

EV Commission Progress:

1. *Obtain superiority in regards to parkland by working with the Parks and Recreation Board and the Parks and Recreation Department*

Update: The applicant is in a continued dialogue with PARD on this subject. An updated proposal was provided to PARD on 6/7/16. The applicant is committed to working with PARD to achieve this superiority and anticipates that further discussions will be warranted.

2. *Comply with at least three star green building requirements*

Update: Austin Energy prefers a 2-star requirement for logistical, permitting and process reasons, as explained in its memo. A 3-star determination is typically made **after** a building is occupied and operating. This creates an implementation challenge if that rating is a requirement for approval of the building. The project team will endeavor to achieve a 3-star rating where practical, but agrees with Austin Energy's request that a 2-Star rating be the PUD requirement.

3. *Create a drainage plan to ensure the safety of the surrounding properties.*

Update: The drainage concerns seem to be most specifically in regards to the homes on Idlewild that back to the project. While the applicant has already carefully considered these homes in our preliminary drainage studies, we are willing to make the following additional commitments:

- a. No stormwater from any surface north / west of the existing berm will be allowed to drain to the property boundary of the Idlewild homes in a 100-year storm.
- b. The surface area of land south / east of the existing berm that currently drains to Idlewild (approximately .89 acres) will be reduced, and will be comprised of building setback area, thereby decreasing the amount of drainage area that currently drains to the property boundary of the Idlewild homes.
- c. At least 50% of the existing drainage area that drains to the existing berm and swale system (approximately 20 acres) will be captured and diverted upgradient from the new roadway that parallels the Idlewild property line, thereby significantly reducing the drainage area that is currently draining to this area.
- d. Drainage system on site will be designed to convey the 100-year storm to the water quality pond or existing storm sewers and away from the Idlewild homes.

4. *Draft a contingency plan to ensure the safety of the surrounding properties.*

Update: The proposed drainage plan and City code are adequate to ensure the safety of surrounding properties. The additional design commitments set forth above will further ensure this safety.

The applicant would also point out that the drainage system will be designed to the City's current, rigorous drainage standards, and also extensively reviewed and inspected by the City. The drainage system will be located within easements and subject to restrictive covenants that will both allow for and require the repair, replacement and upgrading of the drainage system as needed. Once designed, reviewed, permitted, constructed, and inspected, in the very, very unlikely event that the drainage system encounters problems, both the City and a property owners association (with the

ability to levy assessments) will have all means necessary to address any such problems through these easements and restrictive covenants.

5. Remove Flex Space from the Parkland

Update: This is a component of our ongoing discussions with PARD, and was included in our updated proposal on 6/7/16.

6. Evaluate the impact that increased traffic to the site would have on air quality and noise pollution.

Update: While the City has not established standards or criteria for evaluating these impacts, Environmental Staff has asked that Air Quality staff evaluate the proposal and specifically the data and analysis provided by the applicant in its June 1 presentation. Unfortunately, ATD declined to have the Air Quality Program staff review the potential air quality impacts of the project. The analysis provided by the applicant in its June 1 presentation is attached.

7. Protect 100% of the critical root zone of all trees.

Update: There are two components to this request. Protecting 100% of all trees on site is not feasible on this site and would work directly against the goals of providing the maximum possible protection for the highest quality trees and most environmentally sensitive areas of the site by clustering development away from these areas. We have committed to protecting at least 75% of the protected size trees on site, which is established in the code as a Tier 2 Superiority item, and exceeds the standard met by the vast majority of development projects in Austin.

Protecting 100% of the CRZ of trees that are being protected on site is a standard that unnecessarily and infeasibly exceeds both the already far superior Tier 2 PUD item and best established practices for tree protection. It is an excessive standard that exceeds what is needed to protect the health of existing trees. We have committed to protecting at least the ¾ CRZ of many key trees on site, a standard which far exceeds code requirements, Tier 2 PUD items and the health requirements of the existing trees, as established through arborist review of specific trees on site.

Austin's Heritage Tree Foundation applies a very high standard for the protection of trees and spoke in favor of the proposed Tree Plan at the prior commission meeting. The conditions for their support, which the applicant has agreed to, include:

- a. Prioritizing air spading, root pruning, and other best practices for the required tree care plans.
- b. Requiring that any cuts within the ¾ CRZ be made with air spades in the Signature Grove.
- c. Preventing utilities from the full CRZ of the Signature Grove.
- d. Requiring decks or root spanning constructions in high use areas around trees.

These conditions will be included in the final zoning document. Updated Tree Disposition Plan, Code Modification Table, and Tier Compliance Table are attached here with proposed revisions to meet these conditions.

8. List all the trees on the property including those 8-19".

Update: A full survey is attached including 8-19" trees.

9. Evaluate the potential to tie in public transit to the site and develop other incentives to significantly reduce the number of car trips per day.

Update: The applicant has been in discussions with Capitol Metro since the early stages of the project. The #19 bus route currently serves the site and the project will greatly improve the viability and ridership of this underutilized route. We are also examining options for shuttles to the BRT routes on North Lamar and other Transportation Demand Management strategies. A letter from Capitol Metro regarding our ongoing dialogue is attached.

In addition, the applicant contends that trip reduction is an already inherent feature of this mixed-use, urban infill project that has not been recognized by City in the traffic generation assumptions. The traffic generation assumptions imposed by the City staff as part of a very conservative analysis, provide a far smaller credit (very, very little actually) for internal capture and bicycle and pedestrian trips than the City's own Transportation Criteria Manual and accepted standards would allow. As a result, the applicant believes the trip generation numbers assumed by the City are already as much as 50% higher than they should be. Higher density, mixed-use urban infill development in and of itself is a recognized and established method of reducing trip generation.

10. Reduce the total development to 2.1 millions square feet.

Update: The reduction in square footage was not discussed or requested by staff or public speakers during the commission meeting and the applicant is unclear as to the purpose of the request. A reduction in total square footage is not a position item sought by the BCRC and would result in a reduction in residential units. As such, a reduction of this magnitude would dramatically decrease both affordable housing and parkland requirements for the site per code. Specifically, a 300,000 square foot reduction in density bonus (from the staff's recommendation of 2.4 million square feet) equates to a reduction of 42 affordable housing units that could be required under the PUD density bonus requirements. The staff recommended reduction in square footage already greatly impacts the project, and the additional massive reduction being proposed by the commission's motion would frankly so greatly reduce any benefit of PUD zoning to the applicant so as to make PUD zoning infeasible. Furthermore, it is unclear as to how this is an environmental consideration. We look forward to discussing the overall density of the project and corresponding benefits with the Land Use Commission and City Council.

11. Work with staff to develop a plan to conduct an erosion control study along the entire length of the development's Shoal Creek frontage.

Update: Preliminary mapping of the erosion hazard zone and ECM requirements for armoring and erosion hazard zone impacts have been considered in the applicant's proposals. In addition, we are working on a more detailed study of the erosive conditions along the creek with staff.

However, it should be noted that the applicant is not responsible or the cause of any current or future erosion of the Shoal Creek frontage as confirmed by staff. The erosion in Shoal Creek is due to undetained runoff upstream of the site, including runoff from existing development where no detention was ever established. Even if the entire 76 acre site owned by the applicant were turned in to a park or a detention pond, erosion and its impacts in this area would still occur. Given that the project will neither cause nor contribute to erosion, the applicant is simply not responsible for addressing erosion

caused by existing up stream development as a matter of current code or in order to be superior to current code as has already been established by City staff.

In addition, erosion in a creek caused by the flow of water in the creek is a natural consequence of that flow. City staff has indicated that a creek will naturally find its channel and, once it does, further erosion will be limited especially if natural riparian areas are maintained. As the applicant understands Texas law, the City will have no liability for such erosion, whether to a private owner or to PARD upon dedication, unless that erosion is the result of an intentional and deliberate act of the City to cause unnatural erosion. As a result, merely accepting land that the City desperately wants as parkland would not appear to trigger some liability on the City to perform expensive erosion mitigation.

Here, while staff's preliminary analysis is ongoing, initial information from the City indicates that most (if not all) of the erosion will occur in the 25-year floodplain and 100-year floodplain (especially where there is a bend in the centerline of the creek) – areas where no and almost no parkland credit is given. In fact, the riparian "grow zone" established by the project will actually help protect the creek from further erosion once the channel is established. To the extent, there is minor erosion caused by upstream properties within the CEF buffer or CWQZ, these areas have also been excluded from parkland calculations. Finally, even if there is minor erosion caused by upstream properties in the "grow zone" area, that erosion is likely to have a minimal (if any) impact on that area's use for passive recreation and for soft trails and benches to support hiking in the area. In any case, PARD staff has consistently and significantly minimized this area's importance to the overall park.

Air Quality Data for The Grove

Regional Air Quality benefits for the Grove should be considered in light of the transportation benefit of mixed use, connected, infill developments as well as locating housing supply close to job centers. The Grove development plans meets the following guidance from various environmental agencies:

Washington State Department of Ecology

- Development patterns that locate jobs, housing, and recreation in close proximity increase the use of alternative forms of travel, such as walking, biking, and mass transit.

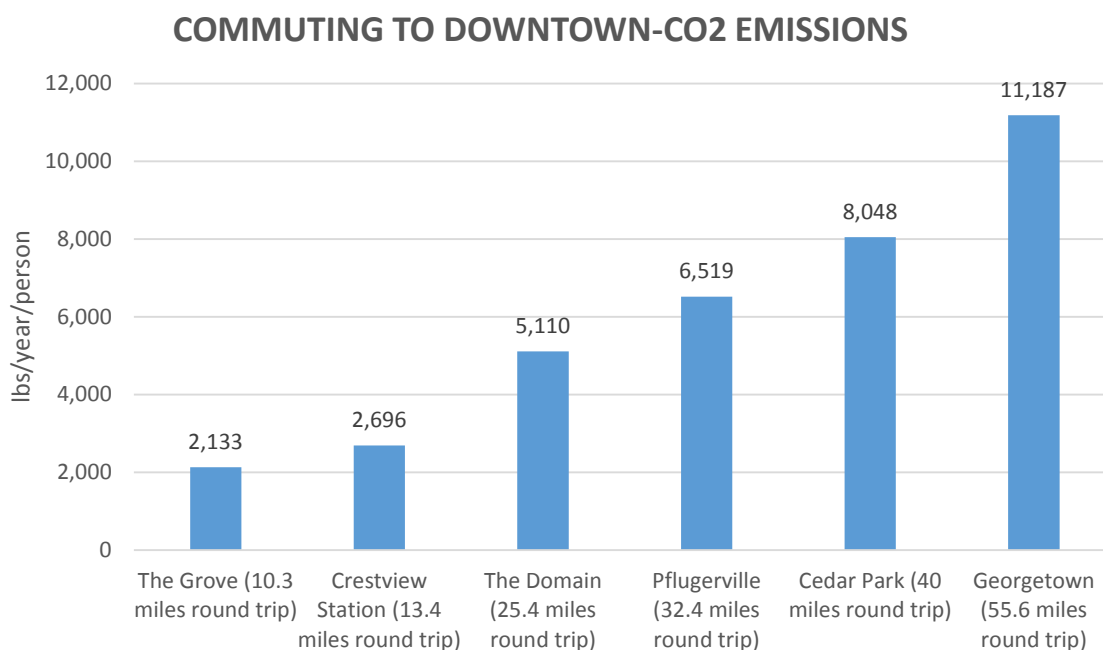
Transportation Benefits

- Internal Capture Trip – Trip made between land uses in a mixed use development. Trips do not use the street network outside the development.
- EPA Smart Growth Strategies – “Research Consistently shows that neighborhoods that mix land uses, make walking safe and convenient, and are near other development, allow residents and workers to drive significantly less if they choose. In fact, in the most centrally located, well designed neighborhoods, residents drive as little as half as much as residents of outlying areas.”

EPA: Improving Air Quality Through Land Use Action

- Encourage pedestrian and transit travel by creating nodes of high density mixed use development.
- Infill and Densification – Encourage pedestrian and transit travel by locating new development in already developed areas, so activities will be closer together.
- Interconnected Street Network: Encourage pedestrian and bicycle travel by providing more direct routes between locations.
- Pedestrian and Bicycle Facilities.

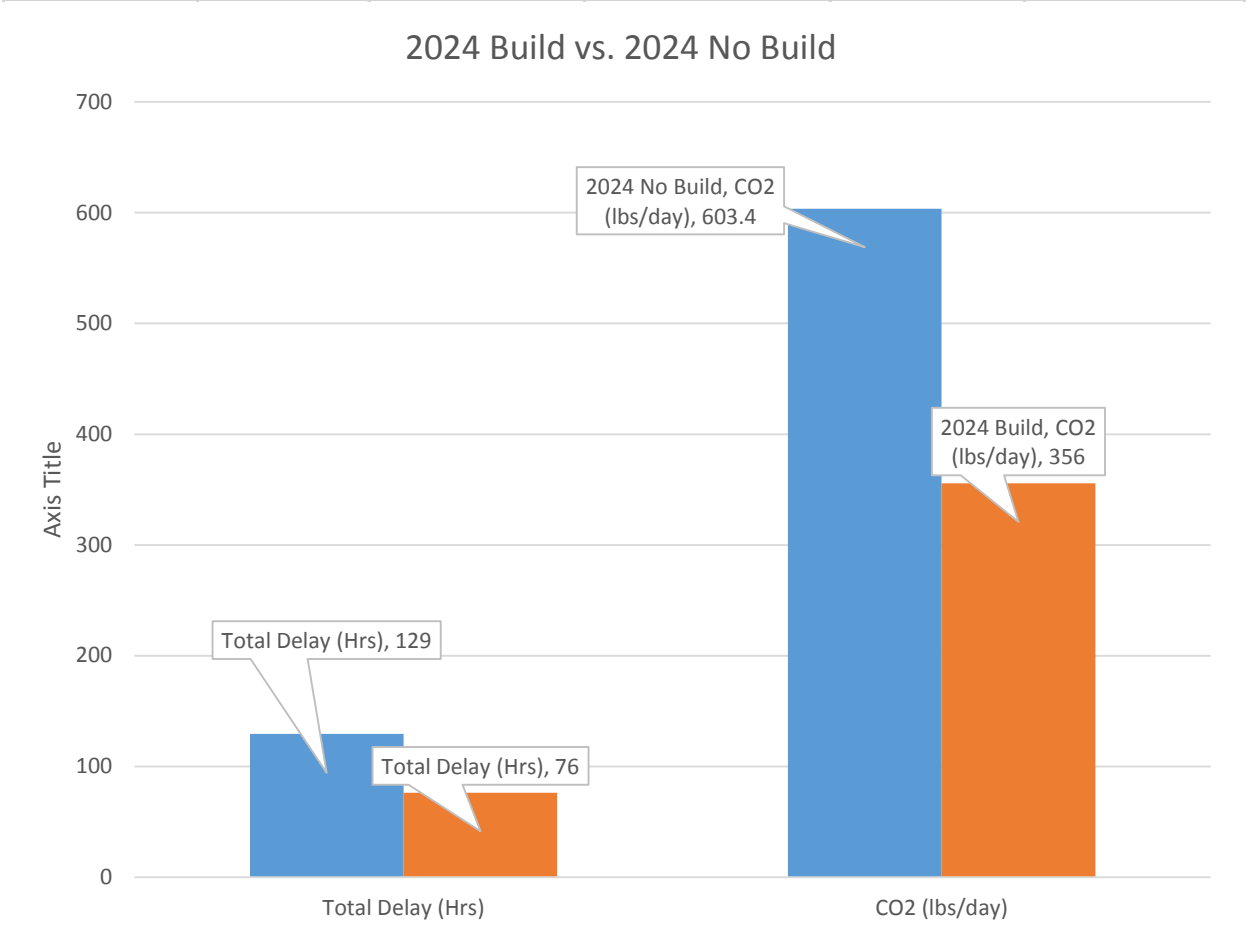
The chart below assumes a round trip drive commuting to work downtown, the densest employment center for Austin, for a year from different housing locations:

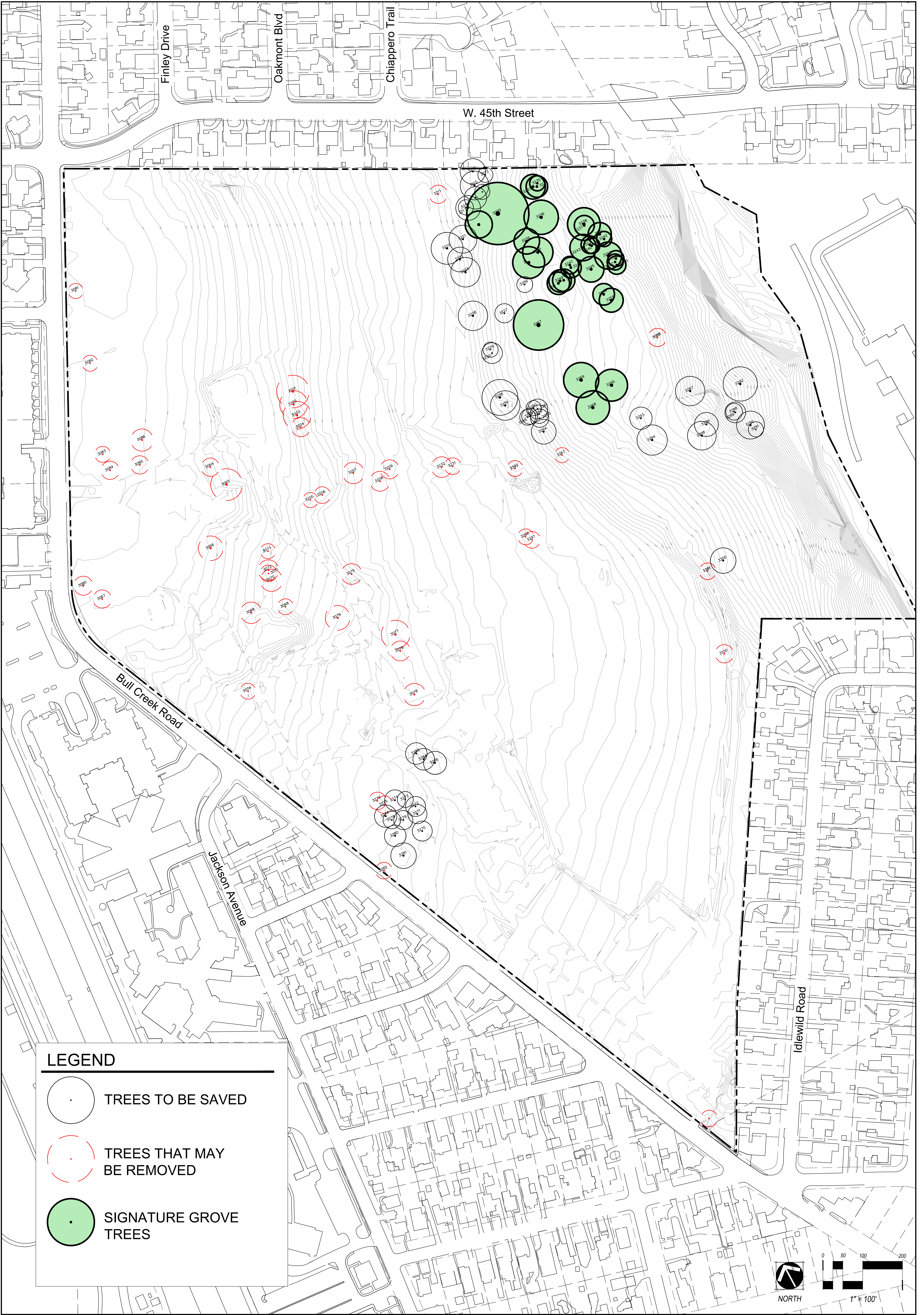


Besides the benefits of the type and location of the Grove, improvements are proposed to the intersection of Bull Creek Road and 45th Street which will decrease delay and overall vehicle idle time at the intersection. The chart and table below shows the reduction in CO2 emission of idling cars at the intersection due to intersection improvements.

Trips and delay time data are taken from the TIA performed for the Grove at Shoal Creek

45th Street/Bull Creek Intersection Comparison					
PM Peak Hour					
	Vehicles	Avg Delay (sec)	Total Delay (Hrs)	CO2 (lbs/day)*	CO2 (lbs/yr)*
2024 No Build	2,615	95.7	69.5	324	
2024 Build	3,536	36.2	35.6	166	
		Delta Subtotal:	34.0	158	
AM Peak Hour					
	Vehicles	Avg Delay (sec)	Total Delay (Hrs)	CO2 (lbs/day)*	CO2 (lbs/yr)*
2024 No Build	2,332	92.3	59.8	279	
2024 Build	3,198	45.8	40.7	190	
		Delta Subtotal:	19.1	89	
		Delta Total:	53.1	248	90,386
* CO2 rate of 0.588 g/s based on emissions of 2011 Ford Fusion mid sized sedan, 2.5 L 4-Cylinder					





The Grove at Shoal Creek Tree Survey & Disposition Plan
May 10, 2016

THE GROVE AT SHOAL CREEK TREE SURVEY

			TOTAL APPENDIX F PROTECTED TREES SURVEYED	TOTAL APPENDIX F TREE INCHES TO BE SAVED		TOTAL APPENDIX F TREE INCHES MAY BE REMOVED		TOTAL INVASIVE TREE INCHES REMOVED (NO MITIGATION)	ARBORISTS RATINGS *SEE ARBORIST REPORT (NR = NO RATING)
TREE #	SPECIES	DBH		HERITAGE	PROTECTED >19"	HERITAGE	PROTECTED >19"		
3064	LIVE OAK	20	20				20		3 / 4
3065	COTTONWOOD	40	40				40		2
3066	CHINESE TALLOW	33						33	3
3067	PECAN	23	23				23		3
3068	PECAN	20	20				20		3 / 4
3069	HACKBERRY (M)	27	27				27		2
3070	CRAPE MYRTLE	22							3
3071	CRAPE MYRTLE	18							3
3072	ARBORVITAE	26							1
3073	LIGUSTRUM (M)	25						25	NR
3074	PECAN (M)	18	18				18		2
3075	PECAN (M)	22	22				22		3
3076	PECAN (M)	31	31			31			3
3077	PECAN (M)	27	27			27			2 / 3
3078	PECAN (M)	24	24			24			3
3079	PECAN (M)	28	28			28			3
3080	AMERICAN ELM	24	24			24			2
3081	HACKBERRY	19	19		19				2
3082	CEDAR ELM (M)	18	18				18		3
3083	CHINESE TALLOW	20						20	3
3084	CHINESE TALLOW	23						23	3
3085	CHINESE TALLOW	23						23	3
3086	CHINESE TALLOW (M)	28						28	NR
3088	PECAN (M)	23	23				23		NR
3100	CHINA BERRY (M)	23						23	2
3201	PECAN (M)	26	26			26			2 / 3
3202	PECAN (M)	26	26			26			2
3203	PECAN (M)	24	24			24			3
3204	PECAN (M)	24	24			24			3
3205	CEDAR ELM	19	19				19		2
3206	CEDAR ELM	21	21				21		2
3207	PECAN (M)	25	25			25			2
3208	PECAN (M)	18	18				18		2
3209	PECAN	23	23				23		2 / 3
3210	LIVE OAK	32	32	32					3
3211	CEDAR ELM	23	23				23		2 / 3
3212	LIVE OAK	31	31	31					3
3213	LIVE OAK	19	19		19				3
3214	CEDAR ELM	19	19		19				3 / 4
3215	LIVE OAK	36	36	36					3
3216	LIVE OAK	28	28	28					3
3217	LIVE OAK	30	30	30					3 / 4
3218	LIVE OAK	19	19		19				3
3219	LIVE OAK	34	34	34					3 / 4
3220	LIVE OAK	78	78	78					3 / 4
3221	LIVE OAK	35	35	35					1
3222	LIVE OAK	31	31	31					3
3223	LIVE OAK	35	35	35					3 / 4
3224	LIVE OAK (M)	40	40	40					3
3225	LIVE OAK (M)	38	38	38					4
3226	LIVE OAK (M)	25	25	25					3 / 4
3227	CEDAR ELM	24	24	24					2
3228	LIVE OAK (M)	37	37	37					3
3229	LIVE OAK	19	19		19				3 / 4
3230	LIVE OAK	26	26	26					3 / 4
3231	PECAN (M)	21	21				21		2
3232	PECAN (M)	26	26			26			2 / 3
3233	LIVE OAK (M)	33	33	33					3 / 4
3234	LIVE OAK	27	27	27					3 / 4
3235	LIVE OAK	19	19		19				3
3236	LIVE OAK	43	43	43					3
3237	LIVE OAK	25	25	25					3 / 4
3238	LIVE OAK (M)	41	41	41					3 / 4
3239	LIVE OAK	22	22		22				3
3240	LIVE OAK	20	20		20				3
3241	LIVE OAK	29	29	29					3 / 4
3242	LIVE OAK	19	19		19				3 / 4
3243	LIVE OAK	33	33	33					3
3244	LIVE OAK	34	34	34					3 / 4
3245	LIVE OAK	32	32	32					4
3246	LIVE OAK	26	26	26					3 / 4
3247	LIVE OAK	22	22		22				3 / 4
3248	LIVE OAK	28	28	28					3 / 4
3249	LIVE OAK	28	28	28					3 / 4
3250	LIVE OAK	28	28	28					3 / 4
3251	LIVE OAK	20	20		20				2 / 3
3252	LIVE OAK	20	20		20				3 / 4
3253	LIVE OAK	23	23		23				3
3254	LIVE OAK	27	27	27					3 / 4
3255	LIVE OAK (M)	22	22		22				3
3256	CEDAR ELM	20	20		20				2
3257	LIVE OAK (M)	63	63						3 / 4
3258	LIVE OAK (M)	45	45	45					3
3259	LIVE OAK (M)	37	37	37					3
3260	LIVE OAK	19	19		19				3
3261	LIVE OAK	25	25	25					3
3262	LIVE OAK	23	23		23				3
3263	LIVE OAK	23	23		23				3
3264	LIVE OAK	31	31	31					3
3265	LIVE OAK	20	20		20				3
3266	LIVE OAK	20	20		20				3
3267	CEDAR ELM	19	19				19		3
3268	LIVE OAK	42	42	42					3 / 4
3269	LIVE OAK	44	44	44					3
3270	LIVE OAK	25	25	25					4
3271	LIVE OAK	24	24	24					3
3272	LIVE OAK	25	25	25					4
3273	LIVE OAK	20	20		20				3
3274	LIVE OAK	26	26	26					2 / 3
3275	LIVE OAK	22	22				22		3
3276	LIVE OAK	22	22				22		3
3277	LIVE OAK	28	28	28					3
3278	LIVE OAK	22	22		22				4
3279	LIVE OAK	24	24	24					3
3280	LIVE OAK	27	27	27					3
3281	LIVE OAK	32	32	32					4
3282	CEDAR ELM	21	21				21		NR
3283	LIVE OAK	27	27	27					3
3284	LIVE OAK	27	27	27					3
3285	LIVE OAK	29	29	29					3
3286	CEDAR ELM	21	21				21		NR
3287	LIVE OAK	40	40	40					NR
3288	LIVE OAK	21	21		21				3
3289	LIVE OAK	23	23		23				3
3290	LIVE OAK	35	35	35					3
3291	LIVE OAK	19	19		19				3
3292	LIVE OAK	43	43	43					NR
3293	CEDAR ELM	28	28	28					2
3294	LIVE OAK	35	35	35					3
3295	LIVE OAK	40	40	40					3
3296	CHINA BERRY (M)	20						20	2
3297	CHINA BERRY (M)	21						21	2
3298	LIVE OAK	36	36	36					3
3299	LIVE OAK	30	30	30					1 / 2
3300	LIVE OAK (M)	32	32	32					NR
3381	CEDAR ELM	21	21				21		NR
3392	HACKBERRY (M)	20	20				20		NR
TOTAL			3,173	1,894	512	285	482	216	

H = Heritage Tree
S = Trees in the Signature Grove, see Note 5

TOTAL APPENDIX F TREE INCHES SURVEYED:	3,173	
TOTAL APPENDIX F TREE INCHES SAVED:	2,406	76% OF TOTAL INCHES SAVED
TOTAL APPENDIX F TREE INCHES MAY BE REMOVED:	767	24% OF TOTAL INCHES REMOVED

Notes:

- Arborist rating 2 = poor. Trees # 3080, 3202, 3207 & 3232 were rated poor by the applicant's arborist and reviewed in the field by City Arborist Michael Embesi.
- Applicant is committing to save a minimum of 75% of Appendix F (Native) Protected size trees as shown in this table. Trees shown as saved may be removed if a similar size, similar condition tree noted for removal is substituted at Site Plan review.
- A mitigation rate of 100% shall be required for trees #3080, 3202, 3207 & 3232 (note that mitigation is typically not required for trees in this condition, but a 100% mitigation rate is offered as an element of superiority) . A mitigation rate of 300% shall be required for any other Heritage Trees that are removed. All other trees shall be mitigated per the Environmental Criteria Manual.
- The applicant shall provide a tree care plan for all preserved protected and heritage trees on site. The applicant shall allot a minimum of \$100 toward this plan for each inch of heritage trees removed from the site. This shall be above and beyond any mitigation required for these trees. The tree care plan shall prioritize remediation of construction impacts through air spading, root pruning, deep root fertilizing, and/or other practices as recommended by a certified arborist. Basic watering, mulching, and fencing during construction are assumed to be provided as best practices and would not count toward fulfillment of the tree care plan.
- For protected and heritage trees identified on the plan as "Signature Grove Trees", cut in the ¾ Critical Root Zone (CRZ) shall not exceed 4". This requirement may be administratively reduced to the ½ CRZ if a minimum of 75% of the total area of the full CRZ is preserved and a tree care plan in the amount of \$100 per caliper inch is provided for the tree in question.
 - Any cuts within the ¾ CRZ of these trees shall made with an airspade or air knife and hand pruning prior to machine excavation.
 - Stormwater pipes to and from the water quality pond shall not be permitted to impact the full CRZ of Heritage Trees in the Signature Grove.
 - Where high intensity, hardscape uses are planned around heritage trees located in the signature grove, the use areas should be constructed with decks, sand bridging, or other root bridging constructions to avoid heavy disturbance or compaction of the 1/2 CRZ of these trees.
- Full tree mitigation in the form of tree plantings shall be provided within the site plan proposing the tree removal. Under no circumstances will the required tree mitigation be planted on one site plan to address the tree mitigation owed on a different site plan. Payment into the tree fund is not an acceptable form of mitigation for the trees indicated on this Plan. Regardless of maximum entitled impervious cover, applicant may need to reduce impervious cover, increase caliper of proposed trees, or provide other measures as necessary to facilitate full on site tree mitigation planting within a given site plan.

The Grove at Shoal Creek Tree Survey & Disposition Tables
May 10, 2016



EXHIBIT D

ATTACHMENT 1

Tier 1 and Tier 2 Compliance Summary

Tier 1 Requirements – Section 2.3.1	Compliance/ Superiority
A. meet the objectives of the City Code;	YES. The Project is located in the urban core and within an Urban watershed. The Project is located near Mopac Expressway and is located along the proposed Shoal Creek Urban Trail and an existing CapMetro bus route. The Project will promote the Imagine Austin priority of creating a “compact and connected” City increasing population density within the urban core. The Project is compatible with surrounding uses and zoning which is consistent with the general neighborhood preferences. Except as set forth in the Proposed Code Modifications Summary, the Project will comply with the current City Code requirements.
B. provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (<i>General Intent</i>) than development under the regulations in the Land Development Code;	YES. The Project will meet the goals of Section 1.1 as follows: 1. <u>Preserve Natural Environment.</u> The Project will preserve all of the high quality heritage trees on the Property, and remove only a handful poor to fair condition “heritage” pecan trees. The Project will provide for greater open space than required by the City Code. The Project will provide green water quality controls and will provide water quality controls and drainage improvements for the entire site. The current state office development does not have any detention or flood control facilities. 2. <u>High Quality Development and Innovative Design.</u> The Project will utilize mixed use and urban design principles that will allow clustering of uses in higher densities that promote urban living, working and shopping on the site and encourage use of

	<p>alternative transportation options. The Project will integrate pedestrian and bicycle connectivity throughout the Property. The Project will be designed to make use of scenic views from public spaces. Parking structures will be used in connection with office and apartment uses. Higher development intensity will be focused along Bull Creek Road and the interior of the Property and lower development intensity will be located near existing single family residences.</p> <p>3. <u>Adequate Public Facilities and Services.</u> The Project will provide (i) a large on-site, publicly accessible signature park space with park improvements and amenities open to the public providing recreation and natural open space to the whole City; (ii) plazas and other open and community spaces with public amenities that will provide opportunities for people to gather and socialize;; (iii) hike and bike trails along Bull Creek Road and Shoal Creek and improvements to enhance transit use so that area residents will have greater transportation options; (iv) roadway intersection improvements through the use of turn lanes and signalization funded 100% by the Applicant, (v) shared access improvements to provide existing 45th Street homes with safe, alternative access, (vi) water system improvements that will improve water pressure (especially for fire flow purposes) to the area, (vii) a pedestrian and bicycle bridge across Shoal Creek.</p>
<p>C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:</p> <ol style="list-style-type: none"> 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and 2. the required percentage of open space may be 	<p>YES. Even though the Project is an “urban property”, the Project will <i>exceed</i> these requirements by providing at least 18.12 acres of open space as shown on the Parks Plan Exhibit. This <i>minimum</i> amount of open space for the purpose of determining compliance with Tier 1 and Tier 2 requirements is also shown on the Parks Plan Exhibit and is approximately 11 and 12 acres respectively. The Applicant actually intends that the Project will provide more open space than the minimum 18.12 acres. This open space, which the Applicant may sometimes also refer to as “Park</p>

reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;	Space”, will be publicly accessible and offer excellent recreational and natural areas throughout the Project.
D. comply with the City's Planned Unit Development Green Building Program;	YES. The Project will comply with at least a 2-star Green Building requirement.
E. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;	YES. There is no applicable neighborhood plan, NCCD or historic area or landmark regulations applicable to the site. However, as stated above, the largely residential Project will be compatible with area land uses and zoning districts and is consistent with the principles and priorities of Imagine Austin. In addition, the Applicant believes the Project is consistent with neighborhood preferences established in surveys conducted by the Applicant and with the Bull Creek Road Coalition’s Design Principles.
F. 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 Project will preserve all of the higher quality heritage oak trees on the Property, and remove only a handful poor to fair condition “heritage” pecan trees. The project will preserve a minimum of 75% of Protected Size native tree inches on site. The Project will provide for greater open space than required by the City Code. The Project will provide green water quality controls and will provide water quality controls and drainage improvements for the entire site. The current state office development does not have any detention or flood control facilities. The Project will not propose any flood plain modifications. The Project will incorporate the natural features, topography and character of the land in its overall design.
G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;	YES. As stated above, the Project will provide (i) a large on-site, publicly accessible signature park space with park improvements and amenities open to the public providing recreation and natural open space to the whole City; (ii) plazas and other open and community spaces with public amenities that will provide

	<p>opportunities for people to gather and socialize;; (iii) hike and bike trails along Bull Creek Road and Shoal Creek and improvements to enhance transit use so that area residents will have greater transportation options; (iv) roadway intersection improvements through the use of turn lanes and signalization funded 100% by the Applicant, (v) shared access improvements to provide existing 45th Street homes with safe, alternative access, (vi) water system improvements that will improve water pressure (especially for fire flow purposes) to the area, and (vii) a pedestrian and bicycle bridge across Shoal Creek. In addition, there are currently existing adequate school, fire protection, emergency service, and police facilities located in the area. Bryker Woods School for example is populated by approximately 20% - 30% of transfer students and, therefore, has sufficient capacity to meet the needs of the Project.</p>
H. exceed the minimum landscaping requirements of the City Code;	<p>YES. The Project will exceed the minimum Code requirements for landscaping. The Project will implement an Integrated Pest Management Plan, which shall apply to all sites and uses within the PUD. The project Design Guidelines require minimum 3” caliper street trees on all internal streets. Under conventional zoning, Tracts A, C, D, and E would be residential zoning districts and would not require street trees under Subchapter E. This area of additional street trees represents 34.24 acres or approximately 45% of the total project area. Additionally, street trees will be required along Bull Creek Road where they would not be required by Subchapter E. The Design Guidelines will additionally require that a minimum of 95% of all non-turf plant materials be from or consistent with the City’s Grow Green Guide.</p>
I. 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;	<p>YES. There is currently a CapMetro bus route located on Bull Creek Road adjacent to the Property that provide transit to major employment centers like the Seton Medical Center, the University of Texas and downtown. The Applicant is in discussions with</p>

	CapMetro about how to provide enhancements to this transit stop to facilitate increased ridership. In addition, the Project will provide greater pedestrian and bicycle trails and sidewalks along Bull Creek Road, within the Property and along Shoal Creek, including a pedestrian and bicycle bridge across Shoal Creek. A TIA has been performed and demonstrates that impacts on area intersections from the Project are properly mitigated with turn lane and signal improvements.
J. prohibit gated roadways;	YES. The Project will prohibit gated communities.
K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and	NOT APPLICABLE. There are no such areas within the Property. However, the Applicant is willing to memorialize the prior use of the site for the education of disabled African Americans in public spaces located within the Project.
L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	YES. The Property is approximately 75.74 acres.
Additional Requirements – Section 2.3.2	Compliance/ Superiority
A. comply with Chapter 25-2 , Subchapter E (<i>Design Standards And Mixed Use</i>);	MODIFICATIONS REQUESTED. As permitted by Section 2.2 of PUD Code Provisions, the Applicant will be proposing modifications to the Subchapter E standards that will replace and supersede Subchapter E. The Project Design Guidelines meet the intent and purposes of Subchapter E, while making compliance simpler and easier to implement.
B. inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (<i>Design Standards and Mixed Use</i>), comply with the sidewalk standards in Section 2.2.2. , Subchapter E, Chapter 25-2 (<i>Core Transit Corridors: Sidewalks And Building Placement</i>); and	MODIFICATIONS REQUESTED. As permitted by Section 2.2 of PUD Code Provisions, the Applicant has proposed modifications to the Subchapter E sidewalk and building placement standards that will replace and supersede Subchapter E. The Project Design Guidelines meet the intent and purposes of Subchapter E, while making compliance simpler and easier to implement.
C. contain pedestrian-oriented uses as defined in Section 25-2-691 (C) (<i>Waterfront Overlay District Uses</i>) on the first	YES. The Project will contain pedestrian-oriented uses on the first floor of multi-story commercial or mixed use buildings

floor of a multi-story commercial or mixed use building.	located along roadways with pedestrian walkways. The size of the Project is such that some interior buildings that are not located on significant pedestrian walkways do not have such uses.
Tier 2 Requirements – Section 2.4	Compliance/ Superiority
A. <u>Open Space</u> – Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	YES. The Project will provide at least 18.12 acres of open space as shown on the Park Plan Exhibit which is far above the requirement in Section 2.3.1.A. This <i>minimum</i> amount of open space for the purpose of determining compliance with Tier 1 and Tier 2 requirements is also shown on the Parks Plan Exhibit and is approximately 11 and 12 acres respectively. The Applicant actually intends that the Project will provide more open space than the minimum 18.12 acres. This open space will largely consist of dedicated parkland and will be publicly accessible and offer excellent recreational and natural areas throughout the Project.
B. <u>Environment/Drainage</u> –	
1. Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.	NOT APPLICABLE.
2. Provides water quality controls superior to those otherwise required by code.	YES. The project will meet current code requirements for water quality volume. The Project will provide water quality controls through the use of a wet pond and/or Green Water Quality Controls for a minimum of 50% of the required water quality volume on-site, which provide superior Total Suspended Solid and nutrient removal to more conventional controls and also offer wetland and habitat benefits that are particularly appropriate to the Project. Makeup water for the wet pond will be provided by air conditioner condensate from commercial buildings on site. Site plans for commercial buildings will be required to include plumbing connections to the makeup water system unless it has been demonstrated that prior connections (from other buildings on site) will provide sufficient makeup water for the pond. Potable or

	well water may be used for makeup water only during buildout of the project.
3. Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code.	YES AS MODIFIED. The project will provide that a minimum of 10 acres of impervious cover on the site will drain to and be treated by Green Water Quality Controls such as rain gardens, and rainwater capture systems. Biofiltration ponds shall not be counted toward this requirement.
4. Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.	NOT APPLICABLE.
5. Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.	NOT APPLICABLE. The site is not currently zoned. While a baseline may be established by City Council, Council has been directed by City Staff that the baseline is solely for determining development bonuses and not for other zoning factors. As such, it would not be appropriate to apply the established baseline to determine environmental superiority.
6. Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.	NOT APPLICABLE.
7. Provides volumetric flood detention as described in the Drainage Criteria Manual.	NO.
8. Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit.	NOT APPLICABLE.
9. Proposes no modifications to the existing 100-year floodplain.	YES. The Project will not modify the existing 100-year flood plain.
10. Uses natural channel design techniques as described in the Drainage Criteria Manual.	NOT APPLICABLE.
11. Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.	NO. Existing riparian vegetation along the top of the bank is already in good condition and will be protected by a Riparian Grow Zone. This Riparian Grow Zone will also serve as wetland

	mitigation.
12. Removes existing impervious cover from the Critical Water Quality Zone.	NOT APPLICABLE.
13. Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches.	YES AS MODIFIED. The Project will preserve more than 75% of all Protected Size native caliper inches. The Project will preserve all of the higher quality heritage oak trees on the Property, and remove only a handful of poor to fair condition “heritage” pecan trees. The heritage pecan trees to be removed are of a variety that is not native to the area and structurally poor and of lower quality. The Applicant has met with the City Arborist to discuss removal of these small number of trees and the preservation of all of the high-quality heritage oak trees. Additionally, the project will provide additional protection for the $\frac{3}{4}$ critical root zone for all protected and heritage trees within the Signature Grove, which includes all trees around the proposed pond and the highest quality oak trees throughout the Signature Park.
14. Tree plantings use Central Texas seed stock native and with adequate soil volume.	NO. While the Project will utilize native and adapted trees from the Grow Green Guide, a commitment to 100% native seed stock is not feasible at this time.
15. Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.	NO. While the project does propose a Riparian Grow Zone along the Critical Water Quality Zone boundary that would effectively increase the waterway buffer for Shoal Creek, it also proposes a reduction in the Wetland CEF buffer.
16. Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.	YES. The Project will cluster development along Bull Creek Road and the interior of the Property and away from Shoal Creek and the large oak groves located on the Property where a large amount of open space will be provided instead.
17. Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.	NO.
18. Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian	NO.

use.	
19. Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.	NO. Due to the size of the proposed parks in particular, this option is not feasible for this Project.
20. Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.	YES. The Project will direct stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
21. Employs other creative or innovative measures to provide environmental protection.	<p>YES. The Project will provide flood mitigation for the 9.39 acres of existing impervious cover on site that is not currently detained. The current state office development does not have any detention or flood control facilities, and current code does not require new development to detain for existing impervious cover. If the Project participates in the RSMP, the RSMP fee will be paid as if the current 9.39 acres of impervious cover does not exist.</p> <p>The City of Austin Watershed Protection Department will choose the most effective flood mitigation option for the site, which may include onsite detention in compliance with the Environmental Criteria Manual or RSMP participation, at the time of commercial site plan or residential subdivision application. The City of Austin selected flood mitigation option will be required to demonstrate no downstream adverse impact up to the confluence of Shoal Creek with Lady Bird Lake.</p> <p>Additionally, the Project will provide educational signage for the Wetland CEF.</p>
C. <u>Austin Green Builder Program</u> – Provides a rating under the Austin Green Builder Program of three stars or above.	NO. While certain buildings and development within the Project may meet or exceed a 3-star rating, requiring such compliance for all such buildings and development is not feasible.
D. <u>Art</u> – 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 AS MODIFIED. The Project will provide art in public places through development of a public art plan developed by the Applicant that will consist of a minimum of three (3) significant art pieces. The Applicant will consult with and consider the

	City's Art in Public Places (AIPP) program in implementing this program.
E. <u>Great Streets</u> – Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2 , Subchapter E (<i>Design Standards and Mixed Use</i>).	YES AS MODIFIED. The Project will provide private street cross sections that will meet the intent and purposes of the Great Streets Program through its Project Design Guidelines.
F. <u>Community Amenities</u> – 1. Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need. 2. Provides publicly accessible multi-use trail and greenway along creek or waterway.	YES. The Project will provide community and public amenities including spaces for community meetings, gatherings and other community needs, and publicly accessible multi-use trails and greenways along Shoal Creek. The project will also provide a pedestrian and bicycle bridge across Shoal Creek.
G. <u>Transportation</u> – 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 (i) bicycle trails and shared use paths throughout the project that will facilitate connection to existing and planned bike routes and trails, (ii) a pedestrian and bicycle bridge across Shoal Creek, (iii) a location for a B-cycle Station, (iv) at least 5 car-sharing parking spaces, (v) shower facilities in all office buildings over 10,000 SF, (vi) bike parking for a minimum of 10% of required vehicular spaces, (vii) bicycle cage parking in multifamily buildings, and (viii) improved bus stops developed in consultation with CapMetro and the neighborhood.
H. <u>Building Design</u> – Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2 , Subchapter E (<i>Design Standards and Mixed Use</i>).	NO. While certain buildings and development within the Project may exceed such minimum points, requiring such compliance for all such buildings and development is not feasible. The intent and purpose of such building design will be met through the Project Design Guidelines.
I. <u>Parking Structure Frontage</u> – In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for	NO. While certain buildings and development within the Project may meet such percentage, requiring such compliance for all such buildings and development is not feasible.

	pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.	
J.	<u>Affordable Housing</u> – Provides for affordable housing or participation in programs to achieve affordable housing.	YES. The Applicant will provide a substantial on-site affordable housing component as more particularly set forth in the The Grove at Shoal Creek Affordable Housing Plan.
K.	<u>Historic Preservation</u> – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	NOT APPLICABLE. There are no such features within the Property. However, the Applicant is willing to memorialize the prior use of the site for the education of disabled African Americans in public spaces located within the Project.
L.	<u>Accessibility</u> – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	YES. The Project will provide for accessibility for person with disabilities to a degree exceeding applicable legal requirements.
M.	<u>Local Small Business</u> – 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.	NO. While the Applicant fully intends to actively seek local small businesses for the Project and may use incentives to induce such local businesses, given the on-site affordable housing commitment, increased parks and open space commitments, and increased traffic mitigation commitments, requiring a specific criteria for affordable retail rates is not feasible.

EXHIBIT E

ATTACHMENT 2

Proposed Code Modifications

CHAPTER 25-1 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>1. Definitions, Article 2, Chapter 25-1-21</i>	“SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.”	“SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may cross a public street or right-of-way if that public street or right-of-way is within the boundaries of The Grove at Shoal Creek PUD.”
<i>2. Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211</i>	25-1-602(A) “A subdivider or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable parkland for park and recreational purposes under this article.”	“Section 25-1-602 (Dedication of Parkland Required) is modified to provide that subdivider or site plan applicant shall provide for the parkland needs of the residents by providing suitable parkland for park and recreational purposes under the terms of The Grove at Shoal Creek Parks Plan and Parkland Improvement Agreement attached as exhibits to Planned Unit Development Ordinance No. _____.”
<i>3. Gross Floor Area, 25-2-21(44)</i>	25-1-21 “(44) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls.	“(44) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace,

	The term includes loading docks and excludes airtia airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.”	parking facilities, parking structures, driveways, and enclosed loading berths and off-street maneuvering areas.”
CHAPTER 25-2 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
4. <i>Site Development Regulations, 25-2-492</i>	Not applicable.	The Applicant proposes that the site development regulations applicable to the Property be as shown on the Land Use Plan
5. <i>Site Development Regulations, 25-2-492 and Height, 25-1-21(47)</i>	City staff interprets a parking level to be a “story” for the purposes of determining compliance with site development regulations.	“In determining compliance with the applicable height limitations, a parking level shall not be and is not considered a ‘story’.”
6. <i>Visual Screening, 25-2-1006</i>	25-2-1006 Visual Screening of certain features	“Section 25-2-1006 (A) shall not apply to any water quality and/ or storm water drainage facility that serves as an amenity or to any Green Storm Water Quality Infrastructure as defined in the Environmental Criteria Manual, except that any green infrastructure hardened outfalls and control structures should still be buffered from public ROW. Section 25-2-1006 (C) shall not apply between uses or sites that are both located within the PUD boundaries. This section shall still apply at the boundaries of the PUD.”
7. <i>Planned Unit Development Regulations, Chapter 25-2, Subchapter B, Article 2, Division 5, Section 3.2.3.D.1</i>	“D. the minimum front yard and street side yard setbacks, which must be not less than the greater of:	“Chapter 25-2, Subchapter B, Article 2, Division 5, Section 3.2.3.D.1 shall not apply to the PUD. Notwithstanding the foregoing the remainder of that section

	1. 25 feet for a front yard, and 15 feet for a street side yard; or”	shall apply to the PUD.”
<p>8. <i>Compatibility Standards, Chapter 25-2, Article 10</i></p> <p><i>NOTE: This Code modification only applies where the triggering property is located within the PUD. This Code modification does not apply where the triggering property is located outside the PUD. This Code modification is identical to the one granted in the Mueller PUD</i></p>	Chapter 25-2, Article 10, Compatibility Standards applied to triggering property within the PUD only	“Chapter 25-2, Article 10 (Compatibility Standards) does not apply only where development within the PUD triggers such compatibility standards. Notwithstanding the foregoing, Chapter 25-2, Article 10 (Compatibility Standards) shall apply, except as provided herein, where development outside of the PUD triggers such compatibility standards.”
9. <i>Compatibility Standards, 25-2-1063(C)(2)and (3)</i>	<p>25-2-1063(C) “(2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property:</p> <p>(a) in an SF-5 or more restrictive zoning district; or (b) on which a use permitted in an SF-5 or more restrictive zoning district is located;</p> <p>(3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive;”</p>	“In the rectangular area of land in Tract B that is bounded by (i) the property line adjacent to Bull Creek Road on the west, (ii) a line 240 feet east from the property line adjacent to Bull Creek Road on the east, (iii) a line that is 200 feet south of the northern property line on the north, and (iv) a line that is 630 feet south of the northern property line on the south, Section 25-2-1063(C) (2) of the Austin City Code shall not apply, and Section 25-2-1063(C)(3) is modified to read to provide that for a structure more than 50 feet but not more than 300 feet from the property zoned SF-5 or more restrictive, height may is limited to 60’.”
10. <i>Compatibility Standards, 25-2-1067(G) and (H)</i>	25-2-1067 “(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a	“Section 25-2-1067(G) and (H) of the Austin City Code shall not apply to Tract A only, with respect to the construction of an alley, public road, trails and/or sidewalks.”

	lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.”	
11. <i>Commercial Design Standards, Subchapter E, Chapter 25-2</i>	Chapter 25-2, Subchapter E, Design Standards and Mixed Use	“The Grove at Shoal Creek Design Guidelines generally address the physical relationship between commercial and other nonresidential development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a more attractive, efficient, and livable community. The requirements of Chapter 25-2, Subchapter E of the Austin City Code shall not apply to the property. All requirements in the Austin City Code that reference Chapter 25-2, Subchapter E shall be modified to refer to such Design Guidelines.”
CHAPTER 25-4 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
12. <i>Alleys, 25-4-132(B)</i>	25-4-132 “(B) Off-street loading and unloading facilities shall be provided on all commercial and industrial lots, except in the area described in Subsection (C). The subdivider shall note this requirement on a preliminary plan and a plat.”	“Off-street loading and unloading shall be provided on all commercial lots, except that loading and unloading may also occur in any alley that also serves as a fire lane. The subdivider shall note this requirement on a preliminary plan and a plat.”
13. <i>Block Length, 25-4-153</i>	25-4-153 Block Length requirements	“Section 25-4-153 of the Austin City Code shall not apply to the property.”
14. <i>Secondary Street Access, 25-4-157</i>	Section 25-4-157 – Subdivision Access Streets	“Section 25-4-157 of the Austin City Code shall not apply to the property.”

<i>15. Lots on Private Streets, 25-4-171(A)</i>	“(A) Each lot in a subdivision shall abut a dedicated public street.”	“(A) Each lot in a subdivision shall abut a public street, private street or private drive subject to a permanent access easement.”
<i>16. Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211</i> <i>[NOTE: this is the same as No. 1 above]</i>	25-4-211 “The platting requirement for parkland dedication is governed by Chapter 25-1, Article 14 (Parkland Dedication).”	“The platting requirement for parkland dedication is modified to provide that such requirement is governed by the terms of The Grove at Shoal Creek Planned Unit Parks Plan and Parkland Improvement Agreement attached as exhibits to Development Ordinance No. _____. ”
<i>17. Public Street Alignment, 25-4-151</i>	25-4-151 “Streets of a new subdivision shall be aligned with and connect to existing streets on adjoining property unless the Land Use Commission determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment or connection.”	“Notwithstanding Section 25-4-151 of the Austin City Code, the private drives and/ or private streets within the property may be aligned with and connect to existing or future streets on adjoining property.”
<i>18. Dead-End Streets, 25-4-152(A)</i>	25-4-152 “(A) A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street.”	“A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street, or may terminate in a connection with the private drives and/ or private streets within the property.”
CHAPTER 25-6 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>19. Street Design, 25-6-171(A)</i>	“(A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation	“A roadway, private drive, street or alley must be designed and constructed in accordance with The Grove at Shoal Creek Design Guidelines. The Transportation

	Criteria Manual and City of Austin Standards and Standard Specifications.	Criteria Manual and City of Austin Standards and Standard Specifications shall apply to the extent they do not conflict with The Grove at Shoal Creek Design Guidelines.”
CHAPTER 25-8 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
20. <i>Heritage Trees, 25-8-641(B)</i>	“(B) A permit to remove a heritage tree may be issued only if a variance is approved under Section 25-8-642 (<i>Administrative Variance</i>) or 25-8-643 (<i>Land Use Commission Variance</i>).”	<p>“A permit to remove a heritage tree may be issued only if:</p> <p>(1) a variance is approved under Section 25-8-642 (Administrative Variance) or (25-8-643) Land Use Commission Variance, or</p> <p>(2) the tree is indicated as "Trees that May Be Removed" on The Grove at Shoal Creek Tree Survey and Disposition Plan as attached to The Grove at Shoal Creek Planned Unit Development Ordinance No. _____. Sections 25-8-642 and 25-8-643 shall not apply to the trees indicated as "Trees that May Be Removed" on The Grove at Shoal Creek Tree Survey and Disposition Plan. Specifically, the Heritage Trees that may be removed under this paragraph are identified as tag numbers 3076, 3077, 3078, 3079, 3080, 3201, 3202, 3203, 3204, 3207, and 3232.</p> <p>A permit issued under 25-8-642 (A) (2) shall require mitigation at the rates prescribed on The Grove at Shoal Creek</p>

		<p>Tree Survey and Disposition Plan.</p> <p>(3) Administrative variances under 25-8-642 for trees indicated to be saved on The Grove at Shoal Creek Tree Survey and Disposition Plan may be granted only for trees that are dead, diseased, or hazardous under paragraph (A) of that section. Variances for removal under Paragraph (C) for reasonable use shall not be allowed for these trees.”</p>
CHAPTER 25-10 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>21. 25-10-1 - Applicability</i>	25-10-1 – Applicability	“(D) To the extent they are in conflict, the signage standards set forth in the Design Guidelines for The Grove at Shoal Creek shall supersede this chapter.”
<i>22. 25-10-103 – Signs Prohibited in the Public Right-of-Way.</i>	25-10-103 – Signs Prohibited in the Public Right-of-Way.	“Section 25-10-103 of the Austin City Code shall not apply to the public Right-of-Way dedicated for the Jackson Avenue Extension within the boundaries of The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan.”
<i>23. 25-10-191 – Sign Setback Requirements.</i>	25-10-191 – Sign Setback Requirements.	“Section 25-10-191 of the Austin City Code shall not apply for setbacks from the public Right-of-Way dedicated for the Jackson Avenue Extension within the boundaries of The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan.”
DRAINAGE CRITERIA MANUAL MODIFICATIONS		

DCM SECTIONS TO BE MODIFIED	CURRENT DCM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
24. <i>Fencing Requirements for Drainage Facilities, Section 1.2.4.E.1(a)</i>	DCM Section 1.2.4.E “1. (a) Where a portion of the stormwater facility either has an interior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding one (1) foot, or, an exterior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding three (3) feet above adjacent ground, barrier-type fences at least six (6) feet high, and/or steel grating are required for all single-family or duplex residential development, City maintained stormwater facilities, and/or for any privately maintained stormwater facilities located within 500 feet of a residential structure. Barrier type fences include, but are not limited to chain link, solid wood, masonry, stone or wrought iron.”	“1. (a) Where a portion of the stormwater facility either has an interior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding one (1) foot, or, an exterior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding three (3) feet above adjacent ground, steel grating is required for all single-family or duplex residential development, City maintained stormwater facilities, and/or for any privately maintained stormwater facilities located within 500 feet of a residential structure.
ENVIRONMENTAL CRITERIA MANUAL MODIFICATIONS		
ECM SECTIONS TO BE MODIFIED	CURRENT ECM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
25. <i>Maintenance Responsibilities for Water Quality Control Facilities, Section 1.6.3.A.4</i>	4. obtain final warranty release approval from the Watershed Protection Department. The City will also maintain water	“4. obtain final warranty release approval from the Watershed Protection Department. Water quality control facilities at The Grove at Shoal Creek

	quality control facilities designed to service primarily publicly owned roads and facilities. These water quality control facilities must be designed and built according to the appropriate city standards.	PUD that treat publicly owned roads and facilities within and adjacent to The Grove at Shoal Creek PUD may be privately maintained.”
TRANSPORTATION CRITERIA MANUAL MODIFICATIONS		
TCM SECTIONS TO BE MODIFIED	CURRENT TCM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>26. Classification Design Criteria, Section 1.3.2.B.2</i>	<p>2. Collector, Neighborhood.</p> <p>A neighborhood collector street is characterized by serving several districts or subdivisions. Neighborhood collector streets provide limited access to abutting property and may provide on-street parking, except where bus routes can be expected. Typically multifamily developments, schools, local retail developments and public facilities are located adjacent to neighborhood collectors. Direct driveway access for detached houses should be discouraged (see Figure 1-28 in Appendix H of this manual for design criteria).</p>	<p>2. Collector, Neighborhood.</p> <p>The Extension of Jackson Avenue in The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan shall be considered a Neighborhood Collector and shall be designed per The Grove at Shoal Creek Design Guidelines. The cross section and any other design information contained in those design guidelines shall supersede any requirements of the Transportation Criteria Manual. All other circulation routes within The Grove including internal circulation routes and alleys shall be considered as private driveways and intersections with these driveways shall be subject to the 50’ minimum spacing for Neighborhood Collectors.</p>
<i>27. Classification Design Criteria, Section 1.3.2.F</i>	F. Single Outlet Streets	“The Jackson Avenue Extension shall not be considered a Single Outlet Street upon

		the construction of any publicly accessible private street, drive, or internal circulation route that is open to the public and connects Jackson Avenue to Bull Creek Road.”
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The Grove at Shoal Creek Tree Survey

June 07, 2016

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TREE LIST	
TAG #	Description
3064	23" CEDAR ELM
3065	40" COTTONWOOD
3066	31" PECAN
3067	23" PECAN
3068	20" PECAN
3069	27" HACKBERRY (M)
3070	28" HACKBERRY (M)
3071	21" HACKBERRY (M)
3072	26" HACKBERRY (M)
3073	19" LIVE OAK (M)
3074	20" PECAN (M)
3075	26" PECAN (M)
3076	31" PECAN (M)
3077	36" PECAN (M)
3078	25" PECAN (M)
3079	28" PECAN (M)
3080	24" LIVE OAK
3081	19" HACKBERRY
3082	20" CEDAR ELM (M)
3083	20" CHINESE TALLOW
3084	23" CHINESE TALLOW
3085	23" CHINESE TALLOW
3086	28" CHINESE TALLOW (M)
3087	17" PECAN
3088	23" PECAN (M)
3089	13" PECAN
3090	13" PECAN
3091	13" PECAN
3092	12" CHINA BERRY
3093	9" HACKBERRY
3094	15" CEDAR ELM (M)
3095	9" CHINA BERRY
3096	14" CHINA BERRY (M)
3097	10" PECAN
3098	15" PECAN
3099	14" PECAN
3100	23" CHINA BERRY (M)
3201	41" PECAN (M)
3202	35" PECAN (M)
3203	35" PECAN (M)
3204	24" PECAN (M)
3205	19" CEDAR ELM
3206	21" CEDAR ELM
3207	27" PECAN (M)
3208	25" PECAN (M)
3209	24" PECAN
3210	40" LIVE OAK
3211	23" CEDAR ELM
3212	32" LIVE OAK
3213	19" LIVE OAK

TREE LIST	
TAG #	Description
3214	19" PECAN
3215	36" LIVE OAK
3216	28" LIVE OAK
3217	31" LIVE OAK
3218	19" PECAN
3219	34" LIVE OAK
3220	78" LIVE OAK
3221	35" LIVE OAK
3222	31" LIVE OAK
3223	37" LIVE OAK
3224	40" LIVE OAK (M)
3225	38" LIVE OAK (M)
3226	32" LIVE OAK (M)
3227	24" CEDAR ELM
3228	37" LIVE OAK (M)
3229	19" LIVE OAK
3230	26" LIVE OAK
3231	21" PECAN (M)
3232	26" PECAN (M)
3233	31" LIVE OAK (M)
3234	27" LIVE OAK
3235	19" LIVE OAK
3236	43" LIVE OAK
3237	25" LIVE OAK
3238	41" LIVE OAK (M)
3239	22" LIVE OAK
3240	20" LIVE OAK
3241	29" LIVE OAK
3242	19" LIVE OAK
3243	33" LIVE OAK
3244	34" LIVE OAK
3245	32" LIVE OAK
3246	26" LIVE OAK
3247	22" LIVE OAK
3248	28" LIVE OAK
3249	28" LIVE OAK
3250	28" LIVE OAK
3251	20" LIVE OAK
3252	20" LIVE OAK
3253	23" LIVE OAK
3254	27" LIVE OAK
3255	30" LIVE OAK (M)
3256	20" CEDAR ELM
3257	63" LIVE OAK (M)
3258	45" LIVE OAK (M)
3259	37" LIVE OAK (M)
3260	19" LIVE OAK
3261	25" LIVE OAK
3262	23" LIVE OAK
3263	23" LIVE OAK

TREE LIST	
TAG #	Description
3264	31" LIVE OAK
3265	20" LIVE OAK
3266	20" LIVE OAK
3267	19" CEDAR
3268	42" LIVE OAK
3269	44" LIVE OAK
3270	25" LIVE OAK
3271	24" LIVE OAK
3272	25" LIVE OAK
3273	20" LIVE OAK
3274	26" LIVE OAK
3275	22" LIVE OAK
3276	22" LIVE OAK
3277	28" LIVE OAK
3278	22" LIVE OAK
3279	24" LIVE OAK
3280	27" LIVE OAK
3281	32" LIVE OAK
3282	21" CEDAR ELM
3283	27" LIVE OAK
3284	27" LIVE OAK
3285	29" LIVE OAK
3286	21" CEDAR ELM
3287	37" LIVE OAK
3288	21" LIVE OAK
3289	26" LIVE OAK
3290	35" LIVE OAK
3291	19" LIVE OAK
3292	43" LIVE OAK
3293	28" CEDAR ELM
3294	38" LIVE OAK
3295	40" LIVE OAK
3296	20" CHINA BERRY (M)
3297	21" CHINA BERRY (M)
3298	36" LIVE OAK
3299	30" LIVE OAK
3300	32" LIVE OAK (M)
3301	14" CHINESE TALLOW
3302	16" CHINESE TALLOW
3303	11" PECAN
3304	13" PECAN
3305	11" HACKBERRY
3306	10" HACKBERRY
3307	13" HACKBERRY
3308	9" CHINESE TALLOW
3309	9" CHINESE TALLOW
3310	16" LIVE OAK
3311	8" HACKBERRY
3312	9" HACKBERRY
3313	8" HACKBERRY

TREE LIST	
TAG #	Description
3314	10" HACKBERRY
3315	8" UNKNOWN
3316	9" HACKBERRY
3317	14" HACKBERRY (M)
3318	12" CHINESE TALLOW (M)
3319	9" UNKNOWN
3320	18" HACKBERRY (M)
3321	13" UNKNOWN
3322	17" PECAN
3323	9" HACKBERRY
3324	15" PECAN
3325	13" LIVE OAK
3326	8" CEDAR ELM
3327	9" LIVE OAK
3328	11" UNKNOWN (M)
3329	18" CHINA BERRY (M)
3330	13" CHINA BERRY
3331	14" CHINA BERRY (M)
3332	16" PECAN
3333	8" UNKNOWN
3334	12" UNKNOWN
3335	18" UNKNOWN
3336	14" CEDAR ELM
3337	12" CEDAR ELM
3338	11" HACKBERRY
3339	8" CHINA BERRY
3340	16" CHINA BERRY (M)
3341	14" HACKBERRY (M)
3342	9" HACKBERRY
3343	9" HACKBERRY
3344	14" HACKBERRY
3345	8" HACKBERRY
3346	10" HACKBERRY
3347	8" HACKBERRY
3348	9" HACKBERRY
3349	13" HACKBERRY
3350	17" CEDAR
3351	15" PECAN
3352	16" PECAN (M)
3353	15" PECAN
3354	12" CEDAR ELM
3355	8" CEDAR ELM
3356	11" CEDAR ELM
3357	10" CEDAR ELM
3358	10" CEDAR ELM
3359	9" CEDAR ELM
3360	14" LIVE OAK
3361	12" CEDAR ELM
3362	12" CEDAR ELM
3363	13" CEDAR ELM

TREE LIST	
TAG #	Description
3364	12" CEDAR ELM
3365	10" CEDAR ELM
3366	10" CEDAR ELM
3367	11" CEDAR ELM
3368	10" CEDAR ELM
3369	9" CEDAR ELM
3370	14" CEDAR ELM (M)
3371	11" CEDAR ELM
3372	10" CEDAR ELM
3373	13" HACKBERRY
3374	11" CHINA BERRY
3375	13" CHINA BERRY (M)
3376	13" HACKBERRY
3377	12" HACKBERRY (M)
3378	18" CHINA BERRY (M)
3379	9" CEDAR ELM
3380	8" HACKBERRY
3381	21" CEDAR ELM
3382	16" HACKBERRY
3383	17" CEDAR ELM
3384	11" CHINA BERRY (M)
3385	10" CHINA BERRY (M)
3386	11" HACKBERRY (M)
3387	8" CHINA BERRY
3388	14" CHINA BERRY (M)
3389	9" HACKBERRY (M)
3390	12" CHINA BERRY (M)
3391	15" CHINA BERRY
3392	20" HACKBERRY (M)
3393	10" HACKBERRY (M)
3394	10" HACKBERRY (M)
3395	9" HACKBERRY (M)
3396	12" CHINA BERRY
3397	13" CHINA BERRY (M)
3398	9" CHINA BERRY
3399	12" CHINA BERRY
3400	15" CHINA BERRY
3402	18" HACKBERRY (M)
3403	13" HACKBERRY
3404	15" CEDAR ELM
3405	8" CEDAR ELM
3406	16" CEDAR ELM (M)
3407	10" CEDAR ELM
3408	8" CEDAR ELM
3409	9" CEDAR ELM
3410	9" CEDAR ELM
3411	10" CEDAR ELM
3412	14" CEDAR ELM
3413	8" CEDAR ELM
3414	11" CEDAR ELM

TREE LIST	
TAG #	Description
3415	15" CEDAR ELM
3416	10" CEDAR ELM
3417	19" CEDAR ELM (M)
3418	10" PECAN
3419	14" LIGUSTRUM (M)
3420	11" CHINA BERRY
3421	11" CHINA BERRY (M)
3422	9" CHINESE ELM
3423	8" CHINESE ELM
3424	8" CHINESE ELM
3425	13" LIGUSTRUM (M)
3426	14" CHINA BERRY
3427	11" CEDAR ELM
3428	10" CHINA BERRY
3501	8" CHINA BERRY
3502	10" CHINA BERRY (M)
3503	9" CHINA BERRY
3504	8" CHINA BERRY
3505	18" MESQUITE (M)
3506	9" MESQUITE
3507	21" MESQUITE (M)
3508	21" MESQUITE (M)
3509	17" MESQUITE (M)
3510	9" CEDAR ELM
3511	9" MESQUITE
3512	28" MESQUITE (M)
3513	8" HACKBERRY
3514	24" CEDAR ELM (M)
3515	9" HACKBERRY
3516	17" CEDAR ELM
3517	34" MESQUITE (M)
3518	9" CEDAR ELM
3519	21" CEDAR ELM (M)
3520	18" CEDAR ELM (M)
3521	15" CEDAR ELM
3522	11" CEDAR ELM
3523	10" CEDAR ELM
3524	14" MESQUITE (M)
3525	10" CEDAR ELM
3526	25" MESQUITE (M)
3527	9" LIVE OAK
3528	18" MESQUITE (M)
3529	12" MESQUITE
3530	22" LIVE OAK
3531	9" CHINA BERRY
3532	14" HACKBERRY
3533	15" LIVE OAK (M)
3534	15" HACKBERRY
3535	30" GUM BUMELIA (M)
3536	10" CEDAR ELM

TREE LIST	
TAG #	Description
3537	9" CEDAR ELM
3538	17" PECAN
3539	18" CHINA BERRY (M)
3540	10" CHINA BERRY
3541	8" CHINA BERRY
3542	10" CHINA BERRY
3543	12" CHINA BERRY
3544	12" CHINA BERRY
3545	12" LIVE OAK
3546	22" CHINA BERRY (M)
3547	20" CHINA BERRY (M)
3548	8" CHINA BERRY
3549	13" CHINA BERRY (M)
3550	18" CHINA BERRY (M)
3551	15" CHINA BERRY
3552	14" CEDAR ELM
3553	13" CHINA BERRY
3554	16" CEDAR ELM
3555	14" CEDAR ELM
3556	9" CEDAR ELM
3557	24" UNKNOWN (M)
3558	8" SYCAMORE
3559	13" CEDAR ELM (M)
3560	11" CEDAR ELM
3561	13" CEDAR ELM
3562	11" UNKNOWN (M)
3563	17" UNKNOWN (M)
3564	12" UNKNOWN
3565	16" CEDAR ELM
3566	14" CEDAR ELM
3567	20" UNKNOWN (M)
3568	19" HACKBERRY (M)
3569	19" HACKBERRY (M)
3570	12" HACKBERRY (M)
3571	10" HACKBERRY (M)
3572	28" HACKBERRY (M)
3573	11" HACKBERRY (M)
3574	22" HACKBERRY (M)
3575	10" HACKBERRY (M)
3576	12" CEDAR ELM
3577	13" PECAN
3578	18" CHINA BERRY (M)
3579	13" CHINA BERRY
3580	14" PECAN
3581	10" HACKBERRY
3582	9" PECAN
3583	22" CHINA BERRY (M)
3584	9" CHINA BERRY
3585	8" PECAN
3586	13" PECAN

TREE LIST	
TAG #	Description
3587	18" PECAN
3588	16" PECAN
3589	11" HACKBERRY
3590	12" HACKBERRY
3591	15" HACKBERRY
3592	14" PECAN
3593	19" HACKBERRY
3594	13" HACKBERRY
3595	15" HACKBERRY
3596	12" PECAN
3597	11" CEDAR ELM
3598	16" CEDAR ELM (M)
3599	11" CEDAR ELM
3600	15" HACKBERRY
3601	15" HACKBERRY
3602	14" CHINA BERRY (M)
3603	10" CHINA BERRY
3604	10" CHINA BERRY
3605	13" CEDAR ELM
3606	11" CHINA BERRY (M)
3607	22" CHINA BERRY
3608	13" LIVE OAK
3609	12" LIVE OAK
3610	15" CHINA BERRY
3611	17" PECAN
3612	13" CHINA BERRY
3613	18" HACKBERRY
3614	25" HACKBERRY (M)
3615	21" HACKBERRY
3616	19" MESQUITE (M)
3617	25" MESQUITE (M)
3618	9" MESQUITE
3619	11" HACKBERRY
3701	11" HACKBERRY (M)
3702	17" MESQUITE
3703	8" MESQUITE
3704	8" MESQUITE
3705	13" MESQUITE (M)
3923	16" HACKBERRY (M)
3924	14" LIVE OAK
3925	16" LIVE OAK
3926	18" LIVE OAK
3927	14" LIVE OAK
3928	18" CEDAR ELM
3929	18" CHINA BERRY (M)
3930	10" CHINA BERRY
3931	18" CEDAR ELM
3932	14" UNKNOWN
3933	8" LIVE OAK
3934	14" LIVE OAK (M)

TREE LIST	
TAG #	Description
3935	11" MESQUITE (M)
30642	11" MESQUITE (M)

Notes:

1. This Tree Survey includes all trees on the site that are 8" DBH and greater. For more detail on the Protected and Heritage trees, please reference the Tree Disposition Plan and Tables. Trees not shown on the Tree Disposition Plan (those under 19" DBH and/or not of protected species) shall be addressed per the applicable Code and will be reviewed at the time of Site Plan.

To: Garrett Martin, Milestone Community Builders & Caitlin Admire, Norris Design
From: Louis Alcorn, Capital Metro Planning
Date: 9 November 2015
Subject: RESPONSE - Site Evaluation for Potential Future Bus Stop Placement (*The Grove at Shoal Creek*)

Mr. Martin and Ms. Admire:

This is a follow up to our conversation regarding your project proposed along Bull Creek Road south of West 45th Street, *The Grove at Shoal Creek*. As you know Capital Metro currently operates one bus route, bi-directionally along Bull Creek Road, with fully accessible bus stops already located within the vicinity of your project's extent. Currently, Capital Metro is conducting a holistic service plan update (*Connections 2025*) during which all routes will be evaluated in terms of productivity, efficiency, and equity with respect to Austin's rapidly changing urban environment in order to recommend service changes and/or expansions to be implemented in the next five to ten years. The 19-Bull Creek route will be evaluated in this process and staff remains optimistic that transit-supportive densities in the form of new development should lead to increased ridership along this corridor.

Regarding your question concerning the flexibility of moving or redesigning certain bus stops to better serve future residents, we would be interested in working with you to identify suitable areas for new and improved bus stops. Our current stops within proximity to the project extent (identified on the attached map) exist in the following locations:

- Northbound (NB): Along Bull Creek Rd. at West 45th St., Jackson Ave., and West 39th Street
- Southbound (SB): Along Bull Creek Rd. at West 44th St., Jackson Ave., and West 40th Street

As per the Fall 2015 Update to our Service Guidelines and Standards, stop spacing in an area with medium density should generally be a minimum of 1,200 feet. This being said, the following map depicts our proposed bus stop placements, including the potential to relocate the W 45th & Bull Creek NB stop up to 300 feet south of its current location.

Bus stops should be approximately 25 feet in length by 10 feet in width and incorporated into the sidewalk. A larger area of approximately 15 feet in width (perpendicular to the road by 50 feet in length (parallel to the road) surrounding the stop should maintain a level slope to ensure that all ADA slope requirements are met.

What I have suggested here is based on what we know today and what is depicted in your site plan. We would want to continue to work with you as you develop your plans to help in refining these suggestions as you move forward.

Louis Alcorn
Capital Metro – Planning
(512) 389-7491

