

From: Rivera, Andrew

Sent: Tuesday, April 28, 2020 7:05 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Graham, Mark <Mark.Graham@austintexas.gov>; Linseisen, Andrew <Andrew.Linseisen@austintexas.gov>; Phillips, Atha <Atha.Phillips@austintexas.gov>

Subject: Fwd: April 28, 2020 Staff Proposed Actions Agenda and Q & A Report

All:

Please see questions from Commissioner Shaw. If possible please provide a response by 2pm.

Thank you,

Andrew

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From: Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>

Sent: Tuesday, April 28, 2020 2:08 AM

To: Rivera, Andrew; Kazi, Fayez - BC; Kenny, Conor - BC

Subject: Re: April 28, 2020 Staff Proposed Actions Agenda and Q & A Report

Andrew,

I have the following questions related to the items on the agenda tomorrow.

Thanks,

Todd Shaw

B2 and B3

This site is within the vulnerable areas identified in Austin Uprooted Study. Proposed zoning in the drafts of the revised LDC did not allow for increased zoning in these areas even if along corridors. Has Council provided any policy guidance to staff when rezoning in vulnerable areas while awaiting changes to the LDC?

B4, B5, and B6

- 1) What are the Environmental Commission recommendations referred to in B4 backup?

RESPONSE: The Environmental Commission back up has been attached to the staff information provided as late backup. The Environmental Commission recommended the PCA with the following conditions:

1. Phase 5 will develop within 25% impervious cover on a net site area;

2. dedicate 6.32-acre Tract 1 as additional lands to meet impervious cover needs;
3. dedicate necessary acreage of Tract 2 as additional lands for the Phase 5 development to not exceed 25% impervious cover Net Site Area on; and
4. pursue use of rain garden in Phase 5 as allowable under TCEQ Edwards Rules.

The applicant has agreed to comply with the conditions recommended by the Environmental Commission.

2) Does applicant agree to the Environmental Commission recommendations?

RESPONSE: Yes, the applicant has agreed to the comply with the recommendations by the Environmental Commission. Per terms of the PCA the 6.32 acre tract (Tract 1) will be dedicated to the City of Austin within six months of the execution of the PCA. The applicant has agreed to dedicate additional land to achieve 25% net site area impervious cover for Phase 5 of the existing plan. The applicant has agreed to dedicate the additional land to the City of Austin prior to release of a site development permit for the mixed use project. To achieve the required 25% net site area impervious cover, the applicant proposes to dedicate land that contains approximately 2 acres of additional net site area (as defined in the current site plan). The land will be located in the Barton Springs Zone and the City of Austin shall approve of the parcel prior to acceptance of the dedication.

3) Please explain this staff comment below. How does allowing higher density growth far outside the urban core along corridors that are not identified as an Imagine Austin Corridors or Transit Priority Network supported by the comprehensive plan?

B-5 Page 4 – “If Austin is to grow and evolve as a compact and connected city, as envisioned in the adopted Imagine Austin Comprehensive Plan (IACP), then development that provides additional housing units is necessary. One of the primary mechanisms for achieving compact growth will be development, or redevelopment, of larger sized properties such as this into higher density residential.”

RESPONSE: Although this site is not located on any of the corridors described above, one benefit of the proposed higher density apartments at this particular location is the adjacency to employment opportunities and retail goods/services which can contribute to a reduction in vehicle trips in this environmentally sensitive area.

4) B5 - What does the Figure on page 8 of 23 represent?

RESPONSE: The Imagine Austin Compliance map highlights mobility and connectivity options that are located within a quarter mile and half of a mile radius of the subject site. In highly connected areas, the connectivity map will show public schools, libraries, parks, Cap Metro transit routes and bus stops. The Compliance map on page 8 shows there is a general lack of mobility and connectivity options in the area, which would necessitate the use of the automobile to access civic uses, jobs, and goods and services. However, the Compliance map doesn't account for everything on the ground such as the existing Cap Metro stop or that there are public sidewalks in this area.

5) How will the rezoning and planned development of 400 to 600 unit residential development support the Oak Hill Combined Neighborhood Plan (OHCNP) Future Land Use Map (FLUM) for a “complete community”?

-“Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated) (p 67)

- "With access to both Southwest Parkway and William Cannon, this area is appropriate for a mix of office, retail, and residential uses. Additionally, current residences and offices in the surrounding area could be served by community-level retail here. (p 79)"

RESPONSE: The Oak Hill Combined Neighborhood Plan FLUM for this area is Mixed Use. The Imagine Austin concept of complete communities came from our citizens advisory task force, and is defined in Appendix C. Glossary as "complete community – Areas that provide amenities, transportation, services, and opportunities that fulfill all residents material, social, and economic needs. For more detailed information on complete communities, see p. 88 of the plan." However, different areas of Austin have different needs and different people define complete communities differently. For example, some people define a complete community as having a hospital, others a grocery store, others a bus stop, and others a coffee shop, etc. Currently the area bound by Southwest Parkway, William Cannon, Rialto, and Terravista has mostly office and retail uses. The proposed project would add multifamily residential uses to this area, thus contributing to its completeness by adding another land use.

- 6) Has the developer committed to dedicating parkland to support the residents?

RESPONSE: Yes, please refer to attached exhibit.

- 7) What are the terms of the March 4, 2020 project consent agreement completed and reviewed by the Environmental Commission? [Not included in backup.]

RESPONSE: A summary of the terms of the PCA have been included in the late backup along with the recommendation by the Environmental Commission.

- 8) What is the current allowed impervious cover and will this change if the rezoning is approved?

RESPONSE: The allowable impervious cover on the current site development permit is 17.5 acres. The applicant has requested to add 0.1 acres (4,356 SF) of impervious cover to the overall plan to accommodate the addition of outdoor decks and patio space for restaurants in phases 1, 2 and 3. A summary of the terms of the PCA have been included in the late backup along with the recommendation by the Environmental Commission.

- 9) Questions related to comments made by Leigh Ziegler/ 4815 Trail Crest Circle / District 8 Resident/ OHNPCTMember (See B4 backup).

- a) Please describe issues with unlined ponds.

"Additionally, the applicable Drainage Criterion Manual (from letter of 2001) does not require lined retention/ detention ponds nor pollution controls over most if not the entire Lantana Phase 1 Section 2 acreage."

RESPONSE: The Lantana Block P, Lot 3 development is located over the contributing zone of the Edwards Aquifer. In accordance with the Texas Commission Environmental Quality and the City of Austin regulations an impermeable liner is not required. The impermeable liners is only required when located over the recharge zone. All water quality ponds in the Barton Springs Zone have a yearly operating permit requirement that includes an on-site inspection to ensure proper function.

- b) Please discuss the potential pollution and erosion that is caused by taller buildings. Is this an accurate statement?

" Increasing the FAR fivefold (from .2 to 1) potentially increases the erosion, pollution and non- dispersed sheet flow on- site capture coming from suddenly taller buildings which is not addressed adequately for site plan stage."

RESPONSE: An increase in the height of the buildings, or an increase in the FAR, do not impact the erosion or storm water runoff from the proposed project. Erosion and storm water runoff are a function of the impervious cover which has been only minimally increased with the proposed PCA. To construct mixed use residential buildings on the

site following approval of the PCA and the zoning case, the applicant will be required to submit a formal site plan revision to modify the existing site development permit. Staff will review the proposed water quality (treatment) and quantity (detention) measure proposed as part of the revision for compliance with the applicable Land Development Code and Criteria.

10) Will developer agree to SOS Alliance conditions identified in their letter?

RESPONSE: Yes, the applicant has agreed to comply with the conditions outlined in the letter from the SOS Alliance.

11) Can you explain what Bobby Levinski, Attorney from SOS Alliance, is referring to in the following statement in his letter?

"We have previously expressed, in great detail, many of our concerns about the current status of the Lantana "letter agreement" and the lack of tracking by the City of Austin of the total amount of allowable impervious cover already used pursuant to the agreement's terms."

RESPONSE: City staff have had extensive discussions with the SOS Alliance related to compliance with the "letter agreement" applicable to the collective Lantana project. The City is not in agreement with some of the positions on the allocation and accounting of impervious cover made by SOS. The City and the SOS Alliance continue to discuss this issue.

B7

Developer is requesting UNO standards. Do they plan to include affordable housing in return for the increased entitlements?

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Sent: Monday, April 27, 2020 7:18 PM

To: Kazi, Fayez - BC <bc-Fayez.Kazi@austintexas.gov>; Kenny, Conor - BC <BC-Conor.Kenny@austintexas.gov>

Subject: April 28, 2020 Staff Proposed Actions Agenda and Q & A Report

Attached please find the staff proposed actions agenda. Note the following change, B-13, is now applicant postponement to May 12th (consent).

Also attached please find the Q & A report.

Thank you,



MEMORANDUM

TO: Fayez Kazi, Chair and Members of the Planning Commission

FROM: Andrew Linseisen, Assistant Director
Development Services Department

DATE: April 27, 2020

**SUBJECT: Project Consent Agreement
Lantana Block P, Lot 3 (SP-2014-0262C)
Backup and Staff Recommendation**

As provided in Section 25-1-544 of the City of Austin Land Development Code, the developer of the Lantana Development on Lot 3 and 5, Block P of the Lantana Phase 1, Section 2 Subdivision has requested consideration of a Project Consent Agreement (PCA). The proposed PCA will allow the development to add a residential use to the existing approved site development permit. A PCA is a voluntary mechanism for determining applicable regulations where the extent of a project's vested development rights are unclear or for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations. In such cases, a PCA provides a means for the Council to modify development regulations applicable to a property.

The Lantana Block P, Lot 3 project is located at 7415 Southwest Parkway which was approved for a commercial and office development under Site Development Permit No SP-2014-0262C. Phases 1, 2, and 3 of the existing development have been constructed and Phase 4 is currently under construction. The Planning Commission approved a request to extend the life of the application to April 30, 2022, on June 25, 2019. The proposed PCA will apply only to the currently unconstructed Phase 5 of the project modifying the project to include a residential use. A summary of the major tenants of the proposed PCA are outlined below:

- No additional impervious will be added to Phase 5, the overall impervious cover in the entire development will be fixed at 17.6 acres.
- 6.326 acres known as Lot 8, Block P, of the Lantana Phase 1, Section 2 Subdivision will be dedicated to the City of Austin.
 - 3.098 acres of Lot 8 will remain natural area with any development limited to pedestrian trails so that the entire site, all phases, maintain 40% natural area;
 - 3.228 acres will be utilized for City of Austin Public Park amenities;
 - Lot 8 will be dedicated to the City within six months of the effective date of the PCA;
- Extension of the life of Phase 5 of the Lantana Block P, Lot 3 Site Development Permit (SP-2014-0262C) by two years to April 30, 2024;

- To achieve 25% net site area impervious cover for Phase 5 of the existing plan as recommended by the Environmental Commission, the applicant has agreed to dedicate additional land to the City of Austin prior to release of a site development permit for the mixed use project. To achieve the required 25% net site area impervious cover, the applicant proposes to dedicate land that contains approximately 2 acres of additional net site area (as defined in the current site plan). The land will be located in the Barton Springs Zone and the City of Austin shall approve of the parcel prior to acceptance of the dedication.
- The addition of the residential mixed use will not increase traffic based on the density information provided with the proposed zoning case (C14-2019-0003);

Attached to this memorandum are copies of the Environmental Commission Recommendation (Motion 20200304 006a) approved at the March 4, 2020 meeting and a copy of the staff backup report from the Environmental Commission meeting on March 4, 2020, prepared by Atha Phillips with Watershed Protection Department. These exhibits provide additional specifics related to the overall environmental compliance proposed with the proposed PCA.

The applicant has filed a zoning change request under case number C14-2019-0003 to add a Mixed Use (MU) overlay to the existing GR-NP zoning that will allow the addition of a multi-family residential use to the existing project. The applicant has also sought to amend a restrictive covenant that limits the amount of square footage, which staff also supports since the total impervious cover will be limited through the PCA. The zoning case and amendment to the restrictive covenant have been scheduled for Council consideration at the May 7, 2020, meeting which will allow Council consideration of the proposed PCA, the zoning, and the restrictive covenant amendment at the same meeting.

After consideration of the proposed terms of the Project Consent Agreement, staff recommends that the Planning Commission make a recommendation to Council in support of approval of the PCA as presented.

cc: Chris Herrington, Watershed Protection Department
Erika Lopez, City of Austin Law Department



ENVIRONMENTAL COMMISSION MOTION 20200304 006a

Date: March 4, 2020

Subject: Lantana Project Consent Agreement

Motion by: Kevin Ramberg

Seconded by: Peggy Maceo

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting the Commission consider a Project Consent Agreement waiving provisions of City Code Chapters 25-7 (Drainage) and 25-8 (Environment), including Chapter 25-8, Article 13 (Save Our Springs Initiative), to allow construction of a mixed-use residential project at located at 7415 Southwest Parkway in the East Oak Hill Neighborhood Planning Area;

WHEREAS, the Environmental Commission recognizes this action concerns land located in the Barton Springs Zone; and

WHEREAS, the Environmental Commission recognizes that City of Austin staff recommend approval of the variance requests with conditions.

Therefore, the Environmental Commission recommends approval of the requested project consent agreement (PCA) to allow for the construction of a mixed-use development with a residential component with the following;

Staff Conditions:

1. applicant shall provide additional acreage of 3.098 acres to meet the Hill Country Roadway requirement of 40% undisturbed natural area per 25-2-1025 and development on this lot will be restricted to only allow trails;
2. impervious cover for the project will be capped at 17.5 acres (49% of current site plan SP-2014-0262C(XT2));

and the following Environmental Commission Conditions:

1. Phase 5 will develop within 25% impervious cover on a net site area;
2. dedicate 6.32-acre Tract 1 as additional lands to meet impervious cover needs;
3. dedicate necessary acreage of Tract 2 as additional lands for the Phase 5 development to not exceed 25% impervious cover Net Site Area on; and
4. pursue use of rain garden in Phase 5 as allowable under TCEQ Edwards Rules.

VOTE 6-0

For: Bedford, Thompson, Ramberg, Guerrero, Coyne, and Maceo

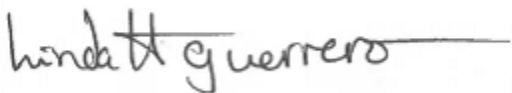
Against: None

Abstain: None

Recuse: None

Absent: Creel, Smith, Nill, Neely, Gordon

Approved By:

A handwritten signature in dark ink, reading "Linda Guerrero", followed by a horizontal line extending to the right.

Linda Guerrero, Environmental Commission Chair



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: February 19, 2020

NAME & NUMBER OF PROJECT: Lantana PCA

NAME OF APPLICANT OR ORGANIZATION: Michael Whellan
Armbrust & Brown, PLLC

LOCATION: 7415 Southwest Parkway

COUNCIL DISTRICT: 8

ENVIRONMENTAL REVIEW STAFF: Atha Phillips, Environmental Officer's Office
(512)974-2132, atha.phillips@austintexas.gov

WATERSHED: Williamson Creek Watershed, Barton Springs Zone, Drinking Water Protection Zone

REQUEST: Consider a Project Consent Agreement waiving provisions of City Code Chapters 25-7 (*Drainage*) and 25-8 (*Environment*), including Chapter 25-8, Article 13 (*Save Our Springs Initiative*), to allow construction of a mixed-use residential project located at 7415 Southwest Parkway in the East Oak Hill Neighborhood Planning Area. This action concerns land located in the Barton Springs Zone.

STAFF RECOMMENDATION: Staff recommended with conditions.

RECOMMENDED CONDITIONS:

1. Applicant will provide additional acreage of 3.098 acres to meet the Hill Country Roadway requirement of 40% undisturbed natural area per 25-2-1025 and development on this lot will be restricted to only allow trails.
2. Impervious cover for the project will be capped at 17.5 acres (49% of current site plan SP-2014-0262C(XT2)).

Lantana Project Consent Agreement (PCA)

Briefing to the Environmental Commission

Atha Phillips

Environmental Officer's Office

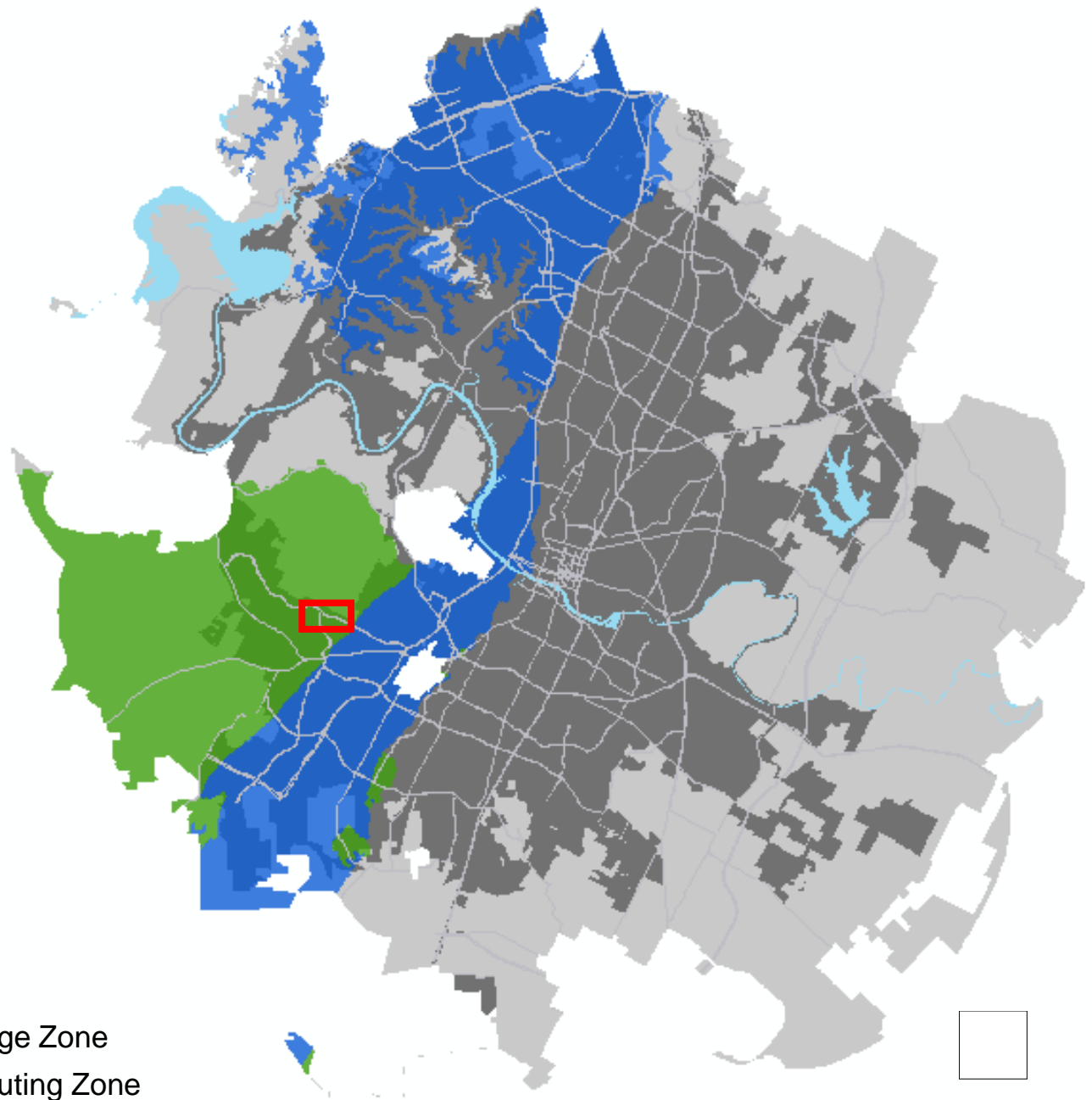
February 19, 2020






What is a PCA?

- PCA = Project Consent Agreement
- PCAs are part of the 245 process detailed in 25-1-544
- PCAs are considered when the extent of a project's vested rights are unclear and for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations
- The 245 process lives within the Development Services Department
- DSD has determined that this project is a candidate for a PCA

Site Data:

- Williamson Creek Watershed
- Barton Springs Zone (SOS Applies)
- Drinking Water Protection Zone
- Contributing Zone of the Edwards Aquifer
- Full-Purpose
- Existing approved site plan (SP-2014-0262C(XT2))
- Existing project has vested rights under 245
- Existing site plan wants to change zoning from Office to Mixed Use
- Mixed Use would allow for multi-family use
- Existing Preliminary Plan referenced within the vesting documents limits multi-family



-  Site Location
-  Austin ETJ
-  Austin City Limits
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Contributing Zone





 Site Location





— Watershed Boundary Site Location





 Site Location



 Site Location

Current Code Amendments:

Modification to 25-8 Environmental:

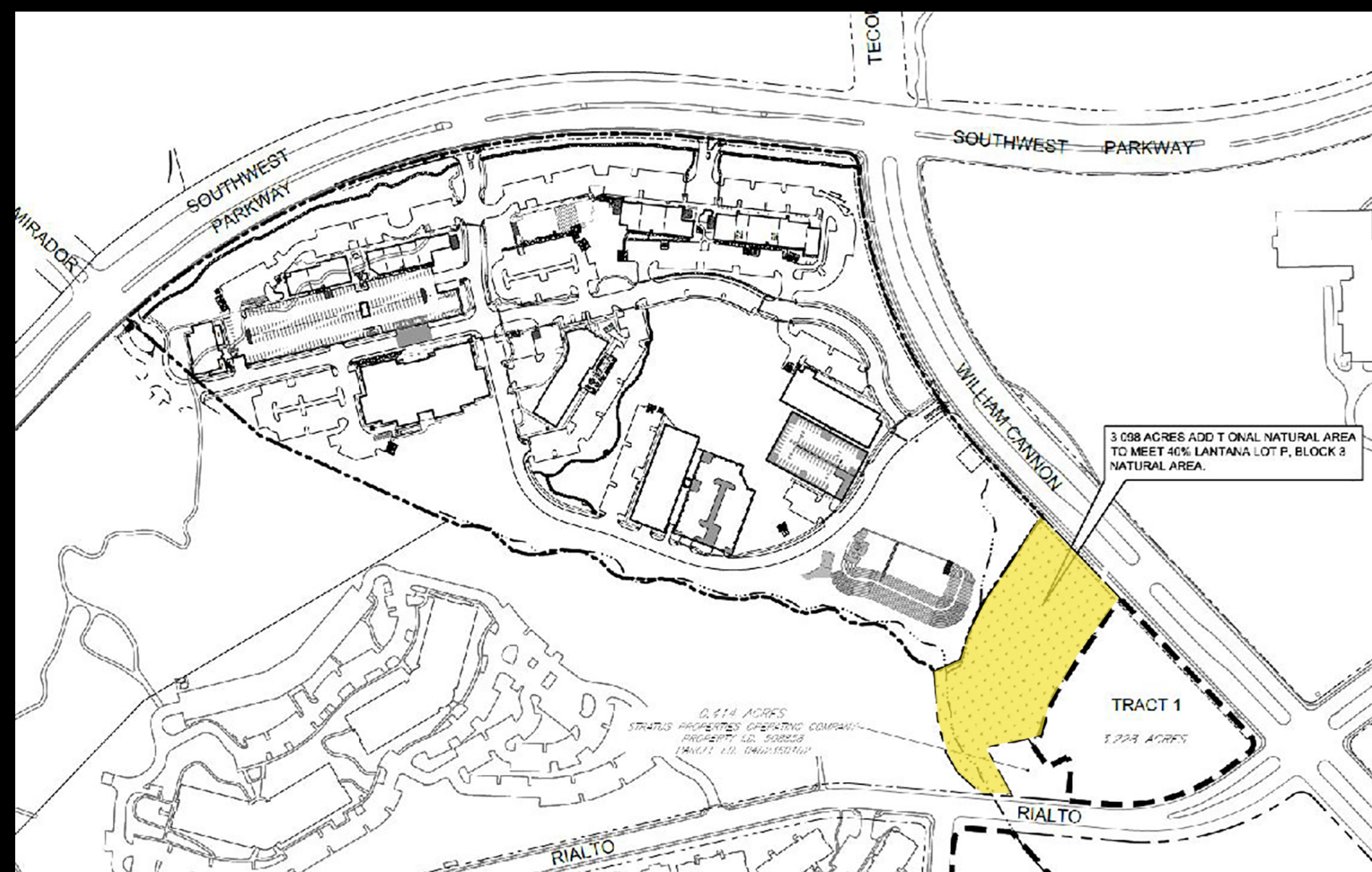
1. 25-8-301 Restricts driveways of slopes greater than 15%
 - Project shall not exceed 65% impervious cover on slopes 10-20%, nor 25% on slopes greater than 20%
2. 25-8-302 Restricts building on certain slopes
 - Project shall not exceed 65% impervious cover on slopes 10-20%, nor 25% on slopes greater than 20%
3. 25-8-341 Cut requirements-Allows up to 4' of cut
 - Project is allowed 12'
4. 25-8-342 Fill requirements-Allows up to 4' of fill
 - Project is allowed 12'

Save Our Springs(SOS) Amendment:

1. Impervious cover over the allowable amount of 25% NSA
 - Project is allowed up to 60%
2. SOS water quality
 - Project has existing sedimentation/filtration pond that does not meet the non-degradation requirement outlined in SOS



Tract 1 6.326 acres



3.098 acres towards 40% Natural Area Development within this area will be restricted to trails

Staff Recommendation

Recommendation: Recommended with conditions

1. Impervious cover will be capped at 17.5 acres (49% of current site plan SP-2014-0262C(XT2))
2. Applicant will provide additional acreage of 3.098 acres to meet the Hill Country Roadway requirement of 40% undisturbed natural area per 25-2-1025 and development within this area will be restricted to only allow trails

Questions?

Contact Information:

Atha Phillips

Environmental Officer's Office

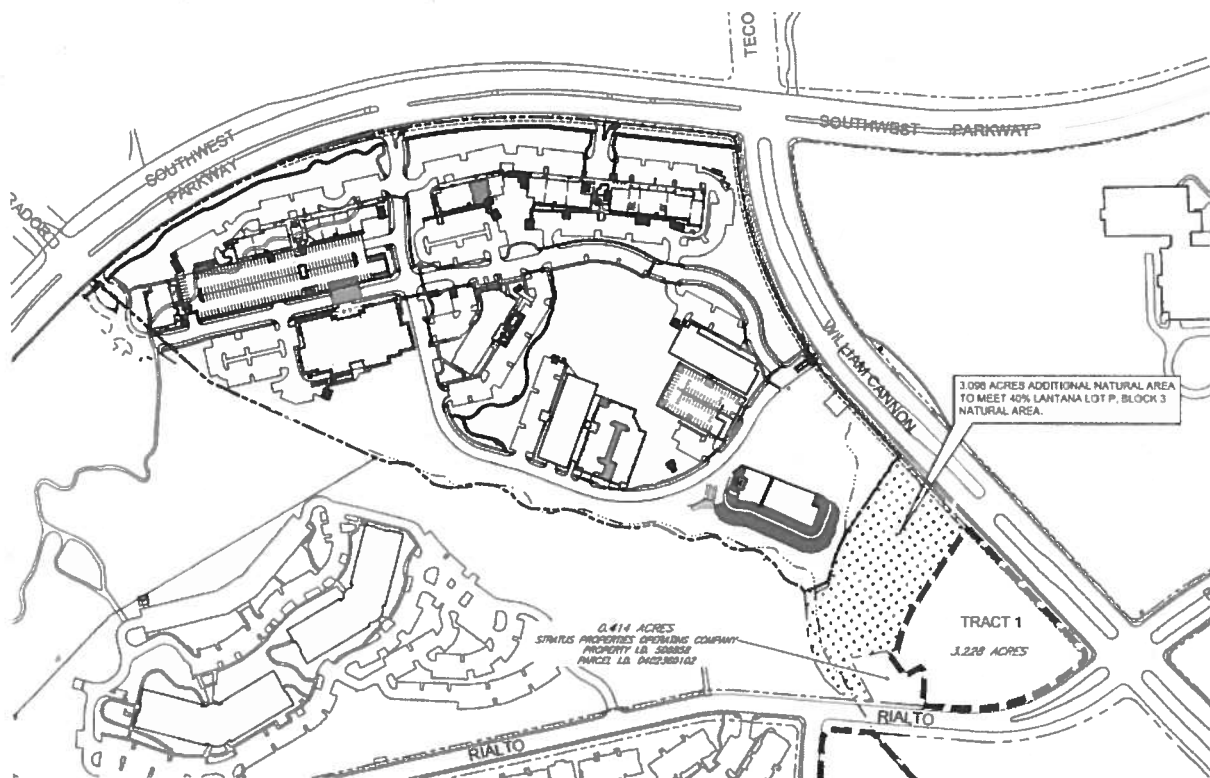
(512) 974-2132

Atha.Phillips@austintexas.gov

6.32 Acres To Be Dedicated to the City of Austin

3.098 acres to remain natural area

3.228 acres for neighborhood park with 10,500 square feet of impervious cover for amenities





February 18, 2020

Melissa Neslund
Development Manager
Stratus Properties
212 Lavaca St, Ste. 300
Austin, TX 78701

Re: Project Consent Agreement & SOS Amendment for 7415 Southwest Parkway

Ms. Neslund,

Thank you very much for continuing to speak with us regarding your proposed project at 7415 Southwest Parkway, which is part of the overall development otherwise known as “Lantana.” As I’m sure you can imagine, given the history of this site and the request for an amendment to the Save Our Springs Initiative Ordinance (“SOS Ordinance”), it has generated quite a bit of conversation at the Save Our Springs (“SOS”). We appreciate that Stratus has continually demonstrated a willingness to engage in dialogue surrounding their projects and their willingness to incorporate community benefits into their projects. This letter is intended to continue that dialogue so that we can help reach a reasonable resolution to allow the project to occur, while still furthering the City of Austin’s and SOS’s missions to improve the overall water quality of the Barton Springs Zone and the Edwards Aquifer.

History and Dialogue re: Lantana Project

To help explain how we got to our current position, we thought it would be helpful to provide some context with a brief description of key facts. As you are aware, the Lantana Letter Agreement arose out of a dispute over vested rights alleged to be applicable to a 1986 preliminary plan. This Letter Agreement (which was never approved by the City Council) has been interpreted by the City to grandfather projects in the area to pre-SOS Ordinance regulations, which has enabled Stratus (and other landowners to which Stratus sold land) to develop much of the land without SOS-water quality ponds and well over the impervious cover limits established to protect water quality. SOS has continually questioned the validity of the Letter Agreement and has advocated for projects within the area to be developed under current environmental regulations.

Last summer, the site plan approved for 7415 Southwest Parkway was set to expire by its own terms. As a result, Stratus requested an extension from the Planning Commission. SOS raised objections to this site plan extension, because we received notice that Stratus intended to change the proposed use of Phase 5 of the site plan from “office” to “multi-family”. A “change of use” such as the one envisioned would typically be an indication that there is a **new project** under normal circumstances for vested rights determinations, and thus, the new project would be subject to **current code**. SOS met with Stratus, and after some conversation about potential improvements that could be made for water quality and reductions in impervious cover, SOS withdrew its objection to the site plan extension.

Because the “change of use” is indeed a new project, Stratus has now requested a **project consent agreement**, which is a tool adopted in the City Code for “determining applicable regulations where the extent of a project’s vested rights are unclear and for incentivizing projects with clearly

established vested rights to achieve greater compliance with current regulations.” In October of last year, SOS met with Stratus again. Stratus explained that it could not make improvements to the water quality pond and that it did not intend to reduce the impervious cover of the multi-family project itself. Because the proposal represented no real positive benefit for the environment, SOS explained that we could not support the proposal but were open to continued dialogue and would not outright oppose it from the start. We also explained that we had many questions regarding the overall status of the Letter Agreement and whether development limitations might apply to land Stratus considered adding to its site plan as mitigation.

Problem: Lack of Tracking of Impervious Cover Entitlements

After looking further into the Lantana Project, SOS raised a problem to Stratus and the City of Austin that neither entity is tracking the ongoing entitlements that have been used pursuant to the Letter Agreement. The Letter Agreement establishes aggregate development entitlements applicable to multiple properties with the subject area, intended to limit the impact of the overall development on water quality. However, unless these entitlements are actively tracked and reviewed, there is no way to know whether the aggregate caps have been exceeded. This is not meant to point fingers; rather, it is highlighting a serious concern that we have raised with several development agreements.

In January 2020, SOS consulted with Susan Scallon, who recently retired from the City of Austin, as its Chapter 245 coordinator, to help look into status of the Lantana Project and assess the extent to which its impervious cover entitlements have been used under the Letter Agreement. Based on Susan’s research and our own legal review of the Letter Agreement, we still have some significant concerns.

Impervious Cover Entitlements – Used up?

The letter between the City of Austin and Stratus, dated July 10, 2001, which is the most recent and controlling document for the Letter Agreement, includes two important aggregated maximums for impervious cover entitlements applicable to the Lantana Project:

“For commercial tracts, the calculated impervious cover shall not exceed forty (40) percent of net site area in the uplands zone, exclusive of adjacent right-of-way impervious cover within the Williamson Creek Watershed.”; and

“For the portion of Lantana Southwest Preliminary Plan (C8-84-102.03) covered by this document, the calculated impervious cover shall not exceed twenty-five (25) percent of net site area in the uplands zone.” (emphasis added)

Stratus has previously argued that these aggregate maximums are inapplicable to the subject property. We disagree. While we acknowledge that the letter is horribly written and should never have been treated as a controlling document for land development regulations, those decisions were made long ago. The subject line of the document and the introductory paragraph make it very clear that the 2001 letter is applicable to the entire Lantana project. It has also been suggested that exclusions provided in the first sentence of item 1 excluded the application of these impervious cover limits to certain sites, but such a reading would be illogical; under such an interpretation, the 40% NSA cap would only apply to a single property. More fundamentally, it is evident by the use of the phrase “covered by this document” (underlined above) that the aggregate impervious cover limit was meant to apply to entirety of the preliminary plan, not just a subset.

The subject property (7415 Southwest Parkway) was subdivided out of the referenced preliminary plan, C8-84-102.03. However, even if the subject property were excluded from analysis, the total amount of impervious cover laid in the area would already exceed the 25% NSA maximum. Below is a table listing the site plans and subdivisions that have been approved from the lots shown on C8-84-102.03 (excluding the entirety of C8-84-102.03.1A, which is the applicable subdivision for the subject property), along with their respective impervious cover entitlements used.

As you will see, the total impervious cover used totals an estimated 57.77 acres out of a possible ~186 acres of net site area. This amount of impervious cover represents, at a minimum, 30.97% net site area made impervious.

Case Number	GSA	NSA	Used	NSA IC%	GSA IC%
SP-00-2484C	13.4	13.4**	5.62	41.94%	41.94%
C8-84-102.03.3A-6A*	142.079	137	47.76	34.86%	33.62%
C8-84-102.03.2A	69.05	21.007	0	0.00%	0.00%
SP-2014-0317	7.416	7	0	0.00%	0.00%
SP-2014-0071C	6.074	6.074**	2.96	48.73%	48.73%
SP-2015-0571C	9.107	8.47	4.15	49.00%	45.57%
SP-2013-0111C	7.33	7	2.9	41.43%	39.56%
	241.056	186.551	57.77	30.97%	23.97%

**A full accounting of net site area transfers is provided on C8-84-102.03.6A. The impervious cover data came from the Watershed Department.*

*** Because two site plans (highlighted in yellow) were inexplicably approved using Gross Site Area calculations and do not detail the total Net Site Area, the more conservative Gross Site Area figure was used. This results in a more generous estimate of the total amount of net site area paved. If Net Site Area calculations were provided for these site plans, the 30.97% figure would be much higher.*

Even without including the subject property included, the impervious cover total exceeds what was allowed by 25% cap within the Letter Agreement by over 11 acres of pavement. If the subdivision for the subject property were included, as well, the overall impervious cover used skyrockets. Each of the site plans approved on land subdivide by C8-84-102.03-1A exceeds 25% NSA: (i) SP-06-0757C uses 25.92% NSA; (ii) SP-00-2416C uses 35.19% NSA; (iii) and SP-2014-0262C uses 54.12% NSA.

We also believe the 40% NSA has been exceeded, as well. However, because the 40% NSA impervious cover cap applies only to the Williamson Creek watershed and some of the applicable site plans were approved under Gross Site Area calculations, not Net Site Area, it is much more difficult for us to provide an accurate assessment of the status the impervious cover used as it relates to that maximum. We would encourage the City of Austin to do a proper impervious cover survey for both impervious cover caps.

Concerns about PCA Proposal

By raising the history of the Letter Agreement and the figures we have regarding the status of the impervious cover entitlements already used, we attempt to highlight our underlying concerns with the proposed Project Consent Agreement and related SOS Ordinance amendment. While we appreciate that Stratus has identified land to mitigate the increase in its impervious cover resulting from the proposed project, we are concerned that the land identified does not actually result in any impervious cover “savings”. Assuming, from our perspective, that the impervious cover aggregate caps apply to this land, the result would simply be shifting permissible impervious cover from one site to another within the applicable area. And, that may be impervious cover that already exceeds what has been agreed to.

Furthermore, even if one ignores our concerns and the impervious cover maximums are inapplicable, the Comprehensive Watersheds Ordinance (CWO) would apply. Under the CWO, multi-family is restricted to 40% NSA, unlike the approved office use, which would have been permitted to use 60% NSA. By our calculations, the shift in use reduces the total allotted impervious cover on the site by approximately 2 acres to 17.66 acres of impervious cover permissible. This is essentially what is proposed by the Project Consent Agreement, and thus results in no “greater compliance with environmental regulations” as required by the PCA code. The City of Austin would gain nothing from the approval of this Project Consent Agreement that would not have already been required.

SOS Recommendation

In the spirit of compromise and to seek a resolution that would benefit both Stratus and water quality, SOS would like to make the following recommendations, and if agreed to by the application, would result in our support for the project:

1. Stratus has offered to dedicate ~3 acres of land (in addition to the 3 acres required for HCRO compliance) as parkland, near the southeastern edge of the development. Because this is land subject to the overall aggregate impervious cover maximums, we do not see an immediate benefit for water quality. Instead, we would propose that an equivalent amount of “net site area” (e.g. 3 acres) be preserved out of Lot 1, Block 1, which is located to the north of the project on Southwest Parkway and is also owned by Stratus. This land is located in the Barton Creek watershed and would be a higher priority (in our perspective) for land conservation. (Or, alternatively, Stratus could agree to develop the entirety of that lot subject to current environmental regulations/SOS Ordinance (e.g., SOS water quality ponds and 20% impervious cover NSA); **AND**
2. Prior to the approval of any more permits approved under the Letter Agreement, an impervious cover survey should be performed by the City of Austin to assess the status of the agreement and any remaining aggregate impervious cover amounts remaining. To the extent the impervious cover entitlements have been exceeded, appropriate mitigation methods should be pursued; **AND**
3. Any development of parkland within the area should be done in accordance with the SOS Ordinance.

Again, we thank you tremendously for the continued dialogue, and we hope that these recommendations might provide a way forward that will allow you to continue to proceed with your

multi-family project. If you have any questions or want to meet in person to discuss further, please do not hesitate to give us a call.

Best regards,

/s/ Bobby Levinski

Bobby Levinski
Attorney,
Save Our Springs Alliance
512-636-7649 (mobile)
bobby@sosalliance.org

CC:

Michael Whellan, Attorney for Stratus

Atha Phillips, Environmental Program Coordinator, City of Austin

Susan Scallon, Environmental Officer, Save Our Springs Alliance

Mark Littlefield, Littlefield Consulting



May 8, 2020

Via Email

Austin City Council
301 W. 2nd Street
Austin, Texas 78701

Subject: Project Consent Agreement for Lantana, Block P, Lot 3
(SP-2014-0262C(XT2). PCA); May 7, 2020 City Council Meeting

Dear Mayor Adler, Mayor Pro-Tem Garza, Council Member Ellis, and Council Members Harper-Madison, Renteria, Casar, Kitchen, Flannigan, Pool, Tovo and Alter:

For several years, Stratus Properties has worked with Oak Hill Association of Neighborhoods (OHAN) on development of the Lantana commercial project at the corner of Southwest Parkway and William Cannon. The project is near completion with the exception of the last phase of development, which was planned to be office structures. Since 2015, Stratus has expressed a desire to add a Mixed-Use Overlay on the property to allow multifamily residential. We appreciate the additional compromises that Stratus has made in response to stakeholder input.

Specifically, Stratus has agreed to the dedication of parkland for the creation of a neighborhood park within the next 6 months, regardless of whether office or multifamily structures are built at the site. The dedication of the 6.32 acres adjacent to the site at William Cannon and Rialto Blvd. would have widespread community support and fulfill a longstanding commitment by the City of Austin. The purpose of a park in this area is to provide the significant number of residential, multi-family and commercial developments - many recently added right near this intersection - with a natural recreation area within a short walk or bike ride.

It has also come to our attention that the Parks and Recreation Department has suggested that the City add additional impervious cover on this 6.32-acre tract for a driveway and parking lot. We believe that this request for additional impervious cover is unnecessary and are concerned that it would increase the volume and velocity of storm water runoff in this extremely flood prone area, just upstream of residential lots already subject to expedited flood buyouts.

Additionally, during the past several years of public input on transportation planning in this area, multiple agencies have either already installed or are in the process of installing trail and sidewalk connectivity, and additional rights-of-way are available and dedicated to providing

access to this area for nearby residents and employees so they can easily access this park without driving or parking low occupancy vehicles at the park itself. There are many commercial and multi-family developments within a short walk of this proposed park, and constructing a parking lot when it is not needed will exacerbate existing impervious-cover related flooding.

Parks and Recreation planners should recognize that this park is intended to serve as a local community amenity to offset the developer's request for the addition of multi-family housing. The park would essentially serve as a neighborhood park to enable the many (i.e. thousands now and many more within the coming 3 to 5 years) residents that are and/or will be within walking distance to relax and enjoy greenery into the future as open space on the Southwest Parkway corridor becomes more scarce.

Stratus has also agreed that the multifamily use on the final phase of the development will achieve a functional equivalency of 25% net site area ("NSA"), which would be the applicable impervious cover limit for new development on this site under the SOS Ordinance. To meet this requirement, Stratus has agreed to dedicate the necessary developable acreage (via conservation easement or other development restrictions) from other portions of the net site area available on adjacent lands within the Lantana area.

We ask Council to approve what Stratus and other community stakeholders have requested: approval of the Project Consent Agreement as proposed by Stratus **with the limitation that the 6.32 acres of parkland be limited to only 10,500 sq. feet of impervious cover**, approve the corresponding rezoning, and approve the modification of the restrictive covenant – all of which would allow for a multi-family development on this site.

Thank you for your support of this parkland dedication, and for including the 10,500 sq. foot limitation on impervious cover mentioned above.

Sincerely,

A handwritten signature in black ink, appearing to be 'Cynthia Wilcox', with a stylized flourish at the end.

Cynthia Wilcox, President
Oak Hill Association of Neighborhoods

cc: OHAN Board of Directors