

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Oak Hill Combined Neighborhood Plan

CASE#: NPA-2016-0025.01

DATE FILED: February 10, 2016 (In-cycle)

PROJECT NAME: Lantana Tract 33

PC DATE: September 13, 2016

August 23, 2016

August 9, 2016

ADDRESSES: 6701 Rialto Blvd., 7045 ½ Rialto Blvd., 6825 ½ Rialto Blvd.

DISTRICT AREA: 8

SITE AREA: 27.549 acres

OWNER/APPLICANT: Lantana Tract 33, L.P.

AGENT: Smith, Robertson, Elliott & Douglas, L.L.P., (Mary Stratmann)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Office

To: Multifamily

Base District Zoning Change

Related Zoning Case: C14-2016-0011

From: GO-NP

To: MF-4-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: December 11, 2008

PLANNING COMMISSION RECOMMENDATION:

September 13, 2016 – Approved for Multifamily land use on the consent agenda. [P. Seeger-1st; A. PineyroDehoyos-2nd] Vote: 11-0 [Commissioners K. McGraw and J. Schissler absent; Ex-Officio members R. Hinojosa and J. Mathias absent].

August 23, 2016 – Postponed on the consent agenda to the September 13, 2016 at the request of staff. [N. Zaragoza – 1st; J. Schissler – 2nd] Vote: 12-0 [M. Wilson absent. J. Shieh recused himself from Item C-7; K. McGraw recused herself from Items C-12 and C-14].

August 9, 2016 – Postponed on the consent agenda to the August 23, 2016 at the request of staff. [N. Zaragoza – 1st; J. Shieh – 2nd] Vote: 8-0 [K. McGraw, S. Oliver, P. Seeger, J. Thompson, T. White absent, including ex-officio members W. Burkhardt, R. Hinojosa, and J. Mathias].

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request to change the future land use map from Office to Multifamily because the area is transitioning from an area with office zoning and uses to multifamily zoning and land uses. The neighborhood plan supports diverse housing opportunities, clustered developments that preserve open space, and developments that provide water quality protections. Staff believes the proposed development those goals.

LAND USE AND DEVELOPMENT

6.A. Provide opportunities for high-quality new development and redevelopment.

6A.1 Ensure quality of new construction and renovations.

6.B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

6.B.1 Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

6.B.1a—Rework zoning to allow/support the vision of the Oak Hill Neighborhood Plan.

6.B.1b—Cluster higher density development in appropriate areas, striving to balance the interests of all stakeholders while taking into consideration environmental concerns.

6.B.2 Provide business and residential expansion without creating urban sprawl.

6.B.2a—Provide support of targeted development, which are areas with existing infrastructure at commercial nodes.

HOUSING

8.A. Balance development and environmental protection by maintaining a vibrant residential and commercial community.

8.A.1 Assess and minimize the impact of land development on surface and ground water.

8.A.1a—Every housing development/redevelopment should include an environmental impact analysis and incorporate all necessary measures to address its potential impact on the Edwards Aquifer (impervious cover, drainage, traffic, etc.).

8.A.2 Design and place homes to minimize impacts on natural resources and the physical environment and to maximize social resources.

8.A.2a—Clustered development should be encouraged where appropriate (see Chapter

9: Neighborhood Design).

8.A.2b—Residential density should be compatible with surrounding uses and informed by a regional vision of the environmental impact development has over the Edwards Aquifer.

8.A.2c—Whenever possible, new housing development should be located where existing services and infrastructure exist. Their appearance and density should be appropriate to its environment and compatible with surrounding uses.

8.B. Preserve neighborhood identity, character, affordability, and diversity.

8.B.1 Analyze transportation demands in the Oak Hill area.

8.B.1a—For housing development/redevelopment projects where traffic impact is a concern, a traffic analysis should be done due to current traffic problems, long-term challenges of road expansion and improvement, and the overall lack of connectivity of the area (see Chapter 7: Transportation and Infrastructure). Such analysis should consider the adequacy of road connectivity, mobility, alternate transit modes, access, and condition.

NEIGHBORHOOD DESIGN

9.C. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

9.C.1 Ensure that the environmental impact on the Edwards Aquifer and the existing natural landscape is kept at a minimum by new commercial development and redevelopment in Oak Hill.

9.C.1a—Incorporate water control measures within the design of the site.

9.C.1b—Provide, protect, and preserve open spaces and environmental features by encouraging cluster developments.

9.D. Preserve neighborhood identity, character, affordability, and diversity.

9.D.1 New single-family and multi-family developments/redevelopments should be compatible with existing residential architecture to reinforce the Hill Country character of Oak Hill, in terms of materials, lighting, and height.

9.C.2 All new residential development/redevelopment projects in Oak Hill should strive to ensure that the environmental impact on the Edwards Aquifer and the existing natural landscape is kept at a minimum.

9.C.2a—Development and redevelopment of large sites should include measures such as pervious paving, rainwater collection system, and smart irrigation where appropriate.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Office - An area that provides for office uses as a transition from residential to commercial uses, or for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals and non-profit organizations.

Purpose

1. Encourage office-related services in areas that cannot support the traffic generation of commercial uses;
2. Provide for small lot office conversions as a transition from commercial to residential uses; and
3. Preserve sites for employment and office related services.

Application

1. Appropriate for low volume streets such as collectors and minor arterials; and
1. Can be used to provide a transition between residential uses and more intense commercial and industrial uses.

PROPOSED LAND USE ON THE PROPERTY

Multifamily- Higher-density housing with 3 or more units on one lot

Purpose

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
4. Applied to existing or proposed mobile home parks.

Application

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

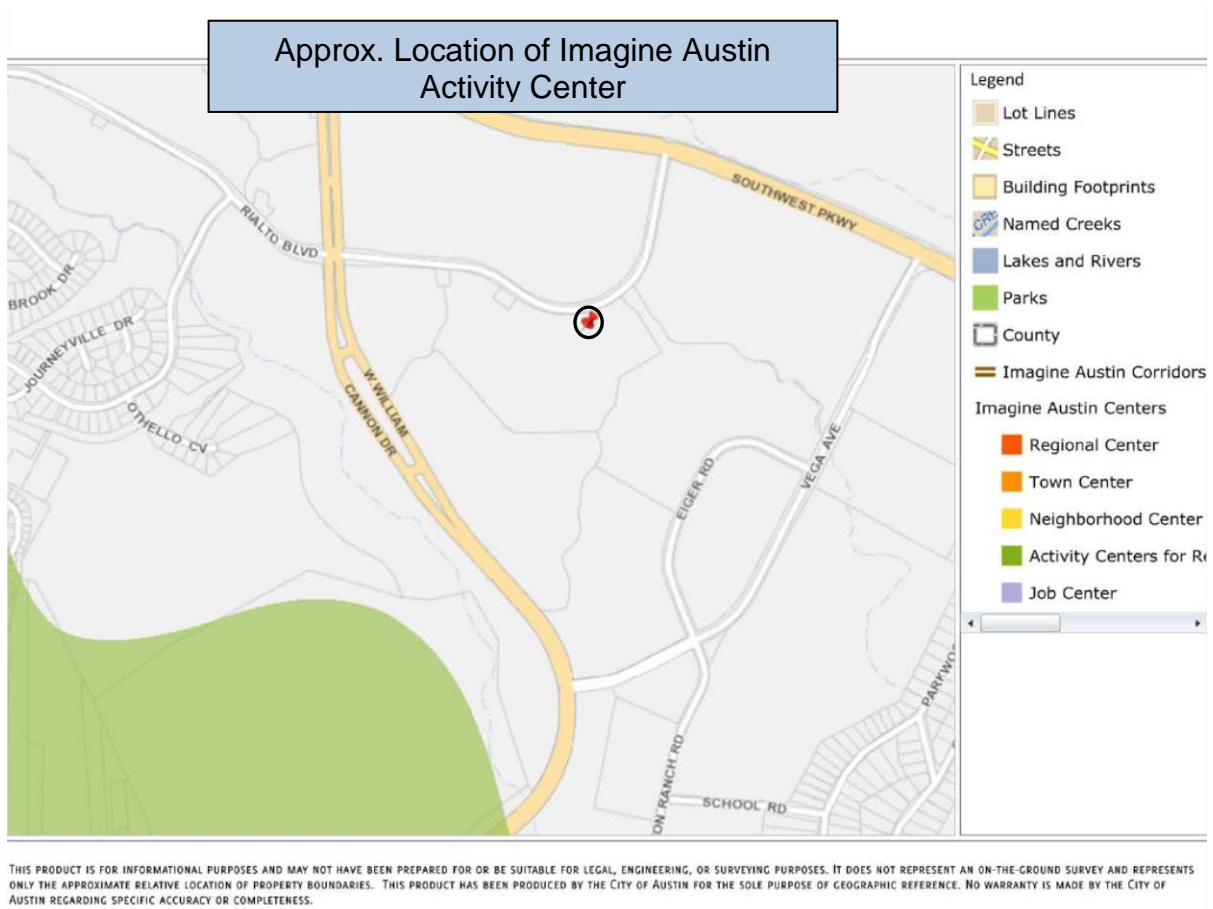
IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and

have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.

- ***The property is not located on or near an activity center or corridor, although there is one Capital Metro bus route providing service on Southwest Parkway.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is not located on or near an activity center or corridor, although there is one Capital Metro bus route providing service on Southwest Parkway.***
 3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property located near a Redevelopment Activity Center.***
 4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The proposed apartment complex will provide additional housing choices for the Austin and the Oak Hill area.***
 5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***The proposed Multifamily land use on 26.7 acres and Mixed Use on 1.09 acres is compatible with surrounding land uses.***
 6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - ***The property is located within the Drinking Water Protection Zone. The applicant is proposing an impervious cover that is lower than permitted under the existing restrictive covenant. See zoning case report for more information.***
 7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - ***The owner has worked with the Oak Hill Trail Association to provide a trail connection to adjacent property to the north.***
 8. Protect, preserve and promote historically and culturally significant areas.
 - ***Not applicable.***
 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***Not applicable.***
 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.

- *Not applicable.*
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
- *Not applicable.*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
- *Not applicable.*



Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing

commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was file on February 10, 2016, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The application has requested a change in the future land use map from Office to Multifamily. The applicant proposes to change the zoning from GO-NP to MF-4-CO-NP for a maximum of 370 apartments. For more information on the zoning case, please see case number C14-2016-0011.

PUBLIC MEETINGS: The ordinance required community meeting was held on March 23, 2016. Approximately 305 community meeting notices were mailed to people who live or own property within 500 feet of the property, in addition to neighborhood and environmental groups who have requested notification for the area. Nine people attended the meeting, in addition to city staff and the applicant's agents.

After city staff provided an overview of the applicant's request and the neighborhood planning process, the applicant's agent gave a presentation

Michele Lynch, introduced herself as the agent who is representing the buyer. She also introduced David Hartman, who is representing the owner, and Kathy Smith, the Transportation Engineer for the project.

Michele said there are three applications on file with the City: one requests a change in the future land use map from Office to Multifamily; another requests a zoning change from GO-NP to MF-4-CO-NP for multifamily uses; and a third to amend the public restrictive covenant, which proposes to eliminate the maximum FAR 0.325 and 400,000 net leasable square feet of buildable space and to reduce the impervious cover to 33%. She said multifamily uses reduce the traffic impact than as compared to the office uses that are currently allowed. The request would waive all grandfather rights from the 2001 Settlement Agreement and would provide water quality standards to meet the S.O.S. ordinance.

The conceptual plan shows that the buildings and pavement does not cover much of the site and it will mostly be greenspace on the property. The buildings will be three to four-stories in height with total of seven buildings on the property, including the amenities and the residential units. They are proposing a maximum of 370 apartments, which would be about 13 units per acre. They are proposing to develop to MF-1 site development standards, except the project needs the maximum 60 feet in height allowed in the MF-4 site development standards to make a smaller footprint on the property. Even though they would be allowed up to 60 feet, it would be more like 50 feet in height.

Michele Lynch said technically they would not have to do on-site detention because there is a regional detention in the area, but they will do on-site detention. She said the amount of run-off would be less than the office use and also lower than it is today with no development.

After her presentation, another team member (Danny) showed a PowerPoint presentation that said the property drains into the Motorola Tributary and 90% of the property is located

within the Williamson Creek Watershed with a small part of the property within the Barton Creek Watershed. They will divert the Barton Creek Watershed water to Williamson Creek to reduce the flow because it would help to prevent flooding in the area.

After the presentation, the following questions were asked:

Q. What is your property tax in the property when it's vacant and what will be your property tax after it's developed?

A. I don't know the answer.

Q. The developers for the Harper Park Development told us that they couldn't make the flooding in the area worse, but you're saying it will be better than the raw land?

A. Yes, we will over-detain the water which will catch more water upstream, so it will be better than the land being not developed at all.

Q. You propose 370 apartments. What will be the mix of units?

A. It will be about 70% one bedroom units; 25% two-bedroom units; and 5% three bedroom units.

Q. What will be the impact on local schools?

A. We typically don't have many children living in these developments. We might have families transitioning into homes. An Educational Impact Statement will be done to analyze this. In previous projects, you might generate 10 to 12 students per 100 dwelling units.

Q. The traffic count numbers you show in your slide seems very low.

A. We counted the traffic impact of existing apartment complexes. The numbers are lower than the ITE Manual estimates. The ITE Manual tends to over estimate the number of trips.

Q. Where is the entrance to the project?

A. Off Rialto Blvd.

Q. Are there Heritage Trees on the property?

A. No. It's mostly scrub trees.

Q. Even though your development won't generate many kids, kids walk to the elementary school and it's dangerous for them.

A. There will be new sidewalks built on the Patton Ranch Road part, which will be good for kids.

The Oak Hill Planning Contact Team supports the proposed plan amendment and zoning change. Please see their letter on the next page.

CITY COUNCIL DATE:

September 22, 2016

ACTION: Postponed to October 13, 2016 on the consent agenda. [O. Houston – 1st; G.

Casar -2nd] Vote: 10-0 [Council member E. Troxclair absent]

October 13, 2016

ACTION: Postponed to October 20, 2016 at the request of Council on the consent agenda. [D. Zimmerman – 1st; S. Gallo- 2nd] Vote: 9-0 [Councilmembers P. Renteria and E. Troxclair absent]

October 20, 2016

ACTION: Postponed to November 10, 2016 by staff. [D. Zimmerman- 1st; S. Gallo – 2nd] Vote:10-0 [Council member E. Troxclair off the dais]

November 10, 2016

ACTION:

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Letter of Support from the Oak Hill Combined PCT

Tom Thayer, Chair
Chip Graves, Vice-Chair
Cynthia Wilcox, Secretary



March 28th, 2016

To: Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department,
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: NPA Case # NPA-2016-0025.01
6701, 6825 1/2, and 7045 1/2 Rialto Blvd
Applicant: Mary Stratmann

On March 24th, 2016, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment for the property located at 6701, 6825 1/2, and 7045 1/2 Rialto Blvd. The applicant has requested a change in land use from **Office to Multifamily** and a zoning change from **GO-NP to MF-4-CO-NP**. The community meeting was held on March 23rd, 2016.

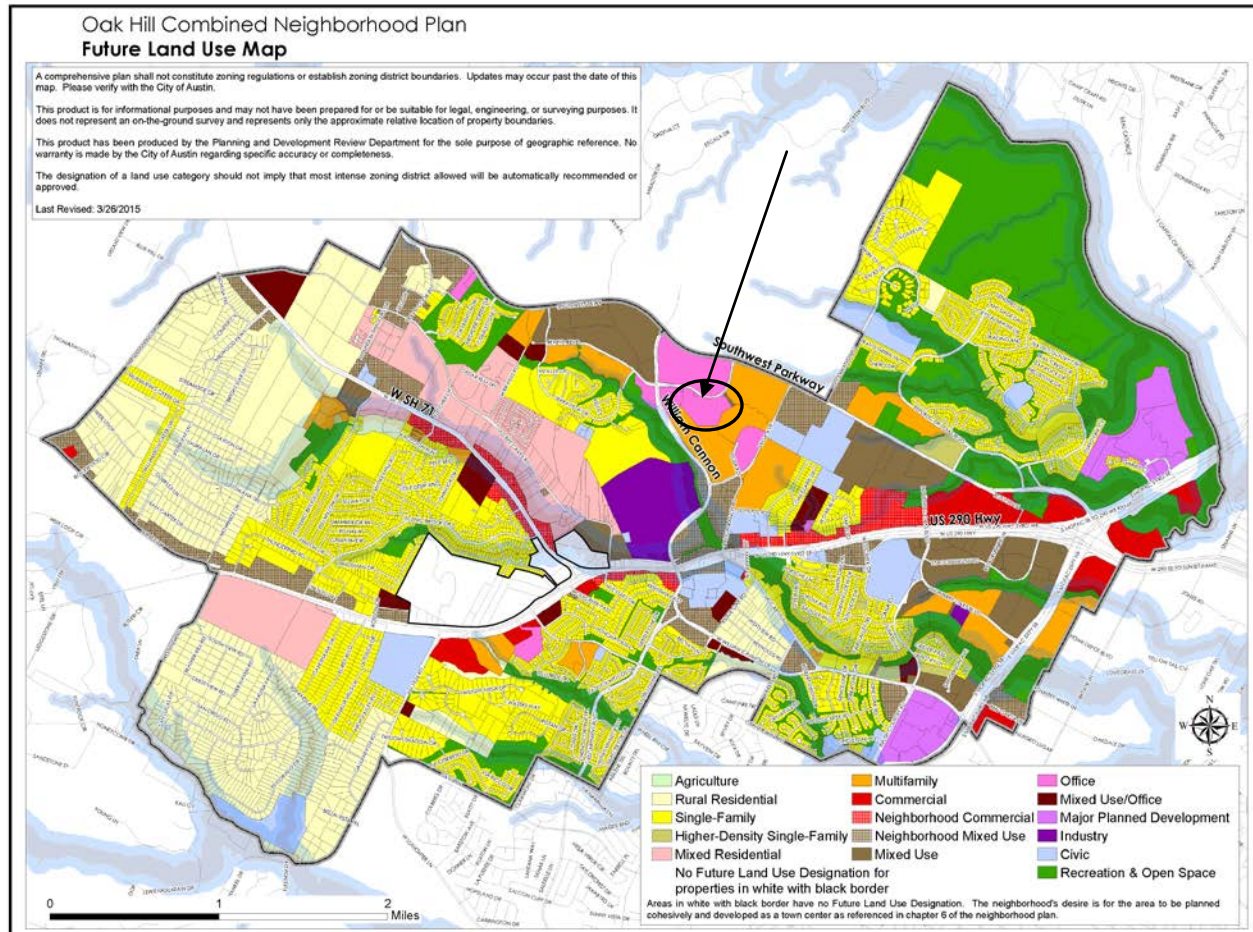
On March 23rd, 2016, the OHNPCT voted in favor of the proposed change in land use and zoning as presented at the OHNPCT meeting due to the reduction in impervious cover to about 33%, the additional on-site detention ponds that will reduce runoff from the site, and the reduction in traffic that residential use brings versus an office use.

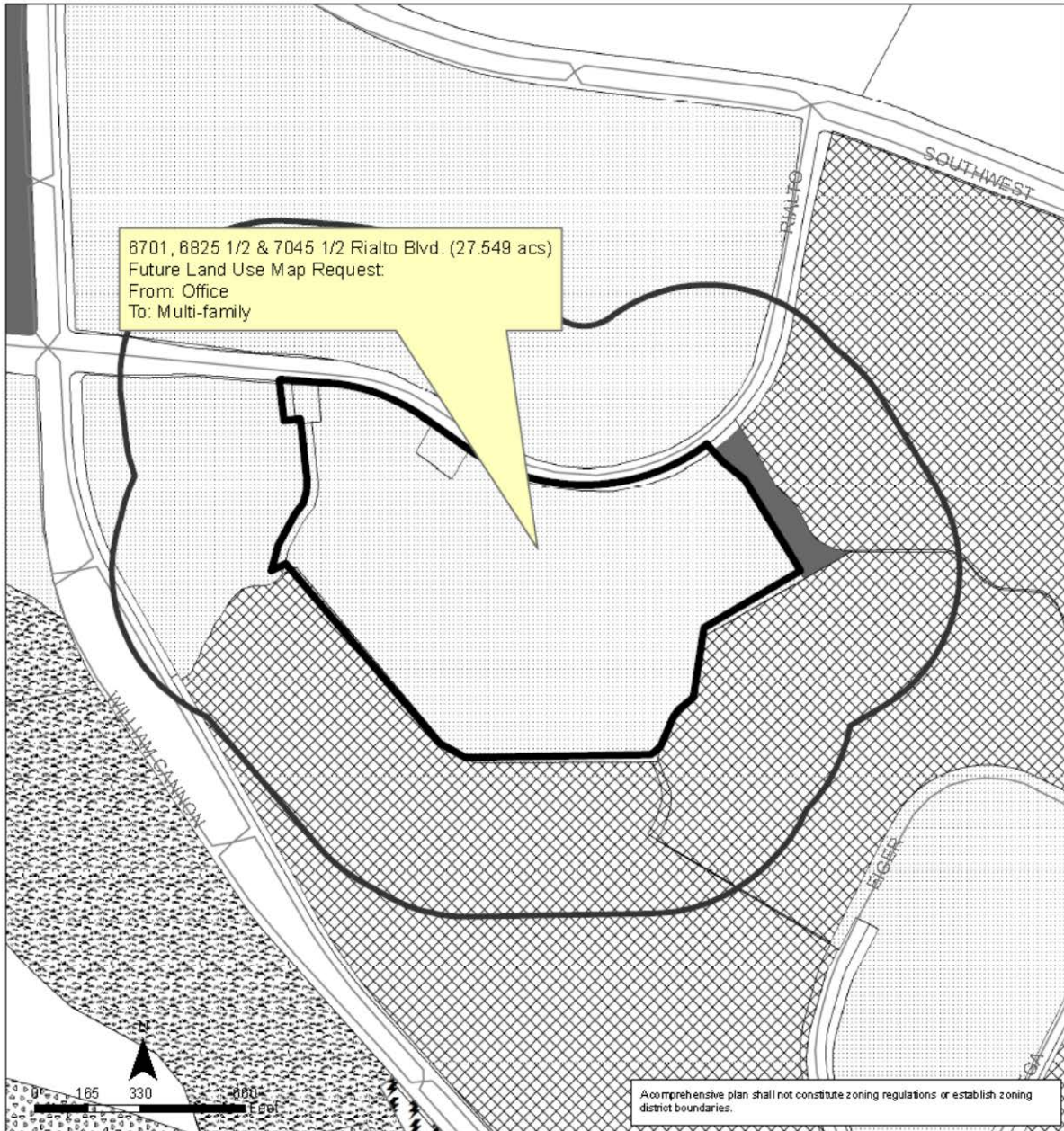
Please let me know if you have any questions.

Sincerely,

Tom Thayer
Chair, OHNPCT

Cc: Chip Graves – Vice Chair
Cynthia Wilcox – Secretary





Oak Hill Combined Neighborhood Planning Area NPA-2016-0025.01

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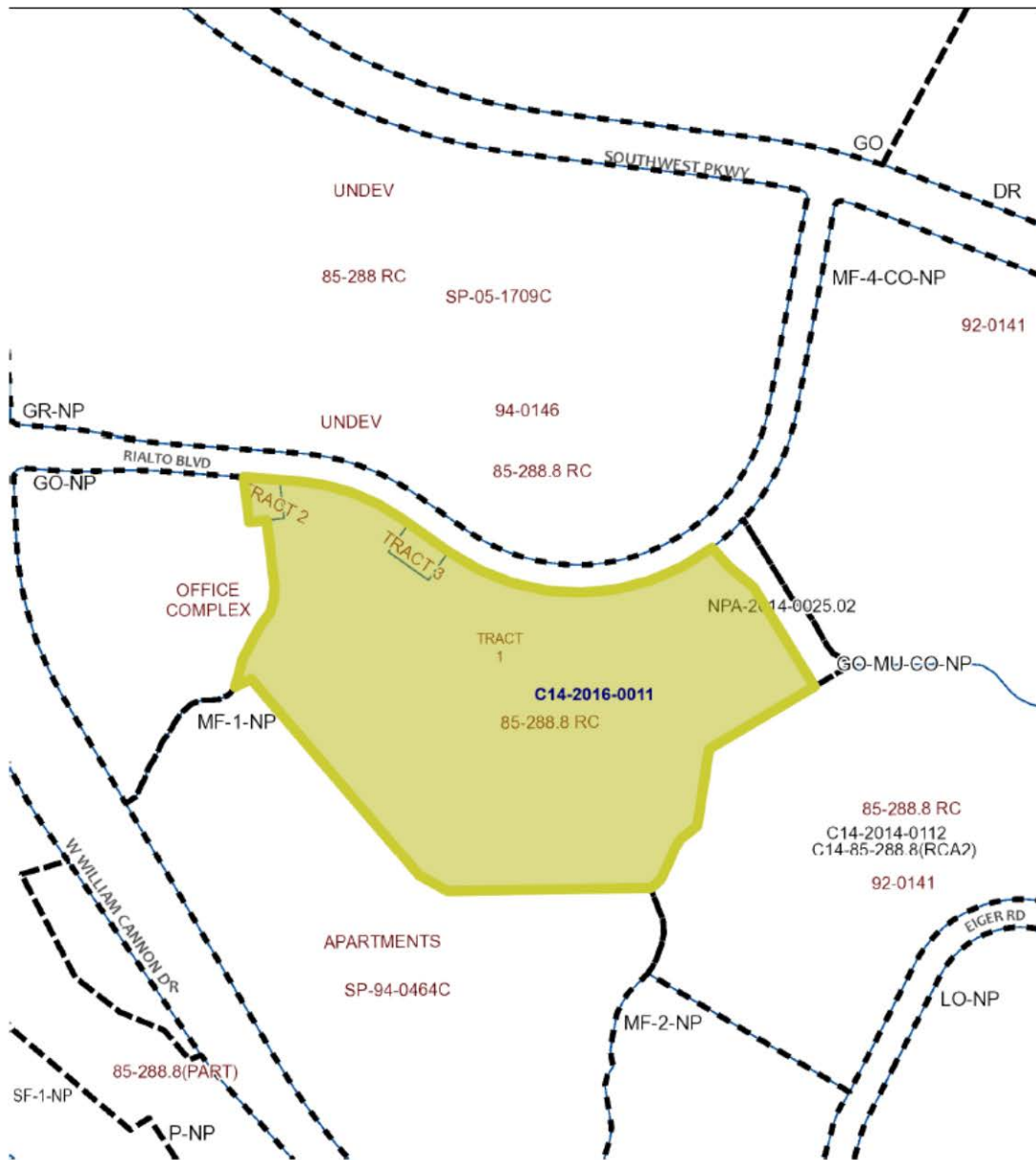
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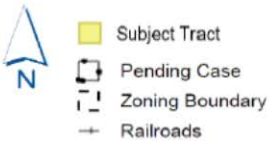
Future Land Use

	500 ft. Notif. Boundary		Office
	Subject Property		Industry
	Single-Family		Civic
	Multi-Family		Recreation & Open Space
	Neighborhood Mixed Use		Transportation
	Mixed Use		



ZONING

ZONING CASE#: C14-2016-0011



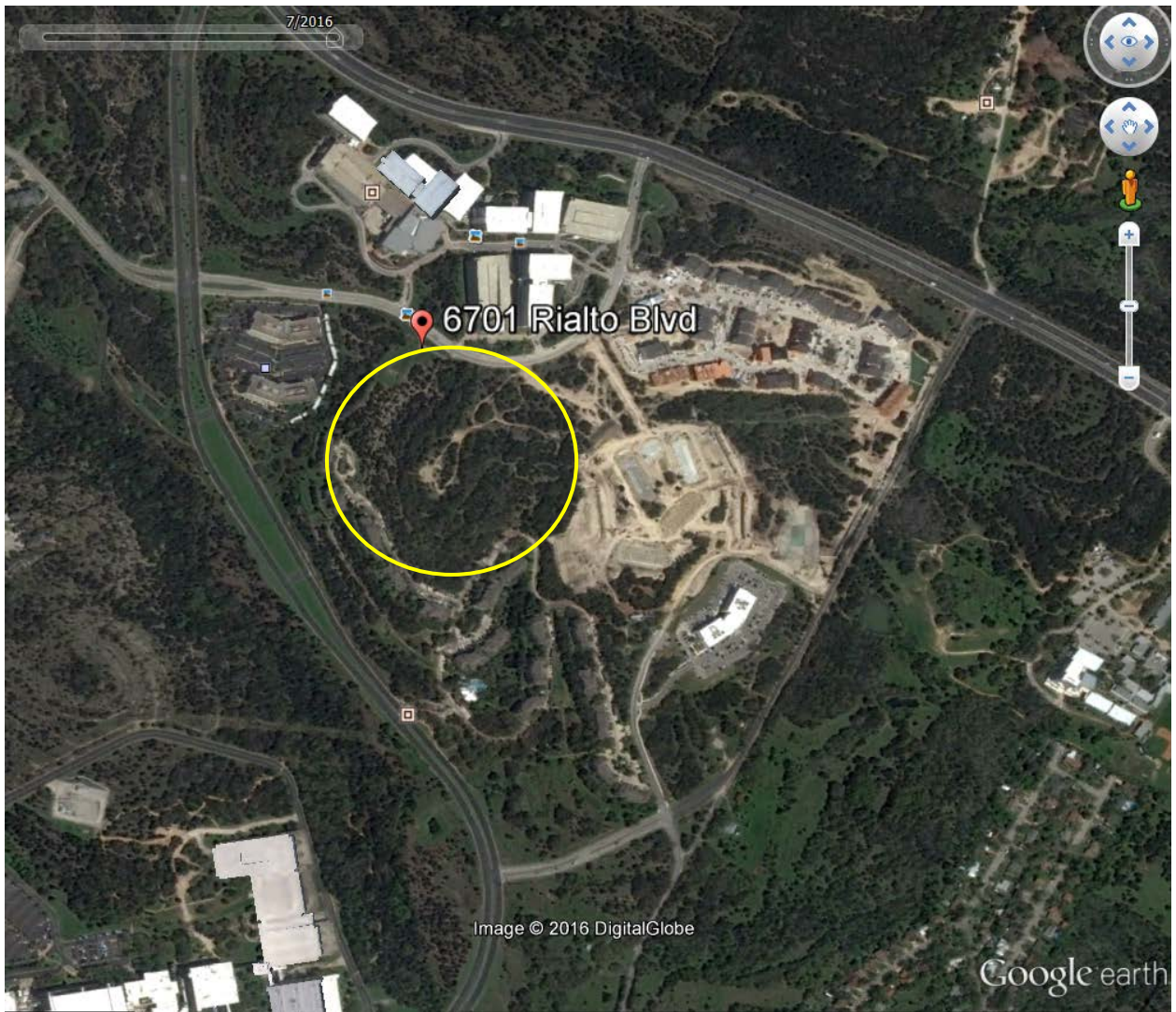
200 400 Feet

1" = 400'

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Conceptual Site Plan



Conceptual Building Elevation



Applicant Criteria Worksheet Submitted by
Applicant

Provide this information with your plan amendment application.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? ___ Yes X No

If there was a mapping error, explain here and provide documentation: _____

- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? ___ Yes X No

If this condition applies, explain here _____

- (3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application? ___ Yes X No

If yes, explain here _____

- (4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application? X Yes ___ No

If yes, explain here A 2001 Settlement Agreement between the City of Austin and Stratus Properties Inc., then the owner of the property, provides grandfathering to

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1980's era water quality ordinances that predate adoption of the Save or Springs Ordinance. The 2001 Settlement Agreement in part also authorizes development to occur on slopes, and cut and fill pursuant to regulations that are more relaxed than current regulations authorize. Additionally, a Public Restrictive Covenant (V. 9888, P. 927) authorizes development of a maximum of 35% impervious cover in the Barton Springs Watershed, and 65% in the Williamson Creek Watershed, the Williamson Creek Watershed covering a large majority of the site.

However, the applicant will waive some or all of its rights under the 2001 Settlement Agreement. For example, the applicant will develop the project in compliance with current regulations regarding construction on slopes, and cut and fill. The project will also provide SOS water quality controls, detention, and will be developed under current Heritage Tree/Commercial Landscape regulations to provide better landscaping throughout the project.

Designing the project with clustered multifamily buildings on the site minimizes impervious cover, and provides for a development that more closely meets or exceeds current code requirements. The proposed Multifamily FLUM and related multifamily use will reduce the number of trips over the Edwards Aquifer, compared to the current Office FLUM and related office use. **or**

(b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application? ___Yes X No

If yes, explain here _____

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

X Yes ___ No

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rational for why it meets these goals/objectives. Use separate document if necessary: _____

Please see Exhibit "A" attached hereto.

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>)

or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? ___Yes X No

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If yes, explain here and provide the letter from Neighborhood Housing and Community Development_____

(C) The applicant must demonstrate that:

- (1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; and

https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE

Concurrent with this Neighborhood Plan Amendment application (NPA), the applicant has submitted a Zoning Application to rezone the property from GO-NP to MF-4-CO-NP. Upon approval of the rezoning ordinance, the proposed uses and FLUM will comply with Title 25 of the Land Development Code.

- (2) the proposed amendment is consistent with sound planning principles. (See attached)

LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

<http://www.austintexas.gov/department/neighborhood-planning-resources>

If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

1. Ensure that the decision will not create an arbitrary development pattern;

Provide your analysis here: Existing uses include multifamily to the northeast, east, and south, and office use to the north and west, along with potential office and multifamily uses to the east. The proposed multifamily use is compatible with abutting and nearby uses, can serve as a transition from adjacent office uses and Rialto Blvd. to adjacent multifamily property, and is an appropriate use of the property.

The existing zoning of two adjacent multifamily tracts to the northeast and east that were rezoned in 2014 and 2015, respectively, are generally the same as proposed zoning for the property. Adjacent zoning to the north and west is office. The proposed zoning serves as a transition to existing zoning on adjacent tracts.

Therefore, the proposed development will be in harmony with existing adjacent development and future development and does not create an arbitrary development pattern.

2. Ensure an adequate and diverse supply of housing for all income levels;

Provide your analysis here: The proposed multifamily project includes one, two and three bedroom units that will provide a diverse housing stock combined with single-family housing across William Cannon and the neighboring multifamily projects.

3. Minimize negative effects between incompatible land uses;

Provide your analysis here: See response to #1 above.

4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;

Provide your analysis here: The project is located approximately 1.5 miles from Oak Hill Elementary School, and approximately 3 miles from Small Middle School. The project is located a little over 3 miles from Seton Southwest Hospital.

5. Discourage intense uses within or adjacent to residential areas;

Provide your analysis here: By downzoning the subject property from GO to MF and changing the FLUM from Office to Multifamily, the proposed use offers a less intense use of the subject property. See response to #1 above.

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;

Provide your analysis here: Not applicable.

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7. Minimize development in floodplains and environmentally sensitive areas;

Provide your analysis here: A 2001 Settlement Agreement between the City of Austin and Stratus Properties Inc., then the owner of the property, provides grandfathering to 1980's era water quality ordinances that predate adoption of the Save or Springs Ordinance. The 2001 Settlement Agreement in part also authorizes development to occur on slopes, and cut and fill pursuant to regulations that are more relaxed than current regulations authorize. Additionally, a Public Restrictive Covenant (V. 9888, P. 927) authorizes development of a maximum of 35% impervious cover in the Barton Springs Watershed, and 65% in the Williamson Creek Watershed, the Williamson Creek Watershed covering a large majority of the site.

However, the applicant will waive some or all of its rights under the 2001 Settlement Agreement. For example, the applicant will develop the project in compliance with current regulations regarding construction on slopes, and cut and fill. The project will also provide SOS water quality controls, detention, and will be developed under current Heritage Tree/Commercial Landscape regulations to provide better landscaping throughout the project.

Designing the project with clustered buildings on the site minimizes impervious cover, and provides for a development that more closely meets or exceeds current code requirements. The proposed Multifamily FLUM and related multifamily use will reduce the number of trips over the Edwards Aquifer, compared to the current Office FLUM and related office use.

8. Promote goals that provide additional environmental protection;

Provide your analysis here: See response to #7 above.

9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);

Provide your analysis here: Not applicable

10. Ensure adequate transition between adjacent land uses and development intensities;

Provide your analysis here: See response to #1 above.

11. Protect and promote historically and culturally significant areas;

Provide your analysis here: The proposed NPA provides for a more beneficial use of the land than currently exists. The proposed development includes substantial open space to maintain the "Hill Country" aesthetic of Oak Hill, while providing a housing alternative that is more harmonious than what can be constructed under existing entitlements.

12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/department/imagine-austin-download-center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)

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Provide your analysis here: The proposed development increases the variety of housing types available in this neighborhood. Also, the applicant agrees to waive some of its grandfathered rights under the 2001 Settlement Agreement and will comply with certain environmental requirements that it would otherwise not have to meet.

13. Avoid creating undesirable precedents;

Provide your analysis here: The proposed use and FLUM change is consistent with prior projects in the area. The existing zoning and FLUM of two adjacent multifamily tracts to the northeast and east that were rezoned with FLUM amendment in 2014 and 2015, respectively, are generally the same as proposed zoning and FLUM amendment for the property. Additionally, the proposed development furthers many goals of the Oak Hill Neighborhood Plan.

14. Promote expansion of the economic base and create job opportunities;

Provide your analysis here: The proposed use provides housing opportunities for major employment centers, including AMD, Freescale and Solarwinds, and expands the tax base.

15. Ensure similar treatment of land use decisions on similar properties;

Provide your analysis here: The proposed use and FLUM change is consistent with prior projects in the area. The existing zoning and FLUM of two adjacent multifamily tracts to the northeast and east that were rezoned with FLUM amendment in 2014 and 2015, respectively, are generally the same as proposed zoning and FLUM amendment for the property.

16. Balance individual property rights with community interests and goals;

Provide your analysis here: The proposed development will create housing options and attract new residents, while satisfying environmental regulations that are consistent with the Save Our Springs Ordinance and aesthetic of the Oak Hill Neighborhood Plan, without affecting property rights of existing property owners.

17. Consider infrastructure when making land use decisions;

Provide your analysis here: A Traffic Impact Analysis has been completed in connection with the proposed applications, including the proposed FLUM Amendment Application. The TIA identifies a number of recommendations to improve the area transportation infrastructure. The project provides convenient access to Rialto Boulevard, Southwest Parkway, William Cannon, and other roadways that provide connectivity among the area's neighborhoods. Sidewalks are located along both sides of Rialto Boulevard. An easement for multi-use trail is located nearby to the north of the property that is planned for the "Y to Barton Creek Trail" in coordination with the Oak Hill Trail Association. In addition, the proposed Multifamily FLUM and related multifamily use will reduce the number of trips over the Edwards Aquifer, compared to the current Office FLUM and related office use.

18. Promote development that serves the needs of a diverse population.

Provide your analysis here: The project will provide additional housing to address Austin's growing demand for multifamily housing that is near major employers.

EXHIBIT "A"

The Neighborhood Plan Amendment is consistent with the Goals and Objectives of the Oak Hill Combined Neighborhood Plan. Note: Provisions from the Oak Hill Combined Neighborhood Plan are written/summarized below in **boldfaced lettering**.

1. CHAPTER 4: DEVELOPMENT IN THE BARTON SPRINGS ZONE

- a. **4.A: Preserve and enhance environmental resources including watersheds, air quality and wildlife corridor.**
- b. **4.B: Provide opportunities for high-quality new development and redevelopment**
- c. **4.B.1 Minimize the ecological footprint of developments in the Oak Hill planning area to help achieve environmental goals, particularly the preservation of water quality.**

RESPONSE #1 (to provisions listed above, and others as identified elsewhere in this Exhibit "A"): A 2001 Settlement Agreement between the City of Austin and Stratus Properties Inc., then the owner of the property, provides grandfathering to 1980's era water quality ordinances that predate adoption of the Save or Springs Ordinance. The 2001 Settlement Agreement in part also authorizes development to occur on slopes, and cut and fill pursuant to regulations that are more relaxed than current regulations authorize. Additionally, a Public Restrictive Covenant (V. 9888, P. 927) authorizes development of a maximum of 35% impervious cover in the Barton Springs Watershed, and 65% in the Williamson Creek Watershed, the Williamson Creek Watershed covering a large majority of the site.

However, the applicant will waive some or all of its rights under the 2001 Settlement Agreement. For example, the applicant will develop the project in compliance with current regulations regarding construction on slopes, and cut and fill. The project will also provide SOS water quality controls, detention, and will be developed under current Heritage Tree/Commercial Landscape regulations to provide better landscaping throughout the project.

Designing the project with clustered buildings on the site minimizes impervious cover, and provides for a development that more closely meets or exceeds current code requirements. The proposed Multifamily FLUM and related multifamily use will reduce the number of trips over the Edwards Aquifer, compared to the current Office FLUM and related office use.

2. CHAPTER 6: LAND USE AND DEVELOPMENT

a. 6.A: Provide opportunities for high-quality new development and re-development

RESPONSE #2: As indicated in this Exhibit "A", the proposed applications authorize high-quality new development. The proposed developer specializes in the development of high-quality multifamily residential properties nationwide, and has developed a number of apartment communities in Austin. The developer has over thirty years of experience and an award-winning portfolio of multi-family residential projects.

b. 6.B Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

See Response #1.

c. 6.B.1 Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

RESPONSE #3. Existing uses include multifamily to the northeast, east, and south, and office use to the north and west, along with potential office and multifamily uses to the east. The proposed multifamily use is compatible with abutting and nearby uses, can serve as a transition from adjacent office uses and Rialto Blvd. to adjacent multifamily property, and is an appropriate use of the property.

The existing zoning of two adjacent multifamily tracts to the northeast and east that were rezoned in 2014 and 2015, respectively, is generally the same as proposed zoning for the property. Adjacent zoning to the north and west is office. The proposed zoning serves as a transition to existing zoning on adjacent tracts.

Therefore, the proposed development will be in harmony with existing adjacent development and future development.

d. 6.B.2 Provide business and residential expansion without creating urban sprawl.

RESPONSE #4. The proposed Multifamily FLUM and related multifamily use will reduce the number of trips over the Edwards Aquifer, compared to the current Office FLUM and related office use. Also, the proposed use will provide residential development near major thoroughfares and employment centers, such as AMD, Freescale, and Solarwinds increasing housing diversity in the growing Oak Hill community without the associated undesired effects of urban sprawl.

3. CHAPTER 7: TRANSPORTATION AND INFRASTRUCTURE

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- a. 7.A Coordinate with appropriate entities to provide safe access across major thoroughfares and alleviate cut-through traffic on already overburdened neighborhood streets.
- b. 7.B Provide inter-connectivity among parks, public services, and destinations in and beyond Oak Hill.
- c. 7.C Ensure and create safe pedestrian and bike corridors across major highways and through the neighborhood that connect to commercial centers and public parks and resources.
- d. 7.D Provide managed connectivity between various neighborhoods while maintaining the quiet enjoyment of neighborhoods.

RESPONSE #5 (to Chapter 7: Transportation and Infrastructure goals set forth above, and others as identified elsewhere in this Exhibit "A"). A Traffic Impact Analysis has been completed in connection with the proposed applications, including the proposed FLUM Amendment Application. The TIA identifies a number of recommendations to improve the area transportation infrastructure. The project provides convenient access to Rialto Boulevard, Southwest Parkway, William Cannon, and other roadways that provide connectivity among the area's neighborhoods. Sidewalks are located along both sides of Rialto Boulevard. An easement for multi-use trail is located nearby to the north of the property that is planned for the "Y to Barton Creek Trail" in coordination with the Oak Hill Trail Association. In addition, the proposed Multifamily FLUM and related multifamily use will reduce the number of trips over the Edwards Aquifer, compared to the current Office FLUM and related office use.

4. CHAPTER 8: HOUSING

- a. 8.A Balance development and environmental protection by maintaining a vibrant residential and commercial community.
See Response #1.
- b. 8.A.1 Assess and minimize the impact of land development on surface and ground water.
See Response #1.
- c. 8.A.1.A Every housing development/redevelopment should include an environmental impact analysis and incorporate all necessary measures to address its potential impact on the Edwards Aquifer (impervious cover, drainage, traffic, etc.)
See Response #1.
- d. 8.A.2 Design and place homes to minimize impacts on natural resources and the physical environment and to maximize social resources.
See Response #1.

e. 8.A.2.a Clustered development should be encouraged where appropriate

RESPONSE #6. The rezoning application seeks to rezone the property from base zoning of GO to MF-4 with primarily MF-1 site development standards, except for height. Taking advantage of the additional height and floor-area-ratio offered under MF-4 allows the project to be designed as clustered development, thereby leaving the majority of the site undisturbed.

f. 8.A.2.b Residential density should be compatible with surrounding uses and informed by a regional vision of the environmental impact development has over the Edwards Aquifer.

See Response #1.

g. 8.A.2.c Whenever possible, new housing development should be located where existing services and infrastructure exist. Their appearance and density should be appropriate to its environment and compatible with surrounding uses.

RESPONSE #7. The proposed apartments are located where existing services and infrastructure exist, or will be provided during construction. See also Response #2.

8.B.1 Analyze transportation demands in the Oak Hill Area.

See Response # 5.

5. CHAPTER 9: NEIGHBORHOOD DESIGN

a. 9.B Enhance the Hill Country look of Oak Hill by preserving trees and addressing aesthetic improvements in the planning area.

RESPONSE #8. The proposed development will comply with the Heritage Tree Ordinance and the Commercial Landscaping Ordinance. The project is designed as clustered development, thereby leaving the majority of the site undisturbed as open space.

b. 9.C Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

See Response #1.

c. 9.E Provide managed connectivity between various neighborhoods while maintaining the quiet enjoyment of neighborhoods.

See Response # 5.