.*, by waiving the 10-acre minimum for PUDs in order to permit a developer to increase the height of a proposed condominium development on a 0.993 acre property from 60 feet to 96 feet).

Don't Step in It: How to Avoid "Spot Zoning"

In a case predating PUDs, the Texas Supreme Court described the standard for judicial review of municipal zoning changes as follows:

> The City had the power to enact the basic zoning ordinance, and to amend it, if a public necessity demanded it. While the presumption would be that the enactment of the amendatory ordinance was valid, that presumption disappears when the facts show and it was determined by the court that the City acted arbitrarily, unreasonably, and abused its discretion; that the ordinance is discriminatory and violates the rights of petitioners under the basic ordinance, and does not bear any substantial relation to the public health, safety, morals or general welfare; that it "constitutes unjustifiable spot zoning"; and that the ordinance is void.[33]

A few decades later, in another non-PUD case, the Texas Supreme Court explained spot zoning as follows:

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[32] Staff Report at 10.
[33] *Weaver v. Ham*, 149 Tex. 309, 232 S.W.2d 704, 709 (1950) (citations omitted).

> The term, "spot zoning," is used in Texas and most states to connote an unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions. . . . Spot zoning is regarded as a preferential treatment which defeats a pre-established comprehensive plan. It is piecemeal zoning, the antithesis of planned zoning.[34]

On the relevance of the property's size to a "spot zoning" inquiry, the Texas Supreme Court has noted: "The size of a rezoned tract in relation to the affected neighboring lands has been said by some authorities to be the most significant consideration in rezoning."[35]

In 2010, the Austin Court of Appeals rejected a "spot zoning" challenge to a PUD rezoning by the City of Round Rock.[36] In that case, two separate PUDs, one consisting of a 17.889 acre tract and the other consisting of a 9.04 acre tract, were rezoned from another PUD that, prior to the rezoning, consisted of a 194 acre tract.[37] The opinion in that case quotes the Texas Supreme Court's definition of spot zoning as an "unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in condition."[38] However, undoubtedly because of the size of the tracts at issue, the opinion does not indicate that any party based its spot zoning allegation on a "small tract" argument.[39] Indeed, a treatise on zoning notes that "[a PUD] usually embraces so large an area that the argument of spot zoning lacks force."[40] The same treatise explains:

> [PUDs] commonly are not authorized unless the applicant has assembled a large tract of land. This size element takes the planned unit development beyond reach of a challenge as spot zoning.[41]

The above-discussed cases and treatises suggest that a 10-acre minimum is a generally accepted dividing line between a PUD rezoning that is unassailable (at least on the basis of size) and one that is subject to potential judicial attack as the spot zoning of a small tract. The size of the Application's property is well below that demarcation.

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[34] *Tippitt*, 616 S.W.2d at 177 (citations omitted).
[35] *Id.* (citations omitted).
[36] *2800 La Frontera No. 1A, Ltd. v. City of Round Rock*, No. 03-08-00790-CV, 2010 Tex. App. LEXIS 243, at *25-32 (Tex. App.—Austin, Jan. 12, 2010).
[37] *Id.* at *1-4.
[38] *Id.* at *26.
[39] *See id.* at *25-32.
[40] Salkin, *supra* note 6 at 24:19.
[41] *Id.* at 24:11.

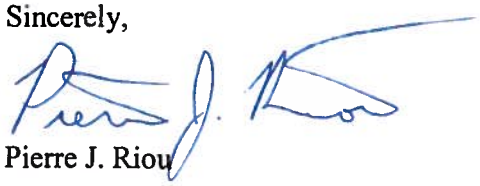
The City Need Not, Indeed May Not, Continue Down the Wrong Path

In concluding that granting the Application would *not* constitute spot zoning, Staff notes that other properties of less than 10 acres have, over the past six years, been rezoned as PUDs.[42] The implication seems to be that the Application should be exempted from the 10-acre requirement as other applicants have been. However, "the zoning laws of a city may not be changed by unauthorized . . . changing of zoning maps."[43] "A municipality may not be estopped by unauthorized acts of its officials which conflict with a city ordinance."[44] As discussed above, the City's comprehensive zoning plan (which includes the PUD Ordinance) does not authorize approval of a PUD of less than 10 acres absent special circumstances. Therefore, even if none of the previously approved PUDs of less than 10 acres qualified for and were granted a special circumstances from the Board of Adjustment, the City is not required to continue down the wrong path of granting unauthorized waivers in conflict with the requirements of the PUD Ordinance. On the contrary, as discussed above, the PUD Ordinance binds the Council itself, which may not amend it arbitrarily, capriciously, and unreasonably.

Give Post Paggi the Boot: As a Proposed PUD, It's a Dud

Notwithstanding recommendations for approval by various City departments and the Planning Commission (by a vote of 5-3), my opinion is that the Council lacks authority under the law to approve the Application.

Sincerely,



Pierre J. Riou

PJR:jmw

cc: Mr. Lee Heckman (lee.heckman@austintexas.gov)

[42] Staff Report at 10-11.
[43] *City of Hutchins v. Prasifka*, 450 S.W.2d 829, 836 (Tex. 1970).
[44] *City of San Marcos v. McDonald*, 700 S.W.2d 674, 677 (Tex. App.—Austin 1985, no writ).

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December 19, 2012

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

Via Hand Delivery

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

Mr. Guernsey:

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

A Development Assessment application was submitted for the Property on October 26, 2012, and reviewed by City Council on December 13, 2012. Attached for your review are the final comments from City staff.

The proposed project will contain approximately 175 for-sale condominium dwelling units or high-end apartment units and 11,000 square feet of retail, restaurant and other pedestrian oriented uses. The Traffic Impact Analysis (TIA) has been waived as the proposed redevelopment does not exceed the thresholds established in the Land Development Code as indicated in the attached TIA waiver executed by Ivan Naranjo dated December 12, 2012. The executed TIA waiver indicates that the residential component of the project will consist of multifamily units. It is the intent of the developer to construct condominium units or high-end apartment units (multifamily units were used as a precaution in the TIA waiver as they generate more traffic).

SCANNED

Exhibit D - 1

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

As described in the attached superiority chart, the proposed PUD meets or exceeds all Tier I and Tier II requirements as defined in the Land Development Code, thus resulting in a superior development that could not be achieved via conventional zoning. An updated superiority chart addressing staff concerns from the Development Assessment is attached for your review.

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

Code Requirement	Proposed PUD Requirement
Maximum Height: 60 feet	Maximum Height: 96 feet
Minimum Front Yard Setback: 10 feet	Minimum Front Yard Setback: 0 Feet
Minimum Street Side Yard Setback: 10 Feet	Minimum Street Side Yard Setback: 0 Feet
Maximum FAR: 2:1	Maximum FAR: 5.3:1
Open Space: Not more than 30% of required open space may be located above ground level.	Open Space: Decks, Balconies, patios, and water quality facilities, such as rain gardens, rainwater collection areas, vegetative filter strips, bio-filtration and porous pavement for pedestrian use, shall be included as open space. Planting zone and supplemental zone will also count toward meeting the open space requirements. All of the open space on the ground floor and all upper floors will be credited toward meeting the minimum open space requirement.
TCM 9.3.0 #3 (Loading): Maneuvering areas for loading facilities shall not conflict with parking spaces or with the maneuvering areas for parking spaces. Public right-of-way shall not be used for maneuvering. All maneuvering shall be contained on-site.	Modification of TCM 9.3.0 #3 (Loading) to allow: 1. A 10 x 30 x 13 area located on Lee Barton as shown on the Land Use Plan that can be used for on-street loading or valet drop-off. 2. Maneuvering in the right-of-way along Lee Barton.

SCANNED

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

Very truly yours,

Amanda Swor

Amanda Swor
Project Manager

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

SCANNED

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier I Requirement	Compliance	Superiority
1. Meet the objectives of the City Code.	Yes.	The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the 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 consistent with pedestrian and cyclist use. In addition, the project complies with Subchapter E, supports affordable housing initiatives, helps preserve a historic structure, preserves on-site trees and creates both a sustainable and architecturally interesting building.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	▪ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton 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. ▪ 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, 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. ▪ Given the location of the project, adequate public facilities and services are generally found in the area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department. 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 proposed off-site improvements include additional sidewalks along Lee Barton and Riverside Drive as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. Finally, this project will include City of Austin bike share facilities in the public plaza area. ▪ See additional notes referenced in this chart for other terms described herein.
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: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.	Yes.	The PUD is required to provide 5,364 square feet of open space to meet the 10% of residential tract requirement and 20% of nonresidential tract requirement within the PUD. As detailed under Tier II, 1, the project will provide at least 15,000 square feet of public and private open space.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

4. Comply with the City's Planned Unit Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level (note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).
5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	The project is in compliance with all aspects of the Waterfront Overlay other than height and the project does not exceed the Butler Shores Subdistrict maximum. The PUD respects the historic property on its southern border, as well as the adjacent Bridges condominium project, by having the "U" opening towards the historic property and Bridges project and including a step down in height as it approaches the southwest property line. A neighborhood plan has not been adopted for this area.
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements and utilize the best designs possible. The project will also preserve several trees on site via excessive setbacks that would not be saved with a project developed under the standard Code regulations.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	Yes.	The project will provide 1,000 square feet 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 use as determined by the Department.
8. Exceed the minimum landscaping requirements of the City Code.	Yes.	The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program. 1. 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); 2. 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 3. 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).
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.	The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include 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 and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton (crossing Riverside Drive). Additionally, the project is situated in close proximity to three types of mass transit: 1) Two Cap Metro bus routes are on the same block as the project; 2) Bus Rapid Transit is scheduled to travel along South Lamar Boulevard; and 3) Future Urban Rail plans show a line which terminates mid-block on Barton Springs Road. That location is within easy walking distance of the project.
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 presidents will be gated.
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	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. The proposed project will permanently provide code required parking for the Paggi House property in an adjacent parking garage structure. 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. 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.
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	Yes.	The property is characterized by special circumstances. The PUD is surrounded by roadways on three sides and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height is through the PUD process.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier I - Additional PUD Requirements for a mixed use development	**Compliance**	**Superiority**
1. Comply with Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*	Yes.	The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance. The planned unit development as approved meets 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).
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 *(Core Transit Corridor Sidewalk and Building Placement).*	Yes.	The PUD complies with Core Transit Corridor sidewalk and building placement requirements.
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) 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.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier II Requirement	Compliance	Superiority
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (*Minimum Requirements*). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Yes.	The open space in the PUD will exceed the elevated open space standards, taking into account the porch and plaza areas, amenity areas and balconies. To meet the additional 10% of open space, the PUD is required to provide 5,901 square feet of open space (note: This is an increase of 537 square feet above the Tier I requirement). This project will provide a minimum of 15,0[illegible] square feet of open space generally located as follows: a) 3,000 square feet of public open space on the ground floor; and b) 12,000 square feet of private open space on levels above the ground floor. Additionally, the PUD will enhance connectivity to the existing trail system by constructing pedestrian improvements above those required by Code in off-site areas to allow safe access from Lee Barton to Lady Bird Lake and adjacent parkland. No additional right-of-way will be required for construction of the pedestrian facilities.
2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family	Yes.	This PUD will not request any exceptions or modifications of environmental regulations. The project will also provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart d through the use of rain gardens and bio-filtration areas.

density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may contribute to air or water quality pollutants. k. Employ other creative or innovate measures.		
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	Yes.	The PUD will meet the Austin Green Builder program at a 3-star level.

4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The PUD will provide art approved by the Art In Public Places Program on site.
5. Great Streets – Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use)*	Not applicable.	The PUD is subject to and will comply with the requirements Subchapter E standards.
6. Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	The PUD will provide 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 the same basis as residents of the project are allowed to use such facilities.
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	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 facility" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide off-site pedestrian improvements along Lee Barton and Riverside Drive to increase the walking connectivity in the general area of the site.
8. Building Design – Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E	Yes.	The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet.

(Design Standards and Mixed Use)		The project will obtain a minimum of 13 points by providing the Design Options listed below: ▪ 3 Star rating under the Austin Green Building Program – **3 points** ▪ The project will have 2 linear stores in the project ground floor retail – **2 points** ▪ The project will have façade articulation through a use of change in materiality, repeating pattern of wall recesses and projections, or a change in plane – **1 point** ▪ A primary entrance will be demarked by integral planters, enhanced exterior light fixtures, and architectural details – **1 point** ▪ The project will have a distinct roof design – **1 point** ▪ 100% of the glazing used on the ground floor façade facing streets or parking will have a Visible Transmittance of 0.6 or higher – **1 point** ▪ 75% of the facade facing the principal street will be storefront with a minimum of 2 separate entrances – **2 points** ▪ The project will have a sustainable roof as outlined in Sub chapter E – **2 points**
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) (*Waterfront Overlay District Uses)* in ground floor spaces.	Yes	There is no above grade structured parking for the project that is visible to the public at the ground floor level from the western, northern or eastern sides of the project.
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: The applicant has assumed that all affordable housing options will be calculated on the delta between what the applicant proposes to build and what could be built pursuant to existing zoning and existing applicable site development regulations).

11. Historic Preservation – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	Parking for the adjacent historic Paggi House shall be provided in the project's parking garage. As long as the Paggi House remains a restaurant use, 38 parking spaces for the Paggi House will be provided in the project's parking garage (note: The Paggi House presently utilizes 22 parking spaces on the surface parking lot within the property boundaries. In addition, the project has been designed to reduce mass near the Paggi House.
12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Yes.	The project will provide for 2.5% of the units to be available for persons with disabilities (note: This represents a 25% increase above code requirements).
13. Local Small Business – Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Yes.	The proposed PUD 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.

MASTER REVIEW REPORT

CASE NUMBER: C814-2012-0160
CASE MANAGER: Lee Heckman
REVISION #: 00
PROJECT NAME: 211 South Lamar
LOCATION: 211 South Lamar Boulevard
SUBMITTAL DATE: December 19, 2012
REPORT DUE DATE: January 2, 2013
FINAL REPORT DATE: January 11, 2013
REPORT LATE: 9 DAYS

PHONE #: 974-7604
UPDATE: Initial Submittal

STAFF REVIEW:

- This report includes all comments received to date concerning your site plan. The PUD application will be forwarded for Board, Commission, and Council action when all requirements identified in this report have been addressed. However, until this happens, your PUD application is considered not recommended for approval.

- PLEASE NOTE: Review comments from Mapping and PARD have not been included in the following.

- PLEASE NOTE: IF YOU HAVE ANY QUESTIONS, PROBLEMS, CONCERNS OR IF YOU REQUIRE ADDITIONAL INFORMATION ABOUT THIS REPORT, PLEASE DO NOT HESITATE TO CONTACT YOUR CASE MANAGER OR INDIVIDUAL REVIEWER AT THE CITY OF AUSTIN, PLANNING & DEVELOPMENT REVIEW DEPARTMENT, P.O. BOX 1088, AUSTIN, TX.

REPORT:

- The attached report identifies those requirements that must be addressed by an update to your PUD application in order to obtain a positive recommendation for approval. This report may also contain recommendations for you to consider, which are not requirements.
- ADDITIONAL REQUIREMENTS AND RECOMMENDATIONS MAY BE GENERATED AS A RESULT OF INFORMATION OR DESIGN CHANGES PROVIDED IN YOUR UPDATE.

UPDATE DEADLINE:

- It is the responsibility of the applicant or his/her agent to update this PUD application. All updates must be submitted by 06/18/2013 which is 180 days from the date your application was filed [Sec. 25-5-113]. Otherwise, the application will automatically be denied.
- If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

EXTENSION:

- An extension to the 180 day deadline may be requested by submitting a written justification to your case manager on or before 06/18/2013. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.
- Extensions may be granted only when there are extenuating circumstances that could not have been reasonably anticipated when the application was submitted. Requests for extensions must clearly document why the additional time is needed.

Austin Energy – Green Building Program

From: Morgan, Richard [mailto:Richard.Morgan@austinenergy.com]
Subject: 211 S. Lamar PUD

I've reviewed the PUD zoning submittal for 211 and my only comment is that when the restrictive covenants are prepared the following green building language should be used.

All buildings in the PUD (in this case the building) will achieve a two star (or three star if they are still pursuing Tier 2 status) rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings.

Richard Morgan
Green Building & Sustainability Manager
Austin Energy
512-482-5309
richard.morgan@austinenergy.com

NPZ Comprehensive Planning Review - Kathleen Fox (512) 974-7877

211 S Lamar Blvd
CS and CS-V to PUD
C814-2012-0160

This zoning case is located on the east side of S Lamar Blvd, just south of Riverside Road. The subject property contains a Taco Cabana. The proposed use is PUD mixed use development. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include Lady Bird Lake Trail to the north, a multi-family condo building to the south, a City of Austin Parks and Recreation Office to the west, and Butler Park to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. This property is also located along a designated High Capacity Transit Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, and the Imagine Austin policies referenced above, staff believes that this proposed PUD mixed use project is supported by the Imagine Austin Comprehensive Plan.

NPZ Drainage Engineering Review - Jay Baker (512) 974-2636

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

DE 1. No comments.

Signoff: 1/2/13

Electric Review - David Lambert - (512) 322-6109

EL 1. The proposed building must meet Austin Energy, OSHA, and National Electric Safety Code clearances from the existing overhead electric lines along Lee Barton. With the 0 foot setbacks it isn't clear that this will occur.

Contact me to schedule a meeting to discuss these clearances as well as electric service to the proposed building with Austin Energy's review team.

Until we are confident clearances will be met, this case should not go forward.

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

NPZ Environmental Review - Brad Jackson (512) 974-3410

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees

proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

SP 1. The Land Use Plan provided with this application does not match recent site plans used for discussion purposes with staff. As discussed in our meeting with Amanda Swor and Jeff Scott on January 8, please continue to coordinate with Humberto Rey/Urban Design to ensure that the streetscape issues associated with this proposed development are compliant.

SP 2. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront Planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.

SP 3. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):

a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
b. proposed site development regulations;
c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
f. any other information required by the director of the Planning and Development Review Department.

SP 4. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:

a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;

b. the maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use);
c. total square footage and whether structured parking facilities are proposed.
d. maximum impervious cover;
e. maximum height limitation;
f. minimum setbacks;
g. the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
h. all civic uses by type and proposed site development regulations.

Additional site development regulations may be specified by the City Council.

SP 5. 2.3.2.In addition to the requirements of 2.3.1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must:

a. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use).
b. comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement); and
c. provide pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

SP 6. On the Land Use Plan, depict the boundaries and locations of all Waterfront Overlay primary and secondary setback lines (LDC 25-2-721).

SP 7. Will the Paggi House restaurant remain open during the construction process for this development? If so, where will its patrons park while the site is under construction? A separate Transportation ("T") site plan may be required to permit off-site parking for the restaurant during the construction period while its current parking lot is displaced.

NPZ Flood Plain Review - David Marquez (512) 974-3389

No comments

NPZ Transportation Review - Ivan Naranjo (512) 974-7649

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for

approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

NPZ Water Quality Review - Jay Baker (512) 974-2636

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

ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.
WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

NPZ Austin Water Utility Review - Neil Kepple (512) 972-0077

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required

by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater constructienn must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

NPZ Zoning Review - Lee Heckman (512) 974-7604

1. The cover memo references a TIA waiver letter. It was not attached; please provide.

2. Tier Table Comments:
   a. In general, please ensure consistency between specifics in the Table and Notes on the Land Use Plan. If numbers have been specified on one, please specify and match in the other.
   b. I. 2. Staff understands construction of the building is steel and concrete. Since the Waterfront Overlay district requires glass and natural materials, please indicate how the façade will be presented.
   c. I.2. Please indicate the rent-free status for the PARD facilities is for 25 years.
   d. I.2. Consider adding the provision of community meeting space to this cell; although it is listed elsewhere, it is not an insignificant offering.
   e. I.3. Indicate the public versus private space here. Provide a list (table?) detailing how much is balcony, roof-top garden, patio, plaza, etc.; actual square feet or percentages are OK.
   f. I.7. Again, specify the duration of the provision, and that it is rent free.
   g. I.9. Can you please illustrate this? A simple graphic/map would be helpful because the text is a little confusing. Also, specify how this is going to be accomplished (e.g., by paying the City $X amount for us to within X timeframe). [Has the City committed to design and build these sidewalks in the ROW? Or, is this payment into a general sidewalk fund. Provide any documentation from the City confirming our acceptance and/or commitment]
   h. I.11. To what heights? Please match plan note 24.
      Also, the elevator relocation benefit is unclear – both to whom it's a benefit and physically. Please provide a simple sketch showing the current and future location as relates to the Paggi House and parking area.

   i. I.MU.1. Do you mean the PUD "as proposed" instead of "as approved"? Also, please specify (perhaps as a separate table, but this would not necessarily need to be detailed further on the plan notes) what the Subchapter E requirements are and what's proposed for alternative compliance.
   j. I.MU.3. Please reiterate the % of frontage that will be pedestrian-oriented. Also, the Waterfront Overlay requires a minimal 50% of net usable space for such uses on the ground floor. What % is achieved in this project?

   k. II.1. See "f" above. Please provide as much detail as possible identifying different uses and how they contribute to the total.
      Also, plan note #24 indicates the Riverside crossing will be pedestrian-activated; please update this reference to be consistent. As with the sidewalk improvements, provide documentation that the COA is in agreement and committed to provide such improvements.

Exhibit D - 21

l. II.4. This seems to be a little inconsistent with the plan note. Provide documentation that the Art in Public Spaces Program will coordinate any AMOA arrangement. How would the "value" of art provided compare to the funds provided to the Art in Public Spaces Program? Please elaborate.

m. II.5. These seems to contradict earlier alternative equivalent compliance statements. Please clarify or elaborate.

n. II. 7. Bike share kiosk – please provide some level of quantification. How large are the facilities, what do they hold, etc. Who is coordinating/maintaining these? Is it a COA deal, private party, non-profit? Plan notes reference 120% for patron parking - what does this mean?

   For whose use are the dedicated EV parking spots (visitors, residents, customers)?

o. II.9. So, what's visible from the south? Is it screened like the Lamar edge as referenced in the plan notes? There is uncertainty whether the ground floor parking is structured and/or above grade. A visual might help, but at minimum, please describe the parking facilities in terms of at/above/below grade and what's visible from where.

   Also, please reiterate you're meeting the minimum 75% frontage requirement on all three streets.

p. II.10. Will this participation be through the provision of onsite units or fees? If uncertain, specify what those requirements would be – unit #/% or fees in lieu.

q. II.11. Do we deduce that 2.5% of 175 units (4.3) is rounded to 4 or 5? Clarify if you can.

3. Land Use Plan Comments – Sheet 1
   a. Please clearly distinguish existing versus proposed land use; separate schematics on the same sheet would be ideal. Clearly depict PUD boundary (heavier line) and future building lines. What's the buildable area? Is there a setback from the Bridges building? Please label Paggi House and Bridges buildings as existing. Identify Fast Food Restaurant as Existing.
   b. Provide a location map
   c. Provide the case number
   d. Please label medians and eastern dashed lines on Lee Barton.
   e. Please consider adding a legend for various line types.
   f. Highlight existing (and to be saved) trees on schematics.
   g. Additional PO Use – why are admin offices split into two categories? Is the intent that only these types of admin offices are permitted?
   h. Related, do you really think it necessary to preclude a Theater, Counseling Services and Hotel-Motel use?
   i. Note: The use of color (for the planting and other zones) is acceptable; however, you will be required to provide a color mylar is you continue to depict these in color on paper submittals. Alternately, black-and-white is acceptable.

4. Land Use Plan Comments – Sheet 2
   a. As noted above, please be consistent with items noted in the Tier Tables. If something is specified, quantified, qualified, or otherwise elaborated upon in one, please do so in the other. Note: Some of these plan notes may be incorporated into the PUD document instead of, or in addition to, being on the plan sheet. Specificity matters.

      And because it matters, do you really want to specify the exact numbers for height in Note # 22? Would an approximation work? Would a schematic illustrate this better? Are you attempting to specify heights or describe the blocks as part of the

appearance and articulation? Please bear in mind that deviations from numbers specified in the land use plan (or reflected in the PUD document) will likely result in a PUD amendment.

b. Note # 4: The future is now, even if suspended. Please update to: The site is within the South Lamar Combined Neighborhood Planning Area.
c. What is the purpose of Note #6?
d. Note 8: Who does this serve? Provide a copy of the executed document and depict on the plan schematic – both the existing and future graphics. If this won't be dedicated until the site-planning stage, remove the blank and clarify. Depict on the future land use graphic and label as proposed.
e. Note # 13. Please reword first sentence. Provide confirmation that NHCD will review the lease or other arrangement. Are there criteria for approving "other arrangements" and, for discussion purposes (not a plan note), what might some of those other arrangements be?
f. Note # 23. When does the 25 year period begin? If at the time of CO issuance, specify that (and update in the Tier Table as appropriate).
g. Notes 24, 27, 28, 30 and 31: Please check for consistency with Tier Table items, especially as you update or expand upon or further quantify those items.
h. Note # 32: Please highlight trees in Sheet 1 schematics. See also 6a, below.
i. Note # 33/Variance to TCM9.3.0 #3: Is this a variance to zoning requirements or to site-planning requirements? If it is appropriate to consider at the rezoning stage, then provide the documentation from Transportation (see reviewer note #7) concurring with the proposal. If this is NOT a variance to the zoning code, but associated with site-planning, then please remove from plan sheet and table of CS variances.
j. Note # 34: If "Fully Accessible Type A" is defined somewhere, please provide that citation. Please see 3q above.

5. Other Comments
   a. Please provide an 8.5 x 11 exhibit of the land use plan sheets and the tree survey referenced in Note # 32.
   b. Please provide an 8.5 x 11 exhibit of the building blocks with approximate heights. This is for illustration purposes only and will not be incorporated into the PUD document or land use plan. Related, provide a sketch of the "distinctive" building cap, if available, as required by the Waterfront Overlay.
   c. In reviewing deliberations over The Park PUD, which was your firm's project, and other recent smaller-scale PUDs, it has become clear that Council prefers a listing or summary of all the public benefits, which may be slightly different than superiority items. Aesthetics and design/construction materials aside (which might exceed Tier requirements and thus be a superior feature), what are the tangible and obvious public benefits? In other words, what makes this project a good deal (exchange) for Austin (the City and the community)? To the extent you can provide a benefits summary, please do so.

CASE MANAGER – Lee Heckman – (512) 974-7604

A PRELIMINARY STAFF RECOMMENDATION CANNOT BE DETERMINED AT THIS TIME BASED ON THE INFORMATION PROVIDED IN THIS APPLICATION.

A formal update is required. Please submit 1 copy of updated materials and 1 copy of a response memo to INTAKE for distribution to each reviewer that provided review comments ***requiring a response***. Please provide all required documentation to the individual reviewer who requested it. PLEASE CLEARLY LABEL ALL PACKETS WITH THE REVIEWER'S NAME.

Please provide **three copies** of update materials and response letters to Zoning Review/Case Management

Please Note: You must make an appointment with the Intake Staff (974-2689) to submit the update. PLEASE BRING ALL COPIES OF THIS REPORT WITH YOU UPON SUBMITTAL TO INTAKE.

Additional comments may be generated as requested information is provided.

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

Reviewers:
Austin Energy – Green Building Program – Richard Morgan (512) 482-5309
Comprehensive Planning Review - Kathleen Fox (512) 974-7877
Drainage Engineering Review - Jay Baker (512) 974-2636
Electric Review - David Lambert - (512) 322-6109
Environmental Review - Brad Jackson (512) 974-3410
Flood Plain Review - David Marquez (512) 974-3389
Mapping Review – TBD
PARD – Chris Yanez (512) 974-9455
Site Plan Review - Michael Simmons-Smith (512) 974-1225
Transportation Review - Ivan Naranjo (512) 974-7649
Water Quality Review - Jay Baker (512) 974-2636
Austin Water Utility Review - Neil Kepple (512) 972-0077
Zoning/Case Management - Lee Heckman (512-974-7604

The following comments were issued January 15, 2013

NPZ PARD/Planning & Design Review - Chris Yanez (512) 974-9455

PR1. Provide basis/rationale for open space calculations, include for residential and non-residential separately. Numbers for Tier 1 and Tier 2 requirements appear inconsistent and the correlation to amount of land use is unclear.

PR2. What is the proposed or anticipated amount of open space above ground level in square feet/acre and percentage? Also provide separate break out amounts for decks/balconies/patios; water quality facilities; and planting/supplemental zones.

PR3. Provide anticipated amount of private vs. publicly accessible open space.

PR4. Water quality facilities must be designed and maintained as an amenity to receive credit for open space.

PR5. PARD acknowledges note 23 on the Land Use Plan Notes sheet and the referenced reduction of open space for urban properties. While the proposed 25-year rent free term can be interpreted as an additional community benefit, it is a finite term that may not fully consider the lifespan of the development and the impacts of reduced open space on its tenants. Would the applicant consider extensions to the proposed term at same or reduced rates for PARD or other City Departments or other community benefit once term expires?

WINSTEAD

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February 1, 2013

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

Via Hand Delivery

Re: Formal Update 1 to 211 South Lamar – C814-2012-0160 - Zoning Application for a 0.933 acre piece of property located at 211 S. Lamar and 1211 W. Riverside (the "Property");

Mr. Guernsey:

As representatives of the owners of the above stated Property, we respectfully submit Update 1 to the Planned Unit Development ("PUD") application package. Included in this application package for your review is an updated Land Use Plan and superiority chart. Below please find the responses to comments from Reviewers:

Austin Energy – Green Building Program – Richard Morgan (512) 842-5309

I've reviewed the PUD zoning submittal for 211 and my only comment is that when the restrictive covenants are prepared the following green building language should be used.

All buildings in the PUD (in this case the building) will achieve a two star (or three star if they are still pursuing Tier 2 status) rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings.

AE 1 – Noted.

NPZ Comprehensive Planning Review - Kathleen Fox (512) 974-7877

211 S Lamar Blvd
CS and CS-V to PUD
C814-2012-0160

Exhibit D - 26

This zoning case is located on the east side of S Lamar Blvd, just south of Riverside Road. The subject property contains a Taco Cabana. The proposed use is PUD mixed use development. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include Lady Bird Lake Trail to the north, a multi-family condo building to the south, a City of Austin Parks and Recreation Office to the west, and Butler Park to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. This property is also located along a designated High Capacity Transit Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, and the Imagine Austin policies referenced above, staff believes that this proposed PUD mixed use project is supported by the Imagine Austin Comprehensive Plan.

NPZCPR – Noted.

NPZ Drainage Engineering Review - Jay Baker (512) 974-2636

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

DE 1. No comments.

Signoff: 1/2/13

Electric Review - David Lambert - (512) 322-6109

EL 1. The proposed building must meet Austin Energy, OSHA, and National Electric Safety Code clearances from the existing overhead electric lines along Lee Barton. With the 0 foot setbacks it isn't clear that this will occur.

Contact me to schedule a meeting to discuss these clearances as well as electric service to the proposed building with Austin Energy's review team.

Until we are confident clearances will be met, this case should not go forward.

EL 1 – A meeting was conducted on January 14, 2013 with Mr. Lambert and the concerns associated with this comment have been addressed. See attached e-mail clearing comment.

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

EL 2 – Noted.

NPZ Environmental Review - Brad Jackson (512) 974-3410

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

EV 01 - The applicant has conducted further review of the building layout with the Environmental Reviewer and the City Arborist and considered design changes. The concurrent conclusion reached is that removal of two trees is necessary.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

EV 02 - The critical root zone 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 plan permit process. This language has been added to note 32 of the Land Use Plan.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

SP 1. The Land Use Plan provided with this application does not match recent site plans used for discussion purposes with staff. As discussed in our meeting with Amanda Swor and Jeff Scott on January 8, please continue to coordinate with Humberto Rey/Urban Design to ensure that the streetscape issues associated with this proposed development are compliant.

SP 1 – The applicant will ensure that upon submittal of an update for the Site Plan that Humberto Rey is included on the distribution list.

SP 2. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront Planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.

SP 2 – Noted.

SP 3. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):

a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
b. proposed site development regulations;
c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
f. any other information required by the director of the Planning and Development Review Department.

SP 3 – The Land Use Plan is updated to include all applicable items.

SP 4. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:

a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;

b. the maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use);
c. total square footage and whether structured parking facilities are proposed.
d. maximum impervious cover;
e. maximum height limitation;
f. minimum setbacks;
g. the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
h. all civic uses by type and proposed site development regulations.

Additional site development regulations may be specified by the City Council.

SP 4 – As discussed in the meeting between Michael Simmons-Smith and Amanda Swor on January 14, 2013, this level of detail is not required at the PUD stage.

SP 5. 2.3.2.In addition to the requirements of 2.3.1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must:

a. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use).
b. comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement); and
c. provide pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

SP 5 – Noted.

SP 6. On the Land Use Plan, depict the boundaries and locations of all Waterfront Overlay primary and secondary setback lines (LDC 25-2-721).

SP 6 - The primary and secondary setback lines are depicted on the Land Use Plan.

SP 7. Will the Paggi House restaurant remain open during the construction process for this development? If so, where will its patrons park while the site is under construction? A separate Transportation ("T") site plan may be required to permit off-site parking for the restaurant during the construction period while its current parking lot is displaced.

SP 7 – The Paggi House tenant has the option to remain open during construction of the project. If the tenant remains open, parking will be handled on a valet basis. See note 6 of the Land Use Plan.

NPZ Flood Plain Review - David Marquez (512) 974-3389

No comments

NPZ Transportation Review - Ivan Naranjo (512) 974-7649

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

TR 1 – Noted.

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

TR 2 – Noted.

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

TR 3 – Noted.

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

TR 4 – Noted.

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

TR 5 – Noted.

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

TR 6 – A Joint Use Access Easement between the Applicant and the adjacent property owner is currently being reviewed by the City of Austin. Upon approval from the City (prior to approval of the PUD), the JUAE will be recorded. See Note 8 on the Land Use Plan.

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

TR 7 – The PUD is not proposing any street modifications along Riverside Drive. Additionally, the valet-drop-off/on-street loading request has been removed from the PUD.

Exhibit D - 31

TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

TR 8 – See Note 14 on the Land Use Plan, the PUD is proposing to meet 60% of the requirement prescribed by Chapter 25-6, Appendix A. The 60% requirement is consistent with the VMU provisions in the area.

NPZ Water Quality Review - Jay Baker (512) 974-2636

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ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.
WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

WQ 1 - A new page has been added to the Land Use Plan addressing how both Tier I and Tier II requirements will be met. As discussed on a January 11th telephone call with the reviewer, the PUD is exhibiting Superiority by providing innovative water quality controls that "Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract". This satisfies item "d" of the Environment Tier II options of the PUD ordinance.

The comment of 25% additional water quality volume and 20% greater pollutant removal is not applicable as neither is being sought as a part of this PUD as they are neither directly applicable nor constructively achievable.

NPZ Austin Water Utility Review - Neil Kepple (512) 972-0077

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap

and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

NPZ Zoning Review - Lee Heckman (512) 974-7604

1. The cover memo references a TIA waiver letter. It was not attached; please provide.

ZR 1 – Comment cleared per meeting between Lee Heckman and Amanda Swor on January 14, 2013.

2. Tier Table Comments:
   a. In general, please ensure consistency between specifics in the Table and Notes on the Land Use Plan. If numbers have been specified on one, please specify and match in the other.

   a. Noted. The superiority table has been updated to include all notes from the Land Use Plan.

   b. I. 2. Staff understands construction of the building is steel and concrete. Since the Waterfront Overlay district requires glass and natural materials, please indicate how the façade will be presented.

   b. The façade will be constructed to meet or exceed the requirements of the Waterfront Overlay. Please see updated Note 20.

   c. I.2. Please indicate the rent-free status for the PARD facilities is for 25 years.

   c. See note 23 on the Land Use Plan.

   d. I.2. Consider adding the provision of community meeting space to this cell; although it is listed elsewhere, it is not an insignificant offering.

   d. Noted.

   e. I.3. Indicate the public versus private space here. Provide a list (table?) detailing how much is balcony, roof-top garden, patio, plaza, etc.; actual square feet or percentages are OK.

   e. As discussed in a meeting between Lee Heckman and Amanda Swor on January 14, 2013, at the zoning stage a breakdown of this detail is not applicable. Please see note 37 detailing the amount of private and public open space.

   f. I.7. Again, specify the duration of the provision, and that it is rent free.

   f. See note 23 on the Land Use Plan.

   g. I.9. Can you please illustrate this? A simple graphic/map would be helpful because the text is a little confusing. Also, specify how this is going to be accomplished (e.g., by paying the City $X amount for us to within X timeframe). [Has the City committed to design and build these sidewalks in the ROW? Or, is this payment into a general

sidewalk fund. Provide any documentation from the City confirming our acceptance and/or commitment]

g. **A new page has been added to the Land Use Plan showing the location of the offsite pedestrian improvements. See Note 24 on the Land Use Plan.**

h. I.11. To what heights? Please match plan note 24.
Also, the elevator relocation benefit is unclear – both to whom it's a benefit and physically. Please provide a simple sketch showing the current and future location as relates to the Paggi House and parking area.

h. **See note 22 on the Land Use Plan for height requirements. As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, the relocation of the elevator near the Paggi House will comply with ADA accessibility requirements and a sketch is not required. See note 35 on the Land Use Plan.**

i. I.MU.1. Do you mean the PUD "as proposed" instead of "as approved"? Also, please specify (perhaps as a separate table, but this would not necessarily need to be detailed further on the plan notes) what the Subchapter E requirements are and what's proposed for alternative compliance.

i. **As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, the language on the Land Use Plan will need to read "as approved" for accuracy purposes following adoption of the PUD. Additionally, at this time the exact extent of Alternative Equivalent Compliance is not known, the details will be finalized at Site Plan.**

j. I.MU.3. Please reiterate the % of frontage that will be pedestrian-oriented. Also, the Waterfront Overlay requires a minimal 50% of net usable space for such uses on the ground floor. What % is achieved in this project?

j. **See new note 36 on the Land Use Plan addressing the percentage of pedestrian oriented uses on the ground floor as well as net usable space on the ground floor.**

k. II.1. See "e" above. Please provide as much detail as possible identifying different uses and how they contribute to the total.
Also, plan note #24 indicates the Riverside crossing will be pedestrian-activated; please update this reference to be consistent. As with the sidewalk improvements, provide documentation that the COA is in agreement and committed to provide such improvements.

k. **Please see note 37 detailing the amount of private and public open space. Additionally, note 24 has been updated to address the pedestrian improvements.**

l. II.4. This seems to be a little inconsistent with the plan note. Provide documentation that the Art in Public Spaces Program will coordinate any AMOA arrangement. How would the "value" of art provided compare to the funds provided to the Art in Public Spaces Program? Please elaborate.

Exhibit D - 34

l. **See note 18 on the Land Use Plan.**

m. II.5. These seems to contradict earlier alternative equivalent compliance statements. Please clarify or elaborate.

m. **This requirement is not applicable to the PUD. Compliance with Great Streets is not applicable for this development as it is subject to the requirements of Chapter 25-2, Subchapter E.**

n. II. 7. Bike share kiosk – please provide some level of quantification. How large are the facilities, what do they hold, etc. Who is coordinating/maintaining these? Is it a COA deal, private party, non-profit? Plan notes reference 120% for patron parking - what does this mean?
For whose use are the dedicated EV parking spots (visitors, residents, customers)?

n. **Note 27 has been updated to clarify the 120% bicycle parking requirement and address the Bike Share Kiosk. See note 28 on the Land Use Plan, the electric vehicle spaces will be available both for residents and retail patrons.**

o. II.9. So, what's visible from the south? Is it screened like the Lamar edge as referenced in the plan notes? There is uncertainty whether the ground floor parking is structured and/or above grade. A visual might help, but at minimum, please describe the parking facilities in terms of at/above/below grade and what's visible from where.
Also, please reiterate you're meeting the minimum 75% frontage requirement on all three streets.

o. **See note 19 on the Land Use Plan. Parking will not be visible from the adjacent project on the southern boundary of the PUD.**

p. II.10. Will this participation be through the provision of onsite units or fees? If uncertain, specify what those requirements would be – unit #/% or fees in lieu.

p. **See note 30 on the Land Use Plan.**

q. II.11. Do we deduce that 2.5% of 175 units (4.3) is rounded to 4 or 5? Clarify if you can.

q. **Fractional units will be rounded up. Please see note 34 on the Land Use Plan.**

3. Land Use Plan Comments – Sheet 1
   a. Please clearly distinguish existing versus proposed land use; separate schematics on the same sheet would be ideal. Clearly depict PUD boundary (heavier line) and future building lines. What's the buildable area? Is there a setback from the Bridges building? Please label Paggi House and Bridges buildings as existing. Identify Fast Food Restaurant as Existing.

   a. **As discussed in the meeting between Lee Heckman, Michael Simmons-Smith and Amanda Swor on January 14, 2013, the Land Use Plan has been updated to remove all existing buildings within the PUD. At the zoning stage, it is not**

required to depict the location of future buildings. These changes address the remainder of the concerns raised in this comment.

b. Provide a location map

b. Noted. The Land Use Plan has been updated to include a location map.

c. Provide the case number

c. Noted. The Land Use Plan has been updated to include the case number on all pages.

d. Please label medians and eastern dashed lines on Lee Barton.

d. Noted. Property and ROW lines have been identified on the Land Use Plan.

e. Please consider adding a legend for various line types.

e. Noted. Where applicable, a legend has been included on the Land Use Plan.

f. Highlight existing (and to be saved) trees on schematics.

f. A new page has been added to the Land Use Plan addressing location of trees and identifying existing trees and those to be saved.

g. Additional PO Use – why are admin offices split into two categories? Is the intent that only these types of admin offices are permitted?

g. Yes, the intent is that only Administrative Business Offices for On-Site Sales and Leasing and Administrate Business Offices if an Owner Resides on Site be added as additional Pedestrian Oriented Uses.

h. Related, do you really think it necessary to preclude a Theater, Counseling Services and Hotel-Motel use?

h. The applicant has included Counseling Services as a permitted use within the PUD. Hotel-Motel and Theater remain prohibited uses.

i. Note: The use of color (for the planting and other zones) is acceptable; however, you will be required to provide a color mylar is you continue to depict these in color on paper submittals. Alternately, black-and-white is acceptable.

i. The Land Use Plan has been revised to remove color depictions and is now black-and-white.

4. Land Use Plan Comments – Sheet 2
   a. As noted above, please be consistent with items noted in the Tier Tables. If something is specified, quantified, qualified, or otherwise elaborated upon in one, please do so in the other. Note: Some of these plan notes may be incorporated into the PUD document instead of, or in addition to, being on the plan sheet. Specificity matters.

And because it matters, do you really want to specify the exact numbers for height in Note # 22? Would an approximation work? Would a schematic illustrate this better? Are you attempting to specify heights or describe the blocks as part of the appearance and articulation? Please bear in mind that deviations from numbers specified in the land use plan (or reflected in the PUD document) will likely result in a PUD amendment.

a. **Noted. The superiority chart has been updated to include specific referenced to notes on the Land Use Plan.**

b. Note # 4: The future is now, even if suspended. Please update to: The site is within the South Lamar Combined Neighborhood Planning Area.

b. **Note 4 has been updated.**

c. What is the purpose of Note #6?

c. **Note 6 on the Land Use Plan addresses comment SP 7.**

d. Note 8: Who does this serve? Provide a copy of the executed document and depict on the plan schematic – both the existing and future graphics. If this won't be dedicated until the site-planning stage, remove the blank and clarify. Depict on the future land use graphic and label as proposed.

d. **Note 8 on the Land Use Plan addresses comment TR 6. Upon recordation a copy of the document will be provided to the reviewer.**

e. Note # 13. Please reword first sentence. Provide confirmation that NHCD will review the lease or other arrangement. Are there criteria for approving "other arrangements" and, for discussion purposes (not a plan note), what might some of those other arrangements be?

e. **Note 13 has been updated as requested. The remainder of this comment was cleared in the meeting between Lee Heckman and Amanda Swor on January 14, 2013.**

f. Note # 23. When does the 25 year period begin? If at the time of CO issuance, specify that (and update in the Tier Table as appropriate).

f. **The 25 year period begins at the time of Certificate of Occupancy. Note 23 has been updated.**

g. Notes 24, 27, 28, 30 and 31: Please check for consistency with Tier Table items, especially as you update or expand upon or further quantify those items.

g. **Noted.**

h. Note # 32: Please highlight trees in Sheet 1 schematics. See also 6a, below.

h. **A new sheet has been added to the Land Use Plan clarifying tree preservation.**

i. Note # 33/Variance to TCM9.3.0 #3: Is this a variance to zoning requirements or to site-planning requirements? If it is appropriate to consider at the rezoning stage, then provide the documentation from Transportation (see reviewer note #7) concurring with the proposal. If this is NOT a variance to the zoning code, but associated with site-planning, then please remove from plan sheet and table of CS variances.

i. **The variance request to TCM 9.3.0 #3 is not a zoning requirement however the variance may be granted through the PUD.**

j. Note # 34: If "Fully Accessible Type A" is defined somewhere, please provide that citation. Please see 3q above.

j. **See updated note 34. 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. 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.**

5. Other Comments

a. Please provide an 8.5 x 11 exhibit of the land use plan sheets and the tree survey referenced in Note # 32.

a. **An 8.5 X 11 copy of all pages of the Land Use Plan is included within this submittal. The tree survey is no longer applicable as a new page has been added to the Land Use Plan addressing tree preservation.**

b. Please provide an 8.5 x 11 exhibit of the building blocks with approximate heights. This is for illustration purposes only and will not be incorporated into the PUD document or land use plan. Related, provide a sketch of the "distinctive" building cap, if available, as required by the Waterfront Overlay.

b. **As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, this exhibit is not required.**

c. In reviewing deliberations over The Park PUD, which was your firm's project, and other recent smaller-scale PUDs, it has become clear that Council prefers a listing or summary of all the public benefits, which may be slightly different than superiority items. Aesthetics and design/construction materials aside (which might exceed Tier requirements and thus be a superior feature), what are the tangible and obvious public benefits? In other words, what makes this project a good deal (exchange) for Austin (the City and the community)? To the extent you can provide a benefits summary, please do so.

NPZ PARD/Planning & Design Review – Chris Yanez (512) 974-9455

PR1. Provide basis/rationale for open space calculations, include for residential and non-residential separately. Numbers for Tier 1 and Tier 2 requirements appear inconsistent and the correlation to amount of land use is unclear.

PR 1 - See note 37 on the Land Use Plan detailing the open space calculations for the project.

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).

PR2. What is the proposed or anticipated amount of open space above ground level in square feet/acre and percentage? Also provide separate break out amounts for decks/balconies/patios; water quality facilities; and planting/supplemental zones.

PR 2 - See note 2 on the Land Use Plan detailing the open space calculations for the project. The PUD will provide a minimum of 11,000 square feet of above ground open space with approximately 5,000 square feet located on balconies and 6,000 square feet located within the amenity deck.

PR3. Provide anticipated amount of private vs. publicly accessible open space.

PR 3 - See note 2 on the Land Use Plan detailing the open space calculations for the project.

PR4. Water quality facilities must be designed and maintained as an amenity to receive credit for open space.

PR 4 – Noted.

PR5. PARD acknowledges note 23 on the Land Use Plan Notes sheet and the referenced reduction of open space for urban properties. While the proposed 25-year rent free term can be interpreted as an additional community benefit, it is a finite term that may not fully consider the lifespan of the development and the impacts of reduced open space on its tenants. Would the applicant consider extensions to the proposed term at same or reduced rates for PARD or other City Departments or other community benefit once term expires?

PR 5 – The project is not requesting a reduction in open space. The area described in note 23 is an additional community benefit. Per a telephone conference between Chris Yanez and Amanda Swor on January 18, 2013 the reviewer is acceptable to the 25 year term of the area.

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

Very truly yours,

Amanda Swor

Amanda Swor
Project Manager

Enclosures

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

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.	▪ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Road 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	NOTE 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 ROAD EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN

Exhibit D - 41

		treatment of untreated off-site stormwater. ▪ 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. ▪ Given the location of the project, adequate public facilities and services are generally found in the	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. NOTE 20. THE PROJECT WILL UTILIZE CONCRETE AND STEEL CONSTRUCTION, AND WILL MEET OR EXCEED ALL APPLICABLE WATERFRONT OVERLAY DESIGN STANDARDS NOTE 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

		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 Road. ▪ The proposed off-site improvements include additional sidewalks along Lee Barton Road and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. ▪ 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. ▪ See additional notes referenced in this chart for other terms described herein.	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 ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD 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 ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE. 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 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.

			NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED $69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS: A. A SIDEWALK ON LEE BARTON ROAD 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 ROAD); B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD 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 ROAD

			AT THE INTERSECTION OF LEE BARTON ROAD 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. NOTE 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 KIOSKS" 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. NOTE 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 CRITICAL ROOT ZONE AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED.
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: a. A detention or filtration area is excluded from the calculation unless it	Yes.	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.	NOTE 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

is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.			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, BIO-FILTRATION 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.
4. Comply with the City's Planned Unit Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL 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	• 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. • 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 Road to the east of the project, by having the "U" opening towards	NOTE 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA. NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD

		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. • The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. • 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.	EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON ROAD 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. <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). NOTE 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 ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD 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 ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE. NOTE 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. NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. 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.

6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	• The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The 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". • 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.	NOTE 25. WATER QUALITY TECHNIQUES UTILIZING RAIN GARDENS AND BIO-FILTRATION AREAS SHALL BE UTILIZED TO MEET ALL CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT, AS WELL AS TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED, OFF-SITE AREAS WITH A DRAINAGE AREA OF AT LEAST 25% OF THE SUBJECT TRACT. NOTE 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 CRITICAL ROOT ZONE AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED.

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.	• Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. • 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.	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 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.	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. • 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	NOTE 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. NOTE 16. 100% OF ALL LANDSCAPE PLANTING ON SITE

Exhibit D - 55

		base regulations); • 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 • 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).	WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE. NOTE 17. 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).
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.	• 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. • 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 Road and	NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED $69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS: A. A SIDEWALK ON LEE BARTON ROAD 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

		Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton Road (crossing Lee Barton Road at Riverside Drive). • Two charging stations for electric vehicles will be provided in the parking garage.	BARTON ROAD); B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD 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 ROAD AT THE INTERSECTION OF LEE BARTON ROAD 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. NOTE 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.
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.)	NOTE 12. 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.	• 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. • 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	NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON ROAD 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. NOTE 22 THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE

		project parking garage at City Code parking levels. • 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.	"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 ROAD CORNER AND CONTINUE ON

			THE PROJECT'S LEE BARTON ROAD 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 ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE. <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. NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. 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. 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.	

Tier I - Additional PUD Requirements for a mixed use development	Compliance	Superiority	PUD Note
1. Comply with Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*	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.	NOTE 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). NOTE 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 ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD 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 ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 *(Core Transit Corridor Sidewalk and Building Placement).*	Yes.	As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.	NOTE 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).

3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) 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).	NOTE 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 ROAD 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).

Tier II Requirement	Compliance	Superiority	PUD Note
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (*Minimum Requirements*). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Yes.	The 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).	NOTE 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, BIO-FILTRATION 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.
2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality	Yes.	• This PUD will not request any exceptions or modifications of environmental regulations. • 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. • The project prohibits uses that may contribute to	NOTE 25. WATER QUALITY TECHNIQUES UTILIZING RAIN GARDENS AND BIO-FILTRATION AREAS SHALL BE UTILIZED TO MEET ALL CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT, AS WELL AS

Exhibit D - 67

controls superior to those otherwise required by code. 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. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of		air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.	TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED, OFF-SITE AREAS WITH A DRAINAGE AREA OF AT LEAST 25% OF THE SUBJECT TRACT. SEE LIST OF PRHOBITED USES ON PAGE 1 OF THE LAND USE PLAN.

five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may contribute to air or water quality pollutants. k. Employ other creative or innovate measures.			
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	Yes.	The project will meet the Austin Green Builder program at a 3-star level.	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.

Exhibit D - 69

4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The project will provide art approved by the Art In Public Places Program on-site.	NOTE 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.
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 (*Design Standards and Mixed Use)*	Not applicable.	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	NOTE 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).
6. Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	• The PUD will provide 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.	NOTE 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.

7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	• 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. • The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. • The project will provide funding for off-site pedestrian improvements along Lee Barton Road and Riverside Drive (including sidewalks and a crosswalk) to increase the walking connectivity in the general area of the site.	NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED $69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS: A. A SIDEWALK ON LEE BARTON ROAD 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 ROAD); B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD 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 ROAD AT THE INTERSECTION OF LEE BARTON ROAD 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. NOTE 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 KIOSKS" 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. NOTE 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.
8. Building Design – Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use)*	Yes.	The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet. The project will obtain a minimum of 13 points by providing a variety of design options.	NOTE 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
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) (*Waterfront Overlay District Uses)* in ground floor spaces.	Yes	• There is no above grade structured parking and no parking for the project that is visible to the public. • 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%.	NOTE 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 ROAD 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. NOTE 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 ROAD SHALL BE A MINIMUM OF 75% OF THE

Exhibit D - 77

			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).
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).	NOTE 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).
11. Historic Preservation – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	• 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. • 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. • 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.	NOTE 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. NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON ROAD 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. NOTE 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 ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD 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 ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE. NOTE 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. NOTE 35. THE ELEVATOR

			CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. 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.	NOTE 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. <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 ROAD. 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.
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.	NOTE 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.

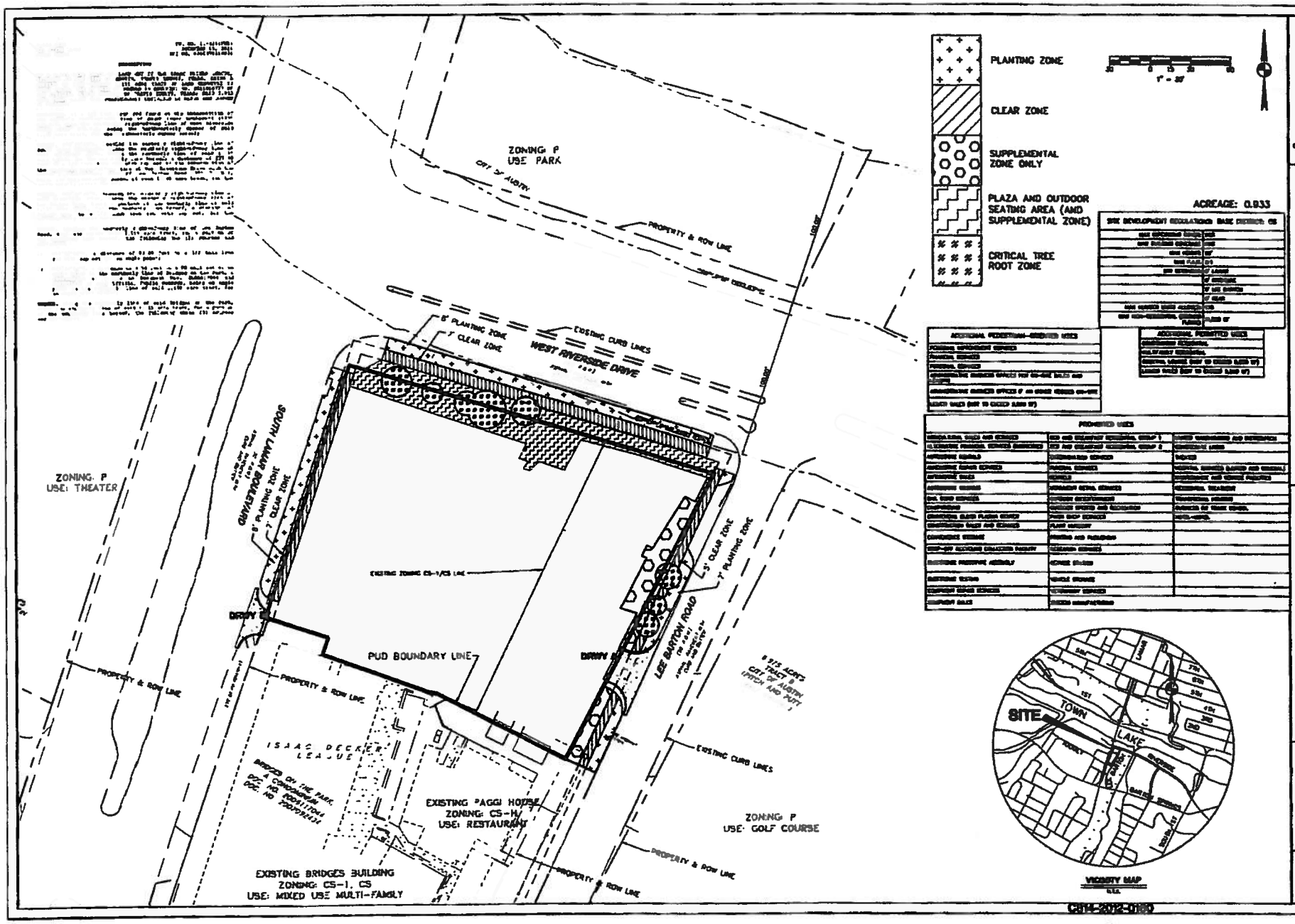
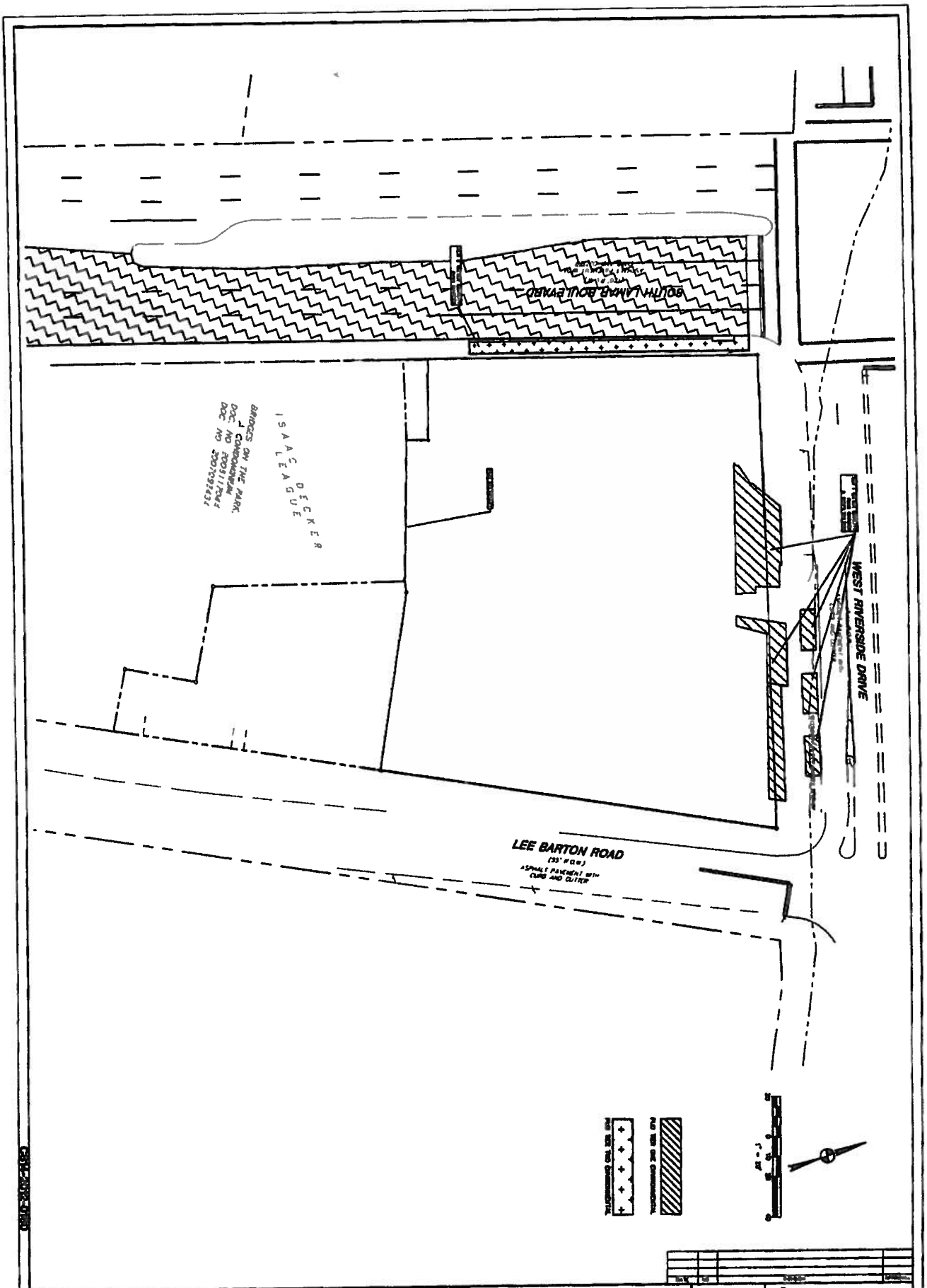


Exhibit D - 85

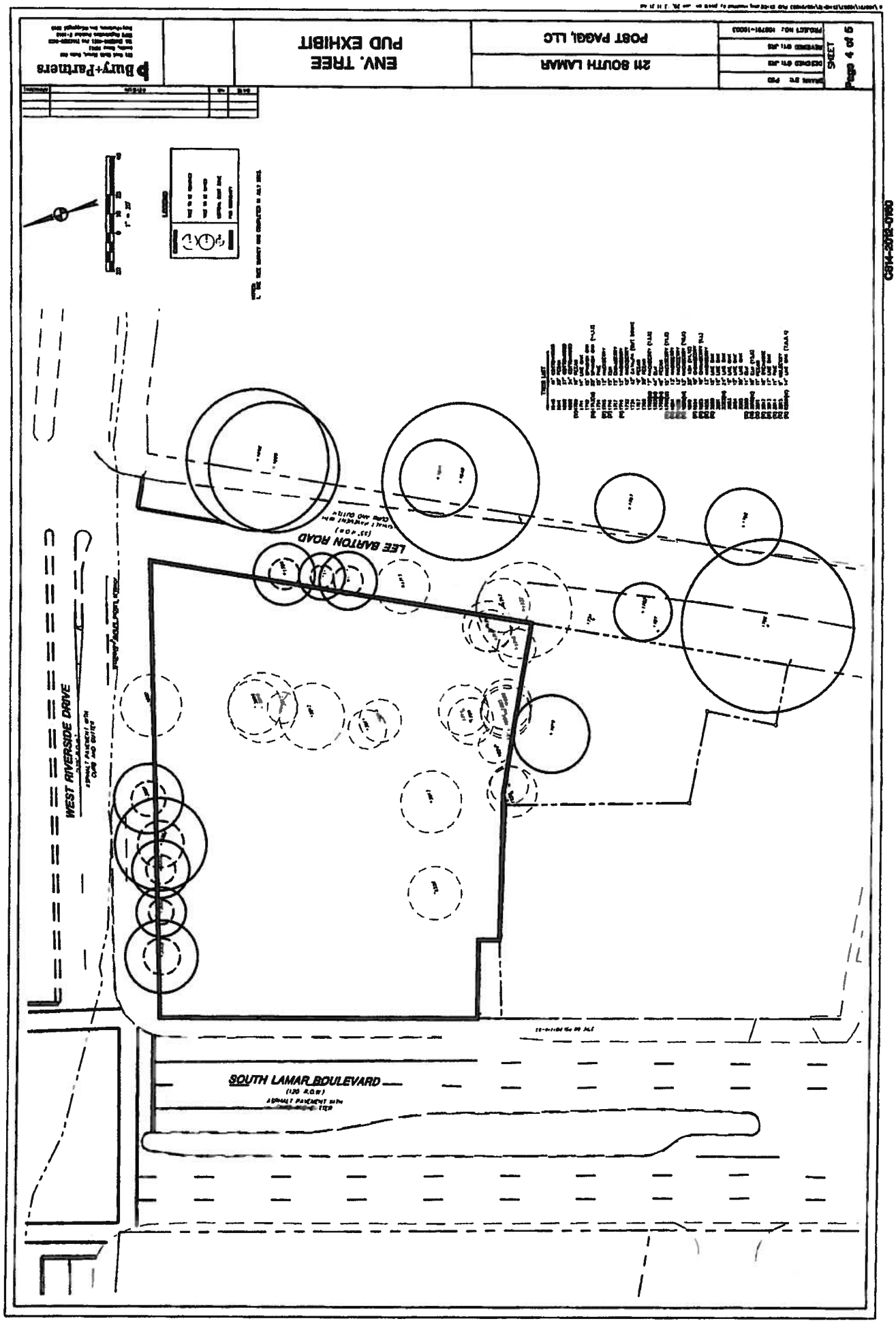
C814-2012-0150

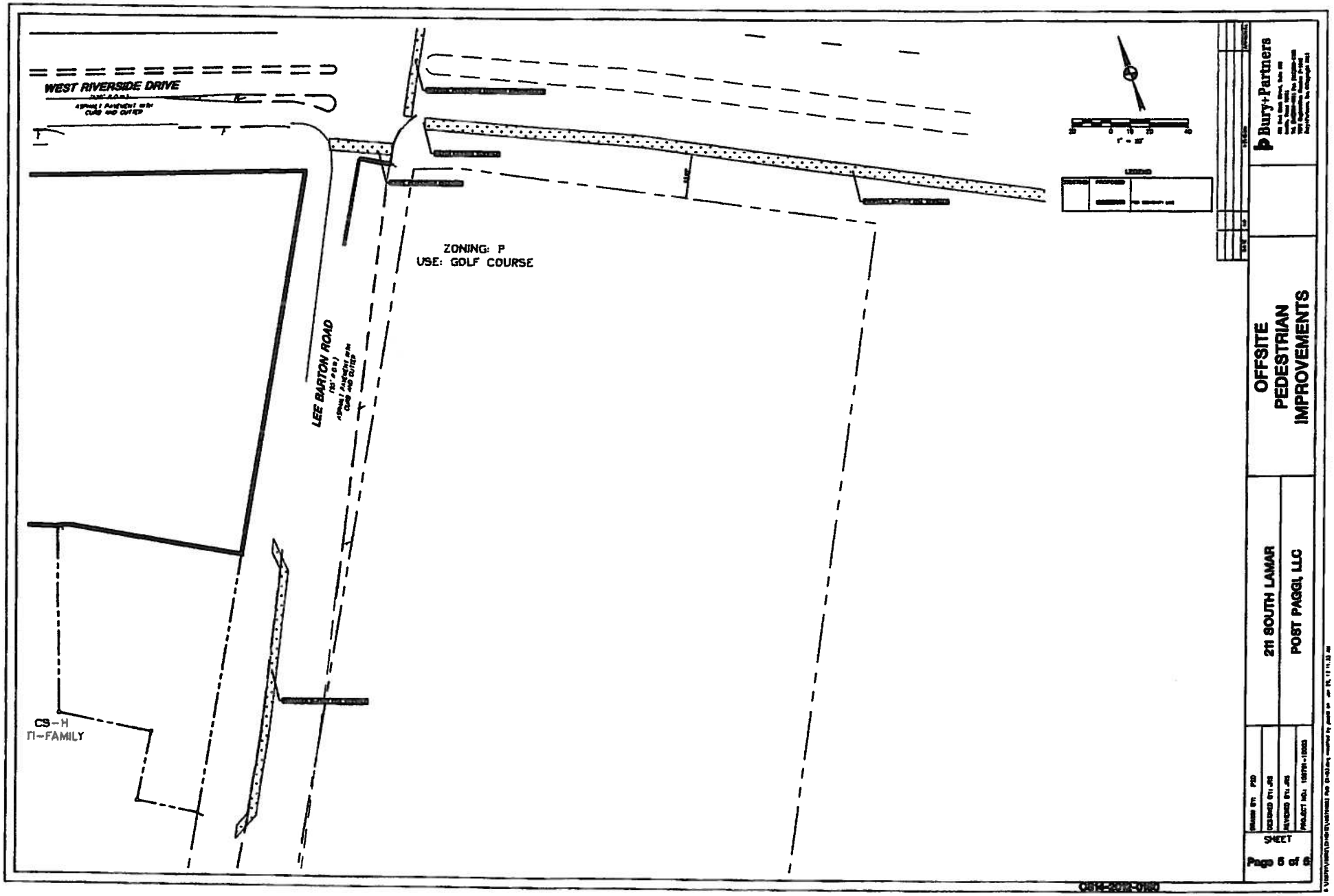
Burg+Partners	LAND USE PLAN NOTES	211 SOUTH LAMAR	POST PAGAL LLC
			SHEET Page 2 of 15



DRAWN BY: PSD DESIGNED BY: JRS REVIEWED BY: JRS PROJECT NO.: 102791-10003	211 SOUTH LAMAR POST PAGGI, LLC	WATER QUALITY PUD EXHIBIT	Bury+Partners

SHEET Page 3 of 5


Bury+Partners
ENV. TREE
PUD EXHIBIT
211 SOUTH LAMAR
POST PAGGI, LLC
SHEET
Page 4 of 5
LEE BARTON ROAD
WEST RIVERSIDE DRIVE
SOUTH LAMAR BOULEVARD
C814-2012-0160


WEST RIVERSIDE DRIVE
LEE BARTON ROAD
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CS-H
MI-FAMILY
Bury+Partners
OFFSITE
PEDESTRIAN
IMPROVEMENTS
211 SOUTH LAMAR
POST PAGGI, LLC
SHEET
Page 6 of 6

211 South Lamar / C814-2012-0160 / Response to Update #1

Electric Review - David Lambert - (512) 322-6109

Comments cleared – See Email 2013-02-05

NPZ Environmental Review - Brad Jackson 512-974-3410

Monday, February 11, 2013

UPDATE #1 2/1/13

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

UPDATE #1 Comment cleared.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

UPDATE #1 Note # 32 addresses the tree preservation criteria required to preserve trees in the PUD. The Env. Tree PUD Exhibit, sheet 4, shows tree #1709 to be removed in the list when it is supposed to remain, and it shows tree 1732 with a 50 ft CRZ instead of a 30 ft CRZ as stated in the tree survey list. Please correct these inconsistencies. This comment can be cleared informally.

NPZ PARD/Planning & Design Review - Chris Yanez 512-974-9455

UPDATE #1:

PR1-5. Cleared.

PR6. FYI; parkland dedication will be required prior to approval of a site plan on this property.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

Comments Cleared – See Email 2013-02-13

211 South Lamar / C814-2012-0160 / Response to Update #1

NPZ Transportation Review - Ivan Naranjo - (512) 974-7649

Tuesday, February 12, 2013

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

- **Update #1: Cleared.**

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

- **Update #1: Cleared.**

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

- **Update #1: Pending. Written approvals from the Public Works Dept. and the Austin Transportation Dept. have not been received.**

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

- **Update #1: Cleared.**

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

- **Update #1: Pending. This item can be deferred to the site plan stage.**

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

- **Update #1: Pending. This item may be deferred to the site plan stage.**

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

- **Update #1: Pending. Written approval from the Austin Transportation Dept. is needed for the proposed parking shown in the ROW along Lee Barton.**

TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

- **Update #1: Cleared.**

NPZ Water Quality Review - Jay Baker 512-974-2636

DATE: 2/7/13

UPDATE NO. 1 COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

UPDATE #1: Thank you for including the water quality plan with this update. It is unclear at this time why the Tier II water quality requirements are "neither directly applicable or constructively achievable". Since this involves superior treatment associated with the site

improvements and integrated with the building, coordination will need to be made through the Green Building Reviewer and the case manager to confirm that Tier II water quality is not feasible. The green building program reviewer indicated a comment of two star achievement which sometimes calls for superior water quality so that will also need to be coordinated and discussed. Please contact me to coordinate a meeting with the case manager and the green building reviewer for discussion.

Heckman, Lee

From: Lambert, David <David.Lambert@austinenergy.com>
Sent: Tuesday, February 05, 2013 4:08 PM
To: Heckman, Lee
Subject: RE: PUD Zoning Case C14-2012-0160 / 211 S Lamar

My comment is cleared.

Dave

From: Heckman, Lee [mailto:Lee.Heckman@austintexas.gov]
Sent: Tuesday, February 05, 2013 4:05 PM
To: Lambert, David
Subject: PUD Zoning Case C14-2012-0160 / 211 S Lamar

Mr. Lambert:

I'm reviewing the update to this application and see that a meeting was held 1/14/2013 between you and the applicant (probably Amanda Swor). There's supposed to be an email attached indicating your comments were cleared, but I don't see that.

Can you please confirm that your previous review comments have been cleared? Thank you in advance.

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

Tel: 512 – 974 – 7604
Fax: 512 – 974 – 6054
Email: lee.heckman@austintexas.gov

Heckman, Lee

From: Simmons-Smith, Michael
Sent: Wednesday, February 13, 2013 3:46 PM
To: Heckman, Lee
Subject: 211 South Lamar Blvd. (C814-2012-0160)

Lee....

Please note that the Site Plan Review comments for this case have been cleared as of this date, and I have indicated "approved" in the status line of the Process tab in AMANDA.

Thank you for your attention to this matter.

Michael Simmons-Smith
Senior Planner

LAND USE REVIEW
City of Austin | Planning and Development Review Department
505 Barton Springs Road | 4th floor | Austin TX | 78704

Tel | 512.974.1225
Email | michael.simmons-smith@austintexas.gov

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act.

Please consider the environment before printing this e-mail.

March 6, 2013 Staff Comment Update

As of this date there are two environmental comments and one transportation comment to clear through informal updates, that is, through direct contact and coordination between the applicant and staff who issued the comment.

ENVIRONMENTAL

The environmental comments relate to trees and water quality. Specifically, there is a labeling inconsistency for tree identification on the land use plan. This is a typographical error, and will likely be corrected with the updated land use plan to be submitted on or before March 7. As indicated below, the proposed plan does surpass minimum requirements for tree preservation.

The water quality issue also involves an update to the land use plan, but represents an agreement between the applicant and the City as regards proposed improvements in the public right-of-way and requirements for onsite green water quality measures. The applicant has proposed water quality controls in South Lamar Boulevard; the City is concerned future public work improvements on that Boulevard may necessitate the need to remove these controls. Currently, city staff and the applicant are discussing notes which will appear on the land use plan to address the desire for these controls and simultaneously what happens if they are to be removed. Additionally, the applicant has proposed green water quality treatment options for onsite water quality. It is unknown what method, or combination of methods will be used as they have yet to be designed. As such, the exact method(s) used to meet or exceed code requirements for onsite water quality treatment will be reviewed and approved as part of the site planning process.

The draft language addressing these issues is as follows, but staff expects that these notes will be finalized prior to scheduling the application for Environmental Board consideration.

GREEN STORM WATER QUALITY TREATMENT METHODOLOGIES, WHICH MAY INCLUDE BUT ARE NOT LIMITED TO, RAIN WATER COLLECTION, RAIN GARDENS, OR BIO-FILTRATION PONDS SHALL BE UTILIZED TO 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 PERPERTUITY RAIN GARDENS OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITES ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTALLY AGREED UPON BY THE CITY AND THE OWNER, THAT ARE DESIGNED TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF THAT PROVIDE A MINIMUM OF 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.

SHOULD THE WATER QUALITY FACILITES TREATING OFF-SITE RUN OFF BE REMOVED DUE TO FUTURE IMPROVEMENTS INSTALLED AT THE DIRECTION OF THE CITY OF AUSTIN, THE CURRENT OWNER OF THE SITE SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE FEE CALCULATED BASED ON CURRENT CODE AT THE TIME OF REQUEST FOR FEE IN LIEU OF PROVIDING WATER QUALITY CONTOLS BASED ON THE FULL BUILD OUT OF THE SITE WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT INTO THE URBAN WATERSHEDS STRUCTURAL

CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS OF REMOVAL OF SAID WATER QUALITY FACILITIES.

An updated water quality schematic will also likely be added to the land use plan.

From: Embesi, Michael
Date: March 6, 2013, 8:42:39 AM CST
To: Scott, Jeffrey
Cc: Amanda Swor; Steve Drenner
Subject: RE: 211 S. Lamar Tree Protection Superiority

Thank you for your email. The proposed plan surpasses the minimum requirement for tree preservation.

Thank you,
Michael Embesi
City of Austin - Planning and Development Review Department
City Arborist
505 Barton Springs Road, Fourth Floor
Austin, TX 78704
Phone (512) 974-1876
Fax (512) 974-3010

Web Site http://www.austintexas.gov/department/city-arborist

From: Jackson, Brad
Sent: Tuesday, March 05, 2013 4:53 PM
To: Heckman, Lee
Subject: RE: 211 S Lamar PUD

Hi Lee,
My comments were really minor, just some slight revisions to the LUP. They can just address them in their next informal submittal of the LUP. We have determined the tree preservation to be superior.

Brad Jackson
Environmental Review Specialist Sr.
(512) 974-3410

TRANSPORTATION

The transportation comment is in reference to the proposed maneuvering of trucks in Lee Barton right-of-way to access onsite refuse and recycling facilities. This is not an uncommon practice elsewhere in Austin. While the right to do so may be granted by Council as part of the PUD adoption, there is a desire for such maneuvering to be reviewed and approved by the Austin Transportation Department (ATD). Without the benefit of a site plan illustrating the location of these facilities and how access would function, it is difficult for ATD to grant blanket support of the request. PDR staff is working with ATD staff and the applicant to derive a land use plan note that would allow for this maneuvering, which in this case is a variance to the Transportation Criteria Manual, while still allowing ATD the authority to review and approve the maneuvering plan as part of the site planning process. As with the environmental comments, staff expects this comment may be cleared in short order.

From: Heckman, Lee
Sent: Tuesday, March 05, 2013 1:01 PM
To: Naranjo, Ivan
Subject: C814-2012-0160 / 211 S Lamar PUD

Ivan:

To confirm your voice mail:

TR#3. Cleared.

TR#7. Pending.

Parking in ROW along Lee Barton is no longer proposed.

Maneuvering in the ROW for purposes of accessing trash and recycling facilities is under review and, in the absence of a site plan submitted for review that shows location and circulation, may require modification of an appropriate land use plan note requiring ATD approval at the time of site planning.

Lee

From: Yanez, Chris
Sent: Monday, April 01, 2013 2:37 PM
To: Heckman, Lee
Subject: RE: 211 South Lamar PUD / C814-2012-0160

Hi Lee, from a public recreation standpoint the applicants will likely opt to pay a fee-in-lieu of parkland dedication. With the proximity to so much existing public parkland and given the small size of the development area PARD would most likely support the fee-in-lieu option. PARD assess this as typical or standard development practice and not superior.

Based on the metrics for PUDs provided in the LDC and approved by City Council, this project meets the standards for type and exceeds Tier-1 and Tier-2 requirements for amount of open space and therefore can be assessed as superior.

Adding office space for PARD would appear to meet the intent of providing an additional community benefit in exchange for a development bonus, but as the proposed lease is only for 20 years with no guaranteed options for renewal at existing or reduced rates, PARD questions whether the community benefit matches or exceeds the permanence of any granted development bonuses.

I hope this helps and let me know if you need anything else.

Chris Yanez
Principal Planner
Austin Parks & Recreation Dept.
Division of Planning & Development
512-974-9455

From: Naranjo, Ivan
Sent: Wednesday, April 03, 2013 4:49 PM
To: Heckman, Lee
Cc: Rye, Steve
Subject: RE: C814-2012-0160

Hi Lee,

In response to your question related to exceeding code/superiority as it relates to transportation issues, I have been in contact with the applicant and agree on the following:

The summary of agreed upon transportation improvements demonstrating superiority are as follows:

1. The development proposes a Pedestrian Crosswalk across Lee Barton Drive

2. The developer will contribute Funding for:

   A) Pedestrian Crossing Improvements across Riverside Drive

   B) A 12-foot Shared Use Path linking Lee Barton Drive east along the southern ROW of Riverside Drive to Butler Park.

   C) A 6-foot City of Austin Sidewalk in Lee Barton Drive south connecting the existing sidewalk to the proposed sidewalks on the tract.

3. Bicycle Improvements to be Provided:

   A) Commercial bicycle parking 20% more than code requires.

   B) Residential secure bicycle parking.

   C) A Public Bike Share Kiosk in the proposed plaza area adjacent to Riverside Drive, Lamar Boulevard, The Pedestrian Bridge, and the Hike & Bike Trail.

4. The proposed development will provide additional parking to improve the existing parking situation which includes the Paggi House restaurant.

I hope this is of assistance to you but please let me know if you have any questions or need additional information.

Best regards,

Ivan J. Naranjo, Senior Transportation Planner
City of Austin - Planning & Development Review Dept.
Land Use Review Division / Transportation Review Section
Office: 512.974.7649 / Fax: 512.974.2423
Email: ivan.naranjo@@austintexas.gov

MEMORANDUM

TO: Lee Heckman, Senior Planner
Planning and Development Review Department

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: April 17, 2013

SUBJECT: 211 S. Lamar PUD

This memo is to confirm that the proposed Planned Unit Development (PUD) has, in my opinion, met the requirements for environmental superiority as required by City Code. In consultation with other staff, I have reviewed the proposed PUD and made this determination based on these factors:

- Preservation of 8 healthy trees not required to be preserved by City code.
- Water quality treatment of off-site stormwater in an amount equal to or greater than 25% of the required treatment volume.
- Installation and maintenance of curb inlet filters to prevent floatables (litter) from entering Lady Bird Lake.

Also taken into consideration was that the site is an urbanized area, is allowed to be entirely developed under current regulations, and that the project is not asking for any exceptions to current environmental regulations. Given these site conditions and the voluntary environmental aspects of the project that exceed minimum regulatory requirements, it is my opinion that the project is environmentally superior to development under conventional zoning and subdivision regulations.

If you have any questions, please contact me at 974-2699.

Waterfront Overlay Ordinance Land Development Code Section	Ordinance Requirements	Project Compliance
§ 25-2-692 WATERFRONT OVERLAY DISTRICT USES. *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.*	(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.	**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%.**
§ 25-2-721 WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS. *Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074.*	(B) In a primary setback area: (1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if: (a) the park facilities are located on public park land; and (b) the impervious cover does not exceed 15 percent.	**PRIMARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY**
	(C) In a secondary setback area: (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and (2) impervious cover may not exceed 30 percent. (D) This subsection provides requirements for parking areas. (1) Surface parking: (a) must be placed along roadways, if practicable; and (b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part. (2) A parking structure that is above grade:	**SECONDARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY**

	(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 (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. (3) Setback requirements do not apply to a parking structure that is completely below grade. (E) This subsection provides design standards for buildings.	
	(1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.	**THERE WILL BE NO MIRRORED GLASS AND NO GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS AS REQUIRED**
	(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 ofChapter 13-1, Article 4 (*Heliports and Helicopter Operations*), a flat roof is permitted.	**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.**
	(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.	**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**

		WILL CHANGE IN MATERIAL PALLETTE. ***(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.***
	(4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.	**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 FACADES.**
	(F) Underground utility service is required, unless otherwise determined by the utility provider.	**UNDERGROUND UTILITY SERVICE WILL BE PROVIDED WHERE REQUIRED.**
	(G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.	**ALL TRASH RECEPTACLES, AIR CONDITIONING OR HEATING EQUIPMENT, UTILITY METERS, LOADING AREAS, AND EXTERNAL STORAGE**

		WILL BE SCREENED FROM PUBLIC VIEW WHERE REQUIRED.
§ 25-2-722 SPECIAL REGULATIONS FOR PUBLIC WORKS. *Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.*	(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. (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. (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.	**NOT APPLICABLE**
§ 25-2-723 SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF-WAY. *Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211-11.*	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,	**PROJECT WILL BE COMPATIBLE WITH DEVELOPMENT OF ADJACENT PARK LAND AND CONSISTANT WITH TOWN LAKE PARK PLAN**

	landscaping, and stormwater filtration.-	
	(B) Subsection (A) applies to: (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; (2) Trinity Street, from Cesar Chavez Street to Fifth Street; and (3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street. (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.	**PROJECT WILL BE CONSISTENT WITH TOWN LAKE PARK PLAN STREETSCAPE IMPROVEMENTS**
§ 25-2-733 BUTLER SHORES SUBDISTRICT REGULATIONS. *Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.*	(A) This section applies in the Butler Shores subdistrict of the WO combining district. (B) The primary setback lines are located: (1) 100 feet landward from the Town Lake shoreline;	**PROJECT LIES OUTSIDE OF PRIMARY SETBACK LINE**
	(2) 35 feet south of the southern boundary of Toomey Road; (3) 35 feet south of the southern boundary of Barton Springs Road; (4) 35 feet north of the northern boundary of Barton Springs Road; and (5) 100 feet from the Barton Creek centerline. (C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.	**PROJECT LIES OUTSIDE OF PRIMARY AND SECONDARY SETBACK LINES**
	(D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.	**NO GRADIENT EXCEEDS 25%**

	(E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake. (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.	**GROUND FLOOR LEVEL ON LAMAR AND RIVERSIDE IS WRAPPED WITH RETAIL STOREFRONT ON OVER 60% OF THE WALL FRONTAGE**
	(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.	**WHERE NO GLAZING, A STRCUTURAL PODIUM AT THE 2ND LEVEL WILL BREAK ANY BASE WALL CONTINUITY ALONG RIVERSIDE**
	(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.	**WE WILL BE USING NATURAL BUILDING MATERIALS WHERE REQUIRED**
	(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of: (1) 45 feet, if north of Barton Springs Road; or (2) 35 feet, if south of Barton Springs Road. (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. (H) The maximum height is: (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	**NOT APPLICABLE**

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

211 South Lamar
C814-2012-0160
Environmental Superiority

Superiority Item	Applicable PUD Note
1. The PUD does not request any exceptions to or modifications of environmental regulations.	
2. The PUD prohibits uses that may contribute to air or water quality pollutants.	The PUD prohibits the following uses that may contribute to air or water quality pollutants: • Agricultural Sales and Services • Automotive Rentals • Automotive Repair Services • Automotive Sales • Automotive Washing • Construction Sales and Services • Drop-Off Recycling Collection Facility • Equipment Repair Services • Equipment Sales • Extermination Services • Plant Nursery • Printing and Publishing • Service Station • Vehicle Storage • Custom Manufacturing • Limited Warehousing and Distribution • Maintenance and Service Facilities
3. Project meets or exceeds Austin Energy 3-Star Green Builder Program	Note 3: The Planned Unit Development will comply with the City of Austin Green Building Commercial Program with a (minimum) Three-Star rating.
4. The PUD will provide and IPM program and limit pesticide use on site.	Note 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.
5. The PUD is exceeding the landscaping irrigation requirements by 100%.	Note 17: 100% of all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens for 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.
6. The PUD will exceed native and adaptive landscape requirements by 100%	Note 16: 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and Adapted Plant Guide.
7. The project will comply with code requirements for on-site water quality treatment. (See included calculations)	Note 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.
8. The project will provide enhanced bicycle facilities on site for both residents and the public.	Note 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.
9. The project is preserving 8 trees (5 along Riverside Drive and 3 along Lee Barton) on the site that would be lost if the project was constructed on current zoning.	Note 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 critical root zones as shown on the Land Use Plan will remain undisturbed.
10. The project will exceed the required amount of open space on the project by 140%.	Note 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, bio-filtration 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.
11. The PUD will exceed onsite water quality treatment requirements.	Note 38: 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 of Austin 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 of 1,150 CF of treatment volume which is an amount greater than 25% of the project area.
12. The PUD will provide curb inlet features to remove floatables adjacent to site.	Note 39: The project will provide and maintain the three curb inlet filters in the existing inlets on South Lamar Boulevard, Riverside Drive and Lee Barton Road adjacent to the site.

MEMORANDUM

TO: Lee Heckman, Senior Planner
Planning and Development Review Department

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: April 17, 2013

SUBJECT: 211 S. Lamar PUD

This memo is to confirm that the proposed Planned Unit Development (PUD) has, in my opinion, met the requirements for environmental superiority as required by City Code. In consultation with other staff, I have reviewed the proposed PUD and made this determination based on these factors:

- Preservation of 8 healthy trees not required to be preserved by City code.
- Water quality treatment of off-site stormwater in an amount equal to or greater than 25% of the required treatment volume.
- Installation and maintenance of curb inlet filters to prevent floatables (litter) from entering Lady Bird Lake.

Also taken into consideration was that the site is an urbanized area, is allowed to be entirely developed under current regulations, and that the project is not asking for any exceptions to current environmental regulations. Given these site conditions and the voluntary environmental aspects of the project that exceed minimum regulatory requirements, it is my opinion that the project is environmentally superior to development under conventional zoning and subdivision regulations.

If you have any questions, please contact me at 974-2699.

Historic Context of the Paggi House
With Relation to Proposed Adjacent Development

Prepared by the City of Austin Historic Preservation Office
June, 2013

History of the Paggi House
The actual date of construction of the Paggi House is not known, but the original portion of the house is believed to have been built as early as the 1830s, prior to the establishment and platting of the City of Austin. A construction date of the 1830s makes the Paggi House one of the, if not the, oldest buildings in Austin.

The house was built outside the plat of the original city, and was located on the first stable bluff south of the Colorado River on the road which led to Austin from the southwest (from Fredericksburg), crossing Barton Creek and leading to the low-water ford of the Colorado opposite the mouth of Shoal Creek. The road passed by the north-northwest side of the house, paralleling the Colorado River, and would have been in the approximate location of the present intersections of Riverside Drive and Barton Springs Road with South Lamar Boulevard.

Colonel Sterling W. Goodrich, a Virginian, purchased the property from James H. Raymond in 1853, the same year he arrived in Austin. Goodrich had a plantation here – his estate originally encompassed over 1,000 acres, stretching along the Colorado River to the east bank of Barton Creek, where he had a grist mill, sawmill, cotton gin, and hay reaping equipment. It is believed that the house was used by the Goodrich family as their family home, as well as an inn. Robert E. Lee's diaries of his years in Texas in the late 1850s, record that he stayed at an inn at the location of the house which is now known as the Paggi House. The house would have had an ideal location as a roadside inn for travelers coming to Austin from the southwest, arriving too late in the day to make the ford across the Colorado before nightfall.

Goodrich's fortunes waned after the Civil War, and he sold the house and approximately 8 acres surrounding it to George B. Zimpelman and a partner in 1867. Zimpelman was a land speculator, sheriff, surveyor, banker, and insurance agent. He owned the property for 17 years, but it is not clear if he ever lived in the house.

George Zimpelman sold the house to Michael Paggi in 1884; the Paggi family and its descendants owned the property for a good 90 years thereafter, even though the house eventually fell into disrepair and was condemned by the City of Austin as unsafe for habitation. Paggi was born in Italy, and came to Austin in the 1870s. Among his many businesses were an ice factory, grist mill, blacksmith shop (a designated City landmark at 503 Neches Street), and carriage shop (a designated City landmark at 421 E. 6th Street). Michael Paggi died in 1911, and the property was passed down to his descendants.

The house was designated as one of Austin's first historic landmarks in the fall of 1974; at that time, it was in a very deteriorated condition, but the heirs of Michael Paggi negotiated a 50-year lease with the architectural firm of Pfluger and Polkinghorn, who restored the house, along with its additions and outbuildings.

The Paggi House also has state and federal designations: it is a Recorded Texas Historic Landmark, and is listed in the National Register of Historic Places.

Architecture of the Paggi House
The Paggi House represents an excellent example of vernacular Greek Revival architecture, which was very common in more settled portions of Texas in the 1830s and 1840s, and which has been dubbed America's "National Style" of the 19th century. Greek Revival architecture hearkened back to the democracy of Ancient Greece, and became the dominant style for both residential and commercial buildings in the early 19th century, reflecting American independence, and the strength of American democracy. Greek Revival architecture is characterized by a symmetrical composition with a central hall and rooms leading off to each side and simple, Classical detailing. The original portion of the Paggi House was two rooms deep with a central hall. The original house had a small, central, gable-pedimented entry porch; the current porch is a result of a Victorian-era remodeling with a much more elaborate porch railing than would have been common or characteristic of Greek Revival design

The house was built with hand-made bricks and wood-plank floors. The house most likely originally had a cedar-shake roof, as locally-sourced materials were the only ones available to Austinites in the earliest days of settlement. The house has retained a remarkable degree of integrity of materials and design over the years.

Current conditions of the Paggi House
The Paggi House is currently in excellent condition, with few modifications that detract from its historic character. Office buildings built in the 1970s south of the house have been demolished, and a new condominium building has been built over part of the southern end of the tract. The courtyard of the Paggi House has been transformed into an outdoor bar and restaurant area with a contemporary design for shelters over the historic courtyard area; various doors and windows on the back of the building have been replaced over the years with modern doors and windows, and the terraces on the front of the house have been converted to a wraparound deck, offering outdoor seating for restaurant patrons. However, despite these changes to the environment of the house, the materials, design, and context of the house have been well-preserved and still convey a strong sense of the property's historic character.

Current environment of the Paggi House
The environment of the Paggi House has changed through development of the adjacent sites. Photographs of the house in the early 1970s show an old wooden picket fence on the east side of the house, which lent an air of its historic farmstead character, but the house now has a much more urban feel to it because of adjacent development. Office buildings constructed in the 1970s were demolished in the early 2000s for the construction of a mid-rise condominium complex to the south and west of the house. A fast food restaurant is located on the northwest corner of the original site, and parking lots exist to the north and west of the house. While motorized traffic on Riverside Drive at the north end of the property has been significantly scaled back since the conversion of the street to a parkway, South Lamar Boulevard is one of the city's busiest for urban traffic. The original context of the Paggi House on a bluff overlooking the Colorado River on the old road leading into Austin from the southwest has been mostly obliterated from two sides of the property – the east side of the house best conveys the historic setting of the house with its wooded, bluff-like setting. The north side of the house also gives a sense of the original context of the house, but has been compromised by parking lot paving and the erection of a wooden privacy fence at the southwest corner of Riverside Drive and Lee Barton Drive. These two aspects of the house preserve a perceivable connection with the historic context and setting of the house; although neither remains pristine.

Please see the photographs following the narrative section of this report.

Applicability of Historic Zoning Regulations
Historic landmarks in Austin are designated through the historic zoning process, which zones the parcel(s) of land necessary for the reasonable access to and use of a historic property in accordance with provisions of state law. The city of Austin does not regulate development adjacent to parcels which have been zoned historic specifically in terms of the historic landmark, but general compatibility standards for new construction may apply whether the building is a historic landmark or not. It is up to the owner of a property adjacent to a historic landmark to "do the right thing" in taking into consideration the context and architecture of a historic landmark in designing new construction to achieve a compatible balance between old and new and to protect the integrity of the historic landmark.

Parallel Schools of Thought
As stated above, the City of Austin does not regulate development on property adjacent to a historic landmark, but there is a strong school of thought in historic preservation to encourage development that does not significantly compromise the historic character of historic properties.

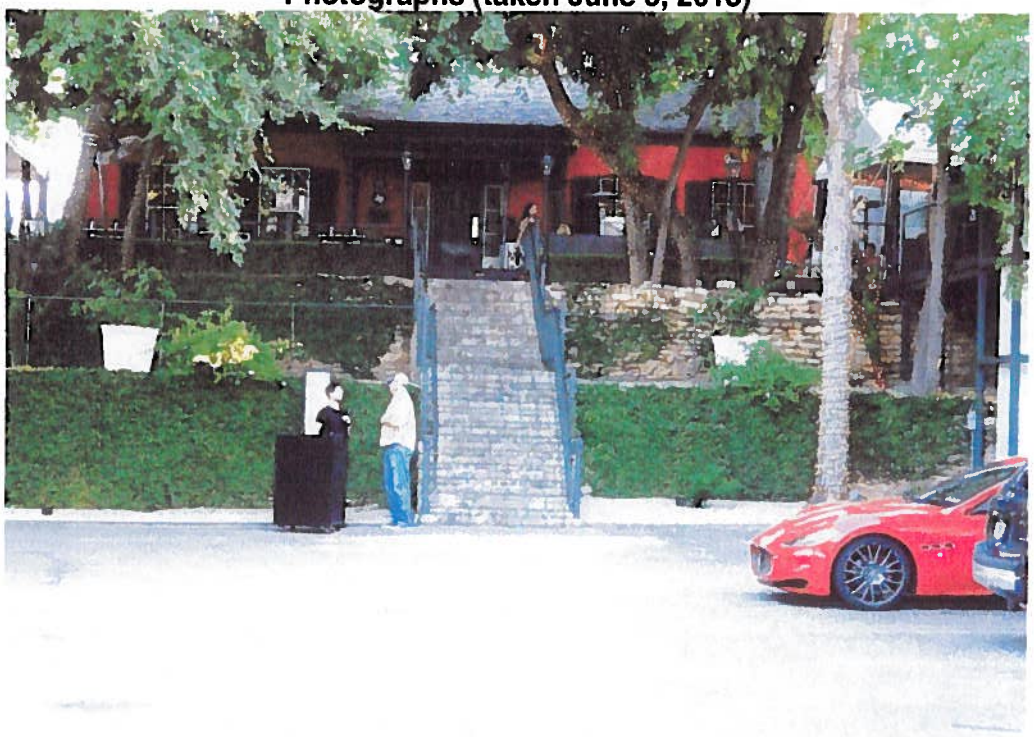
Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800)
Section 106 of the National Historic Preservation Act of 1966 requires any agency or entity using federal money or needing a federal permit, to take into consideration the effect of a proposed project on properties that are listed or that are eligible for listing in the National Register of Historic Places. A common example of required Section 106 coordination is highway expansion or new highway construction, which will bring pavement closer to a National Register listed or eligible building, and thus potentially affect the context of the historic building. The effect of the project may be direct, such as the destruction or relocation of the building, or may be indirect, such as the introduction of new elements or construction that would alter any of the characteristics of a historic property that qualify the property for listing in the National Register, or diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. A proposed highway requiring the demolition of the Alamo would certainly be a direct adverse effect; a proposed highway overpass over the Alamo would likely be considered an indirect adverse effect. The underlying philosophy is that proposed new construction should not adversely affect the historic character of historic buildings, whether or not the new construction is proposed for the site of the historic building, or adjacent to it.

Mitigation of Adverse Effects
Projects which have been determined will have an adverse effect on historic buildings must devise a plan to mitigate the adverse effect. There are many ways of doing this – commonly used mitigation measures include a buffer, vegetative or otherwise, to protect the integrity of the setting and character of a historic building, and to retain the articulation of the historic property even when new construction is proposed nearby. The South Carolina State Historic Preservation Office recommends an opaque vegetative buffer to protect the integrity of a historic setting or landscape, which "is intended to: avoid diminishing the aesthetic qualities of and scenic views to or from historic sites; minimize adverse visual impacts to historic sites; and preserve the historical or cultural values for which the property is listed or eligible for listing in the National Register of Historic Places."

Secretary of the Interior's Standards for Rehabilitation
The Secretary of the Interior's Standards for Rehabilitation, which have been adopted by the City of Austin, apply to historic properties, not to adjacent properties, but further demonstrate the historic preservation philosophy of preserving and protecting the integrity of historic properties. Standard No. 2 states: "The historic character of a property will be retained and

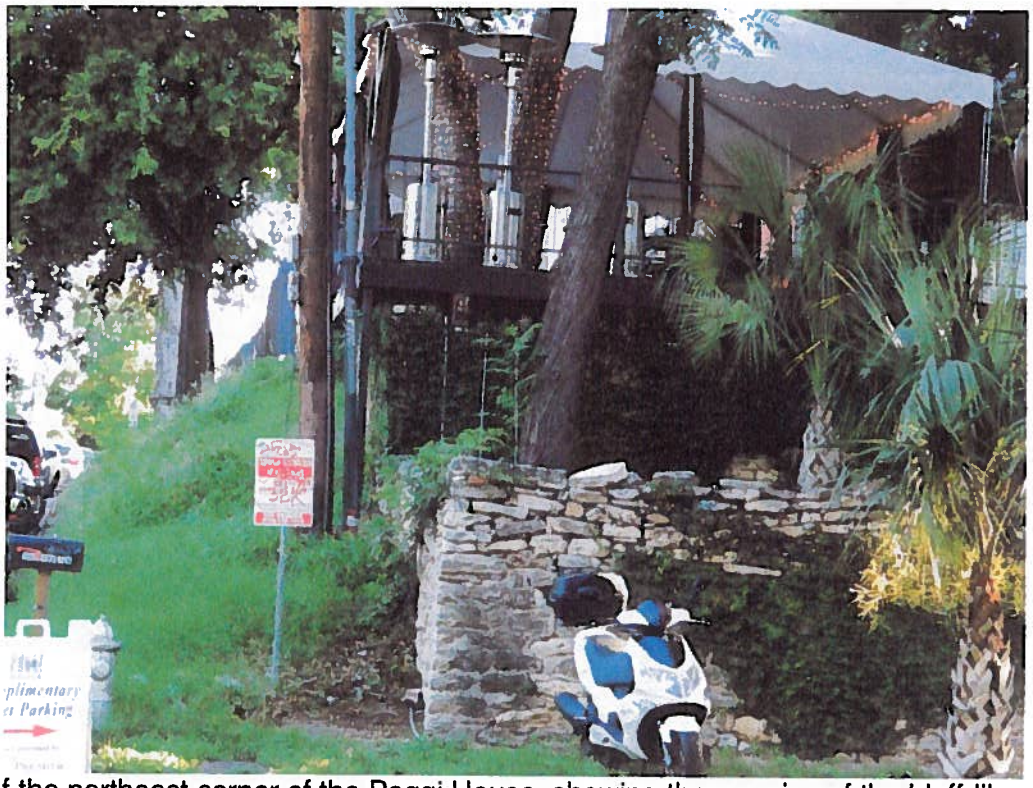
preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided." Again, the Secretary of the Interior's Standards for Rehabilitation apply ONLY to historic properties themselves, but clearly show the trend in protecting the setting and context of those properties.

Photographs (taken June 5, 2013)

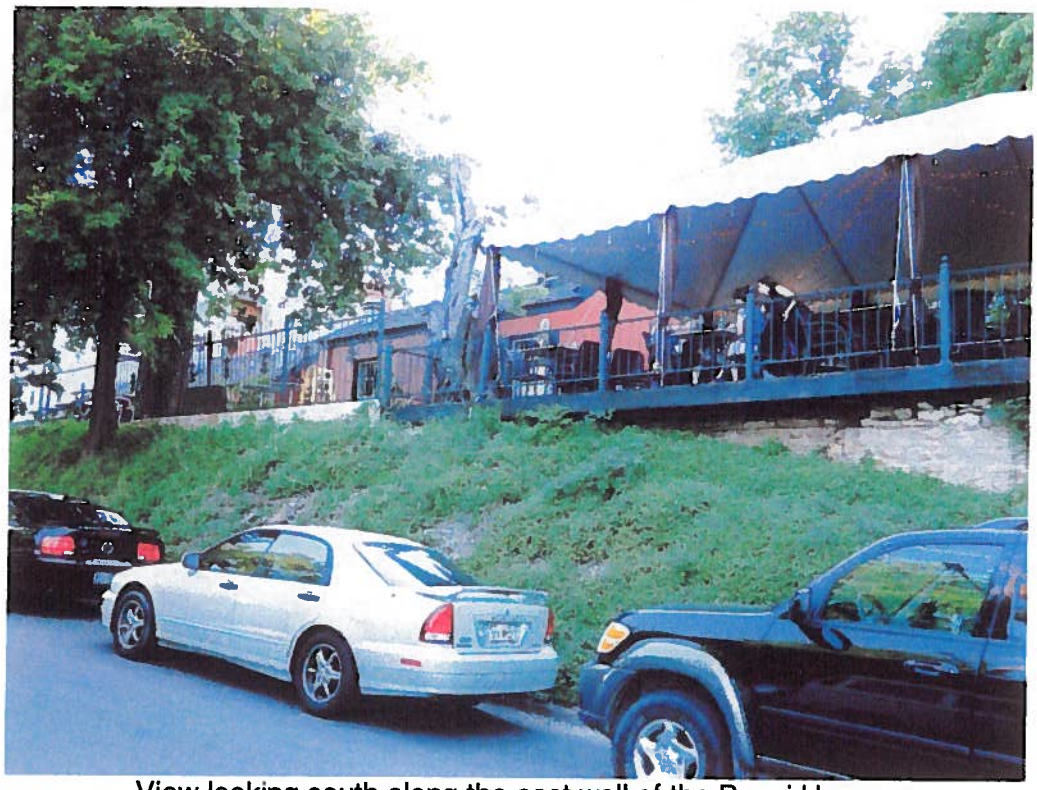


View of the Paggi House from the north parking lot (June 5, 2013)

View from the north parking lot towards Riverside Drive, showing the fenced enclosure at the northeast corner of the parking lot (June 5, 2013)

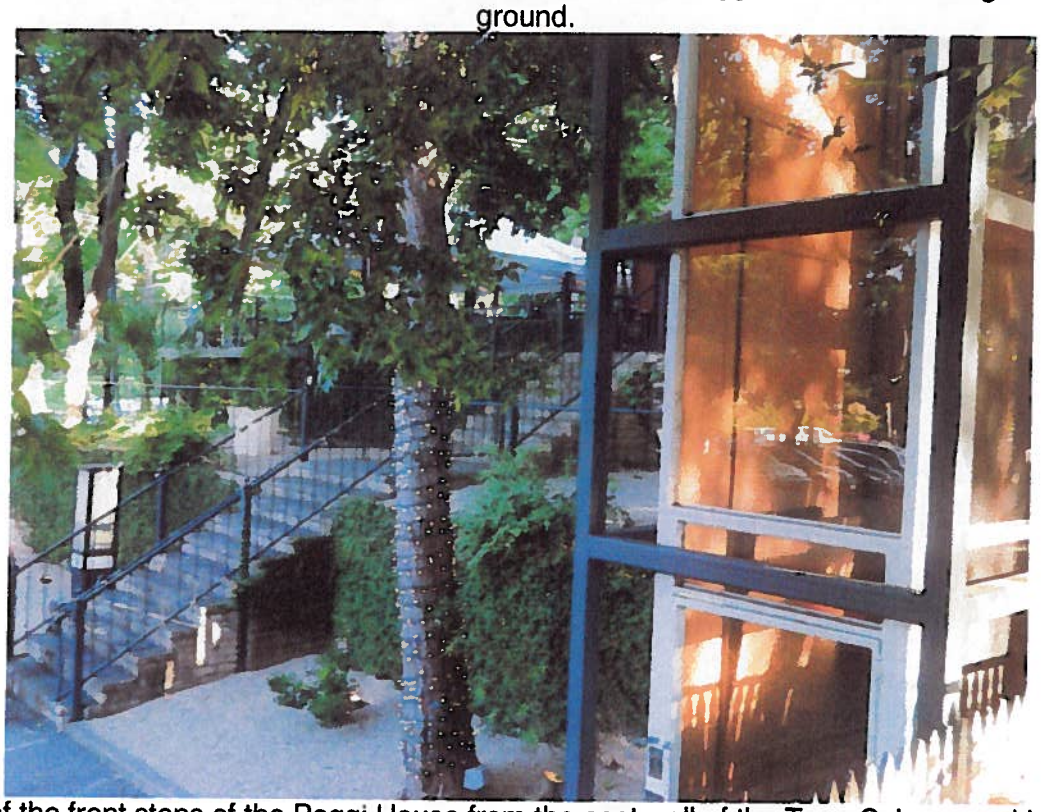


View of the northeast corner of the Paggi House, showing the remains of the bluff-like setting along the east wall of the house.



View looking south along the east wall of the Paggi House.

View of the Taco Cabana drive-thru lane just to the west of the Paggi House, the east wall of which is just behind the stone wall shown in the left back-ground of the photograph. The recent condominium building to the south and southwest of the Paggi House is in the right back-ground.



View of the front steps of the Paggi House from the east wall of the Taco Cabana parking lot.

Exhibit I

Exhibit I

Exhibit I

Exhibit I

Exhibit I

Exhibit I

Exhibit I

ENVIRONMENTAL BOARD MEETING MINUTES WEDNESDAY
March 20, 2013

The Environmental Board convened in a public hearing meeting on Wednesday, March 20, 2013 at City Hall Council Chambers. 301 W. Second Street, Austin, Texas 78701.

Board Members in Attendance:
Robin Gary, Mary Gay Maxwell, Mary Ann Neely, Marisa Perales, Jennifer Walker, and Bob Anderson

Board Members in Absent:
James Schissler

Staff in Attendance:
Brad Jackson
Chuck Lesniak
David Johns
Marilla Shepherd
Robyn Smith
Sue Barnett
Thais Perkins
Mike McDougal
Lee Heckman
Wendy Rhoades
Jackie Chuter

Others Present:
Michele Rogerson Lynch

1. **CALL TO ORDER Vice-Chair Robin Gary called the meeting to order at 6:10 p.m.**

2. **CITIZEN COMMUNICATIONS: GENERAL**
Speakers should sign up to speak prior to the meeting being called to order; each speaker will receive a three-minute allotment to discuss topics not posted on the agenda.
There were no citizens signed up to speak under citizen's communication.
   - **Richard McKenzie signed up to speak in opposition of agenda item 4c.**
   - **Lisa McKenzie signed up to speak in opposition of agenda item 4c.**

Exhibit M - 1

3. **APPROVAL OF MINUTES AND ACTION ITEMS**

a. Approve the minutes of the Environmental Board regular meeting on March 6, 2013.

The March 6, 2013 minutes were approved on Board member Jennifer Walker's motion and Board member Maxwell's second. [Vote 4-1-0-2]. Board member Bob Anderson was off the dais, Board member Mary Ann Neely abstained and Board member James Schissler was absent.

b. Environmental Officer's report on, hot topics, and past Board actions – Chuck Lesniak, Watershed Protection Department.

No report this week.

4. **PUBLIC HEARINGS AND ACTION**

a. **Name**: 1601 West Stassney **C814S-86-030.03**
Applicant: Metcalfe Wolff Stuart & Williams, LLP Michele Rogerson Lynch - Agent
Location: 1601 Stassney Lane
Staff Reviewer: Wendy Rhoades, Planning and Development Review Department
Watershed: Williamson Creek (Suburban) Desired Development Zone
Ordinance: Current Land Development Code
Request: No environmental variances have been requested with the subject third amendment to The Oaks II – P.U.D. 1. The applicant is seeking to change the zoning base district and add impervious cover on a lot in the PUD. 2. The applicant intends to build a 170 unit condominium development on Lot 2. The applicant is requesting to change the zoning base district of Lot 2 to permit this. The development will comply with current Code requirements.
Staff Recommendation: Recommend Approval
#1. The Environmental Board recommends NO RECOMMENDATION on the subject third amendment to The Oaks II PUD C814S-86-030. Motioned by Board member Mary Gay Maxwell and seconded by Board member Mary Ann Neely. [Vote 6-0-0-1] See attached motion.

#2. The Environmental Board recommends approval of 1601 West Stassney Lane - C814S-86-030.03. Motioned by Board member Robin Gary and seconded by Board member Mary Ann Neely. [Vote 6-0-0-1] See attached motion.

b. **Name**: 211 South Lamar PUD C814-2012-0160
Applicant: Winstead PC - Amanda Swor-Agent
Location: 211 S. Lamar Boulevard
Staff Reviewer: Lee Heckman, Planning and Development Review Department
Watershed: Lady Bird Lake (Urban) Desired Development Zone
Ordinance: Current Land Development Code

Request: Land Development Code (25-2-713) - The applicant is requesting a single building PUD to exceed a 60-feet building height limit with a maximum building height of 96 feet.
No environmental variances are requested.
Staff Recommendation: Recommended for Approval
#1. The Environmental Board recommends NO RECOMMENDATION on 211 South Lamar PUD - C814-2012-0160.
Motioned by Board member Mary Gay Maxwell and seconded by Board member Mary Ann Neely. [Vote 6-0-0-1] See attached motion.

#2. The Environmental Board recommended approval of environmental treatments of 211 South Lamar PUD – C814-2012-0160. Motioned by Board member Mary Ann Neely and seconded by Board member Bob Anderson. Motioned failed. [Vote 2-4-0-1] See attached motion.

c. **Name**: Senna Hills MUD Consent Agreement Amendment C12M-2013-002
Applicant: Senna Hills Limited (Rip Miller)
Location: 323 Acres on FM Road 2244 at Senna Hills Drive
Staff Reviewer: Jackie Chuter, Planning and Development Review Department
Watershed: Barton Creek Watershed, Ordinance and Lake Austin Watershed
Ordinance: Ordinance (exempt from Comprehensive Watershed Ordinance 860508V)
Request: Consider an amendment to the Senna Hills MUD consent agreement and land plan to: (1) change the land use designation for an 11.73 acre tract from School and Irrigation to Office, (2) reduce the maximum residential density, (3) reduce the maximum Living Unit Equivalents (LUEs) of water and wastewater demand, and (4) reduce the acreage of land designated for the irrigation of treated wastewater effluent.
Staff Recommendation: Staff recommends denial of the request to amend the consent agreement.
Reasons for Recommendation: The proposed change would result in increased impervious cover in the Barton Creek watershed. Also, Eanes ISD officials would like to continue to reserve this site for possible future use as a school.
The Environmental Board motioned to recommend disapproval of Senna Hills MUD Consent Agreement. Motioned by Board member Mary Ann Neely and seconded by Board member Marisa Perales. [Vote 5-0-1-1] See attached motion.

5. **STAFF BRIEFING AND POSSIBLE ACTION**

a. Monthly Construction Progress Report for the WTP4 Jollyville Transmission Main – Robyn Smith, Public Works Department
This item was conducted as posted. No action taken.

b. Monthly Briefing on Environmental Commissioning and Monitoring for the WTP4 Jollyville Transmission Main – Thais Perkins, David Johns, P.G., Watershed Protection Department
This item was conducted as posted. No action taken.

6. **OLD BUSINESS AND REPORTS**

a. Update on the Joint Environmental/Parks Board Subcommittee – Mary Ann Neely, and Jennifer Walker.
No report this week.

b. Urban Growth Policy Committee – Mary Gay Maxwell, James Schissler, P. E., and Marisa Perales.
No report this week.

c. Water Treatment Plant #4 Committee – Mary Gay Maxwell, Chair, Bob Anderson, Robin Gary & Mary Ann Neely.
No report this week.

d. Development Committee – Bob Anderson, Chair, Mary Gay Maxwell, Marisa Perales, and James Schissler.
No report this week.

e. Water Quality Regulations Committee – Mary Ann Neely, Chair, Robin Gary, & Jennifer Walker.
The Water Quality Regulations Committee is scheduled to meet on 3/27/13 at 3:30 p.m. at OTC 12th Floor.

f. Watershed Protection Budget Committee – Mary Gay Maxwell, Mary Ann Neely &Bob Anderson
No report this week.

g. Reports from Board representatives to other committees.
No report this week.

7. NEW BUSINESS - Future agenda items

1. **Request a meeting with Chair Maxwell, Mr. Lesniak and relevant staff from the Legal Dept. and the City Clerk's office to discuss the process to change the Environmental Board By-laws regarding Planned Unit Developments.**
2. **Request to convene the Water Quality Regulations Committee to discuss general environmental criteria for attaining environmental -superiority on PUD projects.**

8. ADJOURNMENT

Chair Mary Gay Maxwell adjourned the meeting at 10:00 p.m.

Exhibit M - 4

ENVIRONMENTAL BOARD MOTION 032013 4b

Date: March 20, 2013

Subject: 211 South Lamar Blvd C814-2012-0160

Motioned By: Mary Gay Maxwell Seconded By: Mary Ann Neely

Recommendation

The Environmental Board recommends no recommendation on the proposed Planned Unit Development: 211 South Lamar Blvd C814-2020-0160.

Rationale:
It is not within the purview of the Environmental Board to recommend proposed zoning and /or land use proposals of Planned Unit Development (PUD). The only aspect of PUD proposals that is within the purview of the Environmental Board is the proposed "Environmental Superiority" of the Planned Unit Development.

Vote 6-0-0-1

For: Anderson, Gary, Maxwell, Neely, Perales and Walker

Against:

Abstain:

Absent: Schissler

Approved By:

Dr. Mary Gay Maxwell, Chair

Exhibit M - 5

ENVIRONMENTAL BOARD MOTION 032013 4b

Date: March 20, 2013

Subject: 211 South Lamar Blvd. - C814-2012-0160

Motioned By: Mary Ann Neely Seconded By: J. Robert Anderson

Recommendation

The Environmental Board recommends approval of the environmental treatments proposed in the 211 South Lamar Blvd PUD - C814-2020-0160.

Rationale:
The proposed treatments outlined in the Tier II Compliance will follow or will exceed the requirements, and the PUD will meet Austin Green Builder program requirements for 3-star level.

Vote 2-4-0-1 Motioned failed.

For: Anderson, and Neely.

Against: Gary, Maxwell, Perales and Walker

Abstain:

Absent: Schissler

Approved By:

Dr. Mary Gay Maxwell, Chair

Exhibit M - 6

WATERFRONT PLANNING ADVISORY BOARD
(REGULAR MEETING)

APRIL 8, 2013 @ 6:00 P.M.

*****BOARDS & COMMISSIONS ROOM – CITY HALL*****
301 W. 2nd Street
Austin, TX 78703

MEETING MINUTES

Brooke Bailey, Chair

Robert Pilgrim, Vice-Chair
Roy Mann
Dean Rindy

Eric Schultz
Cory Walton
Tyler Zickert

CALL TO ORDER – Chair Bailey called the meeting to order at 6:02 p.m.

A. CITIZEN COMMUNICATIONS

The first four (4) speakers signed up prior to the meeting will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

There were no citizen communications at this meeting.

B. APPROVAL OF MINUTES

1. Approval of minutes from the March 11, 2013 regularly-scheduled meeting.

The minutes were approved 7-0 on a motion from Vice-Chair Pilgrim and a second by Mr. Mann.

C. NEW BUSINESS

1. Presentation, discussion and action on a rezoning request for 211 South Lamar Blvd.

Case No.:	C814-2012-0160
Owner:	Post Paggi, LLC (Jason Post)
Applicant:	Winstead PC (Amanda Swor)
Request:	CS & CS-V to PUD
Staff Rec.:	**Recommended**
Staff:	Lee Heckman, (512) 974-7604; lee.heckman@austintexas.gov Planning & Development Review Department

The motion to not recommend this rezoning request passed 4-1-2 on a motion by Mr. Walton and a second by Mr. Rindy with Mr. Schultz opposed, Mr. Zickert abstaining, and Vice-Chair Pilgrim recused.

2. Briefing on the Sustainable Places Special Project: South Shore Central Planning Grant, and the planned demonstration of the beta version of the analytical tool at the May 13 WPAB meeting. Alan Holt, Planning & Development Review Department

Staff Liaison: Michael Simmons-Smith - 974-1225

Exhibit M - 7

3. Miscellaneous Board business and discussion.

4. Bonus provision discussion.

ADJOURNMENT – Chair Bailey adjourned the meeting at 9:25 p.m.

bridges
on the park

August 8, 2013

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Application

Dear Mayor and Council Members:

As representatives of the Bridges on the Park Condominium Association, Inc., we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. This is Item 93 on Council's agenda for August 8, 2013.

Since last Friday, we have been in negotiations with the developer, and we have reached an agreement on several items related to the proposed PUD. At this point, these items have been memorialized in a Memorandum of Understanding (MOU) that has been signed by both parties. The MOU is attached for your reference.

It is our intent to register as "neutral" on the proposed PUD at today's Council meeting. We respectfully request that the Council vote only on first reading today to allow us an opportunity to finalize our agreement with the developer in the form of a restrictive covenant.

If we receive an executed restrictive covenant from the developer incorporating the terms of the MOU, then we will withdraw our opposition and support the PUD on second and third readings. However, if that does not occur, then we will oppose the PUD on second and third readings.

Thank you in advance for your time and assistance.

Sincerely,
Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary
Bridges on the Park Condominium Association, Inc.

Enc: Memorandum of Understanding signed by Bridges on the Park Condominium Association, Inc. and Post Paggi Inc.

cc: J. Scott Rodgers, Ascension Development; Steve Drenner, John Donisi, Amanda Swor, Winstead PC; Lee Heckman, Planning & Development Review Dept., City of Austin

Exhibit MOU -1

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between **Bridges on the Park Condominium Association, Inc.**, ("BOTP") and **Post Paggi Inc.**, (the "Owner") (together, the "Parties") for the purpose of memorializing certain agreements relating to City of Austin Zoning Case No. C814-2012-0160 (the "Zoning Case") and the ensuing redevelopment project for 211 South Lamar Boulevard (the "Project"). This Memorandum of Understanding, unless otherwise noted, addresses the area described in the Zoning Case (the "Site").

The Parties have agreed to the following terms, conditions and obligations relating to the Project and the Zoning Case:

§1. **Building Setbacks:**

a. South Lamar Boulevard: The building setback will be 8'-0" at the ground floor stair tower located near the southwest corner of the Site adjacent to South Lamar Boulevard. Additionally, the setback will be 11'-0" for the remainder of the South Lamar Boulevard frontage at the ground floor level (i.e. the first level above grade that is heated and cooled). All exterior building columns, sidewalks, railings and similar landscape features are not included in this setback requirement. The setback will be 8'-0" for all floors above the first level and between the southwestern corner of the Site adjacent to South Lamar Boulevard and a point 100 feet north of such southwestern corner (the "100' Point") and 0'-0" for all floors above the first level and north of the 100' Point. The setback described above for floors above the first level and between the southwestern corner of the Site and the 100' Point shall not be applicable to balconies or canopies or similar improvements.

b. Riverside Drive: 0'-0"

c. Lee Barton Drive: 0'-0"

d. Rear (adjacent to the BOTP project): 0'-0" except as noted in Design and Other Setbacks below.

§2. **Design and Other Setbacks:**

The Project will have the following design characteristics:

a. The Project will utilize a "U-shaped" design with the open portion of the "U" facing in a southerly direction. The open

Exhibit MOU - 2

portion of the "U" will be on the second level of the above-grade structure and will be a private courtyard and amenity deck.

b. The Project will have two basic building blocks described as follows:

(i) The first building block will have a maximum height of 96 feet and will be situated (A) along the entire length of the Project's South Lamar Boulevard edge; (B) along the entire length of the Project's Riverside Drive edge; and (C) along the Project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than 40 feet at floor levels 2 and 3 and no closer than 48 feet at floor levels 4 and above (excluding balconies) from the Project's southern property line along Lee Barton Drive; and

(ii) The second building block will have a maximum height of 78 feet and will be (A) on the exterior side of the "U"; (B) situated along a portion of the Project's Riverside Drive edge (although it will not extend all the way to the Project's South Lamar Boulevard edge), wrapping the Project's Riverside Drive/Lee Barton Drive corner, and extending along the Project's Lee Barton Drive edge to the approximate terminus of the first building block described in subpart (i) above;

c. The area on the Lee Barton Drive edge between the southern property line and the southern edge of the two building blocks described in paragraph b above may not be fully enclosed, but it may contain a roof or shelter structure as long as such roof or shelter structure is no higher than 35 feet as measured from the Project's average grade (determined in accordance with the Land Development Code of the City of Austin). The terms of the restriction in this subpart c shall have no application to elevators, mechanical equipment, landscaping, outdoor furniture, grills, or similar items.

d. The most southerly vertical structure of the Project (i.e., the wall closest to the existing Bridges on the Park project) will have the following characteristics:

(i) The portion of such wall from the Site's southwestern corner (i.e., adjacent to South Lamar Boulevard) to a point directly across from the easternmost edge of the existing recessed window on the most northerly face of the Bridges on the Park project)(the "Measuring Point") must (A) be set back at least 7.5 feet from the Site's most southerly property

line at the Measuring Point location (the "Setback Location") and (B) extend in generally a straight line (running generally east and west) from the Setback Location to a point on the Site's most westerly boundary line (i.e., adjacent to South Lamar Boulevard);
(ii) The setback required by subpart (i) above shall not be applicable to any portion of the Project parking garage and including any part of the structure on the first floor of the Project; and
(iii) The portion of such wall identified in subpart (i) above shall have a light reflective surface.

§3. **Grease Receptacle:**

The Owner shall cause the grease receptacle currently serving the Paggi House and located in the R.O.W. of Lee Barton Drive to be relocated to a place outside of the R.O.W. of Lee Barton Drive and within the Site or the site occupied by the Paggi House. Such relocation must occur before issuance of a certificate of occupancy for the residential portion of the Project. The relocation shall be specifically enforceable by BOTP.

§4. **Restrictive Covenant:**

The Owner and BOTP shall execute a restrictive covenant to the benefit of BOTP (the "Restrictive Covenant") that addresses the items listed in Sections 1, 2, 3, 5 and 6 of this Memorandum of Understanding. The Restrictive Covenant shall be executed by the Parties prior to action by the Austin City Council on third and final reading of the Zoning Case, and will be held in escrow by counsel for BOTP until after City Council approval of the Zoning Case. Upon approval by the Austin City Council of the Zoning Case on third and final reading, the Restrictive Covenant shall be filed of record. The Restrictive Covenant will only become effective, consistent with the terms of Section 6, upon the effective date of the Zoning Ordinance and if the Project exceeds 60 feet in average height as determined by the City of Austin, which is the maximum building height allowed under the current base zoning as of 8/1/13. The Parties agree to work in good faith to agree upon the form of the Restrictive Covenant, containing the terms set forth herein, prior to August 22, 2013.

§5. **Payment of Fees:**

The Owner will pay an amount equal to $9800.00 for legal services associated with earlier BOTP actions and costs, and the amount will be paid upon the issuance of building permits for the Project.

§6. Terms of Support:

All items listed in Sections 1, 2, 3, 4 & 5 above are agreed upon by the Owner only under the condition that (a) the Board of BOTP withdraws its opposition and supports the Zoning Case during the Austin City Council Meeting(s) in which the vote for approval of the Zoning Case on third reading takes place and (b) the Board of the BOTP requests no further postponements of the Zoning Case. This support can be in the form of a letter to the Mayor of Austin and the Austin City Council Members or by a public statement by an authorized representative of BOTP during the previously mentioned City Council Meeting(s).

This Memorandum of Understanding addresses agreements between the Parties, including an agreement to enter into the legally binding Restrictive Covenant. This Memorandum of Understanding shall not be deemed to create legally enforceable covenants prior to the execution of the Restrictive Covenant.

By their respective signatures below, the Parties hereby enter into this Memorandum of Understanding, and the terms, conditions and obligations contained herein:

Bridges on the Park Condominium Association, Inc.

By: _____

Title: Vice President

Date Executed: August 7, 2013.

Post Paggi Inc.

By: _____

Title: Manager

Date Executed: August 8, 2013

Exhibit MOU - 5

PETITION

Date: December 10, 2012
File Number: CD-2012-0021

Address of Rezoning Request:
211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, which would zone the property to any classification that exceeds the existing zoning requirements of the Waterfront Overlay and the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

Exhibit P - 1

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

  - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
  - the maximum floor-area ratio;
  - total square footage and whether structured parking facilities are proposed;
  - maximum impervious cover;
  - minimum setbacks;
  - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
  - all civic uses by type and proposed site development regulations; and
  - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Bridges on the Park Condominium Association, Inc.

Signature	Printed Name	Address
	ROBERT WILSON	210 LEE BARTON DR. #405 AUSTIN, TX 78704
PRESIDENT, BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION		
	SUSHMA SMITH	210 LEE BARTON DR #609, AUSTIN, TX 78704
VICE PRESIDENT, BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION		
	Claudia Davila	210 Lee Barton Dr #511, Austin, TX 78704
Secretary & Treasurer, Bridges on the Park Condominium Association		

Date: December 10, 2012

Contact Name: Sushma Jasti Smith
Phone Number: 281.772.9618

Exhibit P - 2

PETITION

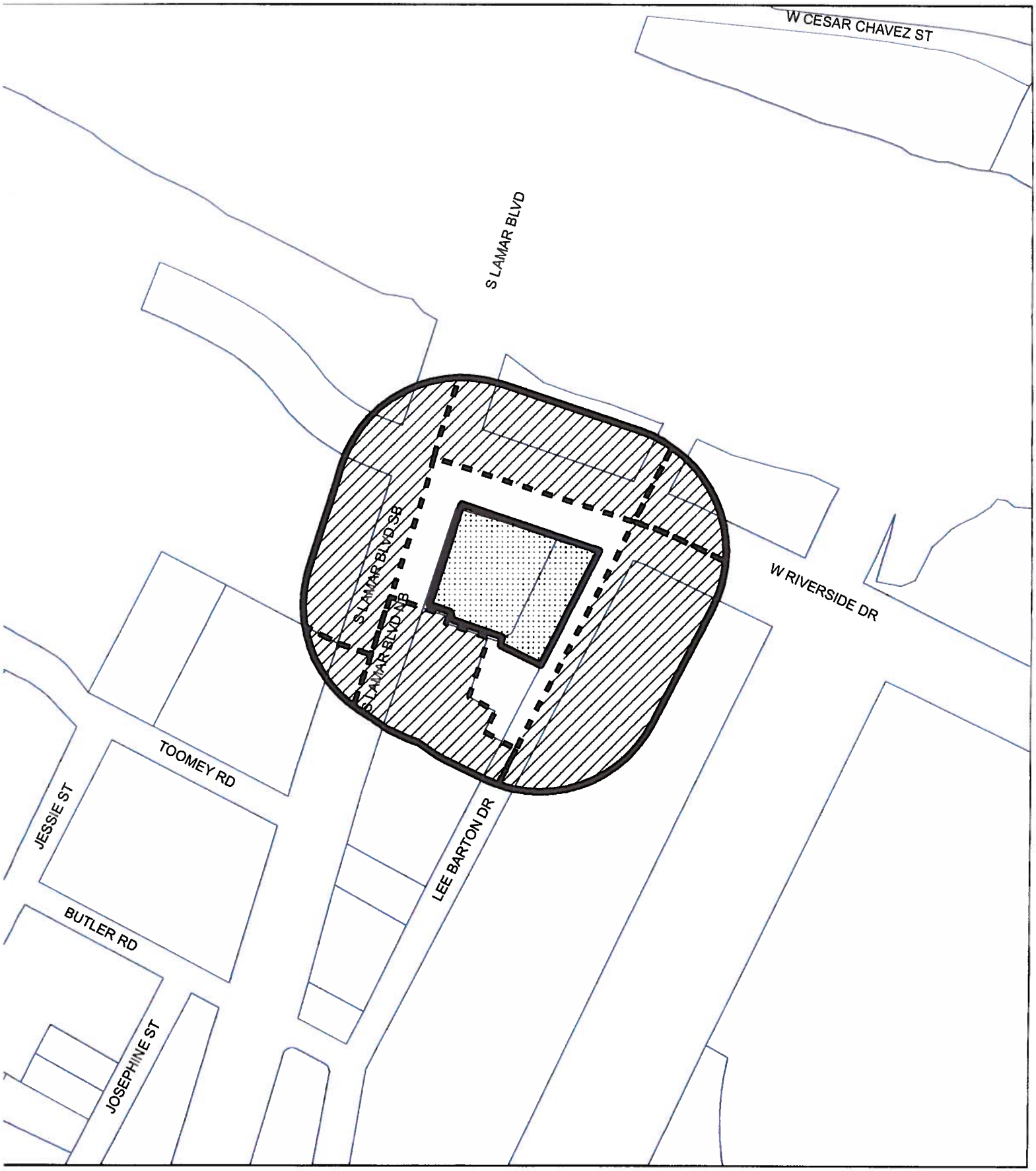
Case Number: **Magic Ticket # 1231488** Date: 2/28/2013

Total Square Footage of Buffer: 288659.50
Percentage of Square Footage Owned by Petitioners Within Buffer: 14.44%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0105020201	ROBERT E LEE RD 78704	CITY OF AUSTIN	no	14035.11	0.00%
2	0105020201	ROBERT E LEE RD 78704	CITY OF AUSTIN	no	46,997.26	0.00%
3	0105020101	200 S LAMAR BLVD 78704	CITY OF AUSTIN	no	56234.15	0.00%
4	0104010201	1201 W RIVERSIDE DR 78704	CITY OF AUSTIN % REAL ESTATE DIVISION	no	73565.00	0.00%
5	0105020901	210 LEE BARTON DR	MULTIPLE OWNERS	yes	41693.41	14.44%
6	0105020102	218 S LAMAR BLVD 78704	PFLUGER MICHAEL CARL & WILLIAM REID PFLUGER	no	7767.09	0.00%
7	0105020301	213 S LAMAR BLVD 78704	POST PAGGI LLC	no	13195.16	0.00%
8						0.00%
23						0.00%
24						0.00%
						Total %
						14.44%

Exhibit P - 3



N

SUBJECT_TRACT

PROPERTY_OWNER

BUFFER

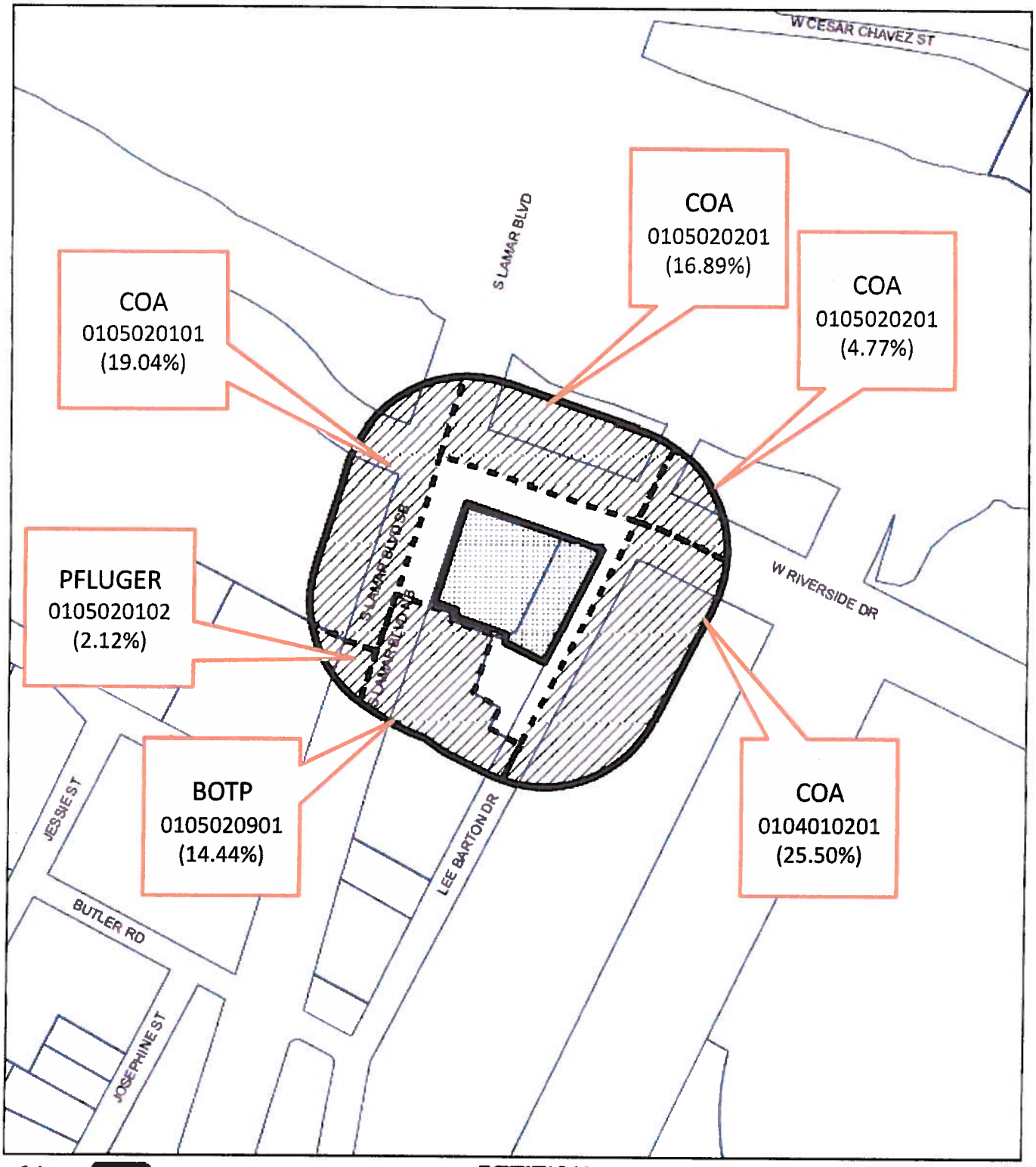
PETITION

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.

Official GIS Staff Map **Exhibit B - 4**



N

SUBJECT_TRACT
PROPERTY_OWNER
BUFFER

PETITION

CASE#: C814-2012-0160

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Annotated PDR Staff Map

Exhibit P - 5

-----Original Message-----

From: Robert Wilson
Sent: Thursday, February 28, 2013 4:14 PM
To: Heckman, Lee
Subject: Re: C814-2012-0160 / 211 S Lamar Proposed PUD

Lee,

Thank you for spending so much time with us yesterday. I really appreciate it and the information was extremely helpful. I'll follow up with Brad Jackson after reviewing the most current tree survey.

Attached is an updated "valid petition" letter which reflects the proposed PUD case number. Please let me know if this is sufficient to include in the packets or if you would prefer a hard copy.

Best regards,
Robert Wilson
(512) 656-4604

PETITION

Date: December 10, 2012
File Number: C814-2012-0160

Address of Rezoning Request:
211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, which would zone the property to any classification that exceeds the existing zoning requirements of the Waterfront Overlay and the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.

- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.

- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.

- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- In addition, the following information has not been provided:

  - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
  - the maximum floor-area ratio;
  - total square footage and whether structured parking facilities are proposed;
  - maximum impervious cover;
  - minimum setbacks;
  - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
  - all civic uses by type and proposed site development regulations; and
  - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Bridges on the Park Condominium Association, Inc.

Signature	Printed Name	Address

Date: December 10, 2012

Contact Name: Sushma Jasti Smith
Phone Number: 281.772.9618

Exhibit P - 8

Lee Heckman, AICP

City of Austin
Planning & Development Review Department - Zoning Division
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704
SENT VIA EMAIL to lee.heckman@austintexas.gov

RE: Zoning Case C814-2012-0160
211 South Lamar
Post Paggi PUD

Mr. Heckman,

We understand the above-mentioned case is on the City Council Agenda for June 20, 2013. Please accept this letter as our request for a postponement of this case until the City Council meeting on August 8, 2013. The reasons for this request are:

1. The backup material provided on this case is nearly 300 pages. There has been insufficient time between when this material became available and when the case goes before Council to allow for a thorough review and response to the material.

2. The Applicant's presentation to the Planning Commission contained significant new information that we need to consider. The Zilker Neighborhood Association has requested a copy of this new material but it has not been provide to date. Once we receive the material, we will then require additional time to review and respond.

3. Staff's presentation to the Planning Commission and the comments from various Planning Commission members requires a detailed analysis and response that also requires additional preparation time.

4. The Affordable Housing contribution required by the PUD ordinance for this project has yet to be determined. While Council has clarified the extent of how the Affordable Housing contribution will be assessed, the amount of that assessment still needs to be determined and is a crucial factor in our consideration and analysis of the community benefits of the proposed project.

This is the first request for a postponement by the impacted neighbors, neighborhood associations and civic organizations concerned with protecting the community asset of Lady Bird Lake. The request of the Applicant for PUD zoning will have a significant impact on this important site but will also set a long term precedent for all properties in the Waterfront Overlay as well as the sub-districts. Such an important zoning case warrants sufficient time and consideration by the public before Council action. Therefore, we would appreciate your support in postponing this case until City Council's August 8th meeting.

Sincerely

Jack Graham, Save Town Lake.org

Exhibit PP - 1

Gardner Sumner, Zilker Neighborhood Association, President

Sushma Jasti Smith, Bridges On The Park Condominium Association

Cyndi Collen, Bouldin Creek Neighborhood Association, President

Exhibit PP - 2

-----Original Message-----
From: David King
Sent: Tuesday, June 18, 2013 7:36 AM
To: Heckman, Lee
Subject: Re: Case C814-2012-0160 - Postponement Request

Good Morning Lee,

Please add the Barton Hills Neighborhood Association to the list of groups that are requesting postponement of the case.

Please include this information with the postponement letter so that the Council has it for the work session this morning.

Thank you,
David King
Zilker Neighborhood Association

-----Original Message-----
From: David King
Sent: Monday, June 17, 2013 3:55 PM
To: Heckman, Lee
Subject: Re: Case C814-2012-0160 - Postponement Request

Hello Lee,

We just received approval by the South River City Citizens (SRCC) Neighborhood Association for the postponement request for this case. The SRCC joins Save Town Lake, Zilker Neighborhood Association, Bridges on the Park Condominium Association, and the Bouldin Creek Neighborhood Association in requesting a postponement of the case as requested in the letter.

Thank you,

David King
Zilker Neighborhood Association, Zoning Committee Co-Chair

WINSTEAD Austin | Charlotte | Dallas | Fort Worth | Houston | San Antonio | The Woodlands | Washington, D.C.

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Austin, Texas 78701

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direct dial: (512) 370-2878
jdonisi@winstead.com

June 18, 2013

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

Via Electronic Mail

Re: 211 South Lamar – C814-2012-0160 - Rezoning Application for a 0.993 acre piece of property located at 211 South Lamar Boulevard and 1211 W. Riverside Drive (the "Property"); Proposed Rezoning from CS and CS-V Zoning to PUD Zoning

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, we respectfully respond to the request submitted by neighborhood representatives for postponement of this rezoning request to the August 8, 2013, council meeting.

We recognize that first postponement requests from neighborhood associations are traditionally granted, and we will not ask you to deny a postponement. But we respectfully request that postponement be granted to the June 27, 2013, council meeting. This rezoning case has been in process for many months, and the back up and supporting materials for the rezoning application have been available to the public for more than a month. We feel that a seven week postponement of the public hearing is excessive.

Please let me know if you have any questions. Thank you for your time and attention to this project.

Very truly yours,

John Philip Donisi

Exhibit PP - 4

CANTILO & BENNETT, L.L.P.

ATTORNEYS & COUNSELORS

A Texas Registered Limited Liability Partnership
Comprised of Professional Corporations

11401 Century Oaks Terrace
Suite 300
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www.cb-firm.com

August 5, 2013

VIA E-MAIL

The Honorable Lee Leffingwell (lee.leffingwell@austintexas.gov)
The Honorable Sheryl Cole (sheryl.cole@austintexas.gov)
The Honorable Mike Martinez (mike.martinez@austintexas.gov)
The Honorable Laura Morrison (laura.morrison@austintexas.gov)
The Honorable Chris Riley (chris.riley@austintexas.gov)
The Honorable Bill Spelman (bill.spelman@austintexas.gov)
The Honorable Kathie Tovo (kathie.tovo@austintexas.gov)

City of Austin, Texas

Re: Opposition to C814-2012-0160 (PUD Application for 211 South Lamar)

Dear Mayor Leffingwell and Members of the City Council:

This supplements my letter of July 31, 2013, opining that the City Council lacks legal authority to approve the above-referenced Application.[1] First, I wish to clarify that although my letter of July 31, 2013, discusses Subsection 2.2(B), Subsections 2.2(A) and 2.5.1 of the PUD Ordinance make clear that PUD development bonuses may not be used to modify the 10-acre minimum of the PUD Ordinance.[2] However, as noted below, the interplay among Subsections 2.2(A) & (B) and 2.5.1 of the PUD Ordinance is relevant to the issue of height limitations for a proposed PUD located in the Waterfront Overlay District.

The principal purpose of this letter is to assist the City Council in construing the term "base zoning district," as that term is used for purposes of the Subdistrict height restrictions in Subpart C[3] of the Waterfront Overlay District and Subdistrict Development Regulations. With respect to the Application, the relevant provision is Subsection 25-2-733(H), which provides:

> The maximum height is the lower of 96 feet or the maximum height allowed in the base zoning district.

---

[1] *See* Zoning Change Review Sheet, Case No. C814-2012-0160, 211 South Lamar PUD, updated for CC 2013-08-08, at Exhibit C-82 to C-92.

[2] As used herein, the term "PUD Ordinance" refers to Austin City Code Chapter 25-2, Division 5, Sections 1.1 through 2.5.7.

[3] Austin City Code §§ 25.2-731 to 25.2-746.

Specifically, the question is whether "base zoning district" in this context refers to the base zoning district *prior* to rezoning as a PUD, or to the PUD base zoning district (if the application were to be approved). If "base zoning district" in Subsection 25-2-733(H) refers to the pre-PUD base zoning district, the development proposed by the Application is limited to a maximum height of 60 feet. On the other hand, if "base zoning district" for this purpose refers to the proposed PUD base zoning district, approval of the Application would result in there being no maximum height at all for the development, because the Code does not prescribe any maximum height for a PUD.

As explained below, my opinion is that the Subdistrict height restriction provisions are unambiguous, that the term "base zoning district" in that context can reasonably refer only to the base zoning district *before* rezoning as a PUD, and that the City Council therefore may not supersede the Waterfront Overlay Subdistrict height limits by approving a PUD application.

Applicable Canons of Statutory Construction[4]

The Texas Supreme Court has described legislative intent as the "polestar of statutory construction."[5] As that court elaborated in another opinion:

> When possible, the Legislature's intent is drawn from the plain meaning of the words chosen, giving effect to all words so that none of the statute's language is treated as surplusage. Our ultimate goal, however, is to understand the Legislature's intent and apply that intent according to the statute's purpose.[6]

In yet another opinion, the Texas Supreme Court provided the following relevant guidance:

> We must construe statutes as written and, if possible, ascertain legislative intent from the statute's language. Even when a statute is not ambiguous on its face, we can consider other factors to determine the Legislature's intent, including: the object sought to be obtained; the circumstances of the statute's enactment; the legislative history; the common law or former statutory provisions, including laws on the same or similar subjects; the consequences of a particular

[4] Rules of statutory construction also apply to city ordinances. *Taylor v. State*, 117 S.W.3d 848, 850 (Tex. Crim. App. 2003).
[5] *City of LaPorte v. Barfield*, 898 S.W.2d 288, 292 (Tex. 1995).
[6] *Marks v. St. Luke's Episcopal Hosp.*, 319 S.W.3d 658, 663 (Tex. 2010) (quoting a statute's statement of purpose) (citations omitted); *see also Leordeanu v. Am. Prot. Ins. Co.*, 330 S.W.3d 239, 248 n.35 (Tex. 2010) (noting that courts "construe statutes to give effect to every provision and ensure that no provision is rendered meaningless or superfluous"); Austin City Code § 1-1-3 (providing that "[w]ords and phrases shall be read in context and construed according to the rules of grammar and common usage," and that "[w]ords and phrases that have acquired a technical or particular meaning, whether by definition or otherwise, shall be construed accordingly").

> construction; administrative construction of the statute; and the title, preamble, and emergency provision.
>
> Additionally, we must always consider the statute as a whole rather than its isolated provisions. We should not give one provision a meaning out of harmony or inconsistent with other provisions, although it might be susceptible to such a construction standing alone. We must presume that the Legislature intends an entire statute to be effective and that a just and reasonable result is intended.[7]

The Ordinary Meaning of "Maximum Height," in Context

According to common usage in the context in which the term "maximum height" is used, the term "maximum height allowed in the base zoning district," means an upper limit allowed by a base zoning district.[8] The "base zoning district" cannot refer to a post-approval PUD base zoning district, because a PUD district does not have any maximum height or upper height limit. Therefore, according to the ordinary usage of words and the context, "base zoning district" for purposes of Subsection 25-2-733(H) can reasonably refer only to the pre-PUD base zoning district.

The Goals and Purposes of the Waterfront Overlay Subdistrict Regulations (*i.e.*, Division 8)

The polestar for construing the Waterfront Overlay Subdistrict Regulations is the Council's intent as expressly stated in Section 25-2-710 (Goals and Policies):

> Decisions by the accountable official and city boards regarding implementation of this Division *shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including but not limited to the following:*
>
> (A) Ensure that zoning decisions in the Colorado River corridor achieve the highest degree of land use compatibility by:
>
> . . . .

[7] *Helena Chem. Co. v. Wilkins*, 47 S.W.3d 486, 493 (Tex. 2001) (citations omitted); *see also Mahaffey v. State*, 364 S.W.3d 908, 913 (Tex. Crim. App. 2012) (noting that when interpreting a statute, courts look to other provisions within the entire "statutory scheme" rather than merely the single, discrete provision at issue); *State v. Cooper*, 396 S.W.3d 603, 605 (Tex. App.—Dallas 2012, writ granted) (noting that courts "construe statutes and ordinances according to the plain meaning of the text without resort to extratextual sources unless doing so would lead to absurd consequences or the statute is ambiguous.") (citing *Boykin v. State*, 818 S.W.2d 782, 785 (Tex. Crim. App. 1991)).

[8] *Cf. Merriam Webster online dictionary* (defining "maximum" as "an upper limit allowed (as by a legal authority)"). http://www.merriam-webster.com/dictionary/maximum

> 3. providing the pubic [sic] visual . . . access to the Colorado River.
>
> . . . .
>
> (C) Recognize the potential of the waterfront as an open space connector . . .

(emphasis added).

The goals and policies of the Town Lake Corridor Study, which Section 25-2-710 incorporates by reference, include the following relevant to the interpretation of the term "base zoning district" in the Waterfront Overlay Subdistrict Regulations:

> Goal 6.00: *Provide maximum visual* and physical *access to the waterfront*; encourage pedestrian access to and use of the corridor.
>
> Policy 6.04: *Protect open panoramic views of the waterfront by limiting building heights and prohibiting buildings from blocking views.*

Town Lake Corridor Study (emphases added).[9]

Construing the term "base zoning district," for purposes of Subsection 25-2-733(H), as the post-approval PUD base zoning district, would conflict with the requirement that the Waterfront Overlay Subdistrict Regulations be implemented and guided by the goals and policies of the Town Lake Corridor Study (including the policy of "limiting building heights"). Rather, in order to effectuate the legislative purpose of "limiting building heights" in the Waterfront Overly, the term "base zoning district" in the Waterfront Overlay Subdistrict Regulations generally, and in Subsection 25-2-733(H) specifically, must be construed as referring to the applicable base zoning district *prior to* a proposed PUD rezoning.

Administrative Construction

At the time that the City Council last amended the Subdistrict Development Regulations by Ordinance 20090611-074, an Assistant City Attorney responded as follows to questions by Council Members during the public hearing:

> The larger question of whether or not in adopting a PUD – adopting a new PUD down the road, Council would be able to supersede say, the height

[9] http://www.austintexas.gov/page/lady-bird-lake-waterfront-resources

> requirements . . . of the Waterfront Overlay, is a larger legal question, and I don't think that's an entirely clear question.[10]

The Legislative History and Former Code Provisions on the Same Subject[11]

Ordinance No. 86 0717-Z, which established the Waterfront Overlay by amending then-Title 13 of the City Code of 1981, provided in relevant part:

> Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of ninety-six (96) feet for structures located north of Barton Springs Road and sixty (60) feet for structures located south of Barton Springs Road.[12]

Ordinance No. 99-0225-70(b) (repealing Title 13 and replacing it with Title 25), which purported to be a mere recodification, apparently omitted the Waterfront Overlay Subdistrict height limits, eventually resulting in litigation.[13]

Ordinance No. 20090611-074, which added the Subdistrict Development Regulations height limit in their current form, appears to have been intended to remedy the 1999 omission. Ordinance No. 20090611-074 also added the following language to Subsection 25-2-713(A)(3): "except that no variance [from the Waterfront Overlay Subdistrict Development Regulations] may be granted from restrictions on maximum height." Finally, Ordinance No. 20090611-074

---

[10] Brent Lloyd, Assistant City Attorney, transcript and video of discussion of 20090611-074 immediately prior to passage on third reading.

[11] Well we know where we're goin'
But we don't know where we've been
And we know what we're knowin'
But we can't say what we've seen
. . . .
We're on a road to nowhere
. . . .
There's a city in my mind

Talking Heads, excerpt from "Road to Nowhere," from the 1985 album *Little Creatures*.

[12] City Code of 1981 at Section 2856(m)(4) (Height Restrictions for Butler Shores Subdistrict). Section 2855 of the City Code of 1981 set forth certain bonus provisions.

[13] "Save Town Lake Trumps City in Court," *Austin Chronicle*, September 12, 2008 (reporting that Save Town Lake, a nonprofit group, sued to reinstate height limitations that were in the city's original 1986 Waterfront Overlay ordinance, and that the group intended to monitor "whether the Waterfront Overlay Task Force is successful in restoring the original protections provided by the WO Ordinance."); http://www.austinchronicle.com/news/2008-09-12/671875/.

also left unchanged Subsection 25-2-175(B): "The [Waterfront Overlay] district applies to all property in its boundaries."

Therefore, the legislative history, as well as former code provisions on the same subject, provide further support to the conclusion that the current form of the Subdistrict Development Regulations height limits was not intended to exempt any property in the Waterfront Overlay District.

The PUD Ordinance

Subsections 2.2(A) and 2.5.1 of the PUD Ordinance provide that, under certain circumstances, the Council may modify "site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD with residential uses," which otherwise "may not exceed the baseline established under Section 1.3.3 (Baseline for Determining Development Bonuses)." Section 1.3.3, in turn, provides that the baseline is the "zoning district or districts that would be most appropriate for the property if it were developed without PUD zoning." Therefore, the PUD Ordinance itself supports the conclusion that, for purposes of the Waterfront Overlay Subdistrict Regulations, "base zoning district" can reasonably only refer to the pre-PUD base zoning district, not the PUD base zoning district. Indeed, to conclude otherwise would impermissibly render Subsections 2.2(A) and 2.5.1 of the PUD Ordinance superfluous insofar as they apply to height limitations in the Waterfront Overlay Subdistricts. However, as the discussion at pages 5-6 of my letter of July 31 suggests, application of the standards in Subsections 2.2(A) & (B) and 2.5.1 of the PUD Ordinance would not permit the Council to supersede the maximum height set forth in Subsection 25-2-733(H) because the adverse effects of the waiver or modification would not be offset by other enforceable requirements.

Consequences of a Particular Construction

The applicant suggests that the term "base zoning district" in Subsection 25-2-733(H) should be construed to refer to the PUD base zoning district. The consequences of such an interpretation would be that there would be no limit in the City Code to how tall a building could be constructed in a PUD situated in the Waterfront Overlay District. Interpreting Subsection 25-2-733(H) in that manner would be antithetical to the aforementioned goals and policies of Section 25-2-710 and the Town Lake Corridor Study which it incorporates by reference.

Conclusion

The term "maximum height allowed in the base zoning district," as used in the Waterfront Overlay Subdistrict Regulations, may reasonably refer only to the maximum height allowed in the pre-PUD base zoning district, not to the PUD base zoning district (for which there is no maximum height).

Sincerely,

Pierre J. Riou

PJR:dkd
cc: Mr. Lee Heckman (lee.heckman@austintexas.gov)

#93

What is a superior affordable housing contribution on South Lamar?

Alamo Plaza (1100 S. Lamar, under construction)
VMU on CS zoning, three structures under 60 feet high, with 10% at 60% MFI affordability. (This represents the standard for 6 developments now under construction on South Lamar.)
440+ residential units × 10% = 44 units (note that this VMU project is providing more affordable housing onsite than all of the additional unaffordable units requested at the Post PUD)

A. Lowest estimated value per unit: $55,000
44 units × $55,000 = **$2.42 million**

B. More realistic value per unit: $75,000
44 units × $75,000 = **$3.3 million**

Late Backup

211 S. Lamar

1. Like 1100 S. Lamar, the existing VMU zoning (60 feet high) requires 10% of units onsite to be affordable at 60% MFI. The developer has indicated that 130+ units could be built.

130 units × 10% = 13 affordable units (825 square feet each, according to developer)

A. Lowest estimated value per unit: $55,000
13 units × $55,000 = **$715,000**

B. More realistic value per unit: $75,000
13 units × $75,000 = **$975,000**

2. PUD zoning (96 feet high) equivalent contribution. 170+ units, according to developer.

170 units × 10% = 17 affordable units

A. Lowest estimated value per unit: $55,000
17 units × $55,000 = **$935,000**

B. More realistic value per unit: $75,000
17 units × $75,000 = **$1,275,000**

C. Fee in lieu recommended by City of Austin Neighborhood Housing and Community Development, May 9, 2013.
203,207 total square feet × $6 = **$1,219,242**

D. Fee in lieu calculated from the actual baseline square footage [PUD site area 40,641 square feet with 2:1 FAR = 81,282 baseline square footage]
121,925 bonus square feet × $6 = **$731,550**

E. Fee in lieu proposed by developer, after adding dubious increased entitlements to the baseline square footage.
73,154 bonus square feet × $6 = **$438,924**

Any way you calculate it, the PUD must contribute a minimum of $715,000 just to stay even with the existing zoning. Mr. Drenner's threat on May 20, 2013, to build a "zoning compliant project" with no affordable housing and "no contribution to the affordable housing trust fund" is not credible, because the residential construction allowed under the Waterfront Overlay is conducive to moderately affordable, unsubsidized multifamily projects. Indeed, at least 3 of the 6 projects under way on South Lamar include Multifamily-zoned parcels for that very reason. That's what the market is demanding, and ZNA welcomes more of those projects. My reading of the VMU ordinance in connection with other projects is that the VMU overlay on the site prohibits any residential construction that is not VMU. But either way, to claim superiority, the PUD must contribute more than $975,000 to affordable housing. In the context of VMU development standards on South Lamar, the NHCD calculation should stand as the measure of superiority.

Lorraine Atherton, on behalf of ZNA zoning committee

Late Backup #93

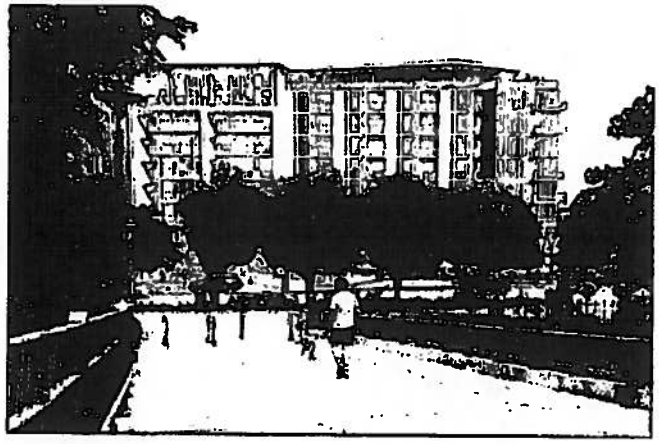
NO Post Paggi PUD!

Stop intrusive development from eating up our urban green spaces!

The open green spaces along our trails and parks fronting Lady Bird Lake are priceless assets. They're a big part of what makes Austin... Austin.

Today that special character is threatened by a proposed condominium project at 211 South Lamar Blvd. The site is governed by the Waterfront Overlay Ordinance, which was crafted to protect the scenic lake vistas from intrusive overdevelopment--setting a reasonable height for this site at 60 feet.

The project developer, Post Paggi LLC of Santa Monica California, wants to circumvent the Ordinance, change the zoning, and build a 96-foot tall residential tower –that's more than 60% higher than what the zoning and Ordinance now allow.



If our City Council approves the change, it will result in a building that sticks out like a sore thumb into our south shore, creating a massive wall out of scale with surrounding development and over-shadowing our lakefront and adjacent parkland —not to mention adding unwarranted extra cars and traffic on one of Austin's most congested intersections.

The open spaces and verdant vistas around Lady Bird Lake are for all Austinites. Now, only a clear voice from all Austinites can preserve them.

The Austin City Council will vote on this project Thursday, August 8, 2013. Please call or e-mail our City Council members as soon as you can. And please share this call-to-action with all your friends and neighbors. Ask them to let our City Council know that protecting this special place in Austin is a city-wide concern—today and for our future.

Thanks for your support!

You can contact all City Council members at: http://www.austintexas.gov/mail/all-council-members You can also contact each council member's office at:

Mayor Lee Leffingwell, 512-974-2250, lee.leffingwell@austintexas.gov
Mayor Pro Tem Sheryl Cole, 512-974-226, sheryl.cole@austintexas.gov
Council Member Chris Riley, 512-974-2260, chris.riley@austintexas.gov
Council Member Mike Martinez, 512-974-2264, mike.martinez@austintexas.gov
Council Member Kathie Tovo, 512-974-2255, kathie.tovo@austintexas.gov
Council Member Laura Morrison, 512-974-2258, laura.morrison@austintexas.gov
Council Member Bill Spelman, 512-974-2256, bill.spelman@austintexas.gov

For additional information, contact David King, Zilker NA. at 512-415-6016, dking@austin.rr.com

Please attend the public hearing on the Post Paggi PUD at the City Council meeting on August 8, 2013 at 6:00 PM.

City Hall
301 West 2nd Street
Austin, TX

Free parking is available in the City parking garage next to City Hall.

If affordable housing is truly a priority for the Council, it should deny this PUD application and tell the developer to build under the current mixed use zoning that will provide more affordable housing and will be a truly superior project that is consistent with Austin's community values.

If the City Council really cares about preserving Lady Bird Lake, "the soul of Austin", it will vote against this PUD and tell the developer to honor the height and setback limits in the Waterfront Overlay.

#93

Linda B. Team
600 Bellevue Place
Austin, Texas 78705

Late Backup

August 8, 2013

To: Mayor Lee Leffingwell, Mayor Pro-tem Sheryl Cole and Council Members

Regarding: Case # C814-2012-0160-211 South Lamar Boulevard Planned Unit Development

I have devoted many years to serving as a community volunteer in planning for our city. I believe that for any plan to succeed in sustaining the vitality and economic health of a city, historic preservation must be a key element in its framework. I am sometimes before you speaking for Preservation Austin, which I currently serve as 2nd Vice President and as Co-chair of the Historic Preservation Committee. However, this letter is not written as a representative of that organization, but on my own behalf as an individual citizen.

Along with many other preservationists in Austin, I am dismayed and saddened at the effect that this proposed development will have on the historic context of the Paggi House, possibly Austin's oldest building. Situated on a bluff overlooking the river, the house and its setting tell the story of Austin's earliest days as a river city. It was there that weary travelers attempted the only low-water river crossing to Austin, or found shelter for the night if the river ran too high. It stood as the only outpost in the vicinity, and the development of the entire Barton Springs area arose from the home's original plantation tract.

The developers proposing this project have made adjustments in their plans to give some space and visual access to the Paggi House itself, which is a benefit not required by their zoning. And if this project doesn't happen, there is nothing to require any other project to offer this much. The point I want to make is that it is likely much too late to provide this landmark sufficient protection, from this project or any other that might be proposed for this site. That is because when the Paggi House was designated as a City Historic Landmark, the City neglected to include the Paggi House viewshed to the river as part of its designation.

The Paggi House is a classic example of the need to preserve historic structures in their context because its relationship to the river is an essential part of its importance to the history of Austin. This case argues for the urgent need to assure that we don't make that kind of mistake in the future. I believe that we must ensure that important landmarks are not hidden or marginalized by large-scale developments by framing future historic zoning cases in a way that protects the historic context and landscapes of buildings when that is necessary for interpreting their historic value.

The city could address this needed policy change through upcoming revisions to the land development code. Currently, our code contains very few provisions that require new buildings to be compatible with adjacent historic places. I suggest that you enact the recommendation of the Downtown Austin Plan (DAP) that says "Standards and policies should be strengthened to ensure that new development respects the scale and character of historic buildings, districts and landscapes." As also specified in the Downtown Plan, form-based development standards could be used to protect and complement the unique character of historic buildings, streets and districts. While the tract in question is outside the DAP boundaries, I believe it is important that we make provisions for the impact of these large-scaled developments on historic structures both inside and outside our central business district.

I am grateful for all you do to protect our historic assets, and I urge you to take necessary steps to safeguard them from the increasing pressure for development in our historic city center.

Respectfully,
Lin Team

Exhibit Q - 11