

**PARKS & RECREATION BOARD RECOMMENDATION 20160524-003**

Date: May 24, 2016

Subject: The Grove at Shoal Creek PUD Application

Motioned By: Board Member Luca

Seconded By: Board Member Alter

Recommendation: The Parks and Recreation Board affirms the PARD (Parks and Recreation Department) staff findings that The Grove at Shoal Creek Planned Unit Development application, as currently submitted on March 28, 2016, is not superior in relation to parks.

Vote: Approved by the Parks and Recreation Board on a vote of 6-1-1-3 with Board Member Casias against, Board Member Schmitz abstaining, and Board Members Donovan, Vane and Wimberly absent.

For: Board Chair Rivera, Vice Chair DePalma, Board Member Alter, Board Member Cofer, Board Member Larkins, and Board Member Luca

Against: Board Member Casias

Abstain: Board Member Schmitz

Absent: Board Member Donovan, Board Member Vane, and Board Member Wimberly

Off the Dais: N/A

Attest: *[Staff or board member can sign]*

April L. Thedford, Board Liaison

**ENVIRONMENTAL COMMISSION MOTION FORM 20160615 008a**

Date: June 15, 2016

Agenda Item: The Grove at Shoal Creek Planned Unit Development

Motion by: Peggy Maceo

Seconded by: Mary Ann Neely

RATIONALE:

Whereas, Imagine Austin sets a vision for our City to be one of complete communities that is natural and sustainable, prosperous, livable, mobile and interconnected that identifies a need for more infill parkland within walking distance of homes in many established neighborhoods, and for a variety of parkland types; and

Whereas, Imagine Austin recognizes that Austinites enjoy an easy connection with nature and have a strong environmental ethos and consider parks a core part of what makes Austin special; and

Whereas, Austin prides itself on being among the top cities in the country for parkland per capita; and

Whereas, Imagine Austin states a beautiful system of outdoor places for recreation and environmental protection will define Austin as a world class city and as we grow into a more compact city we will also have an increase need for parks and open space; and

Whereas, by strengthening our green infrastructure, including parks, open space and creeks, Austin can protect the natural environment and enhance quality of life; and

Whereas, the City of Austin's Planned Unit Development (PUD) ordinance provides a number of "Tier Two" criteria for determining the extent to which a PUD development would be considered superior, including a number of environmental criteria; and

Whereas, these "Tier Two" criteria provide a PUD developer with a number of options for addressing circumstances, conditions, and needs that are unique to the proposed PUD development location and surrounding community; and

Whereas, the Bull Creek Road Coalition is a neighborhood group formed when TxDOT announced it would be selling the site of the proposed Grove at Shoal Creek PUD and provided a written document outlining the community's priorities and concerns regarding development in this site; and

Whereas, TxDOT made the Bull Creek Road Coalition document regarding community concerns available to all bidders during the land sale process; and

Whereas, the neighborhoods adjacent to the proposed PUD have experienced a significant increase in the magnitude and frequency of clouding during recent rain events; and

Whereas, the City's Parks and Recreation Department has determined that the proposed parkland for the development does not achieve a level of superiority; and

Whereas, the community has expressed concern regarding erosion along the bank of Shoal Creek; and

Whereas, among the PUD development design features intended to achieve environmental superiority are riparian and grow zone areas along Shoal Creek and trails; and

Whereas, the PUD development has shown that these features will be impacted if erosion along the bank of Shoal Creek continues to occur as expected; and

Whereas, the surrounding community has expressed concern regarding flooding in the area and regarding the potential of the proposed PUD development to exacerbate the potential for flooding; and

Whereas, the PUD development has not identified or proposed a flood mitigation option that achieves environmental superiority, above and beyond what is already required by the City's Code requirements.

Therefore, be it resolved that the Environmental Commission recommends that The Grove at Shoal Creek PUD, as proposed, is found to lack environmental superiority; and

Therefore, be it further resolved that the Environmental Commission finds that environmental superiority is achievable and could be achieved if the following concerns were met:

-The amount and arrangement of parkland, including active park space as well as adequate space between and around the preserved trees and any intense activity associated with parkland that may adversely affect the health and long-term viability of those trees, lacks superiority via the City's Parks and Recreation Department's process, including credits given to parkland within the erosion area, and fails to meet the needs of the existing neighborhood, new residents and citizens of Austin. Flex space should be removed and 1,100 feet of street frontage and a minimum of 3 additional acres requested by the City's Parks and Recreation Department should be added.

-Comply with at least Three Star Rating building requirements. Due to the high level of density planned for the PUD development and lack of adequate parkland acres, a Two Star Rating provides less energy efficiency and innovative building requirements while a Three Star Rating of landscapes and housing enhances sustainable goals, higher resale value, and reduces environmental impact.

-The proposed drainage system fails to account for the increased flood risks adjacent neighborhoods have experienced in recent years. Designing the drainage system to the 500-year storm event rather than the typical 100-year storm event would provide an additional margin of safety for the neighborhoods given the magnitude and frequency of flood events the surrounding area has experienced in recent years.

-The Land Use Plan for The Grove at Shoal Creek PUD does not identify where drainage easements will be located and lacks details regarding restrictive covenants intended to address drainage. The PUD ordinance should specifically identify the easements and outline details of any relevant restrictive covenants.

-Air quality impacts to the surrounding neighborhoods as a result of an anticipated 19,000 additional vehicle trips served by the existing transportation infrastructure in this area were not addressed. The PUD should implement an air quality plan with input from the City of Austin's air quality staff, including an air quality monitoring system, and ensure the site has adequate mature trees to provide air quality benefits and mitigate noise pollution.

-Tree protections lack superiority. The tree plan should commit to preservation of 100% of the Critical Root Zone on all Heritage and Protected trees that remain in the site in applying the Tree Preservation

Criteria for Critical Root Zones Impacts. Furthermore, trees that line the property along the properties on Idlewild Road should be retained and protected to serve as a barrier to mitigate noise and air pollution, erosion control, and will offer increase green infrastructure on site.

-The density of the development is inappropriate for the location and should be reduced to a maximum of 2.1 million square feet by reducing the amount of retail and office space.

-Lack of adequate evaluation of erosion dynamics on this portion of Shoal Creek and a lack of any actions to mitigate erosion along the creek frontage in this PUD were not achieved. This erosion affects the Critical Environmental Feature, grow zone, parkland, trails, and trees. The developer should work with staff to conduct an erosion control study and implement erosion control measures identified through the study at the developer's expense.

VOTE 6-4-1

Recuse: None

For: Gooch, Maceo, Perales, Neely, Guerrero, Thompson

Against: B. Smith, Creel, Moya, Grayum

Abstain: None

Absent: H. Smith

Approved By:



Marisa Perales, Environmental Commission Chair



Memorandum

To: Environmental Commission Members

From: Ricardo Soliz, Division Manager

Subject: Parks and Recreation Department
Status on the Grove at Shoal Creek

Date: June 9, 2016

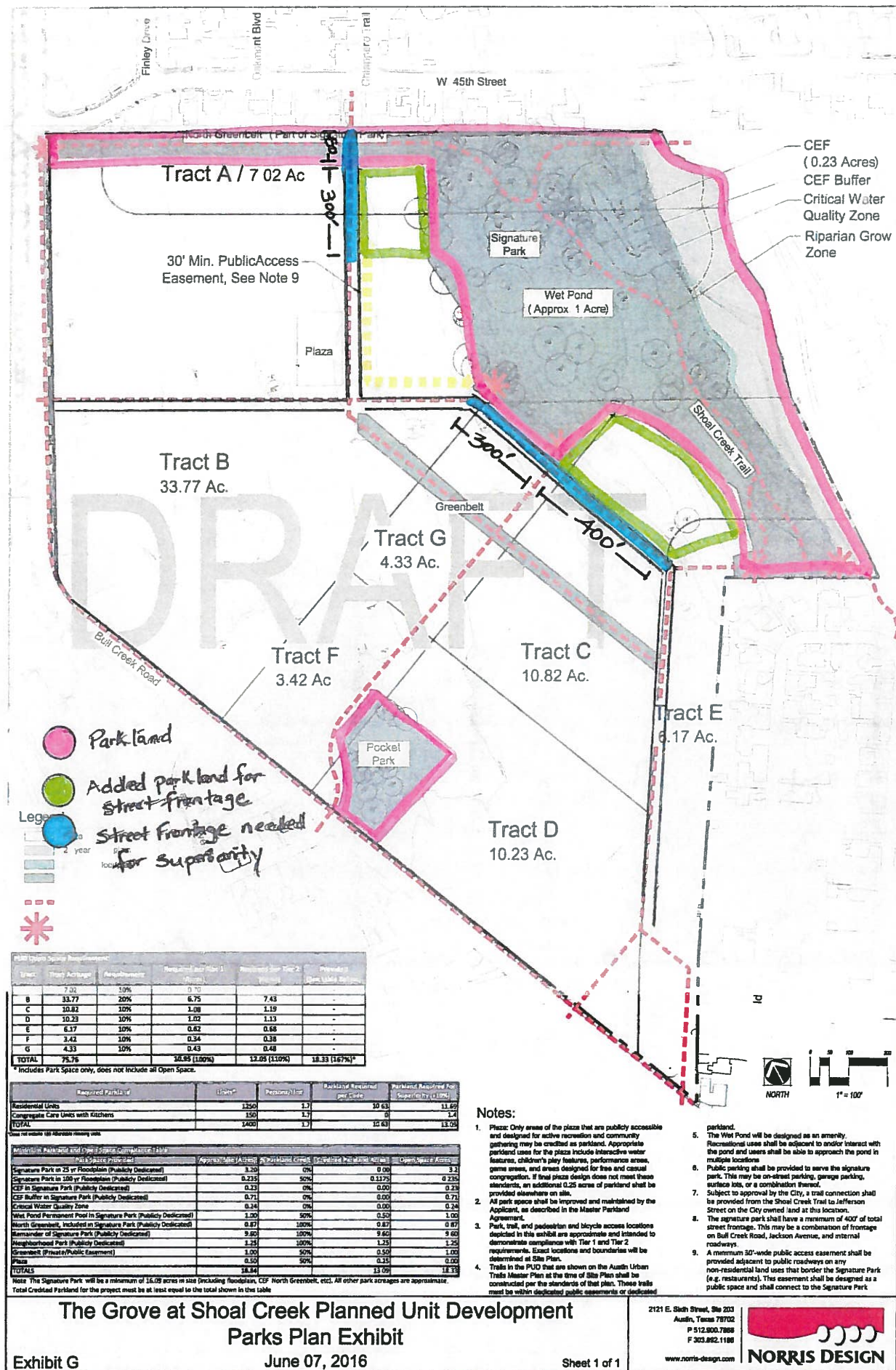
Thank you for the opportunity to continue to work with the applicant by your action to postpone the Grove at Shoal Creek to see what progress could be made to reach “superiority” in regards to parkland. On Monday, June 6, 2016, the applicant had an opportunity to meet with City staff to discuss the plan of action to address the list of conditions outlined in the Environmental Commission’s motion. On June 8, 2016, the applicant submitted a revised Parks Exhibit to PARD to review and comment. On June 9, 2016, PARD provided the development team a response to that Parks Exhibit. PARD staff is waiting to hear back from the applicant. Attached is PARD’s response to the applicant latest Park Exhibit.

If I can provide you with additional information, please let me know at (512) 974-9452 or at Ricardo.Soliz@austintexas.gov.

Attachment(s)

Park Exhibit from PARD

E-mail to the Applicant by PARD staff



Rationale for frontage and acreage needed to provide the frontage:

- The development along the frontage of most of the Signature Park will hide the park amenities, much as the playscape at Central Market and the Arboreteum cow sculptures are hidden from street view at those developments today. Those are not parkland. They provide an example of how we feel the Applicant's configuration will not address the public realm.
- Full credit was given to the grow zone (1.63 acres) due to its scenic value. However, in light of Watershed Protection Department's comments regarding some continued bank erosion, we are concerned that some portion of that acreage may not exist in future years. In light of this new information, PARD believes that some of this acreage must be recovered elsewhere in the Signature Park.
- As we explained at the Parks Board, much of the Signature Park acreage will have limited recreational uses, particularly if there is a requirement to increase the Critical Root Zone protection or if design requires the pond size to increase. This would could create a need to move the trail closer to the restaurant area.
- We need street frontage for superiority, regardless of how much acreage is owed. To this end, we would change Note 8 on the June 7, 2016 Park Exhibit that state: " the signature park should have a minimum of 400 feet of total street frontage" to " the signature park should have a minimum of 1,100 feet of total street frontage." Also see the attached graphic that extends the proposed park space outside of floodplain to show the street frontage.
- PARD does not agree with the public access easement in lieu of actual park street frontage. The yellow dashed arrows should be removed along with note #9.

Ricardo Soliz



The Grove at Shoal Creek PUD Application

Randy Scott, Park Development Coordinator
City of Austin - Parks & Recreation Department
May 24, 2016

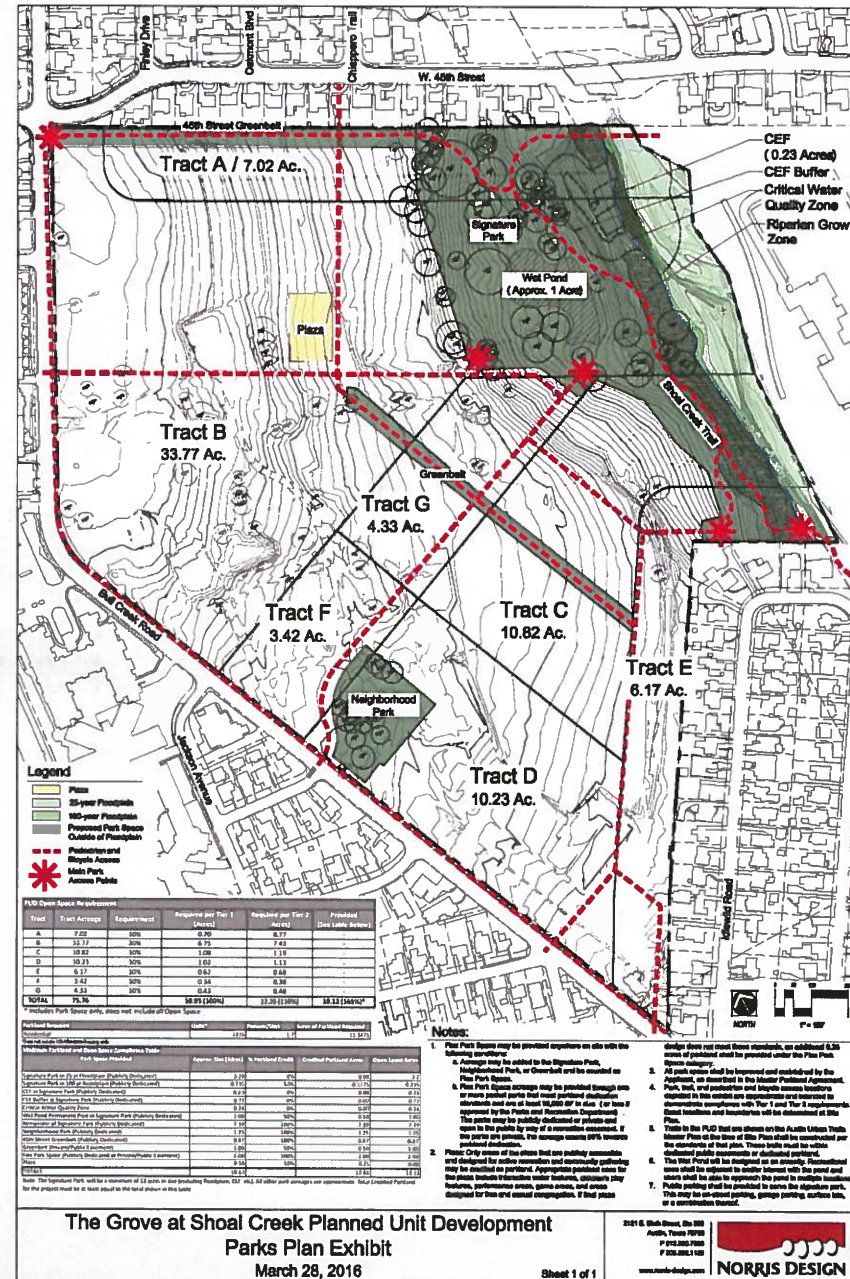


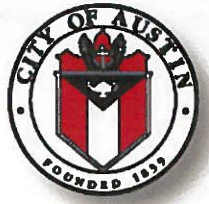


PUD Project Site

□ Exhibit for approval shows 16.63 acres of parkland:

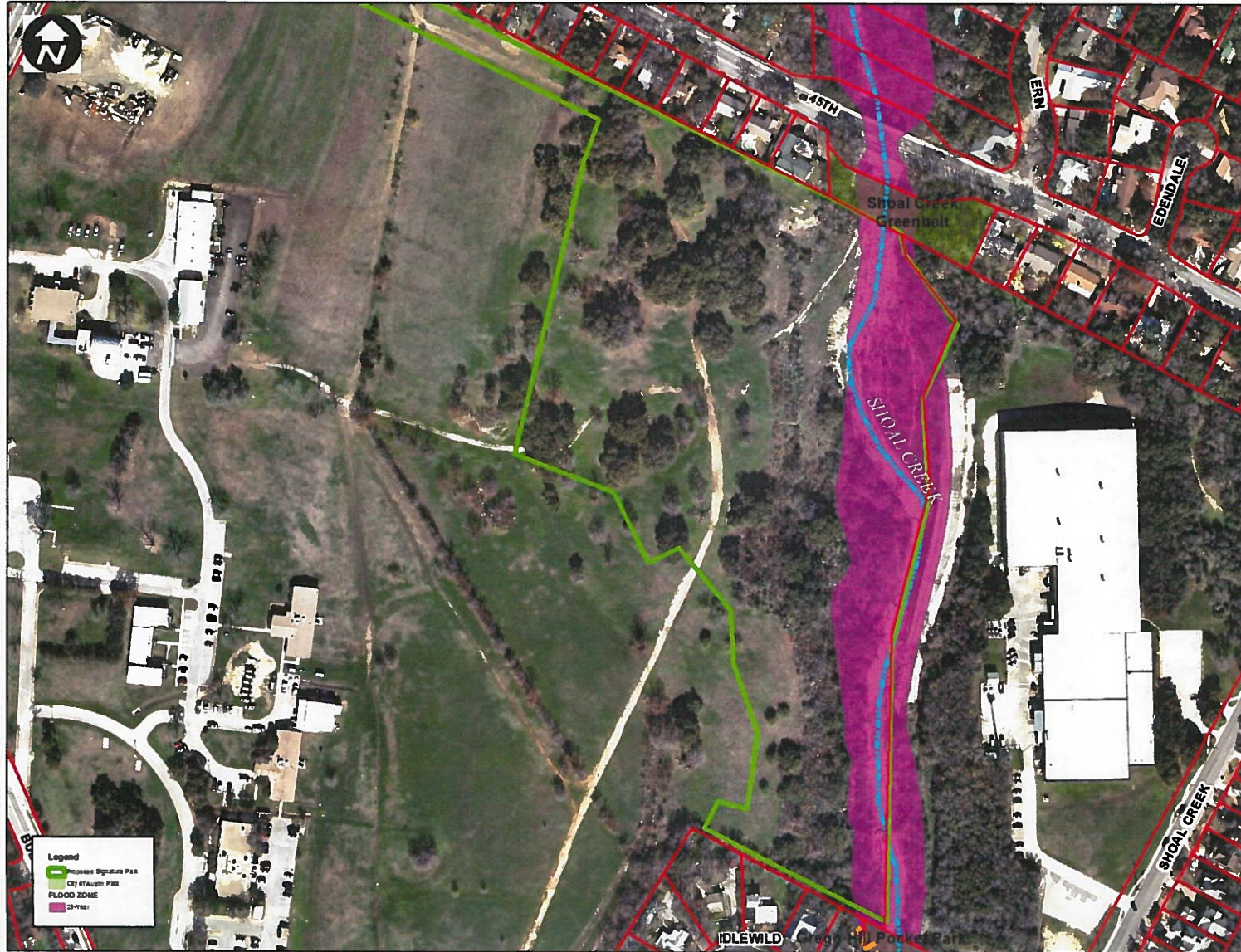
- a Signature Park (13.88 acres)
- a Neighborhood Park (1.25 acres)
- a Greenbelt area (1 acre)
- a Plaza with recreation (.5 acres)





PUD Project Site

□ Acreage Credits – Signature Park (13.88 acres)

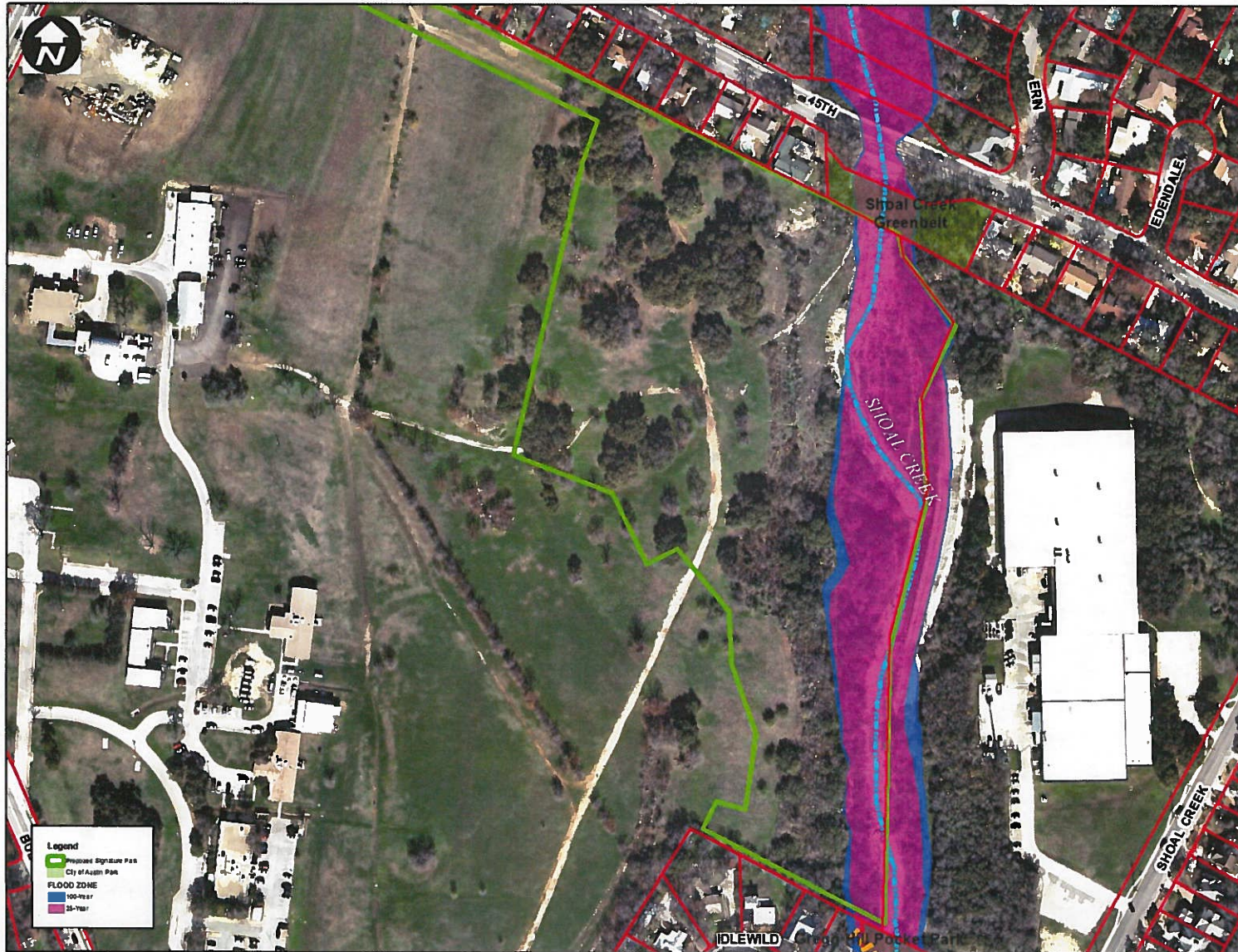


No Credit
for 25- Year
Floodplain
=
10.68 Acres



PUD Project Site

□ Acreage Credits – Signature Park (13.88 acres)

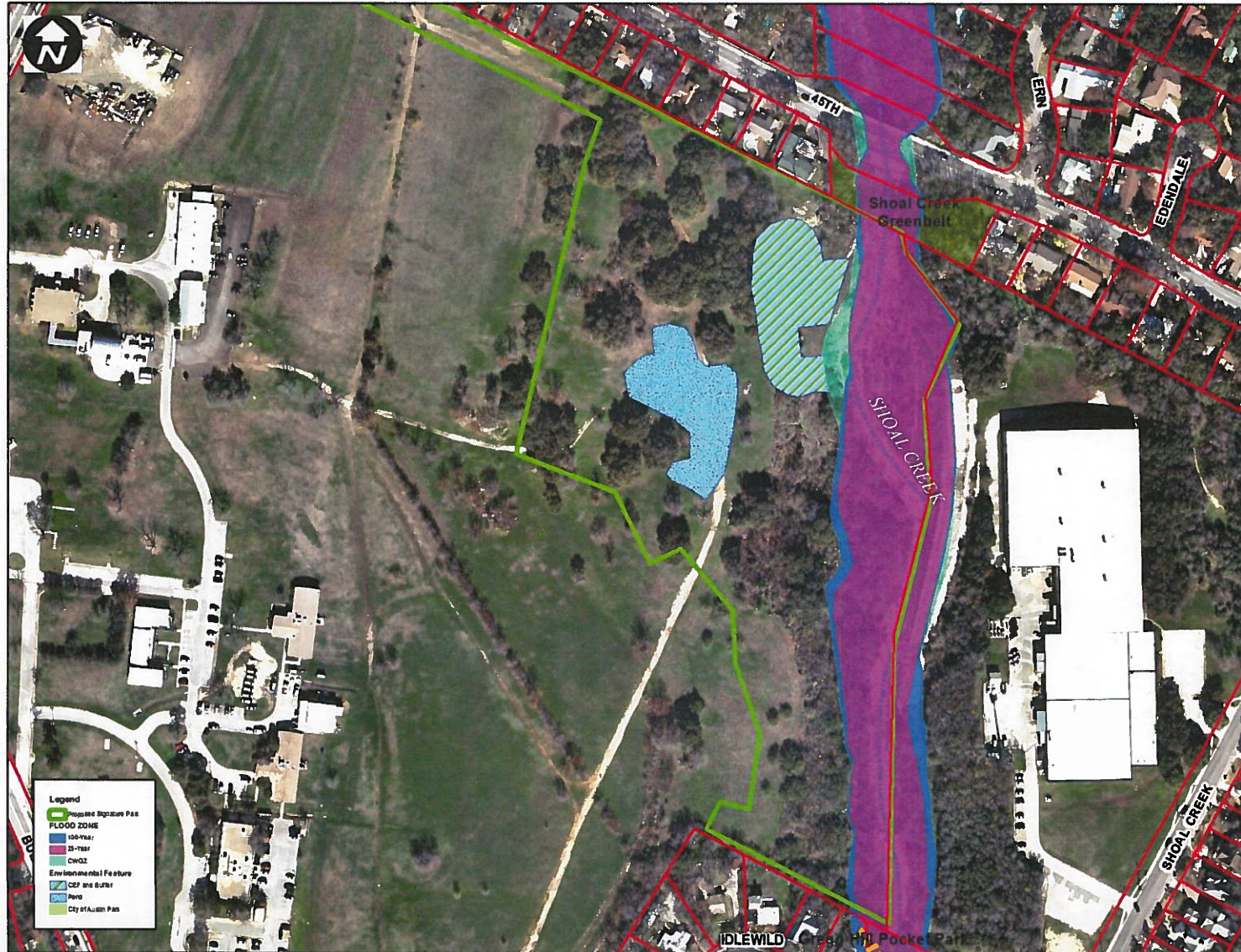


Half Credit
for 100 -
Year
Floodplain
=
10.56 Acres



PUD Project Site

□ Acreage Credits – Signature Park (13.88 acres)



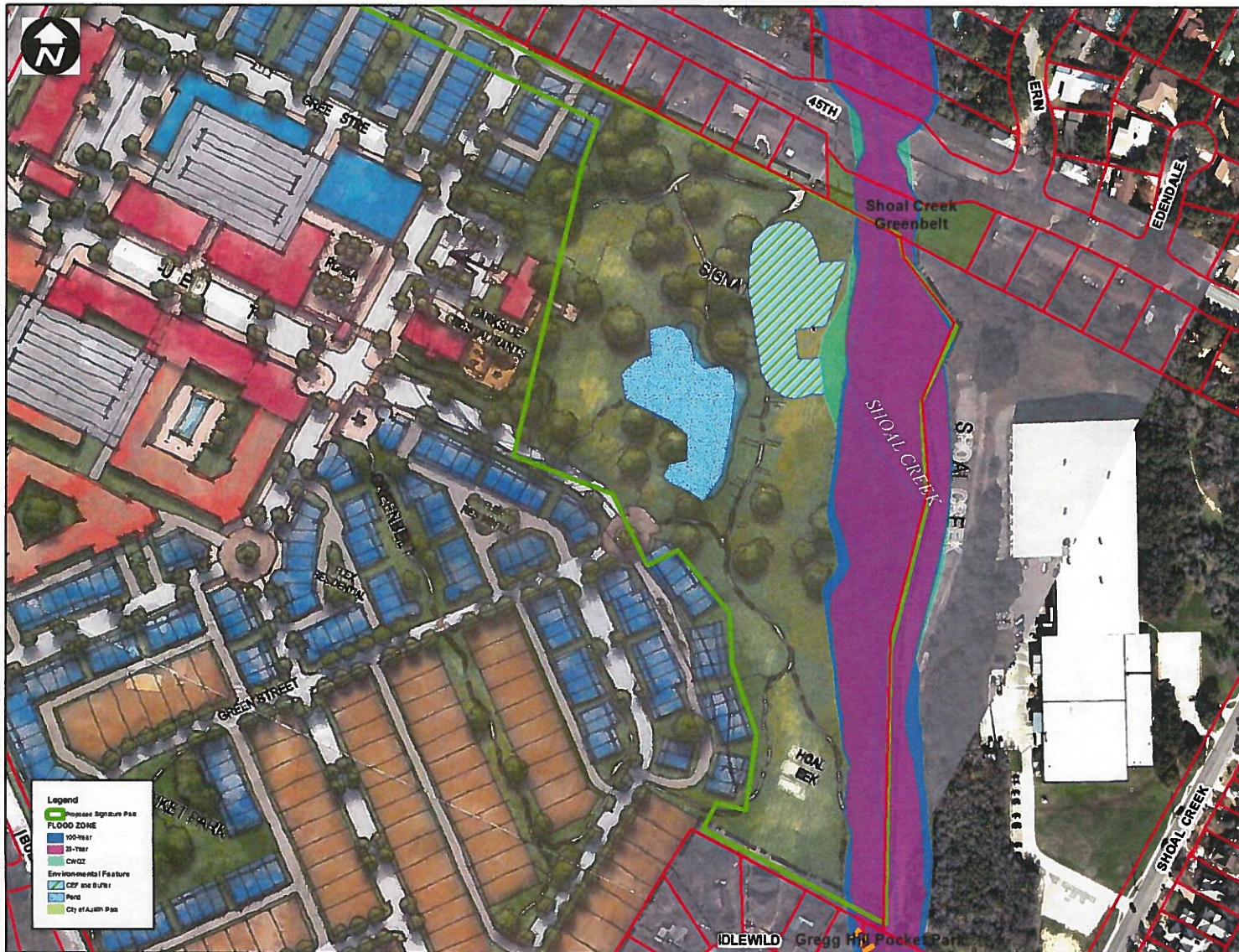
No credit for
CEF, CWQZ
and ½ of
Pond

= 8.88 Acres



PUD Project Site

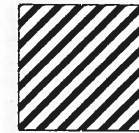
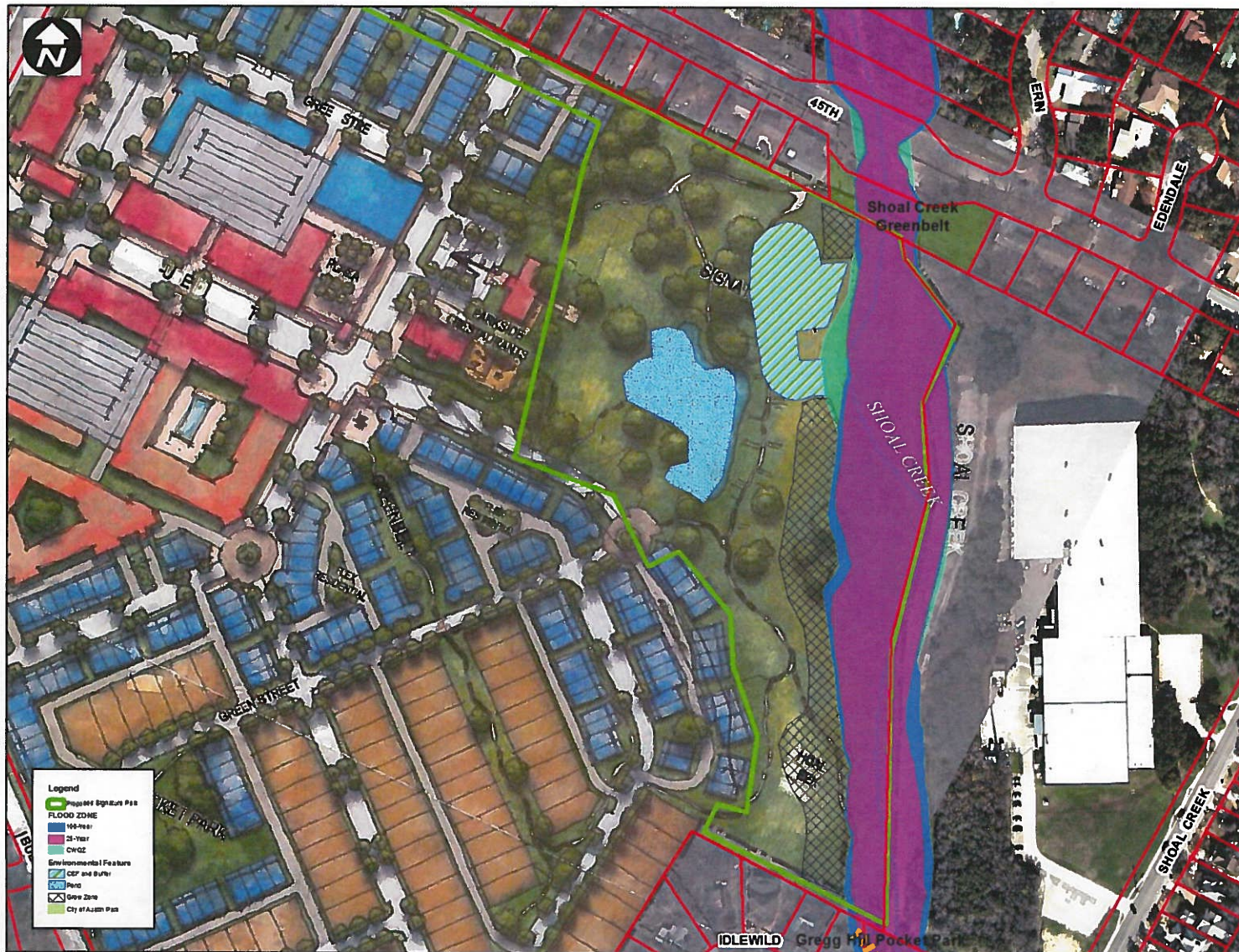
□ Standards Analysis (Active Play Areas)





PUD Project Site

❑ Standards Analysis (Active Play Areas)



Grow Zone
= 1.6 Acres

Flowers, plants and trail crossings allowed



Legend

Area for this
 Project Signature Plan

FLOOD ZONE

- 100-Year
- 25-Year
- 1% AEP

Environmental Features

- CEP and Buffer
- Wetland
- Shoal Creek
- City of Austin Plan

**=
Desired
trail uses
about 2
acres**



PUD Project Site

□ Standards Analysis (Active Play Areas)



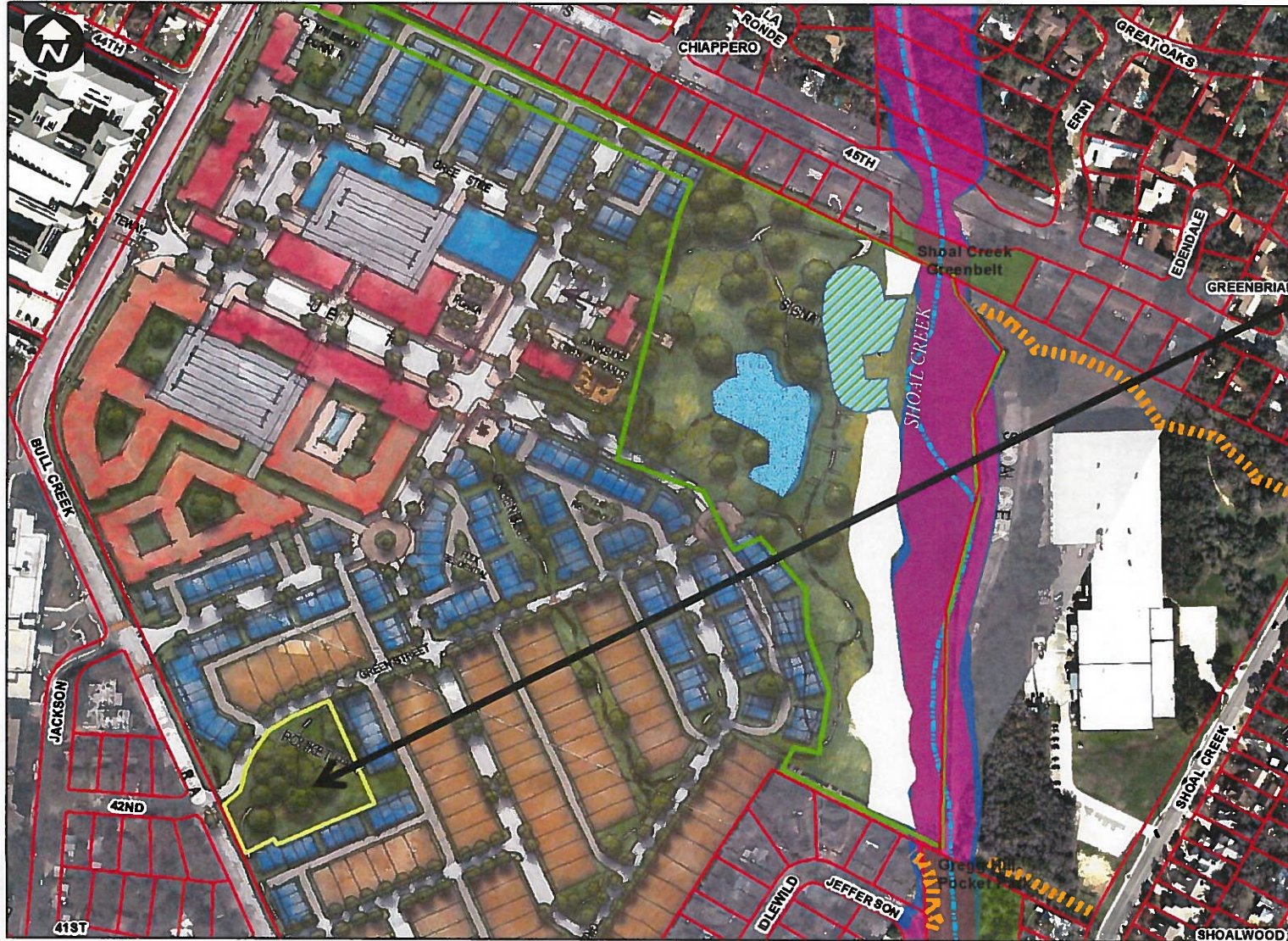
5 acres left

- Small visibility from the street
- Directly behind homes



PUD Project Site

□ Standards Analysis: Neighborhood Park



Play
acreage

100-foot
buffer
needed
from
adjacent
homes



Review Conclusions

- Initially, Applicants did not want Parks superiority; PARD staff agreed to allow Flex Space of 2 acres but not recommend superiority
- Signature Park standards analysis shows estimated 4 acres of active play area and 2 acres of trail area; the remaining acres have limited or no recreational use
- Signature Park standards analysis shows that all of the acreage has limited public access points





Staff Recommendation

- Superiority could be reached if:
 - ❑ Parkland is provided at 10% above the required land dedication.
This includes:
 - ❑ Placing the 2 acres of Flex Space in the Signature Park
 - ❑ Adding approximately 3 acres to the Signature Park with more street frontage and usable play space away from residences
 - ❑ The exact number of dwelling units is required for PARD to make the exact PLD calculation
 - ❑ A trail is built that connects the development to the Shoal Creek Greenbelt at Jefferson Street south of the development;
 - ❑ Removal of the residential uses around the Neighborhood Park to make the park more public and allow for full use of all the acreage or create a larger buffer from the homes;
 - ❑ Continue to include at least \$750 per unit on park development

THE GROVE AT SHOAL CREEK

PARKLAND AGREEMENT TERMS

1. Applicant: Similar to Whisper Valley Parkland Agreement
PARD: A variety of formally approved Parkland Improvement Agreements may be considered.
2. Applicant: Establishes Developer and its successors at the Parks Operation Manager ("POM")
OK
PARD: OK
3. Applicant: Requires dedication of portions of the required City Parkland Areas in connection with approval of Site Plans as development occurs.
PARD: A master park plan should be developed in phases. The phases should be established according to the number of units completed over time. This could be recorded and tracked by a spreadsheet. The first phase should be a park master plan that is approved by PARD.
4. Applicant: Requires developer to spend at least \$750 per residential unit on park improvements. PARD: OK
5. Applicant: Developer responsible for design of parkland improvements but is subject to Design Guidelines, Parks Plan, PUD, safety requirements and must "serve citizens of the City and residents of the Project"
PARD: The current Design Guidelines only address greenbelt trails and residential uses next to parks. The development team will need to acquire PARD's playscape, turf, amenity equipment and trail standards (or provide PARD an alternative to approve) and then add those standards to the Design Guidelines Section 5.2.2.
6. Applicant: City will get to review site plan with park improvements to insure requirements are met.
PARD: OK
7. Applicant: Requires tree trimming plan and City approval of tree trimming
PARD: OK
8. Applicant : City has to promptly review and not unreasonably withhold approval of site plan that meets requirements
PARD: OK
9. Applicant: Allows the Developer, in compliance with PUD, to locate water quality, detention and drainage facilities, utilities, road crossings, wetland preservation, floodplain improvements, landscaping, trails, project signage in addition to park improvements and programming, in City Parkland Areas.
PARD: PARD will not allow road crossing within the deeded parkland. Road crossings were allowed in the Whisper Valley Parkland Improvement Agreement due to its large size of 600 acres.

10. Applicant: City cannot alter or install new park or other improvements without developer approval
PARD: PARD would like to have mutually agreed upon facilities. PARD staff will need City Legal advice on how to word this section to ensure there is a mutual benefit.
11. Applicant: POM will be responsible for operation and maintenance at no cost to City
PARD: OK
12. Applicant: Must comply with City Park Rules in Chapter 8-1 and Chapter 11-1 with respect to operations, maintenance and programming
PARD: OK
13. Applicant: POM may establish additional Project Park Rules so long as they keep park fully open to public and do not conflict with City Park Rules
PARD: The additional Project Park Rules will need to be approved by PARD.
14. Applicant: POM may schedule special events with 14 day prior notice to City and reservations must be consistent with PARD reservation policies
PARD: Before PARD would agree to allow the POM to schedule special events, this requires more discussion within PARD. The issue is the type and size of such events.
15. Applicant: POM shall not be charged fees by the City for such programming in light of its taking on operations and maintenance
PARD: Before PARD would agree, this requires more discussion within PARD. City Council would have to approve this action. This could be incorporated into the PUD agreement.
16. Applicant: POM can charge reasonable admission fees for special events to cover costs that involve payment such as for performers or entertainers
PARD: Typically, special event fees are a General Fund revenue. This type of arrangement would have to be approved by City Council.
17. Applicant: Except for temporary private events that are reserved consistent with PARD reservation policies, special events shall be open to the public
PARD: OK
18. Applicant: POM can allow concessions so long as concessions complement use of parkland and any concession fees go into park maintenance, operation and/ or improvements
PARD: PARD would need to approve the concessions just as they do in the Whisper Valley and other agreements.
19. Applicant: PARD will have right and responsibility to enforce City Park Rules and penal ordinances related to public health and safety
PARD: OK

20. Applicant: Developer shall be entitled to name the Signature Park so long as such name is not offensive to any racial or ethnic group or minority.

PARD: The developer would have to comply with the City's Park Naming Code requirements.



City of Austin
Austin Energy

Town Lake Center • 721 Barton Springs Road • Austin, Texas 78704 - 1145

6/09/2016

Environmental Commission Motion Form 20160601 008b

Dear Environmental Commission,

I am writing to provide some background information and context for Austin Energy Green Building (AEGB) rating requirements and to provide staff's recommendation that the Grove Shoal Creek PUD comply with at least two star green building requirements.

An AEGB rating includes a core component of rating requirements and a menu of additional voluntary measures. The rating is broken into categories: Site, Energy, Water, Indoor Environmental Quality, Materials and Resources, Education and Equity and Innovation. Achieving the rating requirements alone is a significant effort compared to building to code, and earns a project the designation of a One Star AEGB Rating. Rating requirements include achievement in Energy, Water, Indoor Environmental Quality and Materials categories. A Two Star Rating is earned when a project earns approximately thirty-five percent (35%) of the additional measures and a Three Star Rating is earned when a project earns approximately forty-five percent (45%) of the additional measures. Those specific points a project pursues are entirely up to the project and their sustainability objectives, so the difference is first and foremost a matter of degree.

AEGB staff recommends a Two Star PUD requirement for the following reasons:

- An Austin Energy Green Building Two Star Requirement is considerably less demanding to administer through the building design and permitting process -, for both staff and the project team than a three star requirement. Any project which is required to achieve an AEGB rating must document that their design is on track to achieve the required rating for the scope of work being permitted at Permit Application and again at Certificate of Occupancy. In our experience, a Two Star project of any type or scope (including Shell Construction for speculative tenants) can document their rating by selecting points that are typically documented for any scope of work in the design phase or at building occupancy. Operational items that contribute to ratings are not typically determined within this scope of work or at these phases in the process so, they can be difficult to document and require additional documentation outside the scope of a standard permit set. Projects that are


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on track for Two Stars during design phase often add some of these points later in the process, under separate permits and end up achieving Three Stars. Three Star requirements are particularly challenging for speculative development with unknown tenants as they must be designed for flexibility to accommodate a variety of real estate priorities or preferences. For example, green buildings are characterized by open offices to accommodate natural lighting and views to the outdoors, however, a medical office building must provide partitions to meet privacy standards. Austin Energy is committed to helping projects achieve the highest rating level they can achieve, however the timeline and sequence of the permitting process does not always align with the natural sequence for ratings. This is why LEED Green Building Certifications are often not earned until a year after building occupancy.

- The City of Austin (COA) is committed to continuous improvement of baseline building standards through a regular building code adoption cycle on which AEGB ratings are based. The COA is preparing to adopt the 2015 International Building Code and update the AEGB Ratings, raising the baseline for new projects.
- Limited Resources: At present, there are about 18 million square feet of commercial building projects in the AEGB program and staff is dedicated to the continued quality of services provided. Consulting on and reviewing a Three Star requirement project requires considerably more time on a tighter timeline than a Two Star requirement.
- AEGB staff's position is that the AEGB rating should be used to define, promote and further the City's sustainability goals. Any Austin Energy Green Building rated project represents a significant achievement in Energy Efficiency, Water Efficiency and Material efficiency. Green Building Ratings were conceived as voluntary programs to demonstrate leadership in the built environment and considerable work has been made to use these ratings in development requirements, however this is not the intended use of the program. Much experience and expertise has informed this recommendation for two star requirements.

Kind regards,



Kurt Stogdill
Manager, Green Building & Sustainability

**MEMORANDUM**

TO: Chuck Lesniak, Environmental Officer

FROM: Janna Renfro, P.E.
Watershed Protection Department
Environmental Resource Management

DATE: June 9, 2016

SUBJECT: Erosion Evaluation of Shoal Creek at The Grove PUD Property

Information Requested

As requested, staff conducted a preliminary analysis of erosion along Shoal Creek at The Grove property. This analysis supports the Environmental Commission's June 1, 2016 motion (Form 20160601 008b) for the applicant to "work with staff to develop a plan to conduct an erosion control study along the entire length of the development's Shoal Creek frontage." This memo summarizes the following information:

1. Potential impact of future erosion to the proposed parkland and riparian buffer
2. Geomorphic analysis of Shoal Creek on the subject property
3. Estimated cost of engineering solutions to repair or prevent erosion damage

Staff performed a preliminary analysis based on the visual record. The Watershed Protection Department does not have geotechnical information for the site, but staff is familiar with erosion patterns at similar sites in Austin. However, this is a planning level of analysis.

Erosion Impact

The potential impacts are visualized in the attached map and listed below:

- Loss of land to the streambed is mostly confined to current floodplain, which is dedicated parkland, but not credited parkland
- Riparian Grow Zone will be mostly eroded as the bank stabilizes
- Potential future trail conflicts exist
- Wet pond outfall will need to avoid areas of future erosion
- The past erosion rate is ~10 feet/year. The future erosion rate is dependent upon storm events.

Geomorphic Analysis

The geomorphic analysis considered aerial images from 1997, 2003, 2012, and 2015. Elevation data (City of Austin LiDAR) was used to truth the aerials for 1997, 2003, and 2012. For each of these years, the bed of the channel was identified to track meander bend migration and erosion progression. The channel alignment has remained mostly stable with the exception of the large meander bend that begins approximately 250' downstream of the 45th Street Bridge. This erosion is progressing both downstream and laterally inland.

Directly upstream of 45th Street, the channel is mostly situated in bedrock (Buda formation). On the subject property, the channel banks are Del Rio clay formation and vulnerable to weathering and erosion. The stretch of Shoal creek from 45th Street to 38th street is a relatively straight channel with mildly curved bends, suggesting that severe meanders are not likely to develop. It is possible that this particular erosion location is highly affected from the bridge hydraulics and sudden change in geology downstream of 45th Street.

While it is difficult to precisely predict the evolution of urban streams that are highly impacted by the built environment, the erosion does show a consistent pattern of downstream migration – approximately 175' in 18 years. It is reasonable to assume that this pattern will continue as shown in the attached map, with the rate of movement dependent upon storm events. The downstream migration is expected to taper off as the stream reaches a pattern that mimics the historically stable downstream conditions. It is also reasonable to believe that the erosion will stabilize as the influence of the bridge hydraulics lessens further downstream.

The erosion has progressed 125' laterally at the worst point. It is reasonable to believe that the lateral erosion rate will slow or stop as the channel widens and the radius of curvature of the bend increases, moving the channel towards equilibrium.

Once the channel toe has adjusted, the banks will relax to a stable slope, assumed to be 4H:1V. This is a conservative assumption, with a sufficient factor of safety. Geotechnical borings and soil testing could refine this value. The banks are approximately 20', so the top of bank could be 80' from the toe based on the conservative assumption. However, depending on soil conditions, the top of bank could stabilize closer to the toe.

The attached map shows two blue dotted lines that show the predicted toe of slope (light blue) and top of bank (dark blue).

Preliminary Cost Estimates

Three levels of projects could be considered to address this erosion should it be deemed a problem. A standard capital planning level cost estimate for streambank stabilization project assumes full bank restoration designed by an outside engineering firm and constructed by a private contractor. This project would be a major undertaking and likely excessive for the actual need; however it is used as a starting point and less invasive projects are considered based on a factor of reduction. A more detailed cost analysis could be developed given more time.

Costs to Stabilize 500' Meander Bend on The Grove Property:

Full bank restoration with engineered limestone block wall:	\$1,800,000
Reinforced toe with vegetated banks sloped to 4:1:	\$900,000
Redirective flow structures to prevent further loss:	\$600,000

I am happy to answer any questions or provide further information, as needed.

Attachments: Map – The Grove PUD Erosion Assessment

CC: **Andrea Bates**
Mike Kelly

The Grove PUD Erosion Assessment

Potential Future Erosion Limits

- Potential Toe Migration
- Potential Top of Bank (4:1 Slope)

Historical Meander Migration (Toe of Bank)

- 2015
- 2012
- 2003
- 1997

Grove PUD Features

- CEF Buffer
- Critical Water Quality Zone
- Proposed Park
- Proposed Wet Pond
- Riparian Grow Zone
- Future Shoal Creek Trail

