

ZONING CHANGE REVIEW SHEET

CASE: C814-2018-0121 -- 218 South Lamar

DISTRICT: 5

ZONING FROM: CS-V

TO: PUD

ADDRESS: 218 South Lamar Boulevard Southbound

SITE AREA: 1.260 Acres

PROPERTY OWNER: Michael Pfluger, William Reid Pfluger & the Pfluger Spousal Irrevocable Trust, Reid Pfluger- Trustee

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Heather Chaffin (512-974-2122; heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request for PUD zoning on the property, with the addition of a public restrictive covenant (RC) to attach the Transportation Mitigation Memo (Exhibit G). For a summary of the basis of Staff's recommendation, see pages 4 & 5.

ENVIRONMENTAL COMMISSION RECOMMENDATION:

December 4, 2019: *TO RECOMMEND THE PUD REZONING AS RECOMMENDED BY STAFF (9-1-1). [K. Coyne- 1st, R. Nill- 2nd, P. Thompson- Nay, P. Maceo- Abstained]*

SMALL AREA PLANNING JOINT COMMITTEE RECOMMENDATION:

December 11, 2019: *TO RECOMMEND THE PUD REZONING AS RECOMMENDED BY STAFF (5-1). [J. Thompson- 1st, C. Hempel; D. King- Nay, P. Howard- Absent]*

SAPJC RECOMMENDATION INCLUDES A RECOMMENDATION TO MAXIMIZE AFFORDABILITY FOR LOWER MEDIAN FAMILY INCOME RANGES.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2020:

March 24, 2020: *MEETING CANCELLED*

February 25, 2020: *TO GRANT POSTPONEMENT TO MARCH 24, 2020 AS REQUESTED BY NEIGHBORHOOD, ON CONSENT.*

January 28, 2020: *TO GRANT POSTPONEMENT TO JANUARY 14, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

January 14, 2020: *TO GRANT POSTPONEMENT TO JANUARY 14, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

December 17, 2019: *TO GRANT POSTPONEMENT TO JANUARY 14, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

CITY COUNCIL ACTION:

June 4, 2020:

April 23, 2020: MEETING CANCELLED

March 26, 2020: *TO GRANT POSTPONEMENT TO APRIL 23, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

February 6, 2020: *TO GRANT POSTPONEMENT TO MARCH 26, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

January 23, 2019: *TO GRANT POSTPONEMENT TO FEBRUARY 6, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

ORDINANCE NUMBER:

ISSUES:

A site plan is currently under review for the subject property (City File # SP-2019-0297C). During the review, it was determined that vehicular access to South Lamar would be modified and no longer match the TIA. ATD has reviewed the proposed changes and has prepared an updated TIA memorandum, which is attached to this report. ***Please refer to Exhibit G- Traffic Mitigation Memorandum.***

A petition has been filed in opposition to this rezoning request. The petition includes 17.79% of eligible signatures and does not meet the threshold for a Valid Petition. ***Please refer to Exhibit N- Petition Request.***

CASE MANAGER COMMENTS:

Existing Conditions. The subject property is a 1.260 acre lot at the northwest corner of South Lamar Boulevard Southbound and Toomey Road. The property is zoned CS-V and is currently developed with a Schlotzsky's restaurant. The property is located in the Butler Shores subdistrict of the Waterfront Overlay. Immediately to the north and west of the property are City of Austin Parks and Recreation Department (PARC) park and related facilities including ZACH Theatre facilities, the People's Plaza, and PARC offices. The PARC property is primarily zoned P-Public except for small portions that are zoned CS and CS-1. Across Toomey Road to the south is the Cole Building, a mixed use building with apartments, restaurant, retail, and other pedestrian-oriented land uses. Further south are properties zoned CS and CS-V with a mix of commercial uses including hotel, retail, and more. Southwest of the rezoning tract are properties with a mix of commercial uses including City offices and facilities. East of the subject property, across Lamar Boulevard, are properties zoned CS-1 and CS that are developed with a Bridges on the Park condominiums and a mix of commercial uses including personal services, retail, and more. Northeast of the proposed rezoning tract at the southeast corner of Riverside Drive and South Lamar Boulevard Northbound is 211 South Lamar, also known as Taco PUD. ***Please refer to Exhibits A and B – Zoning Map and Aerial Exhibit.***

The focus of the Applicant's request is to increase the maximum building height from 60' to 96'. Most properties along this stretch of South Lamar Boulevard have CS base zoning like this site, and therefore are limited to 60' of building height. Exceptions include the Topher Theatre and the 211 South Lamar PUD. An ordinance was passed in 2008 (Ord. No. 20080724-82) to create a height exception up to 80' for fly towers associated with a public performing arts theater. In Part 3 of that ordinance, City Council directed the City Manager to not consider the height of a fly tower granted a height exemption under the ordinance as a factor in any recommendation regarding height entitlements for structures in the surrounding area.

In 2013 City Council approved the PUD ordinance for 211 South Lamar (Ord. No. 20131017-052), which approved 96' in height for a residential/mixed use building. In 2019, Council approved an ordinance amending the PUD, but the permitted height remained unchanged (Ord. No. 20191017-079). The amendment at 211 South Lamar was to change to a hotel/mixed use building.

Existing Overlays. As stated above, the property is in the Butler Shores subdistrict of the Waterfront Overlay (WO). The subdistrict establishes design standards and permitted land uses that are more restrictive than the base zoning category. For example, although the property is currently zoned CS-V, at least 50% of the first floor of any development is limited to eleven land uses that are considered pedestrian-oriented. As part of the PUD request, the Applicant states that

the requirements of the WO are the special circumstances that affect the site, since the site is less than 10 acres. ***Please refer to Exhibit C – Waterfront Overlay Regulations.***

The property also currently is subject to the Vertical Mixed Use (V or VMU) overlay. This allows increased development intensity on a site if certain conditions are met, but VMU does not allow increased height.

Transportation. Under City Code, South Lamar Boulevard is designated as a Core Transit Corridor. South Lamar has also been designated as a Level 3 roadway in the Austin Strategic Mobility Plan (ASMP). The ASMP also identifies this area of South Lamar as a Transit Priority Network, Bicycle Priority Network, and Vehicle Priority Network. The Imagine Austin Comprehensive Plan (IACP) identifies this corridor as a Growth Concept Corridor. These designations reflect the role of South Lamar as a major roadway that is anticipated to experience continued growth and establishes prioritized improvements for the corridor.

Draft Land Development Code. The current draft Code Identifies this property with a MU5A Corridor zoning designation. Mixed-Use 5A (MU5A) zone is intended to allow high-intensity multi-unit residential, office, service, retail, and entertainment uses. The Bridges on the Park across Lamar are also designated as MU5A and other properties south between Toomey Road and Barton Springs Road are designated MS3 Main Street Zone district. Main Street 3 (MS3) zone is intended to provide housing and convenient access to services and amenities for nearby residents in a high-intensity urban main street environment with active frontages located in regional centers, or along well-connected corridors served by frequent transit. ***Please refer to Exhibit D- Draft Proposed LDC.***

Proposed Rezoning. The Applicant is requesting PUD zoning to allow redevelopment of the property with an office building with mixed pedestrian-oriented uses on the ground floor. In brief, the Applicant is requesting to:

- Increase the maximum building height from 60' height to 96'; elevator equipment can exceed height by 20% (15% per code)
- Reduce all ground floor building setbacks to 0'. The existing CS base zoning district requires a 10' front and street side yard setback. Different setbacks for building above ground floor to be determined.
- Add administrative/business offices as ground floor pedestrian oriented use; administrative/business office use not to exceed 50% of ground floor uses

The Applicant is proposing the following items to meet Tier 1 and Tier 2 PUD requirements:

- The rooftop deck would be made available by reservation to local non-profits.
- 3-star Green Building
- Street yard landscaping will exceed minimum code requirements by 35%. Landscape area soil depth will exceed minimum code requirements by 6 inches.
- Landscaping will use native/adaptive species as identified by City staff
- Contribute a minimum of \$20,000 (not to exceed \$27,800) toward a planned Capital Metro bus stop upgrade adjacent to the site and \$25,000 toward bike track
- Enhance supplemental zones along Lamar including 7' planting zone, 10' bike track, and 15' landscape /sidewalk zone
- 42 caliper inches of trees
- Adopt an Integrated Pest Management (IPM) plan

- 8,000 square foot public plaza at street level
- Provide onsite Art in Public Spaces- applicant will provide an 1,000 square foot artist gallery free of charge to a local nonprofit. The gallery will be provided adjacent to the plaza space.
- Provide a direct pedestrian connection between this site and the PARD-owned park and related facilities to the north and west
- Exceed bike parking by 120%
- Provide electric vehicle parking spaces in parking garage
- No surface level parking, all subgrade parking
- No onsite residential will be provided; the property owner will pay a fee-in-lieu toward housing in the area at a rate determined by Neighborhood Housing and Conservation Department (NHCD)
- Participate in purple pipe reclaimed water system when available; double piping until then
- Four ADA accessible shower facilities
- Parking on this site will be a community benefit by adding parking for nearby park and theater users. This will not be free or reserved, it will be regular paid parking.

Tables drafted by the Applicant that outline these proposed conditions are attached. ***Please refer to Exhibits E and F- PUD Waterfront Overlay Variances Table and Tier 1 & Tier 2 Compliance Exhibit.***

Transportation Impact. As stated above, South Lamar has also been designated in several Council-adopted planning and regulatory documents as a major roadway that is anticipated to experience continued growth. These plans establish prioritized improvements for the corridor. As part of the rezoning request, the Applicant has prepared a Traffic Impact Analysis (TIA) that has been reviewed by City Staff. Staff has outlined a plan for the Applicant to provide onsite transportation improvements and pay monies toward nearby, off-site improvements. The Applicant has agreed to these conditions of zoning. ***Please refer to Exhibit G- Traffic Mitigation Memorandum.***

Affordable Housing Fee-in-Lieu. The Applicant has agreed to terms approved by NHCD:

- A. Dwelling units equal to not less than 10 percent of the bonus area devoted to a residential rental use shall be leased on an ongoing basis to households earning no more than 60 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area for a period not less than 40 years from the date a final certificate of occupancy is issued for the property. The property owner shall enter into a restrictive covenant with the City of Austin enumerating these requirements as necessary to ensure compliance with this provision.
- B. Dwelling units equal to not less than 5 percent of the bonus area devoted to a residential owner-occupied use shall be sold to income-eligible homebuyers earning no more than 80 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area. Each affordable owner-occupied unit shall be restricted by a fixed equity and resale agreement approved by NHCD for a period not less than 99 years from the date a final certificate of occupancy is issued for the property. If a condominium declaration will be filed for the property, NHCD shall have the right to review and insert provisions related to the affordable units prior to filing.

C. The property owner shall pay a fee-in-lieu of on-site affordable housing to NHCD not less than an amount equal to the planned unit development fee rate current at the time of site plan submittal times the bonus square footage devoted to non-residential use.

D. NHCD shall have the right to establish additional guidelines and processes to ensure compliance with the affordability requirements applicable to the PUD.

A site plan is under City review for construction of a 7-story office building with ground floor commercial uses and other amenities (SP-2019-0279C). Affordable housing fees will be calculated prior to site plan approval. ***Please refer to Exhibit H- NHCD Letter.***

Correspondence. Staff has received correspondence regarding the proposed rezoning. ***Please refer to Exhibit I- Correspondence.***

Other Exhibits. The final Staff Comment Review Report is attached, as well as the proposed Land Use Plan. ***Please refer to Exhibits J and K- Staff Comment Report and PUD Land Use Plan.*** The Carbon Impact Statement prepared by the Applicant is attached but has not yet been evaluated by Staff in the Office of Sustainability. Also attached is the presentation made by Watershed Protection Staff to the Environmental Commission on December 4, 2019. ***Please refer to Exhibits L and M- Carbon Impact Statement and Environmental Commission Presentation.***

STAFF RECOMMENDATION:

Staff supports the requested PUD zoning with the addition of a public RC to attach the Transportation Mitigation Memo. The Applicant has agreed to this condition.

The Butler Shores subdistrict of the Waterfront Overlay was established in the late 1990s. Since then, City Council has placed a high priority on densification of the central city to reduce traffic impacts of the continued growth. In 2013, City Council approved a height increase to 96' for the nearby 211 South Lamar PUD.

As stated above, South Lamar has also been designated in several Council-adopted planning and regulatory documents as a major roadway that is anticipated to experience continued growth. South Lamar Boulevard is designated as a Core Transit Corridor and a Level 3 roadway in the Austin Strategic Mobility Plan (ASMP). The ASMP also identifies this area of South Lamar as a Transit Priority Network, Bicycle Priority Network, and Vehicle Priority Network. The Imagine Austin Comprehensive Plan (IACP) identifies this corridor as a Growth Concept Corridor. These designations reflect the role of South Lamar as a major roadway that is anticipated to experience continued growth and establishes prioritized improvements for the corridor. As part of the rezoning request, the Applicant has agreed to participate in the corridor improvements, and the scale of the proposed development reflects the anticipated growth in the area.

BASIS OF STAFF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Per the Land Development Code, the Planned Unit Development (PUD) zoning district has been established to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals

to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

The proposed PUD offers a development on the subject property that can create a mixed use space that connects South Lamar Boulevard to the Zach Theatre and PARD parkland. The PUD would provide a ground floor plaza adjacent to the park and streetscape improvements along Lamar. The PUD would provide pedestrian-oriented uses on the ground floor, upper story office uses, underground vehicular parking, charging stations for electric vehicles, landscaping with 100% native and adapted plants, rainwater harvesting, and more. In addition, the proposed PUD amendment supports affordable housing initiatives via a fee-in-lieu of onsite dwelling units. The development would contribute onsite and adjacent transportation benefits as well as contribute to offsite improvements. The development would achieve a 3-star rating under the Austin Green Building program, provide additional bike parking for tenants and others.

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

Height increases have been granted to the nearby 211 South Lamar (96'), as well as other properties that are located in other subdistricts of the Waterfront Overlay.

3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

As stated previously, the proposed rezoning is consistent with several policies and plans adopted by Planning Commission and City Council: Core Transit Corridor regulations; the ASMP, which identifies this area as a Transit Priority Network, Bicycle Priority Network, and Vehicle Priority Network. The Imagine Austin Comprehensive Plan (IACP) identifies this corridor as a Growth Concept Corridor.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-V	Limited restaurant
North	P, CS-1	Public park, Performing arts center
South	CS	Multifamily, General restaurant, Personal services, Limited retail, Hotel, etc.
East	CS, CS-1	Condominium residential, Personal services, Limited retail, etc.
West	P, CS	Public park, Performing arts center/support facilities

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (Zilker) – Suspended

AREA STUDY: Town Lake Corridor Study (1985)

WATERFRONT OVERLAY: Butler Shores Subdistrict
(Property is outside of primary and secondary setbacks)

TRANSPORTATION MITIGATION: Required – ***Please refer to Attachment G- Traffic Mitigation Memorandum***

WATERSHED: Lady Bird Lake – Urban

CAPITOL VIEW CORRIDOR: N/A SCENIC ROADWAY: N/A

CORE TRANSIT CORRIDORS: South Lamar Boulevard

SCHOOLS: Zilker Elementary School O. Henry Middle School Austin High School

NEIGHBORHOOD ORGANIZATIONS:

57 – Old Austin Neighborhood Association 107 – Zilker Neighborhood Association
127 – Bouldin Creek Neighborhood Association 498 – South Central Coalition
511 – Austin Neighborhoods Council 742 – Austin Independent School District
943 – Save Our Springs Alliance 1074 – Bouldin Creek Neighborhood Planning Team 1107
– Perry Grid 614 1228 – Sierra Group, Austin Regional Group 1368 –
Bridges on the Park 1363 – SEL Texas
1424 – Preservation Austin 1528 – Bike Austin
1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association 1571 –
Friends of Zilker 1596 – TNR BCP - Travis County Natural Resources
1616 – Neighborhood Empowerment Foundation

AREA CASE HISTORIES:

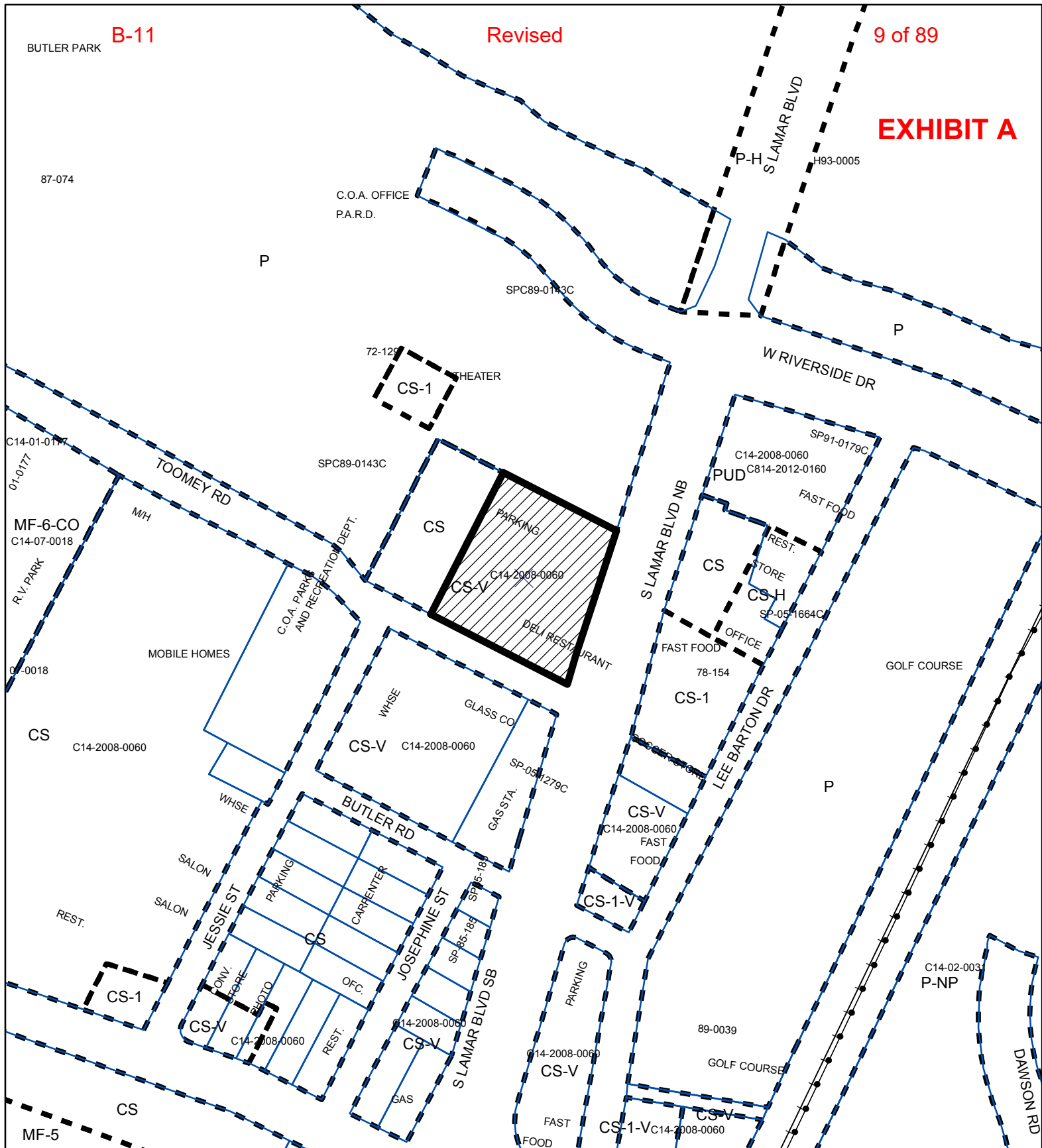
NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-2012-0160.01 211 S. Lamar	PUD to PUD, to amend conditions of zoning	8-27-2019- Apvd with conditions- affordable housing fee-in-lieu	Apvd 10-17-2019
C814-2012-0160 211 S. Lamar	CS & CS-V to PUD	6-11-2013/ Apvd	Apvd 10-17-2013
C14-2008-0060 – Zilker Vertical Mixed Use Building (V) Rezoning Opt-In/Opt Out Process	Rezoning selected tracts with –V on 124 acres	Apvd –V to certain tracts (73 acres) & an affordability level of 60% mfi for 10% of rental units in a VMU bldg	Apvd 10-16-2008

EXISTING STREET CHARACTERISTICS:

Name	ROW	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Lamar Boulevard	120 feet	Arterial / Level 3 (ASMP)	Yes	Yes	Yes
Toomey Road	50 feet	Local collector	Yes	Yes	Yes
Jessie Street	50 feet	Local collector	Yes	Yes	Yes

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map	H. NHCD Letter
B. Aerial Exhibit	I. Correspondence
C. Draft Proposed LDC Exhibit	J. Staff Comment Report
D. Waterfront Overlay Regulations	K. PUD Land Use Plan
E. Waterfront Overlay Variances Table	L. Carbon Impact Statement
F. Tier 1 & Tier 2 Compliance Exhibit	M. Environmental Commission Presentation
G. Traffic Mitigation Memorandum	N. Petition Request



 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

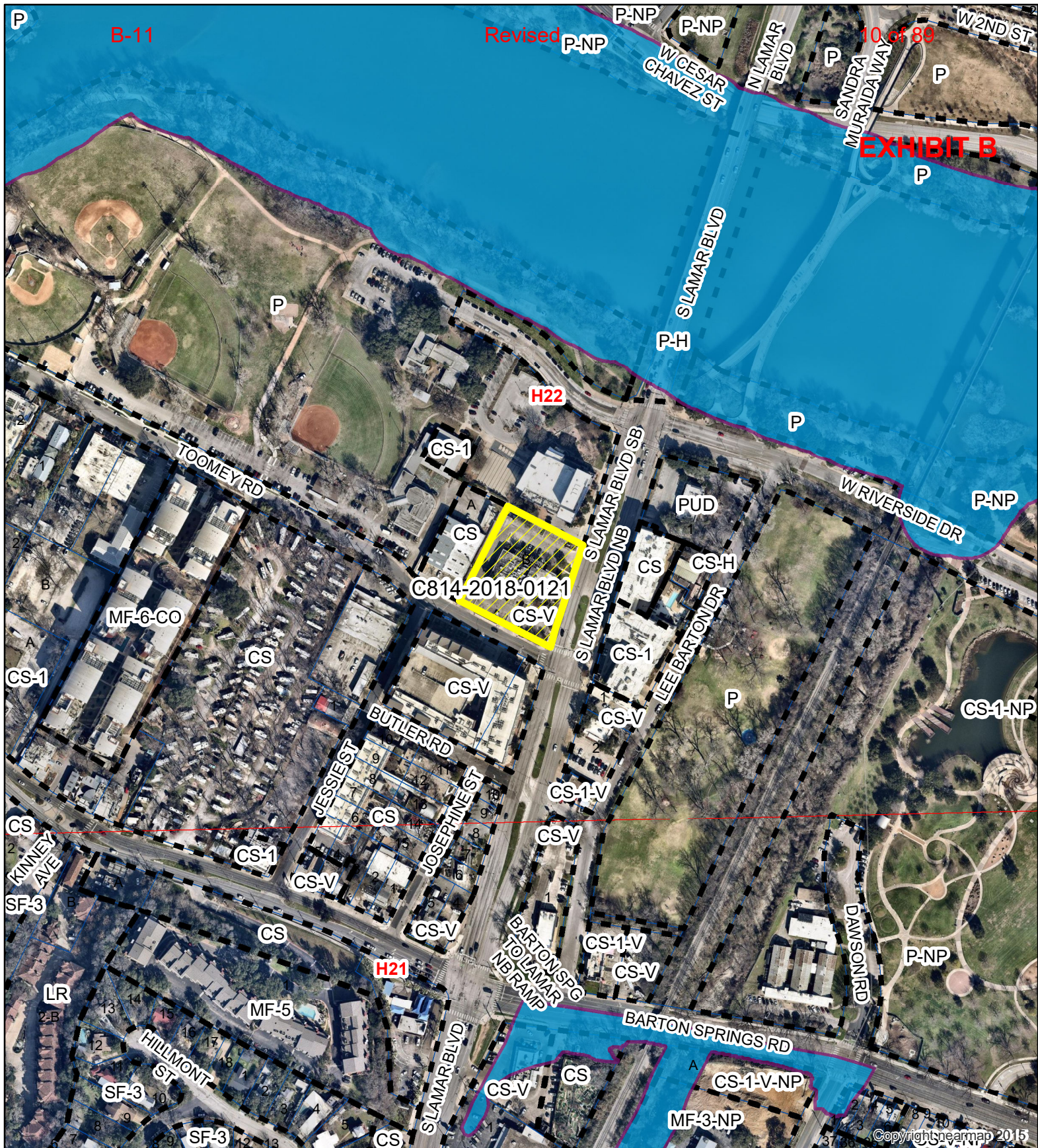
ZONING CASE#: C814-2018-0121

$$1'' = 200'$$

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

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





N



1" = 300'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

218 S. LAMAR

ZONING CASE#: C814-2018-0121

LOCATION: 218 S. LAMAR BLVD

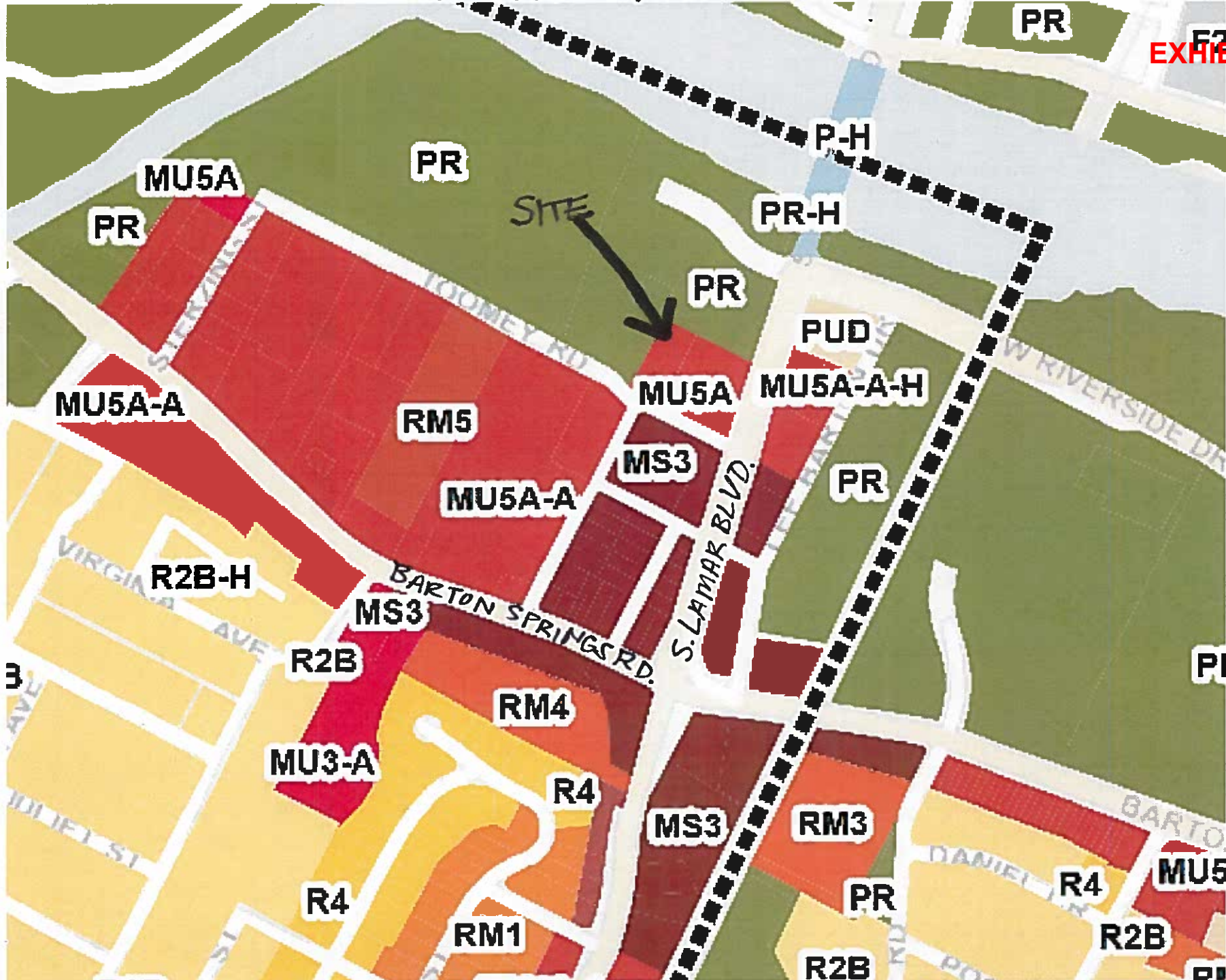
SUBJECT AREA: 1.27 Acres

GRID: H22

MANAGER: Heather Chaffin



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



§ 25-2-691 - WATERFRONT OVERLAY (WO) DISTRICT USES.**EXHIBIT D**

- (A) This section applies to the waterfront overlay (WO) district, except for a community events use.
- (B) A residential use that is permitted in an MF-6 or more restrictive base district is also permitted in an NO or less restrictive base district.
- (C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:
 - (1) art gallery;
 - (2) art workshop;
 - (3) cocktail lounge;
 - (4) consumer convenience services;
 - (5) cultural services;
 - (6) day care services (limited, general, or commercial);
 - (7) food sales;
 - (8) general retail sales (convenience or general);
 - (9) park and recreation services;
 - (10) residential uses;
 - (11) restaurant (limited or general) without drive-in service; and
 - (12) other uses as determined by the Land Use Commission.
- (D) Pedestrian oriented uses in an MF-1 or less restrictive base district:
 - (1) are permitted on the ground floor of a structure; and
 - (2) may be permitted by the Land Use Commission above the ground floor of a structure.
- (E) A determination by the Land Use Commission under Subsection (D)(1) may be appealed to the council. For the City Hall subdistrict, a determination by the Land Use Commission under Subsection (C)(11) may be appealed to council.

Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1.

§ 25-2-733 - BUTLER SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Butler Shores subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 35 feet south of the southern boundary of Toomey Road;
 - (3) 35 feet south of the southern boundary of Barton Springs Road;
 - (4) 35 feet north of the northern boundary of Barton Springs Road; and
 - (5) 100 feet from the Barton Creek centerline.
- (C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.
- (D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.
- (E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building base wall is required, with a maximum height of:
 - (1) 45 feet, if north of Barton Springs Road; or
 - (2) 35 feet, if south of Barton Springs Road.
- (G) That portion of a structure built above the base wall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the base wall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.
- (H) The maximum height is:
 - (1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and
 - (2) for structures located south of Barton Springs Road, the lower of 60 feet or the

maximum height allowed in the base zoning district.

Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

- (b) service station; and
 - (c) local utility service.
- (F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.
 - (1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
 - (2) Use of the area between the primary setback line and the secondary setback line is limited to:
 - (a) cultural services;
 - (b) day care services;
 - (c) park and recreation services;
 - (d) food sales; and
 - (e) restaurant (limited) without drive-in service.
- (H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (I) Use of the Zilker Park subdistrict is limited to park-related structures.
- (J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.
- (K) Cocktail lounge is a conditional use within the Rainey Street subdistrict.

*\$25-2-692-Waterfront
Overlay (WO) Subdistrict
Uses (excerpt)*

Source: Section 13-2-229; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 20130228-076.

**218 S. Lamar PUD / Generational Commercial
PUD Waterfront Overlay Variances Table**

EXHIBIT E

October 9, 2019

Code Section	Requirement	Variance Request
§25-2-691 (C) [Waterfront Overlay (WO) District Uses]	A pedestrian-oriented use is a use that serves the public by providing goods and services including: a) Art gallery b) Art workshop c) Cocktail lounge d) Consumer convenience services e) Cultural services f) Day care services (limited, general or commercial) g) Food sales h) General retail sales (convenience or general) i) Park and recreation services j) Residential uses k) Restaurant (limited or general) without drive-in services l) Other uses as determined by the Land Use Commission.	Add administrative and business offices to the list of pedestrian oriented uses.
§25-2-531 (C)(1) Height Limit Exceptions	A structure described in Subsection (B) may exceed a zoning district height limit by the greater of: 1) 15 percent.	Modification to Section 25-2-531(C)(1) to allow the elevator cab, and improvements necessary for elevator access to the roof deck, to exceed the maximum height of the PUD by twenty percent (20%)
§25-2-492 Site Development Regulations	In the CS base zoning district: Maximum Height: 60 feet Maximum FAR: 2:1 Minimum Setbacks Front Yard: 10 feet Street Side Yard: 10 feet Interior Side Yard: -- Rear Yard: --	In the PUD: Maximum Height: 96 feet Maximum FAR: 3.55:1 Minimum Setbacks Front Yard: 0 feet Street Side Yard: 0 feet Interior Side Yard: 0 feet Rear Yard: 0 feet

Tier I Requirement	Compliance	Superiority	Note #
2.3.1.A. Meet the objectives of the City Code.	Yes.	The project is located within the City of Austin's Desired Development Zone as well as within the Urban Core. The project is situated along South Lamar Boulevard which is designated as a City of Austin Core Transit Corridor and also designated as an Activity Corridor under the City of Austin Imagine Austin Comprehensive Plan. Activity Corridors call for a variety of activities and types of buildings located along the roadways. Specifically, this project will provide an office use along the portion of the South Lamar Corridor between Riverside Drive and Barton Springs Road where there are currently no other office uses, thereby providing a vibrant, needed use to the Corridor.	
2.3.1.B. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	This project will create a high-quality development utilizing innovative design. In addition, the PUD will ensure adequate public facilities for the area. The mixed-use nature of the project is consistent with the pedestrian-oriented concept that is core to the Waterfront Overlay Ordinance and the development that was envisioned as part of Imagine Austin, adding the "work and play" portions to the goal of a "live, work, play" environment along this portion of South Lamar Boulevard.	
2.3.1.C. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that:	Yes.	The PUD will equal or exceed the open space standards by providing open space at grade and by providing a rooftop amenity deck.	PUD Notes: 15, 23, 26

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

1. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and 2. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.			
2.3.1.D. Provide a two-star Austin Energy Green Building Rating.	Yes.	The project will comply with the City of Austin's Green Building Program at a 3-star level.	PUD Note: 5
2.3.1.E. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	The project is not located within an adopted City of Austin neighborhood planning area. Additionally, the project is in compliance with the City of Austin Waterfront Overlay regulations. The project is also consistent with surrounding land use as it is surrounded by Zach Scott Theater on the north and west and the Cole multifamily building to the south. To be consistent with neighborhood characteristics, the project will be Dark Skies compliant.	PUD Note: 9
2.3.1.F. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	The project is not located within an environmentally sensitive area and the property does not contain any critical environmental features, waterway setbacks or significant topography changes. The property is partially located within the Edwards Aquifer Recharge Verification Zone and will provide an Environmental Resource Inventory at the time of the site development permit application. To enhance environmental preservation, the project will provide water quality controls that meet or exceed current Code for a site that is currently	PUD Note: 8

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

		untreated and will be fully compliant with all environmental and tree regulations.	
2.3.1.G. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	Yes.	This project will have a positive impact to the school system by providing an increased tax base without the burden of additional students. Additionally, the project will not necessitate the additional City of Austin infrastructure costs associated with suburban development. The owner will work with City of Austin emergency services, fire and police facilities to determine that there is adequate support for the project during the development process for this proposed PUD.	
2.3.1.H. Exceed the minimum landscaping requirements of the City Code.	Yes.	The PUD will exceed the minimum landscape requirements of the City Code and will utilize native and adaptive species as well as non-invasive plants per the City of Austin Grow Green program.	PUD Notes: 27, 28
2.3.1.I. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.	Yes.	The project is situated within close proximity to two Cap Metro bus routes (including a bus stop on the property), the Bus Rapid Transit lines and operating bike share stations. The site is also less than one-half block from the Pfluger Bridge allowing bicycle and pedestrian access across Lady Bird Lake to Downtown Austin. The owner conducted a full Traffic Impact Analysis to determine the impact of the project on the transportation network. In coordination with the Corridor Program Office, improvements along South Lamar will be constructed, including sidewalks with a 7-foot planting zone with street trees, a 10-foot two-way cycle track, and a 15-foot landscape/sidewalk zone.	PUD Notes: 24, 29, 35

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

		In coordination with Austin Transportation Department (ATD), the project will contribute funds to ATD for bus stop improvements on South Lamar Boulevard in an amount not to exceed \$27,800, and \$25,000 for cycle track improvements along South Lamar.	
2.3.1.J. Prohibit gated roadways	Yes.	No gated roadways will be permitted within the PUD.	PUD Note: 3
2.3.1.K. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	There are no areas within the PUD area that include structures or sites that are of architectural, historical, archaeological or cultural significance.	
2.3.1.L. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	Yes.	The property does not exceed 10 acres of land but is characterized by special circumstances. The PUD is located within the City of Austin Waterfront Overlay area and this site is prescribed for a maximum height of 96 feet per the overlay. At this time, the only way to achieve the additional height contemplated in the Waterfront Overlay is through the PUD process.	

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

Tier I - Additional PUD Requirements for a mixed use development	Compliance	Superiority	Note #
2.3.2.A. Comply with Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	The project will comply with the City of Austin Subchapter E, Commercial Design Standards. In addition, the project will enhance all supplemental zones along Toomey Road and South Lamar Boulevard.	PUD Notes: 20, 33
2.3.2.B. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (<i>Design Standards and Mixed Use</i>), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (<i>Core Transit Corridor Sidewalk and Building Placement</i>).	Yes.	The project will comply with the Core Transit Corridor sidewalk and building placement requirements. Additionally, in coordination with the Corridor Program Office, improvements along South Lamar will be constructed, including sidewalks with a 7-foot planting zone with street trees, a 10-foot two-way cycle track, and a 15-foot landscape/sidewalk zone.	PUD Notes: 29, 35
2.3.2.C. Pay the tenant relocation fee established under 25-1-715 (Tenant Relocation Assistance – Developer Funded) if approval of the PUD would allow multifamily redevelopment that may result in tenant displacement.	N/A	No multifamily residents will be displaced with this PUD project.	N/A
2.3.2.D. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) on the first floor of a multi-story commercial or mixed use building.	Yes.	The project will contain pedestrian-oriented uses on the ground floor.	PUD Note: 30

2.4 Tier II Requirement	Compliance	Superiority	Note #
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Yes.	The open space for the project will meet or exceed the elevated open space standards by providing open space at grade and a rooftop amenity deck.	PUD Notes: 15, 23, 26
2. Environment: a. Comply with current code instead of asserting entitlement to follow older code provisions by application of law or agreement. b. Provide water quality controls superior to those otherwise required by code. c. Use green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code. d. Provide water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size. e. Reduce impervious cover by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the	Yes.	The project will not require any exceptions or modifications of environmental regulations and will develop under current code. The PUD will provide superior water quality controls. The PUD will utilize green water quality controls as described in the Environmental Criteria Manual to treat a minimum of 75% of the water quality volume required by Code. The PUD will provide rainwater harvesting of all rooftops and vertical structures, and also parking surfaces to the extent feasible. Cistern outflow shall be directed towards on-	PUD Notes: 4, 7, 10, 11, 12, 27, 28, 38, 41

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

same watershed by 5% below that allowed by code. f. Provide minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres. g. Provides volumetric flood detention as described in the Drainage Criteria Manual. h. Provide drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit. i. Propose no modifications to the existing 100-year floodplain. j. Use natural channel design techniques as described in the Drainage Criteria Manual. k. Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas. l. Removes existing impervious cover from the Critical Water Quality Zone. m. Preserve all heritage trees; preserve 75% of the caliper inches associated with native protected size trees; and preserve 75% of all the native caliper inches. n. Tree plantings use Central Texas seed stock native with adequate soil volumes. o. Provide at least a 50 percent increase in the minimum waterway and/or critical		site raingardens, landscaping, or otherwise towards the northwest corner of the site. Rainwater cisterns shall be designed not only for water quality treatment per the Environmental Criteria Manual, but also shall be oversized for stormwater detention per the Drainage Criteria Manual unless another method for stormwater detention is approved by the Watershed Protection Department. The detention component is required since flow patterns on the site are to be modified so that all runoff from the raingarden cisterns is directed to the northwest corner. All required tree plantings shall utilize native tree species selected from Appendix F of the Environmental Criteria Manual (Descriptive Categories of Tree Species) and utilize Central Texas native seed stock. The PUD will meet or exceed the landscape requirements of Subchapter E by providing a diverse mixture of landscaping and utilizing drought-resistant and non-toxic plants. 100% of all non-turf plant materials shall be selected the Environmental Criteria Manual Appendix N (City of Austin Preferred Plant List) of the "Grow Green Native and Adaptive Landscape Plants Guide."	
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218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

environmental feature setbacks required by code. p. Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. q. Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas. r. Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use s. Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas. t. Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area. u. Employs other creative or innovative measures to provide environmental protection.		An integrated pest-management plan will be provided. As part of the PUD, the project will prohibit uses that may contribute to air or water quality pollutants. The PUD will be internally piped to connect to future expansion of the City of Austin reclaimed water purple pipe system.	
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	Yes.	The project will meet the Austin Energy Green Builder program at a 3-star level.	PUD Note: 5

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The project shall provide an art piece approved by the Art in Public Places Program in a prominent location, either by providing the art directly or by making a contribution to the City of Austin's Art in Public Place's Program. Said art piece may be incorporated into additional aspects of the project including the bus stop or other public use.	PUD Note: 6
5. Great Streets – Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	The project is subject to, and will comply with, the requirements of Subchapter E as modified. Additionally, in coordination with the Corridor Program Office, improvements along South Lamar will be constructed, including sidewalks with a 7-foot planting zone with street trees, a 10-foot two-way cycle track, and a 15-foot landscape/sidewalk zone.	PUD Notes: 20, 29, 33
6. Community Amenities: a. Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	This area has been identified as a parking deficient area for the both the adjacent civic uses as well as the City parkland. This project will provide underground structured parking that will be available for use by the public outside of business hours and on weekends. Additionally, a direct connection between the proposed parking and the adjacent civic use will be provided. The PUD incorporates an 8,000 square foot public plaza at the northwest corner that will provide a connection to the Zach Theater plaza.	PUD Note: 14, 26, 40

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

		The PUD is providing a 1,000 square foot artist gallery free of charge to a local nonprofit adjacent to the plaza space.	
b. Provides publicly accessible multiuse trail and greenway along creek or waterway.	N/A		
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	In coordination with the Corridor Program Office, improvements along South Lamar will be constructed, including sidewalks with a 7-foot planting zone with street trees, a 10-foot two-way cycle track, and a 15-foot landscape/sidewalk zone. Bicycle facilities along Toomey Road and South Lamar will be reviewed at the time of site plan and construction shall be required in accordance with the Bicycle Master Plan. The project will also provide bicycle parking at a level equal to or exceeding (1) 120% of code-required bicycle parking spaces, or (2) 10 bicycle parking spaces for use by office tenants and commercial patrons. The PUD will also provide two dedicated spaces for electric vehicle charging within the parking garage.	PUD Notes: 17, 18, 34, 36

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

		Loading and trash collection facilities for the PUD shall be located on-site. Maneuvering for loading and trash facilities shall also be located on-site. Public right-of-way shall not be used for maneuvering.	
8. Building Design – Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	Subchapter E requires that every project achieve at least one point from the table in 3.3.2 of the City Code. The project will exceed the minimum points by achieving a minimum of six (6) points.	PUD Note: 21
9. Parking Structure Frontage – In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.	Yes	The project will not have above ground structure parking visible at the ground level. All parking for the project will be subgrade.	PUD Note: 13
10. Affordable Housing – Provides for affordable housing or participation in programs to achieve affordable housing.	Yes.	The project will not contain a residential component but will participate in Section 2.5.6 of the PUD program by donating a fee-in-lieu for each square foot of climate-controlled space within the PUD above the CS baseline to a Housing Assistance Fund to be used for producing or financing affordable housing, as determined by the Director of Neighborhood Housing and Community Development Department.	PUD Note: 22

218 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Updated May 6, 2020

11. Historic Preservation – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	N/A	There are no historic structures or landmarks on the property.	N/A
12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Yes.	The project will provide accessibility for persons with disabilities at a degree that exceeds applicable legal regulations in that it will include ADA-accessible shower facilities for tenants of the building.	PUD Notes: 25, 31
13. Local Small Business – Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Yes.	The project will provide much needed parking for employees and storage space for use by the Zach Scott Theater.	



MEMORANDUM

Date: January 31, 2020
To: Heather Chaffin, Case Manager
CC: Dan Hennessey, P.E.
 Curtis Beatty, P.E.
 Amber Mitchell
 Joan Jenkins, EIT
Reference: 218 S Lamar Blvd (PUD) – TIA Final Memo
 C814-2018-0121

Traffic Impact Analysis:

The Austin Transportation Department has reviewed the January 30, 2019 (received February 12, 2019) “218 South Lamar Development Transportation Impact Study PUD Traffic Impact Analysis”, prepared by Big Red Dog. The proposed land use consists of 189,881 square feet of office space and 5,000 square feet of high-turnover restaurant space. The development will be located near the northwest corner of South Lamar Boulevard and Toomey Road intersection, in southwest Austin. The development is anticipated to be completed by 2020.

The following is a summary of review findings and recommendations:

Trip Generation:

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 2,685 adjusted average daily vehicles trips (ADT) upon build out. Table 1 shows the trip generation by land uses for the proposed development.

Table 1: Adjusted Trip Generation						
Proposed Land Use	Size	24-Hour Two Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
General Office (710)	189,881 SF	2,208	176	26	41	145
Hight Turnover Restaurant (932)	5,000 SF	477	23	19	26	16
Total		2,685	199	45	67	161

Assumptions:

1. Transit and Active trip reductions of 15%
2. Based on TxDOT AADT volume data, a four (4) percent annual growth rate was assumed to account for the increase in background traffic.
3. Considerations were made for the following projects in the analysis:
 - a. The Carpenter (SP-2016-0073C)
 - b. Dougherty Arts Center (TBD)

Significant Results:

The proposed site causes minimal impact to the existing vehicle operations. One area to highlight is the eastbound approach at Toomey Road and South Lamar Boulevard where the vehicle queue is expected to extend past the proposed driveway location. This is due to a combination of existing traffic, which currently experiences queueing issues, and the additional site traffic. However, it is expected that most of the queueing related to site traffic would occur primarily within the site parking garage. The vehicles queueing in the garage would be allowed to exit when the light at Toomey Road/South Lamar Boulevard turned green.

Improvements have been identified to account for pedestrians and bikes. Sidewalk gaps and pedestrian crosswalks on Toomey Road have been identified. Additionally, contribution will be made to the south Lamar Bond corridor improvements, which include sidewalk and bike lane improvements.

There is an existing transit stop at the northwest corner of Toomey Road and South Lamar Boulevard. The bus stop has been identified to be relocated to the south side of Toomey Road to better address CapMetro's safety and operation concerns.

Staff Recommendations:

1. The Applicant shall design and construct 100% of the following improvements as part of their first site development application. Note: Cost estimates **should not** be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.
 - a. Sidewalk (450 feet by 5 feet) on the south side of Toomey Rd. from Barton Place Trail to Jessie Street.; installation of curb ramps across Jessie Street on the south side of Toomey; and crosswalk striping across Jessie Street and Toomey Rd.
 - b. Designated dock-less vehicle parking area at the northwest corner of the Barton Pl. Trail Crosswalk and Toomey Rd.
2. Fee in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2, totaling \$255,000.00, before third reading.

Table 2: Recommended Improvements				
Intersection	Improvement	Cost	Pro-Rata Share %	Pro-Rata Share \$
North Lamar Blvd. & West 6th Street	Signal Retiming	\$6,250.00	100.0%	\$6,250.00
North Lamar Blvd. & West 5th Street	Signal Retiming	\$6,250.00	100.0%	\$6,250.00
West Cesar Chavez Street & B.R. Reynolds Drive	Signal Retiming	\$5,000.00	100.0%	\$5,000.00
West Cesar Chavez Street & Sandra Muraida Way	Signal Retiming	\$5,000.00	100.00%	\$5,000.00
South Lamar Blvd & West Riverside Drive	South Lamar Blvd Corridor Improvements Program Intersection Improvements	\$2,416,667.00	5.3%	\$128,250.00
	Fish Eye Cameras	\$20,000.00	100.0%	\$20,000.00
South Lamar Blvd & Barton Springs Road	South Lamar Blvd Corridor Improvements Program Intersection Improvements	\$2,166,667.00	1.3%	\$29,100.00
	Fish Eye Cameras	\$20,000.00	100%	\$20,000.00
	Southbound left-turn bay	\$250,000.00	2.9%	\$7,350.00
South Lamar Blvd & Toomey Road	Bus Stop Relocation	\$27,800.00	100.0%	\$27,800.00
Total		\$4,923,634.00		\$255,000.00

3. Two copies of the final TIA are required to be provided.
4. Development of this property should not vary from the approved uses or deviate from the approved intensities and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, driveway locations, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
5. City of Austin reserves the right to reassign any or all the above monies to one or more of the identified improvements in the TIA.
6. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of this memo, after which a revised TIA or addendum may be required.

If you have any questions or require additional information, please contact me at 512-974-1449.



Justin Good, P.E.
Austin Transportation Department

EXHIBIT A**INVOICE****TRANSPORTATION MITIGATION FEE IN-LIEU**

DATE: January 31, 2020
TO: Dan Hennessey, P.E. (WGI)
CC: Alyssa Gutierrez (ATD Cashier)
901 S. Mopac Expressway, Bldg 5, Suite 300, Austin TX 78746
FROM: Justin Good, P.E. Austin Transportation Department
AMANDA CASE#: C814-2018-0121 (218 South Lamar)
FDU: **8401-2507-1103-4163**

As a condition of approval for the zoning application, the applicant shall post a transportation mitigation fee with the City of Austin in the amount of **\$255,000** as listed in the TIA Final Memo in accordance with LDC. If you have any questions, please contact me at (512) 974-1449.

Office Use only:

Check:

Received by:



P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

November 25, 2019

Affordability Certification

218 S. Lamar Planned Unit Development
C814-2018-0121

TO WHOM IT MAY CONCERN:

Michael & William Pflueger represented by Drenner Group (aswor@drennergroupp.com; 512-807-2904) has applied to rezone the property located at 218 South Lamar Boulevard Austin, Texas 78704 to the Planned Unit Development zoning district. The site development regulations requested as part of the zoning case trigger a Planned Unit Development Development Bonus pursuant to Chapter 25-2, Division 5, Section 2.5.2.

The property owner for a site plan filed on the above referenced property shall be required to provide:

1. Not less than 10 percent of the bonus floor area dedicated to a rental residential use as dwelling units affordable to households earning not more than 60 percent of the area median family income leased on an ongoing basis for a period not less than 40 years;
2. Not less than 5 percent of the bonus floor area dedicated to an owner-occupied residential use as dwelling units sold to households earning not more than 80 percent of the area median family income, and restricted for a period not less than 99 years from the date of sale; and
3. A fee to NHCD not less than the Planned Unit Development Fee Rate current at the time of site plan submittal multiplied by the bonus floor area dedicated to a non-residential use.

Regards,

Travis D. Perlman | Senior Planner
Neighborhood Housing and Community Development
travis.perlman@austintexas.gov | (512) 974-3156

EXHIBIT I**Zilker Neighborhood Association opposition to the "Schlotzsky's PUD" at 218 S. Lamar Blvd.**

August 8, 2018

The Executive Committee of the Zilker Neighborhood Association voted unanimously to support the Waterfront Overlay and to oppose the construction of a high-rise near the banks of the Colorado River at 218 South Lamar Blvd. In general, ZNA objects to the creation of a PUD on this site because:

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high office building near the south end of the Lamar Bridge and the Pfluger Pedestrian Bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this 1.26 acre site. In addition, any mixed use project going into this area should have a residential component, as defined by the VMU ordinance. (This PUD is an office building.)
- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs the parcel in this case. The parcel, fronting on S. Lamar with proximity to the waterfront and its adjacent public green spaces, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD and its variances rejects the VMU options.
- Finally, the objective of the PUD ordinance is to develop at least 10 acres and "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior to nearby projects.

Dave Piper

President, Zilker Neighborhood Association

PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

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

Case Number: C814-2018-0121

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jan 14, 2020, Planning Commission

Jan 23, 2020, City Council

ROB PARSONS

Your Name (please print)

☒ I am in favor
☐ I object

FRIENDS OF ZILKER NEIGHBORHOOD ASSOCIATION

Your address(es) affected by this application

[Signature]

Signature

1/6/20

Date

Daytime Telephone: 512-565-2321

Comments: PER A VOTE FROM THE NEIGHBORHOOD ASSOCIATION, ENBWG
ON 11/14/19, THE FRIENDS OF ZILKER VOTED TO SUPPORT THE PUD
AS PROPOSED.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Chaffin, Heather

Subject: FW: Case Number C814-2018-0121

From: Alan Lampert
Sent: Monday, October 29, 2018 3:35 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Case Number C814-2018-0121

Heather,

We received Notice of Filing of Application For Rezoning for the above case number. Can you please help explain the request, why the application was accepted by The City, Staff's recommendation, and City Planning and/or Council's tendency toward this type of application? If a call would be better than email, my cell number is listed below.

We do not understand how rezoning to PUD could be considered for or could be compatible with this or surrounding properties. The site is less than the minimum 10 acres, the site does not consist of multiple properties where The Community would benefit from the City's help consolidating, and the current zoning already provides for unified development control. On the surface, this application appears to be an Owner attempt to circumvent the current zoning and land use plan by seeking what amounts to an illegal spot zoning request.

Alan Lampert
210 Lee Barton Drive
512.550.9987

Chaffin, Heather

Subject: FW: BartonPlace HOA opposition to 218 South Lamar PUD

From: Kristin McCollam >

Sent: Tuesday, April 9, 2019 3:54 PM

To: 'Heather.Chaffin@austintexas.gov' <Heather.Chaffin@austintexas.gov>

Cc: 'Terrell E. Burnett' <'Bob Clark' <'Glenn Neal' >; 'kristin mccollam

Subject: BartonPlace HOA opposition to 218 South Lamar PUD

Dear Ms. Chaffin,

My name is Kristin McCollam and I'm the President of the BartonPlace Home Owners Association. I'm reaching out on behalf of the residents located at 1600 Barton Springs Road / 1600 Toomey Road. I'm writing to voice our opposition to the PUD request associated with the proposed office tower at 218 S. Lamar. Specifically, we are opposed to:

- granting any height variances that exceed the 60 foot height limit of the Waterfront Overlay Ordinance
- granting an exception to build an office tower at the expense of COAs objective to provide more housing choices
- continued use of the PUD process by developers to circumvent city ordinances and zoning guidelines
- accelerating any displacement of existing businesses on Barton Springs Road
- inconsistent application of city ordinances/plans. If the COA uses the Town Lake Comprehensive Plan that shows Butler Shores envisioned as "cultural park" to support the relocation of the Dougherty Arts Center, then the COA should maintain that position and abide by the Waterfront Overlay Ordinance for any development in the vicinity.

Also, given the proximity and direct impact to BartonPlace residents, I want to express our disappointment that the COA did not provide BartonPlace residents with the notice of the public rezoning hearing for 218 S. Lamar. I am not familiar with the zoning notice requirements but considering BartonPlace has 500+ residents living 600 feet away (vs the public notice distance of 500 feet), one would think some consideration should be provided.

Lastly, it's my understanding that the Planning Commission review of the PUD request for 218 S. Lamar moved from March 26th to May 14th. Can you help me understand how we can share our communities views during that meeting? Also, can you advise me on the process between the Planning Commission meeting and the City Council vote? What meetings are planned, when are they and what are the opportunities for us to represent BartonPlace home owners views during those meetings?

Thank you very much for your time and consideration,

Kristin McCollam
BartonPlace Condominiums, Board of Directors
1600 Barton Springs Road
Austin, TX 78704
512-826-2657

CC: BartonPlace HOA Board of Directors – Terry Burnett, Glenn Neal, Bob Clark

Chaffin, Heather

Subject: FW: The fallacy of single-building PUDs
Attachments: ZNA letter-218 S Lamar Schlotzsky's PUD.PDF

From: Lorraine Atherton
Sent: Tuesday, August 13, 2019 11:31 AM
To: Shieh, James - BC <bc-James.Shieh@austintexas.gov>; King, David - BC <BC-David.King@austintexas.gov>; Aguirre, Ana - BC <BC-Ana.Aguirre@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Goff, Eric - BC <bc-Eric.Goff@austintexas.gov>
Cc: David Piper; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Rusthoven, Jerry <Jerry.Rusthoven@austintexas.gov>
Subject: The fallacy of single-building PUDs

Re: Citizens Communication, August 14 meeting of the Small-Area Joint Planning Commission

Dear Commissioners,

The attached letter was sent to Council Member Ann Kitchen and to some of you almost exactly one year ago (August 7, 2018). Members of the Zilker Neighborhood Association have been waiting to express our opposition to the PUD at 218 S Lamar ever since then, but the case has been repeatedly postponed, as it was again this month. The overwhelming issue in this case (point 3 in the attached letter) is that there is no justification for its exemption from the 10-acre minimum for a PUD.

The Small-Area Joint Planning Committee is being asked to rezone the Butler Shores subdistrict of the Waterfront Overlay one acre and one building at a time, each acre isolated from the one next door or across the street, and in isolation from the Parks department's major plans to move the Dougherty Arts Center from one side of the subdistrict to the center of the subdistrict. This violates the letter and the intent of the PUD regulations, the Waterfront Overlay, and the charge of the joint committee, not to mention all underlying principles of urban planning. Requiring development review staff to spend more than a year in review of a case that does not meet the minimum requirements for consideration amounts to an abuse of the system and a monumental waste of valuable staff resources.

The ZNA zoning committee urges the Small-Area joint committee to refuse to consider any PUDs of less than 10 acres and to inform the City Manager and City Council that you cannot recommend any PUDs of less than 10 acres, especially within a Waterfront Overlay subdistrict that is already subject to superior design standards.

Thank you for your service,

Lorraine Atherton,
For the ZNA zoning committee
(2009 Arpdale, 78704, District 5)

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

Case Number: C814-2018-0121

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Mar 26, 2019, Planning Commission

May 23, 2019, City Council

Herschel Vaughn + Cate Dobson (wife)

Your Name (please print)

☒ I am in favor
☐ I object

210 Led Barton Drive #503

Your address(es) affected by this application

3/18/19

Date

Signature

Daytime Telephone: 303-378-0044

Comments:

I understand it will be a high end hotel + condos and should be an interesting, valuable asset on this conspicuous corner.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Chaffin, Heather

Subject: FW: Opposition - Case #C814-2018-0121

From: Crossland Ryan
Sent: Monday, April 22, 2019 9:50 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc:
Subject: Opposition - Case #C814-2018-0121

Dear Heather,

As per a 'Notice of Public Hearing for Re-zoning' in relation to 218 S. Lamar Blvd (Case # C814-2018-0121), I would like to register my firm opposition to the proposed amendments.

The proposed zoning change:

- Would increase traffic and density in an already highly congested area
- Is not sensitive to the immediately adjacent parks and green space and river
- Will create a 'canyon' effect on S. Lamar, adding to the destruction of its unique character
- Will largely benefit the developer, rather than the community at large

I strongly urge the City Council and those involved to enforce the existing zoning arrangements (including height limitations) and work towards a use for this property which is pro-economic development but also respects the community and is the best use possible for a piece of land in such a highly important area.

Many thanks for your consideration on this matter.

Best,

Ryan Crossland

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Chaffin, Heather

Subject: FW: BartonPlace HOA opposition (updated) to 218 South Lamar PUD CASE: C814-2018-0121

From: Kristin McCollam

Sent: Tuesday, December 03, 2019 5:20 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Cc: 'Glenn Neal' 'Terrell E. Burnett' >; 'Bob Clark' 'Kristin McCollam' [REDACTED]

Subject: BartonPlace HOA opposition (updated) to 218 South Lamar PUD CASE: C814-2018-0121***

Dear Ms. Chaffin,

My name is Kristin McCollam and I'm the President of the BartonPlace Home Owners Association. I'm reaching out on behalf of the residents located at 1600 Barton Springs Road / 1600 Toomey Road. I'm writing to voice our opposition to the PUD request associated with the proposed office tower at 218 S. Lamar. Specifically, we are opposed to:

- granting any height variances that exceed the 60 foot height limit of the Waterfront Overlay Ordinance
- increasing the traffic on Toomey Road which is already unsafe given constant deliveries, moving vans, pedestrians, etc.
- increasing congestion at Toomey Road and S. Lamar. This area already backs up on Toomey Road past Zach Theater!
- accelerating any displacement of existing businesses on Barton Springs Road
- continued use of the PUD process by developers to circumvent city ordinances and zoning guidelines
- inconsistent application of city ordinances/plans. If the COA uses the Town Lake Comprehensive Plan that shows Butler Shores as "cultural park" to support the relocation of the Dougherty Arts Center, then the COA should maintain that application and align with the Waterfront Overlay Ordinance for any development in the vicinity.

Butler Shores is the gateway to Zilker Park and a major artery through the city! It's imperative to have a comprehensive strategy for the area that includes traffic, parking and development!

We ask that you vote NO on the supersized office tower at 218 S. Lamar.

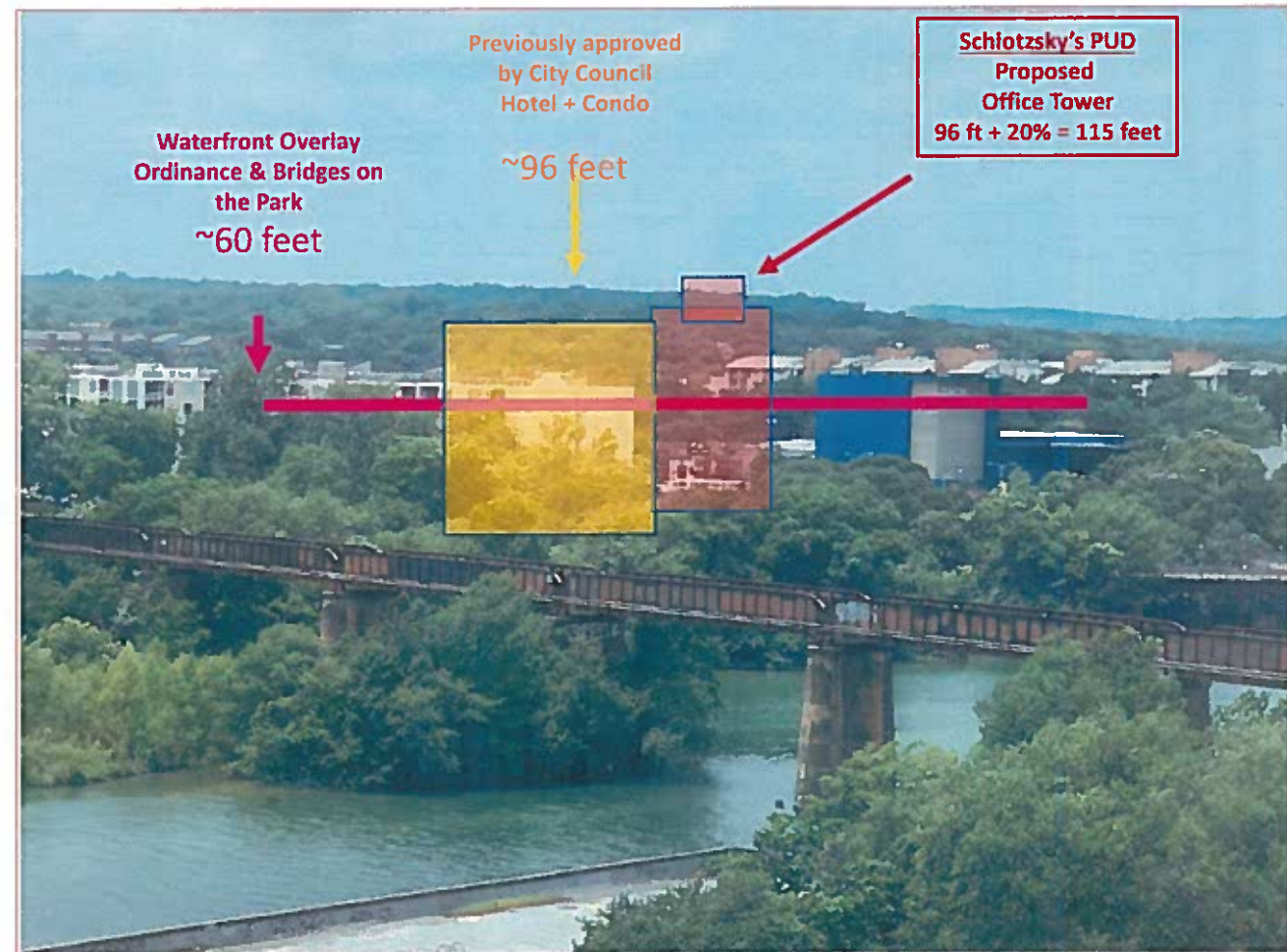
Thank you very much for your time and consideration,

Kristin McCollam
BartonPlace Condominiums, Board of Directors
1600 Barton Springs Road
Austin, TX 78704
512-826-2657

Opposition to Schlotzsky's PUD

June 25, 2019

Attempt to provide visual comparison from Austin Public Library



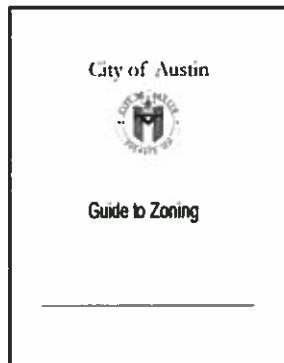
Waterfront Overlay Ordinance

The City of Austin created the Waterfront Overlay Ordinance “In an effort to preserve Lady Bird Lake for all citizens to enjoy, the Waterfront Overlay Ordinance was created to promote balance between nearby urban development and the parkland and shoreline of Lady Bird Lake and the Colorado River”.

This ordinance includes our neighborhood, Butler Shores.

Schlotzsky's base zoning is CS-V; the maximum height allowed is 60 feet.

CS-V Zoning



Zoning Guide

Commercial Districts

September 2016

CS

General Commercial Services

General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

Site Development Standards

Lot

Minimum Lot Size	5,750 sq ft
Minimum Lot Width	50 ft
Maximum Building Coverage	95%
Maximum Impervious Cover	95%

Massing

Maximum Height	60 ft
Minimum Setbacks	
Front yard	10
Street side yard	10

-V

Vertical Mixed Use Building Combining District

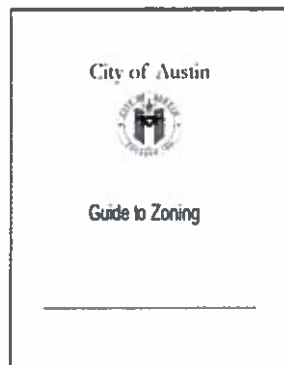
The Vertical Mixed Use Building combining district may be applied in combination with any commercial base zoning district and allows for the combination of office, retail, commercial and residential uses with a vertical mixed use building.

§ 25-2-733 - BUTLER SHORES SUBDISTRICT REGULATIONS.

(H) The maximum height is:

- (1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and
- (2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district.

PUD Zoning



PUD
Planned Unit Development

Planned Unit Development district is intended for a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control. The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD. A PUD district designation provides greater design flexibility by permitting modifications of site development regulations. Development under the site development regulations applicable to a PUD must be superior to the development that would occur under conventional zoning and subdivision regulations. A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

The Land Use Plan establishing uses and site development regulations must be approved by City Council.

Minimum Site Areas: Inside City - 10 acres recommended.
Outside City - 250 acres required.

Zilker Neighborhood Association Opposition Letter

- Opposition to Schlotzsky's PUD – August 8, 2018
 - WFO preserves views and public open space along river
 - Mixed use project should have residential component per VMU ordinance
 - Opted into VMU with dimensional standards, affordability, and 60% parking reduction
 - PUD ordinance is to develop at least 10 acres and result in development "superior" to conventional zoning

Zilker Neighborhood Association opposition to the "Schlotzsky's PUD" at 218 S. Lamar Blvd.

August 8, 2018

The Executive Committee of the Zilker Neighborhood Association voted unanimously to support the Waterfront Overlay and to oppose the construction of a high-rise near the banks of the Colorado River at 218 South Lamar Blvd. In general, ZNA objects to the creation of a PUD on this site because:

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high office building near the south end of the Lamar Bridge and the Pfluger Pedestrian Bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this 1.26 acre site. In addition, any mixed use project going into this area should have a residential component, as defined by the VMU ordinance. (This PUD is an office building.)
- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs the parcel in this case. The parcel, fronting on S. Lamar with proximity to the waterfront and its adjacent public green spaces, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD and its variances rejects the VMU options.
- Finally, the objective of the PUD ordinance is to develop at least 10 acres and "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior to nearby projects.

Dave Piper

President, Zilker Neighborhood Association

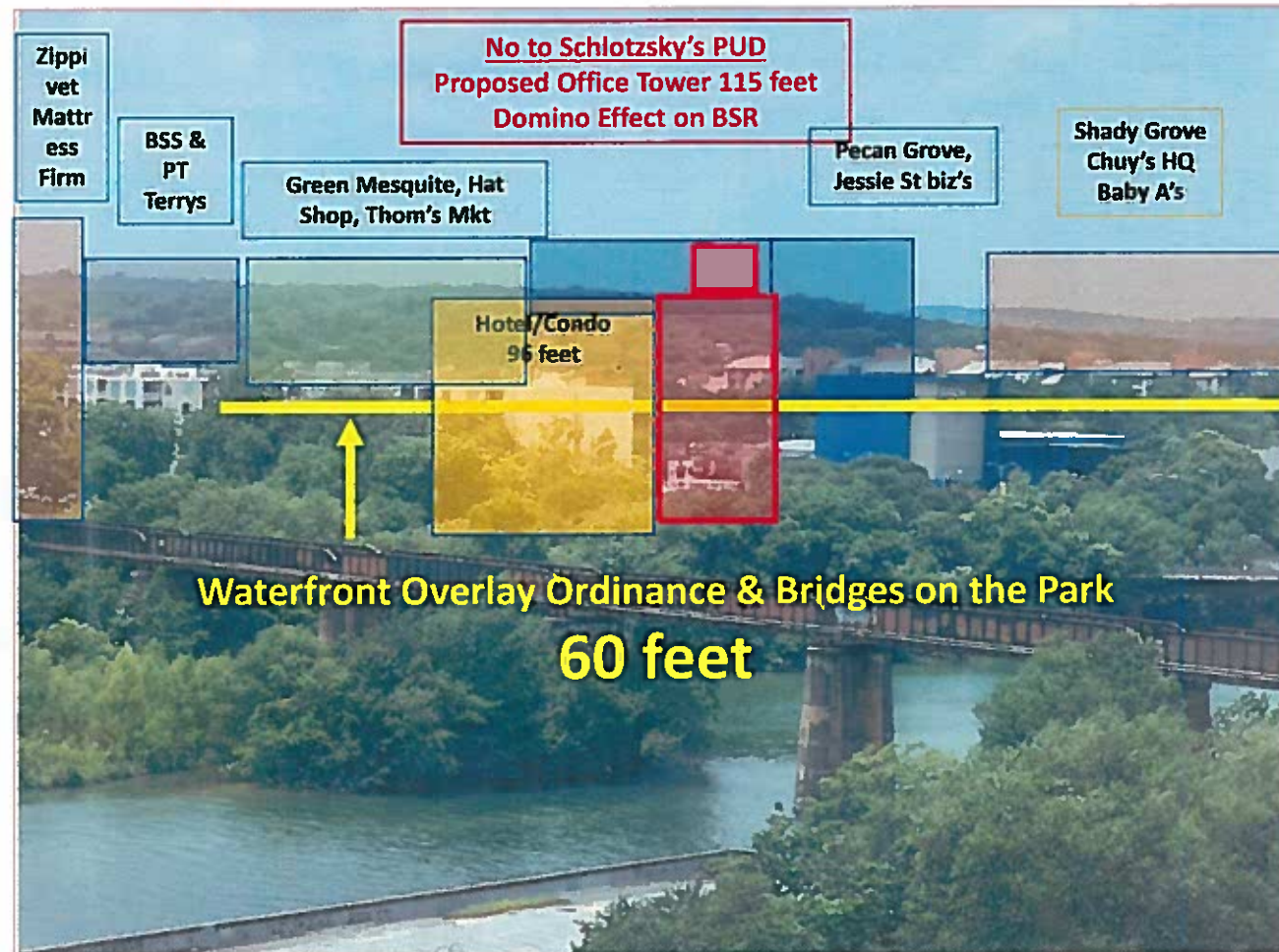
BartonPlace Homeowners opposition to Schlotzsky's PUD

- Multi-family community of >500 residents with entry on Toomey road
- Community poll → Overwhelming opposition to proposed zoning changes
- Opposition points
 - No to an oversized office tower that exceeds the 60 ft height limit of the Waterfront Overlay Ordinance
 - No to increased traffic on Toomey Rd
 - It's already unsafe with constant deliveries, moving vans, pedestrians, scooters, bikes, etc.
 - No to increasing congestion at Toomey Road and S. Lamar.
 - This area already backs up on Toomey Road past Zach Theater!
 - No to accelerating any displacement of existing businesses on Barton Springs Road
 - No to using the PUD process by developers to circumvent city ordinances and zoning guidelines
 - No to inconsistent application of city ordinances/plans.
 - If the COA uses the Town Lake Comprehensive Plan that shows Butler Shores as "cultural park" to support the relocation of the Dougherty Arts Center, then the COA should maintain that application and align with the Waterfront Overlay Ordinance for any development in the vicinity.
- Butler Shores is the gateway to Zilker Park & Butler Shores Park is now a "cultural park" per Dougherty Arts Center relocation
- As comprehensive traffic, parking and development strategy for Butler Shores is needed!

Please Vote No to the oversized office tower at 218 S. Lamar

Attempt to provide visual comparison from Austin Public Library

If Schlotsky's
PUD request for
height > 60 feet
is approved
it **WILL cause a
domino effect**
along
Barton Springs &
South Lamar
Roads





DAVE STEAKLEY
PRODUCING ARTISTIC DIRECTOR

ELISBETH CHALLENGER
MANAGING DIRECTOR

**BOARD OF TRUSTEES
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JANET MITCHELL
MARKETING COMMITTEE CHAIR

BETTYE NOWLIN
AT-LARGE

MARCY MELANSON
AT-LARGE

KATHLEEN GUION
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KATHY BOLNER
SUE BRELAND
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MARIANNE CARROLL
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WILL COOMBS
BERRY CROWLEY
DERRICK EVANS
A. ROBERT FISCHER

JERRY GATLIN
ERIC GROTEN
RICHARD HARTGROVE
KATHY HUTTO
JOHANNE IJSEN-WOLFORD

DR. GERALD JACKNOW
MITCH JACOBSON
SCOTT JOSLOVE
DENNIS KARBACH
MIKE KENNEDY
SUSAN LUBIN
BRIAN MCCALL
MIKE O'KRENT
CANDACE PARTRIDGE
MIKE PETERSON
THE HONORABLE JIM PITTS
THE HONORABLE EDDIE RODRIGUEZ
CAROLYN SERRIF
DEANNA SERRA
DONNA SNYDER
MARY HERR TALLY
TOM TERKEL
MORT TOPFER
JIM WHORTON

**City of Austin
Planning & Development Review Department**

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: March 12, 2013 – Planning Commission
March 28, 2013 – City Council

Dear Mr. Heckman,

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

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

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

Thank you for your time and consideration of this opposition.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth Challenger".

Elisabeth Challenger

ZACH Managing Director

Exhibit C - 57

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

ORDINANCE NO. 20080724-082**AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC PERFORMING ARTS THEATER.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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

- (G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*) The fly tower must be
- (1) located on land owned by the City of Austin, and
 - (2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

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

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

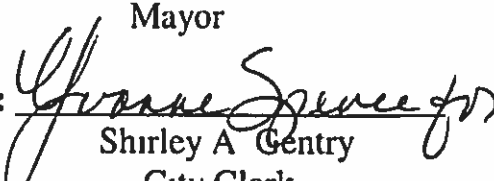
PART 4. This ordinance takes effect on August 4, 2008.

PASSED AND APPROVED

_____, July 24, 2008

APPROVED: 
David Allan Smith
City Attorney

§
§
§ _____ 
Will Wynn
Mayor

ATTEST: 
Shirley A. Gentry
City Clerk

MASTER REVIEW REPORT

EXHIBIT J

CASE NUMBER: C814-2018-0121
CASE MANAGER: HEATHER CHAFFIN PHONE #: 512-974-2122

REVISION #: 00 UPDATE: 3

PROJECT NAME: 218 S. LAMAR

SUBMITTAL DATE: August 27, 2019
REPORT DUE DATE: September 17, 2019
FINAL REPORT DATE: November 14, 2019
REPORT LATE: 58 DAYS

LOCATION: 218 SOUTH LAMAR BOULEVARD

STAFF REVIEW:

This report includes all comments received to date concerning your planned unit development (PUD) request. The PUD will be brought to public hearing when all requirements identified in this report have been addressed. However, until this happens, your rezoning request is considered disapproved. PLEASE NOTE: IF YOU HAVE ANY QUESTIONS, PROBLEMS, CONCERNS OR IF YOU REQUIRE ADDITIONAL INFORMATION ABOUT THIS REPORT, PLEASE DO NOT HESITATE TO CONTACT YOUR CASE MANAGER (referenced above) at the CITY OF AUSTIN, PLANNING AND ZONING DEPARTMENT, P.O. BOX 1088, AUSTIN, TX.

REPORT:

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

Comprehensive Planning Review – Kathleen Fox - 512-974-7877

Connectivity- Public sidewalks are located along S. Lamar Boulevard and Toomey Road. A Cap Metro transit stop is located 500 ft. from the subject area. Several bus lines run on South Lamar Blvd. including the 803 RapidBus. The Walkscore for this property is 82/100, Very Walkable, meaning most errands may be accomplished on foot. The Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge are located within a quarter of a mile from this site. The mobility options in this area are above average.

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

The following Imagine Austin policies are also applicable to this case:

- LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Analysis- The proposed PUD mixed use project appears to contribute towards making this area a more complete community by adding a dense mixed use project consisting mostly of office uses, situated within a quarter of a mile of variety of commercial, civic, and recreational uses, which offers a variety of mobility options (public transit, public sidewalks, and multi-use trails) to people visiting this area along a designated Activity Corridor. The developer also stated in the case file that the first floor of this project will consist of pedestrian oriented uses as defined by Section 25-3-691c of the Land Development Code. Based on this proposed PUD mixed use project being located along an Activity Corridor, which supports dense, connected and pedestrian oriented development, this proposed PUD mixed use project appears to support the policies of the Imagine Austin Comprehensive Plan.

Urban Design Review - Anne Milne - 512-974-2868

Development Assessment (CD-2018-0003) Follow-up

UD1: Administrative and business offices are not a pedestrian oriented use (25-2-691(C)). Specify the proposed amount of ground floor office/co-working space. Is any outdoor space proposed for the co-working land use (recommended)?

U0: Approximately, what percent of the ground floor will be used as co-working space? How much of the street facing façade will be co-working space? How will the proposed supplemental zone activate the streetscape?

UD2: A flat rooftop would be appropriate in this area (25-2-721).

U0: A flat roof to accommodate the planting and rooftop deck is appropriate. The rest of the roof should comply with the waterfront overlay. Please see PARD comment PR1.

UD3: The list of appropriate building materials may be amended to include precast concrete, metal panels, phenolic panels, FRP, GFRC, and composite metal panes. Additional approval of materials adjacent to PARD owned panels may be required.

U0: No longer requested.

UD4: Staff recommends that not more than 40% of the required open space be located on the roof.

U0: No longer requested.

UD5: Demonstrate need for additional height for the elevator on the roof (25-2-531). Elevator structures are typically not that tall.

U0: Attached drawings do not show elevator over run. Please provide.

TIER I:

UD6: Ground floor offices are not a use that generates pedestrian activity and must be limited.

U0: Response noted.

UD7: It is not clear by the description how the design will be innovative or provide adequate public facilities.

U0: More information is needed. Please describe how you will meet the requirements in 2.3.1.B. For example, the public plaza shown at rear of building – how is this accessible to the public?

UD8: Please coordinate with corridor office. Please coordinate with CapMetro. Traffic impact mitigation and trip demand reduction may also be required.

U0: Response noted.

UD9: Core Transit Corridor standards are required.

U0: Comment cleared.

UD10: Office/admin uses are not pedestrian oriented. If a limited amount of co-working space is provided – outdoor seating should be provided. Sidewalk cafes and seating should be used to create an active urban environment.

U0: Describe or illustrate how you are creating an active urban environment.

TIER 2:

UD11: Building Design: The building design should exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E. The design of the building should incorporate the immediate streetscape character, particularly consistency of skyline and the need for punctuation and accent; the relationship of height to frontage width and building depth.

(From Subchapter E and Plaza Saltillo TOD, 5.6.2) Along the principal street, building facades greater than 100 feet in length shall: 1. Include at least one vertical change in plane

with a depth of at least 24 inches. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 100 feet.

(From Subchapter E) Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relieve of a least weight inches.

(From Plaza Saltillo TOD, 5.4.3) The façade should include at least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if not prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.

U0: The façade design should exceed the Waterfront Overlay requirements and incorporate the standards described in Section 3.3.2 of Chapter 25-2 Subchapter E and or TOD Active Edge Standards (as described above).

UPDATE #1

UD1: Administrative and business offices are not a pedestrian oriented use (25-2-691(C)).

Specify the proposed amount of ground floor office/co-working space. Is any outdoor space proposed for the co-working land use (recommended)?

U0: Approximately, what percent of the ground floor will be used as co-working space? How much of the street facing façade will be co-working space? How will the proposed supplemental zone activate the streetscape?

U1: Outdoor space comment cleared; provide information about how the exhibits that have been shared can be codified or noted on Land Use Plan. See also Case Manager comments regarding land uses.

UPDATE #2

UD2: A flat rooftop would be appropriate in this area (25-2-721).

U0: A flat roof to accommodate the planting and rooftop deck is appropriate. The rest of the roof should comply with the waterfront overlay. Please see PARD comment PR1.

U1: Please provide a conceptual elevation to show how the design will meet the intent of the code.

UD3, UD:4 Cleared.

UD5: Demonstrate need for additional height for the elevator on the roof (25-2-531). Elevator structures are typically not that tall.

U0: Attached drawings do not show elevator over run. Please provide.

TIER I:

UD6: Ground floor offices are not a use that generates pedestrian activity and must be limited.

U0: Response noted.

U1: Comment cleared.

UD7: It is not clear by the description how the design will be innovative or provide adequate public facilities.

U0: More information is needed. Please describe how you will meet the requirements in

2.3.1.B. For example, the public plaza shown at rear of building – how is this accessible to the public?

U1: Comment cleared; however, staff has not determined yet if this is considered superior.

UD8: Please coordinate with corridor office. Please coordinate with CapMetro. Traffic impact mitigation and trip demand reduction may also be required.

U0: Response noted.

U1: Comment cleared.

UD9: Cleared.

UD10: Office/admin uses are not pedestrian oriented. If a limited amount of co-working space is provided – outdoor seating should be provided. Sidewalk cafes and seating should be used to create an active urban environment.

U0: Describe or illustrate how you are creating an active urban environment.

U1: Comment cleared; however, staff has not determined yet if this is considered superior.

TIER 2:

UD11: Building Design: The building design should exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E. The design of the building should incorporate the immediate streetscape character, particularly consistency of skyline and the need for punctuation and accent; the relationship of height to frontage width and building depth. (From Subchapter E and Plaza Saltillo TOD, 5.6.2) Along the principal street, building facades greater than 100 feet in length shall: 1. Include at least one vertical change in plane with a depth of at least 24 inches. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 100 feet.

(From Subchapter E) Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relieve of at least 24”.

(From Plaza Saltillo TOD, 5.4.3) The façade should include at least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing.

The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if not prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.

U0: The façade design should exceed the Waterfront Overlay requirements and incorporate the standards described in Section 3.3.2 of Chapter 25-2 Subchapter E and or TOD Active Edge Standards (as described above).

U1: Comment cleared; however, staff has not determined yet if this is considered superior.

UD 1: Administrative and business offices are not a pedestrian oriented use (25-2-691(C)).

Specify the proposed amount of ground floor office/co-working space. Is any outdoor space proposed for the co-working land use (recommended)?

U0: Approximately, what percent of the ground floor will be used as co-working space? How much of the street facing façade will be co-working space? How will the proposed supplemental zone activate the streetscape?

U1: Open space comment cleared.

U2: Thank you. Please also provide a minimum percent of active uses – Please see Zoning / Case Manager comment ZN 13.

UD 2: A flat rooftop would be appropriate in this area (25-2-721).

U0: A flat roof to accommodate the planting and rooftop deck is appropriate. The rest of the roof should comply with the waterfront overlay. Please see PARD comment PR1.

U1: Provide a conceptual elevation to show how the design will meet the intent of the code.

U2: Please describe how the roof will be accessible people other than the building tenants.

Please add a note about the distinct roof to the notes.

UD5: Demonstrate need for additional height for the elevator on the roof (25-2-531). Elevator structures are typically not that tall.

U0: Attached drawings do not show elevator over run. Please provide.

U1: Comment cleared.

UPDATE #3

Approved as long as the conditions of the comments are met.

Environmental Review - Jonathan Garner 512-974-1665

1. FYI: The site is located in the Lady Bird Lake (Town Lake) and West Bouldin Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is not located over the Edwards Aquifer Recharge Zone, however the northern portion of the site is located over the Edwards Aquifer Recharge Verification Zone, which subjects the property to the Void and Water Flow Mitigation Rule (COA ECM 1.12.0 and COA Item No. 658S of the SSM).

2. FYI: According to floodplain maps there is no floodplain within or adjacent to the project location.

3. Standard landscaping is proposed to exceed the standard requirements in LDC 25-2 by using only native tree species selected from Appendix F of the ECM and all required tree plantings shall use Central Texas native seed stock. [Note: See Heritage Tree review comments for additional comments.] Additionally, 100% of all non-turf plant materials shall be selected from the ECM Appendix N or the Grow Green Native and Adapted Landscape Plants Guide, and will be irrigated by either storm water runoff conveyed to rain gardens or by auxiliary water sources (e.g., air conditioner condensate, rainwater harvesting).

UPDATE #1: Cleared.

4. FYI: A few trees will likely be impacted with a proposed development associated with this zoning case. Please be aware that an approved zoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

5. FYI: This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm. Additionally, because the site is divided by two watersheds, the applicant is advised that diversion of stormwater from one watershed to another is limited to 20% of the site based on gross site area or less than 1 acre, whichever is smaller so long as the existing drainage patterns are maintained to the extent feasible.

EV Officer - Chris Herrington & Atha Phillips - 512-974-2132

UPDATE # 0:

This project is located at 218 SLAMAR BLVD SB and is within the Town Lake and West Bouldin Creek watershed(s), which are classified as Urban Watersheds. This project located within the Edwards Aquifer Contributing Zone.

1. The 18" RCP crossing Lamar, which is undersized per the existing StormCAD model, could be increased to a 24" RCP (based on needed future improvements) if runoff from the site is diverted to this system. Consider replacing the pipe a superiority item.
2. Could the site provide detention to greenfield conditions, which would reduce runoff draining to the undersized system.
3. Is the site proposing cisterns within the building footprint? Provide any information on how rainwater harvesting or other non-potable water sources including AC condensate will be captured and reused on site as a superiority item.
4. Provide information on renewable energy generation on site and/or planned green building certifications as a superiority item.
5. Include distribution for Drainage/Water Quality Review if additional improvements /superiority items are added with Update #1.

UPDATE #1

EO 1-EO 4 Cleared.

EO 5 As part of the participation in RSMP, WPD wants the drainage from the entire site carried in a new storm drain to either the system being improved by 211 (Option 1 or extending the system to outfall directly to LBL (Option 2). This would reduce flow to the flooding problem area at the intersection of Barton Springs and South Lamar, reduce the flow that must be handled be the private system through the Zach Theater property (especially important given the implications of Atlas 14), and reduce the amount of water in Lamar Boulevard. Please add language to the PUD that describes this requirement, add map provided if necessary. (Attached to report)

UPDATE #2

EO 1-EO 4 Cleared.

EO 5 Please add agreed upon note for detention and water quality as Note #38 on Sheet 2-PUD Notes sheet.

UPDATE #3

EO 1-EO 4 Cleared.

EO 5 Please add agreed upon note for detention and water quality as Note #38 on Sheet 2-PUD Notes sheet.

1. Since the sidewalks are shown draining to Lamar with no proposed water quality, is this PUD amendment seeking a waiver from 25-8-211? When we talked on the phone it seemed that you were just suggesting that this condition would only apply to a driveway curb cut.
 2. Are there raingardens in these areas that this water could be diverted to?
 3. PUD note #7 says that the PUD will meet or exceed current code in regard to water quality, will you be amending this note?
- Staff will not support any amendment that proposes changes to water quality that do not meet current code.

Heritage Tree Review - Jim Dymkowski - 512-974-2772

HT 1: Thank you, for providing a tree survey for the Heritage tree to the north of the PUD between the northern offsite driveway and the Topher Theater. Some of the information requested in the previous comments for the development assessment have not been provided with this submittal. Please show this tree's current growing area and surrounding hardscape. Please also provide a canopy survey for the tree and include information about how much canopy the PUD would affect if the building setback lines are modified to 0 feet off the property line as proposed by the PUD.

UPDATE 1: Thank you for the canopy survey. This original request came in two parts for evaluation. You have provided a canopy survey on paper without including the information as to how much canopy the PUD would affect if the building setback lines are modified to 0 feet off the property line as proposed by the PUD. For this, the services of a third party arborist would be required. Also, the current survey does not appear to take in all of the hardscape surrounding the open area of this tree for evaluation. Comment pending.

UPDATE 2: Thank you for the additional information. Staff agrees that it is close but does not appear that the building would greatly affect the canopy of this tree. What the exhibit does not show is the limit of the underground parking garage and potential disturbance that its construction proposes that could affect the tree's canopy. Also, the initial comment requested the information based on the potential canopy the PUD would affect if the building setback lines are modified to 0 feet off the property line as proposed by the PUD. Comment still pending.

UPDATE 3: Staff has discussed in email and offline that this information be reviewed and provided by a certified arborist. Simply surveying the canopy up to the property line and not having an arborist assess the potential cuts at that location does not confirm what may be the overall required pruning, if the pruning were to need to go all the way back to the main trunk of the tree to be done correctly. Please have this assessment done by a certified arborist and respond based on the potential impacts if building setback lines are modified to 0 feet off the property line as proposed by the PUD. Comment still pending.

HT 2: UPDATE 3: Comment cleared.

AE Green Building Review – Heidi Kasper 512-482-5407

AE Green Building accepts the proposed 3-Star Green Building requirement for the PUD.

Site Plan Review - Randall Rouda 512-974-3338

SP 1. Materials such as EIFS are not durable and should be used for trim/detail and for upper floors only. Please consider amending the modification of the materials list.

U0: No longer requested.

U1: Comment cleared.

SP 2. Please clarify if reflective restrictions will remain. Materials that are highly reflective are not permitted in the Waterfront Overlays.

U0: Waterfront development guidelines to apply within the proposed PUD.

U1: Comment cleared.

SP 3. "Amenitized" will need to be further clarified. As written, the variance request would permit a flat roof, which is not a distinctive building top. Please add details about what amenities would be considered on the roof, and their likely dimensions, especially height.

U0: The PUD should establish minimum standards for the proposed amenities, with a

specific focus on the items visible from waterfront and parkland areas. The specific proposal (pedestal rooftop deck with seating, planters and a shade pergola) may be appropriate but should be codified in a manner similar to the existing regulations which identify specific types of building tops that qualify as distinctive.) (Eg. “Distinctive building tops may include planters with vegetation clearly visible from waterfront and parkland areas and shade structures which are architecturally integrated into the building design while demonstrating the rooftop use and/or providing architectural interest equivalent to other approved options.)

U1: Comment cleared. Site Development Regulations Note 8 is sufficient to address this concern.

SP 4. Please note, South Lamar is a Core Transit Corridor. Sidewalk design will need to reflect those standards.

U0: Sidewalk will continue to meet CTC detains standards.

U1: Comment cleared per Transportation Reviewer comments and PUD Note 29.

General Comments

SP 5. Site plans will be required for any new development other than single-family or duplex residential.

U1: Informational comment cleared.

Waterfront Overlay

SP 6. The site is located within the Butler Shores subdistrict of the Waterfront Overlay Zone. Except as modified by the PUD, the requirements, use limitations, design requirements and review processes established by Land Use Code sections 25-2-691 et. seq. will apply.

U1: Informational comment cleared.

Austin Transportation Department/Transportation Engineering– Austin Jones, Nathan Aubert, Amber Mitchell - 512-974-5646

1. See attached TIA memorandum and mitigation fee-in-lieu invoice.

2. Superiority recommendations:

- a. Transit: Fee of \$27,800.00 to the South Lamar Corridor project to account for a new bus stop. ATD will collect the fee and coordinate with Capital Metro.
- b. Active/Bike: Fee of \$25,000.00 to the South Lamar Corridor project for cycle track improvements along Lamar. All fees can be collected by ATD.
- c. Trails: Please coordinate with Mike Schofield or Nathan Wilkes at ATD regarding any possible improvements to trails in the vicinity.
- d. Parking: ATD would consider parking superior for transportation if it is show as a measure to reduce vehicle trips beyond what is required in the LDC and the TIA. To do this would mean:
 1. Priced Parking
 2. Unbundled Parking
 3. Reduced Parking
 4. Shared Parking (case by case basis)

3. Provide a note documenting a maximum amount of parking on the site. ATD does not support excess parking being determine as superior.

UPDATE #1

ATD 1. The below have been coordinated with the interested parties concerned and would be considered superior. All fees can be collected by ATD.

1. Transit: Fee of \$27,800.00 to the South Lamar Corridor project toward a new bus stop

2. Active/Bike: Fee of \$25,000.00 to the South Lamar Corridor project for cycle track improvements along Lamar.

ATD 2. Parking: ATD would consider parking superior for transportation if it is shown as a measure to reduce vehicle trips beyond what is required in the LDC and the TIA.

5. Priced Parking
6. Unbundled Parking
7. Reduced Parking
8. Shared Parking (case by case basis)

ATD 3. ATD is against any excess parking being determined as superior for other elements identified in the LDC, (eg public amenity).

ATD 4. See attached TIA memo and fee information.

UPDATE #2

ATD 1. Comment addressed.

ATD 2. Comment addressed.

ATD 3. Comment addressed.

ATD 4. See attached TIA memo and fee information.

UPDATE #3

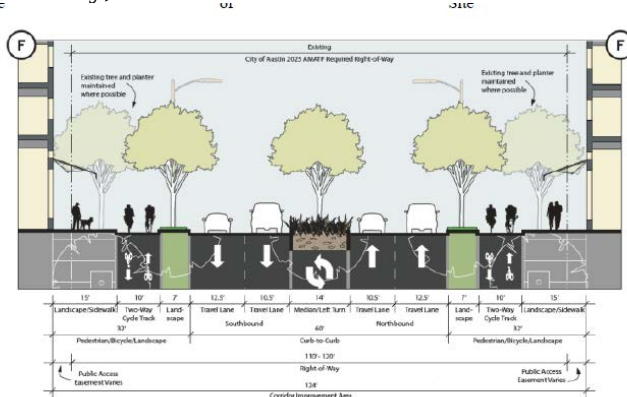
Update 3: Please clarify response regarding Final Memo and Invoice issued May 8, 2019.

Transportation Planning - Jaron Hogenson - 512-974-2253

TR1. A Traffic Impact Analysis (TIA) is required and has been received and is under review.

TIA comments will be issued under a separate memorandum. [LDC 25-6-113]

TR2. Include the below streetscape in the land use plan. Contact this reviewer for a more legible copy of it if necessary. This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (S Lamar). The sidewalk and bicycle facilities shall comply with the required cross-section at the time of the site plan application. The cross section that will be required is shown below. Find additional information about the Corridor Mobility Program here: <https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/>. Any proposed curb relocations on S Lamar requires coordination with the Corridor Planning Office and Bicycle Program. The cross section will include a 7' planting zone with street trees, a 10' two-way cycle track, and a 15' clear zone all behind curb. Additionally, a protected intersection will be required at Toomey, to be reviewed at the time of Site Plan.



4-Lane Divided, 60' Curb-to-Curb
Back-of-Curb Condition F
Barton Springs Road to Riverside Drive

TR3. Right of way requirements for the Corridor program are currently under review. Right of

Way dedication may be required.

TR4. Modify note 29 to state “Improvements along South Lamar Boulevard will be coordinated with the Corridor Program Office. South Lamar will be constructed to the below cross section or as approved by the Corridor Program Office.” (add cross section as per note above)

TR5. Bicycle facilities will be required along Toomey Road at the site plan stage. The design is below. Include the below graphic on the land use plan. If a more readable copy is required, contact this reviewer.



SUPERIORITY

TR6. For the Zach Scott Theater parking, how is this proposed to be offered? Will they be given a special affordable rate? Include a note on the land use plan indicating how this will achieve superiority.

TR7. The \$20,000 amount for Capmetro will need to be reviewed and approved by CapMetro. Please indicate if you have been working with anyone from Capmetro, and provide correspondence or approval.

TR8. Staff does not agree that #7 Transportation increased bicycle racks achieves superiority. Staff recommends discussing the placement of a B-Cycle station with that firm. Alternatively, bike lockers could be proposed.

TR9. Clarify how #12 Accessibility achieves superiority. Give specific examples and include in the note.

TR10. For #12 Accessibility, add a note that an accessible route shall be provided from both Toomey Road and South Lamar.

MISCELLANEOUS

TR11. Remove note 2 and replace with “Access to adjacent streets shall be determined at the site plan stage in accordance with the LDC, TCM, and TIA requirements.”

TR12. Provide a distinctive line for the PUD boundary for readability.

TR13. From the land use plan, remove existing drives to remain. This will be determined at the site plan stage.

TR14. Remove note 1 (see above)

TR15. Recommend not showing plaza boundary on land use plan as it may need to change during site plan review.

TR16. Remove all driveways from the land use plan. Driveways, existing and proposed, will be reviewed at the site plan stage.

TR17. Indicate why existing conditions are shown on plan. These should be removed.

TR18. Modify note 19 to include “Public right of way shall not be used for maneuvering.”

TR19. Provide a PDF of the updated plans to this reviewer to be distributed to other departments for review.

UPDATE #1

TIA

TR1. A Traffic Impact Analysis (TIA) is required and has been received. A zoning application is not complete until the required TIA has been received. [LDC 25-6-113]

U1: Comment remains. See attached ATD memorandum for additional information.

CORRIDOR

TR2. This project is adjacent to a street that has been identified in Austin’s Corridor Mobility Program (S Lamar). The sidewalk and bicycle facilities shall comply with the required cross-section at the time of the site plan application. The cross section that will be required is shown below. Find additional information about the Corridor Mobility Program here:

<https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/>. Any proposed curb relocations on S Lamar requires coordination with the Corridor Planning Office and Bicycle Program. Additionally, a protected intersection will be required at Toomey, to be reviewed at the time of Site Plan.

U1: Comment remains. Modify note 29 to include the protected intersection at Toomey, to be reviewed at time of site plan. Staff has sent the wording to the corridor office for review.

Pending their response.

TR3. Right of way requirements for the Corridor program are currently under review. Right of Way dedication may be required.

U1: Comment remains. Update requested 4/5/19.

TR4. Modify note 29 to state “Improvements along South Lamar Boulevard will be coordinated with the Corridor Program Office. South Lamar will be constructed to the below cross section or as approved by the Corridor Program Office.” (add cross section as per note above)

U1: Comment cleared. Deferring comment language to TR2.

TR5. Bicycle facilities will be required along Toomey Road at the site plan stage.

U1: Comment remains. Include a note that “Bicycle facilities along Toomey Road and South Lamar will be reviewed at the time of site plan and construction shall be required in accordance with the Bicycle Master Plan.”

SUPERIORITY

TR6. For the Zach Scott Theater parking, how is this proposed to be offered? Will they be given a special affordable rate? Include a note on the land use plan indicating how this will be applied.

U1: Comment remains. Please further describe “on a paid basis.” Is there an agreement for reduced rates? If the parking is just open, commercially available parking, staff would not agree that this is satisfying the intent of this section.

TR7. The \$20,000 amount for Capmetro will need to be reviewed and approved by CapMetro. Please indicate if you have been working with anyone from Capmetro, and provide correspondence or approval.

U1: Comment remains. Pending verification of approval from Capmetro. Staff will also need to see a receipt of the payment once approved.

TR8. Staff does not agree that #7 Transportation increased bicycle racks achieves superiority. Staff recommends discussing the placement of a B-Cycle station with that firm.

Alternatively, bike lockers could be proposed.

U1: Comment remains. B-cycle is not feasible, but staff still does not feel that the bicycle superiority is sufficient, as based on the uses shown in the TIA determination, it would only lead to 8 additional bicycle spaces (4 U racks)

TR9. Clarify how Accessibility achieves superiority. Give specific examples & include in note.

U1: Comment remains. This would be a code requirement of Subchapter E and is not sufficient for superiority.

TR10. For #12 Accessibility, add a note that an accessible route shall be provided from both Toomey Road and South Lamar.

U1: Comment cleared. Note added.

MISCELLANEOUS

TR11. Remove note 2 and replace with “Access to adjacent streets shall be determined at the site plan stage in accordance with the LDC, TCM, and TIA requirements.”

U1: Comment remains. Driveways are reviewed at the time of site plan. Please detail via email or memo why the site should be entitled two driveways and the proposed locations at this stage.

TR12. Provide a distinctive line for the PUD boundary for readability.

U1: Comment cleared. Boundary revised.

TR13. From the land use plan, remove existing drives to remain. This will be determined at the site plan stage.

U1: Comment remains. See TR11.

TR14. Remove note 1 (see above)

U1: Comment remains.

TR15. Recommend not showing plaza boundary on land use plan as it may need to change during site plan review.

U1: Comment cleared. Recommendation.

TR16. Remove all driveways from the land use plan. Driveways, existing and proposed, will be reviewed at the site plan stage.

U1: Comment remains. See TR11.

TR17. Indicate why existing conditions are shown on plan. These should be removed.

U1: Comment cleared.

TR18. Modify note 19 to include “Public right of way shall not be used for maneuvering.”

U1: Comment cleared. Note modified.

TR19. Provide a PDF of the updated plans to this reviewer to be distributed to other departments for review.

U1: Comment remains. Please provide a PDF, we do not have scanning capabilities for these sizes.

TR20. Add note stating that ADA accessible showering/locker room facilities will be provided for building tenants.

UPDATE #2

TR1. A Traffic Impact Analysis (TIA) is required and has been received. A zoning application is not complete until the required TIA has been received. [LDC 25-6-113]

U2: Comment cleared. Staff will defer clearing this comment to ATD.

TR2. Include the below streetscape in the land use plan. Contact this reviewer for a more legible copy of it if necessary. This project is adjacent to a street that has been identified in Austin’s Corridor Mobility Program (S Lamar). The sidewalk and bicycle facilities shall comply with the

required cross-section at the time of the site plan application. The cross section that will be required is shown below. Find additional information about the Corridor Mobility Program here: <https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/>. Any proposed curb relocations on S Lamar requires coordination with the Corridor Planning Office and Bicycle Program. The cross section will include a 7' planting zone with street trees, a 10' two-way cycle track, and a 15' clear zone all behind curb. Additionally, a protected intersection will be required at Toomey, to be reviewed at the time of Site Plan.

U2: Comment cleared. Staff will defer clearing this comment to ATD.

TR3. Right of way requirements for the Corridor program are currently under review. Right of Way dedication may be required.

U2: Comment cleared. Staff will defer clearing this comment to ATD.

TR4. Bicycle facilities will be required along Toomey Road at the site plan stage. The design is below. Include the below graphic on the land use plan.

U2: Comment cleared. Note modified.

SUPERIORITY

TR5. For the Zach Scott Theater parking, how is this proposed to be offered? Will they be given a special affordable rate? Include a note on the land use plan.

U2: Comment cleared. Staff will defer this comment to ATD.

TR6. The \$20,000 amount for Capmetro will need to be reviewed and approved by CapMetro. Please document if you have been working with anyone from Capmetro.

U2: Comment cleared. Staff will defer this comment to ATD.

TR7. Staff does not agree that #7 Transportation increased bicycle racks achieves superiority. Staff recommends discussing the placement of a B-Cycle station with that firm.

Alternatively, bike lockers could be proposed.

U2: Comment cleared. Staff will defer this comment to ATD.

TR8. Clarify how #12 Accessibility achieves superiority. Give specific examples and add note.

U1: Comment cleared. Staff will accept this superiority option.

MISCELLANEOUS

TR9. Remove note 2 and replace with "Access to adjacent streets shall be determined at the site plan stage in accordance with the LDC, TCM, and TIA requirements."

U2: Comment cleared. Staff will defer this comment to ATD.

TR10. From the land use plan, remove existing drives to remain. This will be determined at the site plan stage.

U2: Comment cleared. Staff will defer this comment to ATD.

TR11. Remove note 1 (see above)

U2: Comment cleared. Staff will defer this comment to ATD.

TR12. Remove all driveways from the land use plan. Driveways, existing and proposed, will be reviewed at the site plan stage.

U2: Comment cleared. Staff will defer this comment to ATD.

TR13. Provide a PDF of the updated plans to this reviewer to be distributed to other departments for review.

U2: Comment cleared. PDFs may be required by ATD.

PARD/Planning & Design Review - Thomas Rowlinson 512-974-9372

PR1: PARD will need more information such as building elevations/renderings to approve modifications to 25-2-531 (C) (1) (additional height) and 25-2-721 (E) (2) (flat roof top as distinctive building top).

(U0) It is unclear how the proposed features will be visible and distinctive from the ground level and parkland at 96 feet on a flat rooftop.

(U1) Comment remains. The images included do not indicate how the design will meet the intent of the code. Please see Urban Design comments UD2 and Site Plan comments SP4.

(U2): Please codify the amenitized rooftop in such a way that it still requires some architectural elements to preserve the intent of the distinctive rooftop requirement. While the amenities and planting would be attractive to the deck users, it does not meet the full intent of the code due to height/visibility issues. PARD and Urban Design agree that it is possible to incorporate some of the elements given as examples in 25-2-721(E)(2). The language may read as:

“‘Amenitized rooftop’ shall be considered as a distinctive building top in the Waterfront Overlay. To qualify as an amenitized rooftop the roof shall contain an active area for seating, lounge and gathering with a shade structure which is architectural integrated with the building and covers a portion of the seating area. The roof shall be framed with planters containing native plants visible from City of Austin parkland and incorporate distinctive elements such as cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes.”

U3: Cleared. Modification no longer sought.

PR2: FYI, 25-2-721 (E) (1) will be enforced. Please provide information that ensures that this provision will be met. (1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.

(U0) Comment cleared. “Exterior mirror glass with a 30% Ext. Reflectance or greater, and glare producing glass surface building materials will be prohibited.”

(U1) Per 25-1-21 (67), “mirrored glass means glass with a reflectivity index greater than 20 percent.” Please update note to 20% reflectance.

(U2): PARD cannot accept the request to modify the definition of exterior mirrored glass. While the examples given in the replies to Update 1 may use the same glass as proposed, those projects are outside of the Waterfront Overlay. As such, they were not subject to the restriction on exterior mirrored glass. Also, it may be possible to attain a 3-Star AEGB rating without modifying the reflectance. It is recommended that the architects and engineers meet with AE to discuss the scoring for AEGB ratings.

U3: Cleared. Modification no longer sought.

PR3: PARD will not likely approve the proposed modification to 25-2-733 (E) (3). Staff is willing to meet to discuss whether other building materials can be used.

(U0) Comment cleared.

PR4: Other proposed modifications to the Waterfront Overlay do not appear to affect Butler Shores. (25-2- 691 (C) and 2.7.3.D.4, as long as the roof amenity can be considered a distinctive building top.)

(U0) Comment cleared, except for the comment regarding the rooftop.

(U1) See PR 1.

(U2): Cleared.

PR5: Which part of the site will the ground floor publicly accessible plaza be located?

(U0) In order to comply with Subchapter E, the location of the publicly accessible, ground floor plaza should “be located to adjoin, extend, and enlarge” existing, City of Austin parkland, per

Article 2, § 2.7.3.B. Please contact thomas.rowlinson@austintexas.gov to set up a meeting with PARD planning staff for discussion of the ground floor plaza's access and location.

(U1) Comment cleared. Location of plaza is appropriate from ground floor layout.

PR6 (U0): Modification to § 25-2-721(E)(4) is not superior.

(U1): Please clarify that modification is no longer being requested.

(U2): Cleared.

PR7 (U0): FYI development will require its own fire lanes.

(U1) Cleared.

PR8 (U2): For Note 15, please specify that the rooftop deck access rules and regulations will be determined through a restrictive covenant jointly agreed upon by the owner and the City prior to site plan approval.

U3: Cleared.

PR9 (U2): For Note 26, please specify that the plaza will be publicly accessible through an easement prior to site plan approval.

U3: Cleared.

PR10 (U2): PARD requires additional parking for this area and asks that this development provide public parking for the relocation of the DAC, as well as the projected use of the rooftop deck and plaza. Please include a note on the plan that states a certain number of parking spots will be reserved for public use.

U3: Cleared.

NPZ Drainage Eng./Water Quality - Michael Duval 512-974-2349

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY, AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

This project is located at 218 SLAMAR BLVD SB and is within the Town Lake and West Bouldin Creek watershed(s), which are classified as Urban Watersheds. This project located within the Edwards Aquifer Contributing Zone.

WQ1. Provide information on any improvements to surrounding conditions.

Neighborhood Housing & Community Development– Travis Perlman (512) 974-3156

Neighborhood Housing and Community Development (NHCD) acknowledges the applicant's request for a height bonus. The applicable affordability requirements are outlined in Section 2.5 (Development Bonuses) of the Planned Unit Development regulations and will be codified in the zoning ordinance for the property, pending approval by City Council.

NHCD 1.m Dwelling units equal to not less 10 percent of the bonus area devoted to a residential rental use shall be leased on an ongoing basis to households earning no more than 60 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area for a period not less than 40 years from the date a final certificate of occupancy is issued for the property.

The property owner shall enter into a restrictive covenant with the City of Austin enumerating these requirements as necessary to ensure compliance with this provision.

NHCD 2. Dwelling units equal to not less than 5 percent of the bonus area devoted to a residential owner-occupied use shall be sold to income-eligible homebuyers earning no more than 80 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area. Each affordable owner-occupied unit shall be restricted by a fixed equity and resale agreement approved by NHCD for a period not less than 99 years from the date a final certificate of occupancy is issued for the property. NHCD has the right to review and include provisions related to the affordable units in a condominium declaration prior to filing.

NHCD 3. The property owner shall pay a fee-in-lieu of on-site affordable housing to NHCD not less than an amount equal to the planned unit development fee rate current at the time of site plan submittal times the bonus square footage devoted to a non-residential use.

NHCD 4. NHCD shall have the right to establish additional guidelines and processes to ensure compliance with the affordability requirements applicable to the PUD.

Austin Fire Department Review – Scott Stookey - 512-974-0157

Austin Fire Department review of this ZC Review was limited to the evaluation of the parcel in relation to locations with an AFD Aboveground Hazardous Materials permit. This review did not evaluate the site for fire department access, the available water supply for fire flow, or any new or existing building features.

Electric Review - Karen Palacios - 512-322-6110

EL1. FYI: Tier requirement add Austin Energy item- Applicant is required to meet safety clearances per Utilities Criteria Manuel.

EL2. FYI: Site development regulations notes number 4 needs to add subject to required easement for electrical services and required clearance and safety requirements per the UCM.

EL3. FYI: The following notes need to be added to the Site Plan notes:

1. Austin Energy has the right to prune and/or remove trees, shrubbery and other obstructions to the extent necessary to keep the easements clear. Austin Energy will perform all tree work in compliance with Chapter 25-8, Subchapter B of the City of Austin Land Development Code.
2. The owner/developer of this subdivision/lot shall provide Austin Energy with any easement and/or access required, in addition to those indicated, for the installation and ongoing maintenance of overhead and underground electric facilities. These easements and/or access are required to provide electric service to the building and will not be located so as to cause the site to be out of compliance with Chapter 25-8 of the LDC.
3. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any initial tree pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.
4. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and regulations and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
5. Any relocation of electric facilities shall be at landowner's/developer's expense.

DAVID WAHLGREN – SUBDIVISION

SR 1. Please provide a copy of the existing approved plat for this site.

UPDATE # 1 - Comments cleared.

Case Manager/Zoning Review - Heather Chaffin- 512-974-2122

ZN 1. The property boundaries, the building setbacks, etc. are still unclear. There is one heavy line type that is used for property lines that obscures everything else. Use a different line type, gray scale, or something to make it all clearer. You have that line type listed as Zoning on the legend but it's also used on the surrounding lots.

Cleared.

ZN 2. Delete text "PUD Approval Block."

Cleared.

ZN 3. Change existing use from "Schlotzky's" to "Restaurant-Limited."

Cleared.

ZN 4. Label Jessie Street.

Cleared.

ZN 5. Label easements and provide dimensions.

Clarify if the 25' building line is an actual easement or if it is a building line from zoning.

If it is an easement, it will need to be vacated.

Update #2: Cleared.

ZN 6. Show all existing and proposed easements.

Cleared.

ZN 7. Clarify that the requested building setback is 0 feet—it's not just the Zoning Boundary.

Cleared.

ZN 8. Show Aquifer zone boundary (see Environmental Review comments).

Cleared.

ZN 9. See Urban Design comments regarding elevator structure height. The height should be based on a typical elevator structure, not a percentage of building height.

Urban Design reviewer will evaluate the elevator structure. No comments from Zoning/Case Manager.

ZN 10. Correct acreage on plan to 1.263 acres.

Clarify the site acreage—the tax certificate lists the site as 1.2660 acres. Has ROW been dedicated, or is there some other reason it has changed? Update on plan if necessary.

Update # 2: Cleared; use the more recent information (May 21, 2018 survey).

ZN 11. Show all adjacent driveways.

Cleared.

ZN 12. Dimension all existing and proposed driveways.

Revise the labels on the existing driveways; do not describe as "to remain" or "to close."

Just label as "existing driveway." ATD/DSD will provide comments about proposed driveway locations.

Update#2: Zoning staff will defer to ATD/DSD regarding driveway issues.

ZN 13. Per Code, "Co-working space" is not considered a pedestrian oriented use. It is considered administrative/business office. Staff does not support the proposed 60% office use with the remainder to be occupied by lobby, building support services, and pedestrian oriented uses. As proposed, the ground floor could be mostly used for office, lobby, and building services,

with only a small remainder used for pedestrian oriented uses. Specify a minimum percentage of the ground floor that will dedicated for pedestrian oriented uses.

Update #1: Delete Note #7 under Site Development Regulations. Co-working space is considered Administrative/Business Office; there is no need to provide a distinction.

Replace with a note stating that Administrative/Business Office land use is permitted on the ground floor. The other elements of Note #7 are addressed by Note #37 under PUD Notes.

Regarding Note #37: Staff does not support the land use percentages proposed by the Applicant. Modify from 40% to 50% pedestrian oriented uses.

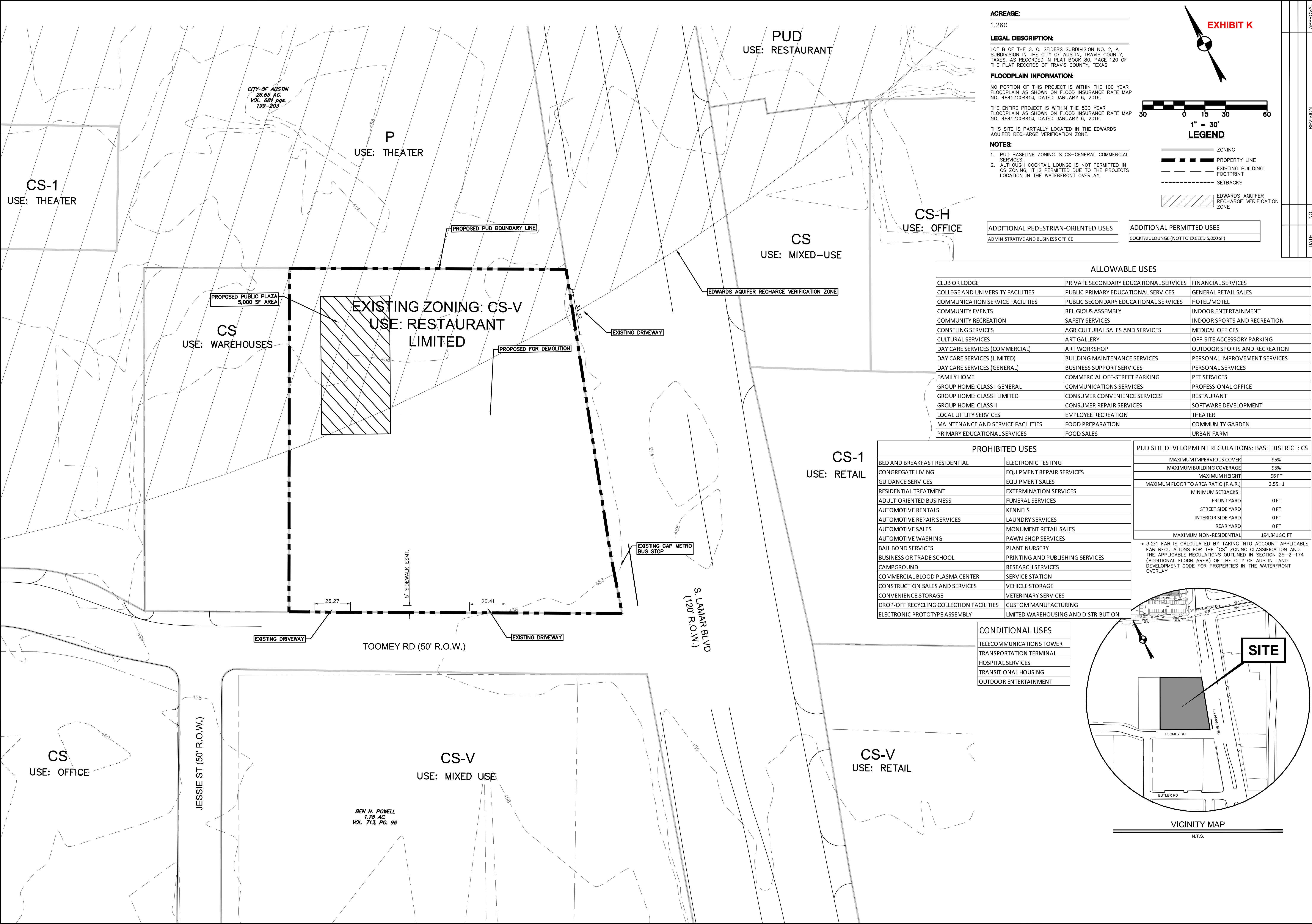
Update #2: Cleared.

ZN 14. FYI: Additional comments will be generated. Additional superiority items will be required beyond what has been proposed so far.

Update #2: This comment will remain until all reviewers clear their comments.

ZN 15. Provide an item-by-item list/chart of each requested code variance from code--specifically which section is being modified/waived. If modified, describe how (for ex. "reduce setback from 20 feet to 5 feet"). Also provide updated table of which items you are proposing are superior next to each superiority criteria.

Update #3: Cleared.



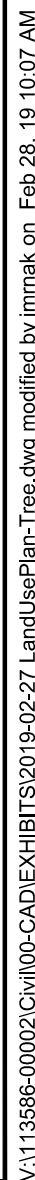
LAND USE PLAN

218 SOUTH LAMAR BOULEVARD
AUSTIN, TX 78704

DRAWN BY:
DESIGNED BY:
QA / QC:
PROJECT NO.:

SHEET
1
OF 3

garza
7708 Radio Blvd., Suite 125
Austin, Texas 78753
Tel: (512) 282-3284 Fax: (512) 282-2592
TBE # F-14629
Garza EMC, LLC © Copyright 2019



PUD NOTES:

- THE SIZE, CONFIGURATION AND LOCATION OF THE DRIVEWAYS AS SHOWN HEREON IS AN APPROXIMATION FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH THE SIZE, CONFIGURATION AND LOCATION OF DRIVEWAYS AT THE TIME OF SITE DEVELOPMENT PERMIT.
- DRIVEWAYS ALONG TOOMEY ROAD WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, INCLUDING THE TRANSPORTATION CRITERIA MANUAL, AND APPLICABLE TIA REQUIREMENTS, UNLESS WHERE SPECIFICALLY MODIFIED WITH THE PUD, ANY WAIVERS TO THE TRANSPORTATION CRITERIA MANUAL WILL BE ADDRESSED AT THE TIME OF SITE DEVELOPMENT PERMIT. A MAXIMUM OF TWO (2) DRIVEWAYS WILL BE ALLOWED WITH THE PUD. ACCESS WILL BE ALLOWED ON BOTH SOUTH LAMAR BOULEVARD AND TOOMEY ROAD. ONE (1) DRIVEWAY ON SOUTH LAMAR SHALL PROVIDE FIRE, SERVICE AND EMERGENCY ACCESS ONLY.
- NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD. HOWEVER, THE STRUCTURED PARKING AREA MAY BE GATED SUBJECT TO THROAT DEPTH, STACKING AND CIRCULATION STANDARDS.
- AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE CITY OF AUSTIN GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE.
- THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING PROGRAM AT A THREE-STAR LEVEL, AT A MINIMUM.
- THE PROJECT SHALL PROVIDE AN ART PIECE APPROVED BY THE ART IN PUBLIC PLACES PROGRAM IN A PROMINENT LOCATION, EITHER BY PROVIDING THE ART DIRECTLY OR BY MAKING A CONTRIBUTION TO THE CITY OF AUSTIN'S ART IN PUBLIC PLACES PROGRAM. SAID ART PIECE MAY BE INCORPORATED INTO ADDITIONAL ASPECTS OF THE PROJECT INCLUDING THE BUS STOP OR OTHER PUBLIC USE.
- THE PROJECT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION.
- THE PUD SHALL UTILIZE GREEN WATER QUALITY CONTROLS AS DESCRIBED IN THE ENVIRONMENTAL CRITERIA MANUAL TO TREAT A MINIMUM OF SEVENTY-FIVE PERCENT (75%) OF THE WATER QUALITY VOLUME REQUIRED BY CODE.
- THE PROJECT SHALL COMPLY WITH THE DARK SKY INITIATIVE.
- ALL REQUIRED TREE PLANTINGS SHALL UTILIZE NATIVE TREE SPECIES SELECTED FROM APPENDIX F OF THE ENVIRONMENTAL CRITERIA MANUAL APPENDIX (DESCRIPTIVE CATEGORIES OF TREE SPECIES) AND UTILIZE CENTRAL TEXAS NATIVE SEED STOCK.
- 100% OF ALL NON-TURF PLANT MATERIALS SHALL BE SELECTED FROM THE ENVIRONMENTAL CRITERIA MANUAL APPENDIX N (CITY OF AUSTIN PREFERRED PLANT LIST) OR THE "GROW GREEN NATIVE AND ADAPTIVE LANDSCAPE PLANTS GUIDE."
- ALL SHADE TREES SHALL BE A MINIMUM OF 3" CALIPER INCHES. THE LANDOWNER SHALL PROVIDE AT LEAST 1,000 CUBIC FEET OF SOIL VOLUME PER TREE FOR THE REQUIRED 42 CALIPER INCHES OF STREET TREES WITHIN THE 218 S. LAMAR PUD. UP TO 25 PERCENT OF THE SOIL VOLUME MAY BE SHARED WITH ADJACENT TREES IN CONTINUOUS PLANTINGS. LOAD-BEARING SOIL CELLS SHALL BE USED TO MEET THE SOIL VOLUME REQUIREMENT IF NECESSARY. THE CITY ARBORIST, HOWEVER, MAY REDUCE THE MINIMUM SOIL VOLUME REQUIREMENT IF NEEDED DUE TO UTILITY CONFLICTS OF OTHER CONTRACTIBILITY ISSUES.
- ALL PARKING FOR THE PROJECT WILL BE LOCATED IN A BELOW-GRADE PARKING STRUCTURE. PARKING FOR TENANTS SHALL BE DECOUPLED FROM RENT.
- THE STRUCTURED PARKING PROVIDED WITH THE PROJECT WILL BE AVAILABLE FOR PUBLIC USE. PARKING SHALL BE ON A PAID BASIS TO THE PUBLIC.
- THE PROJECT SHALL CONTAIN A ROOFTOP AMENITY SPACE. SUCH SPACE SHALL BE AVAILABLE TO COMMUNITY GROUPS AND NON-PROFIT ORGANIZATIONS. USE OF THE SPACE SHALL BE ON A RESERVATION BASIS AND SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS SHALL BE IMPOSED BY THE OWNER OF THE PROPERTY OR ANY ASSOCIATION FOR THE PROJECT.
- NOTE INTENTIONALLY REMOVED.
- THE PROJECT WILL PROVIDE BICYCLE PARKING FOR PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING SPACES OR 2) 10 BICYCLE PARKING SPACES. ALL BICYCLE PARKING WILL BE LOCATED WITHIN THE STRUCTURED PARKING GARAGE, WITHIN THE PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS. A MINIMUM OF 50% OF CODE REQUIRED BICYCLE PARKING SHALL BE LOCATED IN THE PLAZA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE.
- THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY OFFICE TENANTS AND PATRONS OF THE RETAIL LEASE SPACE.
- LOADING AND TRASH COLLECTION FACILITIES FOR THE PUD SHALL BE LOCATED ON-SITE. MANEUVERING FOR LOADING AND TRASH FACILITIES SHALL ALSO BE LOCATED ON-SITE. PUBLIC RIGHT OF WAY SHALL NOT BE USED FOR MANEUVERING.
- EXCEPT WHERE MODIFIED HEREIN, DEVELOPMENT WITHIN THE PUD SHALL BE SUBJECT TO THE SUBCHAPTER E REQUIREMENTS OF CITY CODE.
- THE PROJECT WILL ACHIEVE A MINIMUM OF SIX (6) POINTS UNDER THE BUILDING DESIGN OPTIONS OF SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE).
- THE PUD WILL COMPLY WITH SECTION 2.5.2.B.2, REQUIREMENTS FOR EXCEEDING BASELINE, OF THE PUD REGULATIONS BY PROVIDING A FEE IN THE AMOUNT ESTABLISHED UNDER SECTION 2.5.6 (IN LIEU DONATION) FOR EACH SQUARE FOOT OF BONUS SQUARE FOOTAGE ABOVE THE BASELINE TO THE AFFORDABLE HOUSING TRUST FUND TO BE USED FOR PRODUCING OR FINANCING AFFORDABLE HOUSING, AS DETERMINED BY THE DIRECTOR OF THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.
- THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL EXCEED THE TIER 1 MINIMUM REQUIREMENTS. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2, SUBCHAPTER E, SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES. A MINIMUM OF 40% GROUND FLOOR SHALL BE OPEN SPACE.
- THE PROJECT SHALL PROVIDE IMPROVEMENTS TO THE AUSTIN TRANSPORTATION DEPARTMENT FOR BUS STOP IMPROVEMENTS ON SOUTH LAMAR BOULEVARD IN AN AMOUNT NOT TO EXCEED \$27,800.
- THE PROJECT SHALL PROVIDE ADA ACCESSIBLE SHOWER FACILITIES FOR TENANTS OF THE BUILDING.
- THE PROJECT WILL INCLUDE A GROUND-FLOOR PLAZA WITH A MINIMUM SQUARE FOOTAGE OF 8,000 SQUARE FEET. SUCH PLAZA SHALL BE PUBLICLY ACCESSIBLE. A PUBLIC ACCESS EASEMENT SHALL BE RECORDED PRIOR TO ISSUANCE OF A SITE DEVELOPMENT PERMIT FOR THE PROJECT.
- THE PUD WILL EXCEED THE MINIMUM LANDSCAPE REQUIREMENTS OF THE CITY CODE. 100% OF ALL LANDSCAPE PLANTING ON SITE WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE OR CITY OF AUSTIN RAIN GARDEN PLANT LIST.
- 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORM WATER RUNOFF CONVEYED TO RAIN GARDENS, COLLECTION OF AIR CONDITIONER CONDENSATE, OR THROUGH THE USE OF RAINWATER HARVESTING (OR A COMBINATION OF THE ABOVE); PROVIDED, HOWEVER, THE APPLICANT SHALL HAVE THE RIGHT TO SUPPLEMENT SUCH LANDSCAPE IRRIGATION WITH POTABLE WATER, IF NECESSARY.
- IMPROVEMENTS ALONG SOUTH LAMAR BOULEVARD WILL BE COORDINATED WITH THE CORRIDOR PROGRAM OFFICE. SOUTH LAMAR WILL BE CONSTRUCTED SUCH THAT SIDEWALK AND BICYCLE IMPROVEMENTS ALONG SOUTH LAMAR SHALL INCLUDE A 7-FOOT PLANTING ZONE WITH TREES AND A 10-FOOT TWO-WAY CYCLE TRACT, NOT LOCATED ON THE PUD PROPERTY, AS WELL AS A 15-FOOT LANDSCAPE/SIDEWALK ZONE, UNLESS MODIFICATIONS TO THIS CROSS-SECTION ARE DIRECTED BY THE CORRIDOR PROGRAM OFFICE. TOOMEY ROAD WILL BE A PROTECTED INTERSECTION AND WILL BE REVIEWED AT THE TIME OF SITE DEVELOPMENT PERMIT.
- AT LEAST 75% OF THE BUILDING FRONTAGE OF ALL PARKING STRUCTURES IS DESIGNATED FOR PEDESTRIAN-ORIENTED USES AS DEFINED IN SECTION 25-2-691 (C) (WATERFRONT OVERLAY DISTRICT USES) ON THE GROUND FLOOR.
- THE PROJECT SHALL PROVIDE AN ACCESSIBLE ROUTE FROM SOUTH LAMAR BOULEVARD AND TOOMEY ROAD.
- NOTE INTENTIONALLY REMOVED.

- LAND USE PLAN NOTES

218 SOUTH LAMAR BOULEVARD
AUSTIN, TX 78704

DRAWN BY:

DESIGNED BY:

QA / QC:

PROJECT NO.:

SHEET

2

Q

3

[illegible]



Carbon Impact Statement

Project:

Revised

73 of 89

EXHIBIT L

Scoring Guide:

1-4: Business as usual

5-8: Some positive actions

9-12: Demonstrated leadership



	Response: Y=1, N=0	Documentation: Y/N
<u>Transportation</u>		
T1: Public Transit Connectivity	1	☐
T2: Bicycle Infrastructure	1	☐
T3: Walkability	1	Y
T4: Utilize TDM Strategies	1	☐
T5: Electric Vehicle Charging	1	☐
T6: Maximize Parking Reductions	0	☐
<u>Water + Energy</u>		
WE1: Onsite Renewable Energy	☐	☐
WE2: Reclaimed Water	1	☐
<u>Land Use</u>		
LU1: Imagine Austin Activity Center or Corridor	1	☐
LU2: Floor-to-Area Ratio	1	☐
<u>Food</u>		
F1: Access to Food	1	☐
<u>Materials</u>		
M1: Adaptive Reuse	0	☐
<u>Total Score:</u>		9

The Carbon Impact Statement calculation is a good indicator of how your individual buildings will perform in the Site Category of your Austin Energy Green Building rating.

Notes: The 218 S. Lamar PUD will be a 194,593 square foot building with office, retail, restaurant, and art gallery uses. The project will exceed minimum landscaping requirements and is providing a number of water quality features including rain gardens, cisterns for rainwater harvesting, and greenwater infrastructure facilities.

T1. Is any functional entry of the project within 1/4 mile walking distance of existing or planned bus stop(s) serving at least two bus routes, or within 1/2 mile walking distance of existing or planned bus rapid transit stop(s), or rail station(s)? **Yes, there is a bus stop right off the property line at the corner of Toomey and S. Lamar.**

T2. Is there safe connectivity from the project site to an “all ages and abilities bicycle facility” as listed in the Austin Bicycle Master Plan? **Yes, S. Lamar fronting the site is part of the “all ages and abilities” bike network.**

T3. Is the property location “very walkable” with a minimum Walk Score of 70 (found at walkscore.com), or will the project include at least five new distinct basic services (such as a bank, restaurant, fitness center, retail store, daycare, or supermarket)?

The project has a Walkscore of 65, with a Transit score of 91. New services will include retail, restaurant, art gallery, co-working space, and a large publicly-accessible plaza providing a connection to the Zach Theater.

T4. Does the project utilize two or more of the following Transportation Demand Management strategies: unbundling parking costs from cost of housing/office space, providing shower facilities, providing secured and covered bicycle storage, and/or providing 2+ car sharing parking spaces for City-approved car share programs? **Parking spaces are decoupled from rent for tenants of the PUD, and showers will be provided for tenants of the building.**

T5. Will the project include at least one DC Fast Charging electric vehicle charging station?

Two electric vehicle charging stations will be provided in the project garage.

T6. Does the project utilize existing parking reductions in code to provide 20% less than the minimum number of parking spaces required under the current land development code (or 60% less than the code’s base ratios if there is no minimum parking capacity requirement)?

The project will not exceed LDC 25-6 minimum code requirements for parking.

WE1. Will the project include on-site renewable energy generation to offset at least 1% of building electricity consumption?

The project is not meeting this item.

WE2. Will the project include one or more of the following reclaimed water systems: large scale cisterns, onsite grey or blackwater treatment, and reuse or utilization of Austin Water Utility's auxiliary water system to eliminate the use of potable water on landscape/irrigation?

Cisterns will be included in the project parking structure.

LU1. Is the proposed project site located within one of the centers or corridors as defined in the Imagine Austin Comprehensive Plan Growth Concept Map?

South Lamar fronting the project is a High Capacity Transit Corridor on the Imagine Austin Growth Concept Map.

LU2. If located in an Imagine Austin activity center or corridor, will the proposed project use at least 90% of its entitled amount of floor-to-area ratio?

The project is using at least 90% of the entitled FAR and is proposing an increase from 2 to 3.2 of what is currently entitled.

F1. Will the project include a full service grocery store onsite, or is one located within 1 mile of the project, or will the project integrate opportunities for agriculture to the scale as defined by Austin Energy Green Building?

The project is located 0.4 miles from Trader Joe's in the Seaholm development.

M1. Will the project reuse or deconstruct existing buildings on the project site?

No, all existing buildings will be demolished upon redevelopment of this PUD.

EXHIBIT M**ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

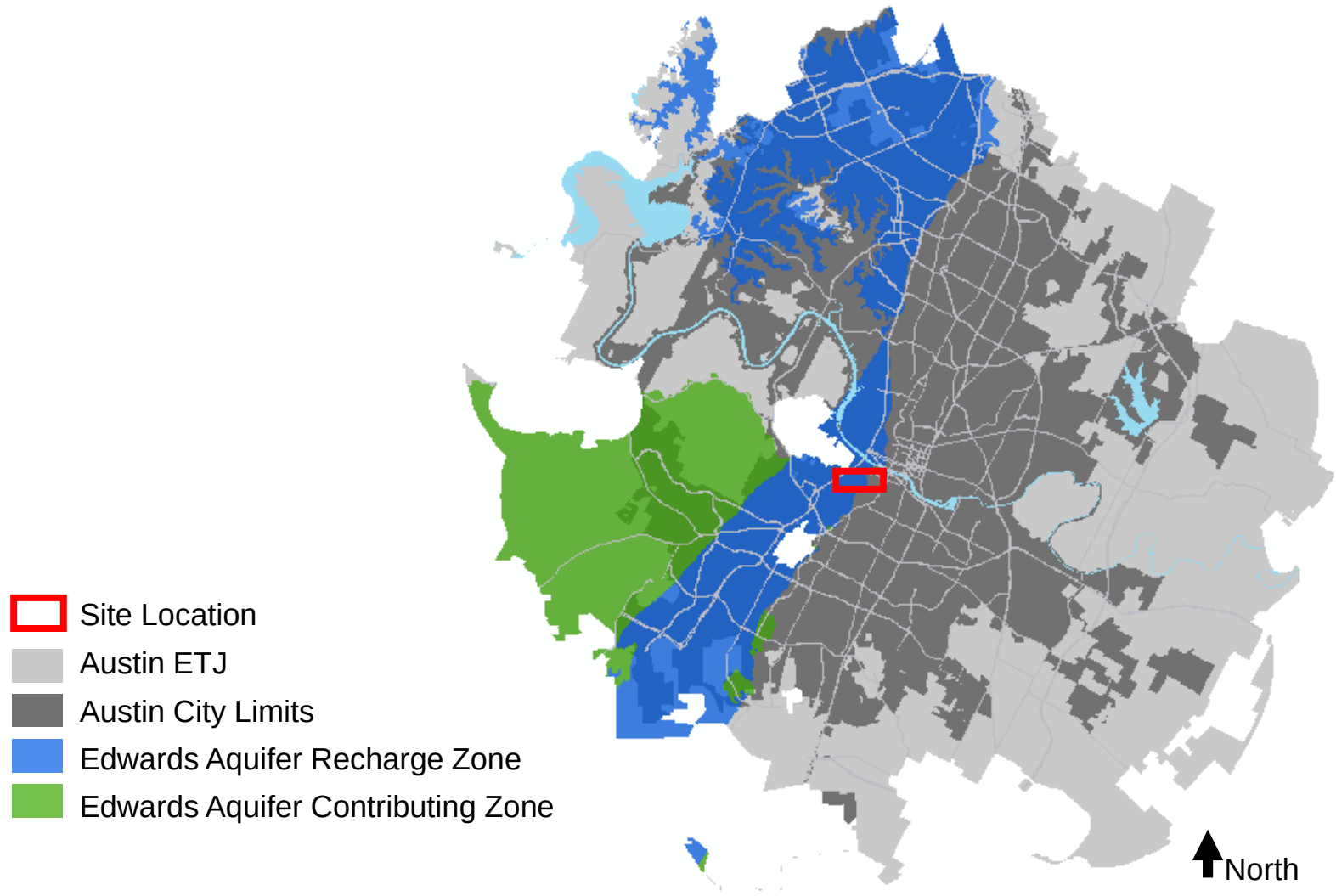
COMMISSION MEETING DATE:	December 4, 2019
NAME & NUMBER OF PROJECT:	218 S. Lamar, C814-2018-0121
NAME OF APPLICANT OR ORGANIZATION:	Amanda Swor, Drenner Group
LOCATION:	218 S. Lamar
COUNCIL DISTRICT:	5
ENVIRONMENTAL REVIEW STAFF:	Atha Phillips, Environmental Officer's Office (512) 974-2132, atha.phillips@austintexas.gov
WATERSHED:	Lady Bird Lake and West Bouldin Creek
REQUEST:	To create a new Planned Unit Development (PUD)
STAFF RECOMMENDATION:	Staff recommended with conditions
RECOMMENDED CONDITIONS:	1. The project shall comply with water quality and detention requirements at the time of site plan application and provide a minimum of 75% Green Storm Water Infrastructure treatment. A maximum of 3,000 sf may be satisfied by payment in lieu for water quality and detention. 2. The project shall capture rainwater and condensate. 3. Will provide an Integrated Pest Management (IPM) plan. 4. Site and structure will be constructed to meet or exceed Austin Green Building 3-Star rating. 5. Landscape will be irrigated by non-potable sources. 6. Exceed the minimum requirements for landscape by 35%. 7. All proposed trees shall be a minimum of 3" caliper and native to Central Texas. 8. 1000 cubic feet of soil shall be provided for each tree.

9. All street trees will be planted in continuous planting beds.
10. Project will provide dedicated public spaces for electric vehicle parking.
11. Bicycle parking will be provided above standard requirements.
12. Underground parking will be available to Zach Scott Theater for overflow parking and storage.
13. Project shall utilize fully hooded or shielded lights to comply with Dark Sky Initiatives.

218 S. Lamar PUD

C814-2018-0121

Atha Phillips, Environmental Program Coordinator
Environmental Officer's Office



B-11

Revised

79 of 89



B-11

Revised

80 of 89

Riverside Dr

South Lamar Blvd

Toomey Rd



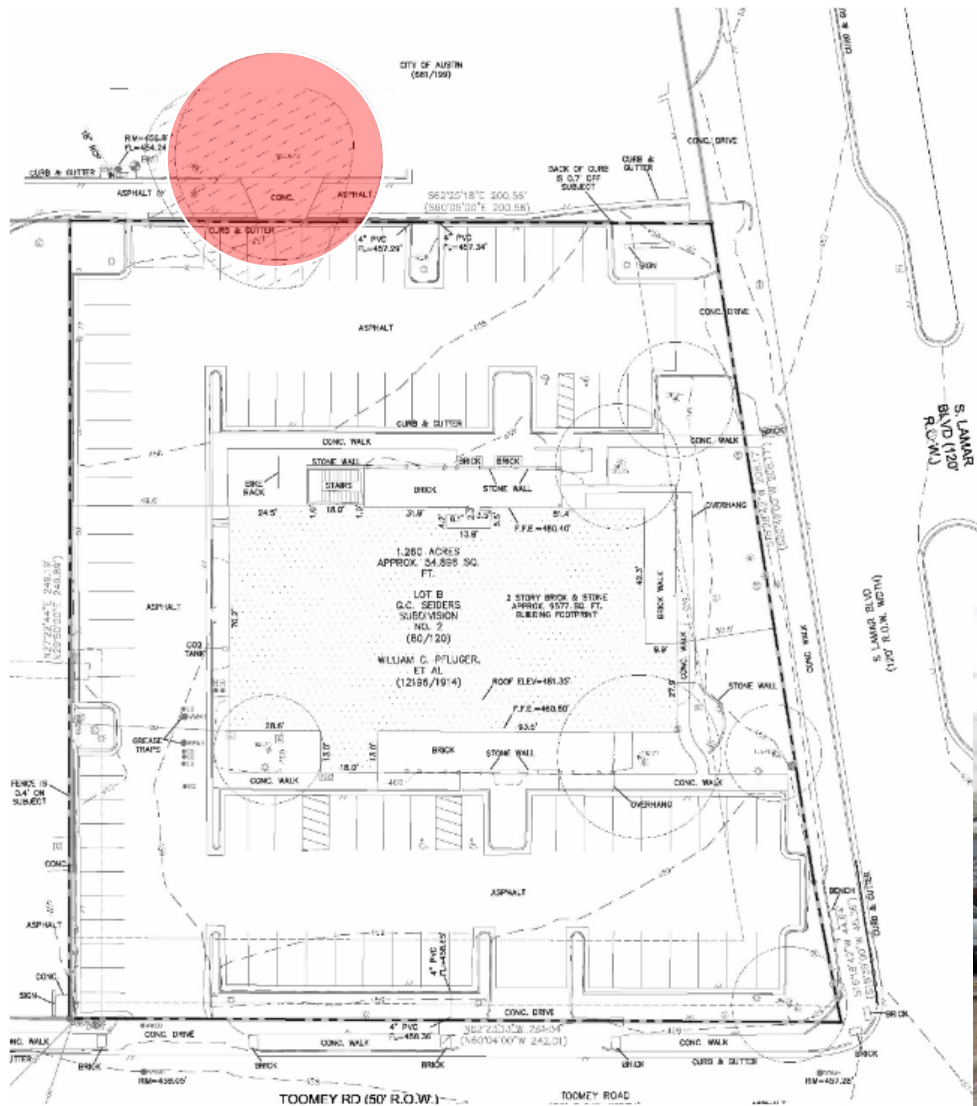
Background:

1.266 Acres

Council District 5

Lady Bird Lake & West Bouldin Creek Watershed - Urban Watersheds

Existing Trees:



TREE INDEX		
TAG NO.	TYPE	INDICATES MULTI TRUNK
514	LO	17 14 11
INDIVIDUAL TRUNK DIA. (IN INCHES)		
CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.		
10673	LO	24 17
10674	PINE	13 10
10675	CRM	8 6 6 6 5
10676	LO	17
10677	CRM	8 8 6 6 5 5 5
10678	PINE	15
10679	PINE	18
CRM = CRAPE MYRTLE LO = LIVE OAK PINE = PINE		

Note: The tree in red is not located on this lot.



B-11 Comparison:

Revised

83 of 89

	Existing Code	Proposed PUD	
Water Quality	100% capture volume or payment in lieu	100% capture volume 75% Green Stormwater Infrastructure Maximum 3,000 sf payment in lieu	✓
Drainage	No adverse impact	No adverse impact, plus capture and release through rainwater cisterns Maximum 3,000 sf Ppyment in lieu	✓
Impervious Cover	95%	95%	
Open Space	20% of non-residential tracts, accommodations made for urban properties	5000 sf plaza (ground floor) 2500 sf garden (roof top) Total: 14%	
Integrated Pest Management	No requirement	Will provide a plan	✓
Green Building	2-Star Certified	3-Star Certified	✓

B-11 Comparison:

Revised

84 of 89

	Existing Code	Proposed PUD	
Landscape Irrigation	Potable water	100% captured rainwater and condensate	✓
Landscape	Current code	Exceed requirements for landscape by 35%	✓
Trees	Current code including Heritage Tree ordinance	Current code including Heritage Tree ordinance (No heritage trees on this property)	
Proposed Trees	Native for mitigation, 1.5" caliper	All trees will be native, minimum tree size 3" caliper	✓
Soil Volume	No requirement	1000 cubic feet of soil per tree and will provide continuous planting beds with no tree grates	✓
Dark Sky Initiative	Full cut-off or shielded	Full cut-off or shielded	

Other Superiorities

- Donation into the Housing Assistance Fund
- Dedicated public spaces for electric vehicle charging
- Bicycle parking above current code requirements
- Underground parking will provide overflow parking and storage for Zach Scott Theater



MEMORANDUM

TO: Mayor and City Council

FROM: Jerry Rusthoven, Assistant Director/Interim Lead
Planning and Zoning Department

DATE: January 15, 2020

RE: 218 S. Lamar
C814-2018-0121
District 5
Valid Petition Request – Not Valid

Staff has received a Valid Petition request regarding the rezoning request referenced above. The petition currently includes 17.79% of eligible signatures and does not meet the threshold for a Valid Petition.

If you have any questions about this item, please contact me at (512) 974-3207.

**Jerry Rusthoven, Assistant Director/Interim Lead
Planning and Zoning Department**

xc: Spencer Cronk, City Manager
J. Rodney Gonzales, Assistant City Manager

P E T I T I O N

Date: October 21, 2019

File Number: C814-2018-0121

Address of

Rezoning Request: 218 South Lamar

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS-V.

The reasons for our protest are:

- The proposed height of over 100' exceeds the 60' limitation for the waterfront overlay. If approved, this would be the third building over 60' high in our immediate neighborhood.
- A large office building is not appropriate at this site; residential housing would be better.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

Jean G. Hopkins Revocable Trust 210 Lee Barton Dr, Unit 508,
Jean G. Hopkins Revocable Trust Austin TX 78704

Date: October 21, 2019Contact Name: Hoppy GoddinPhone Number: 240-274-2972Email : hoppy.goddin@gmail.com

Case Number:
C814-2018-0121

PETITION

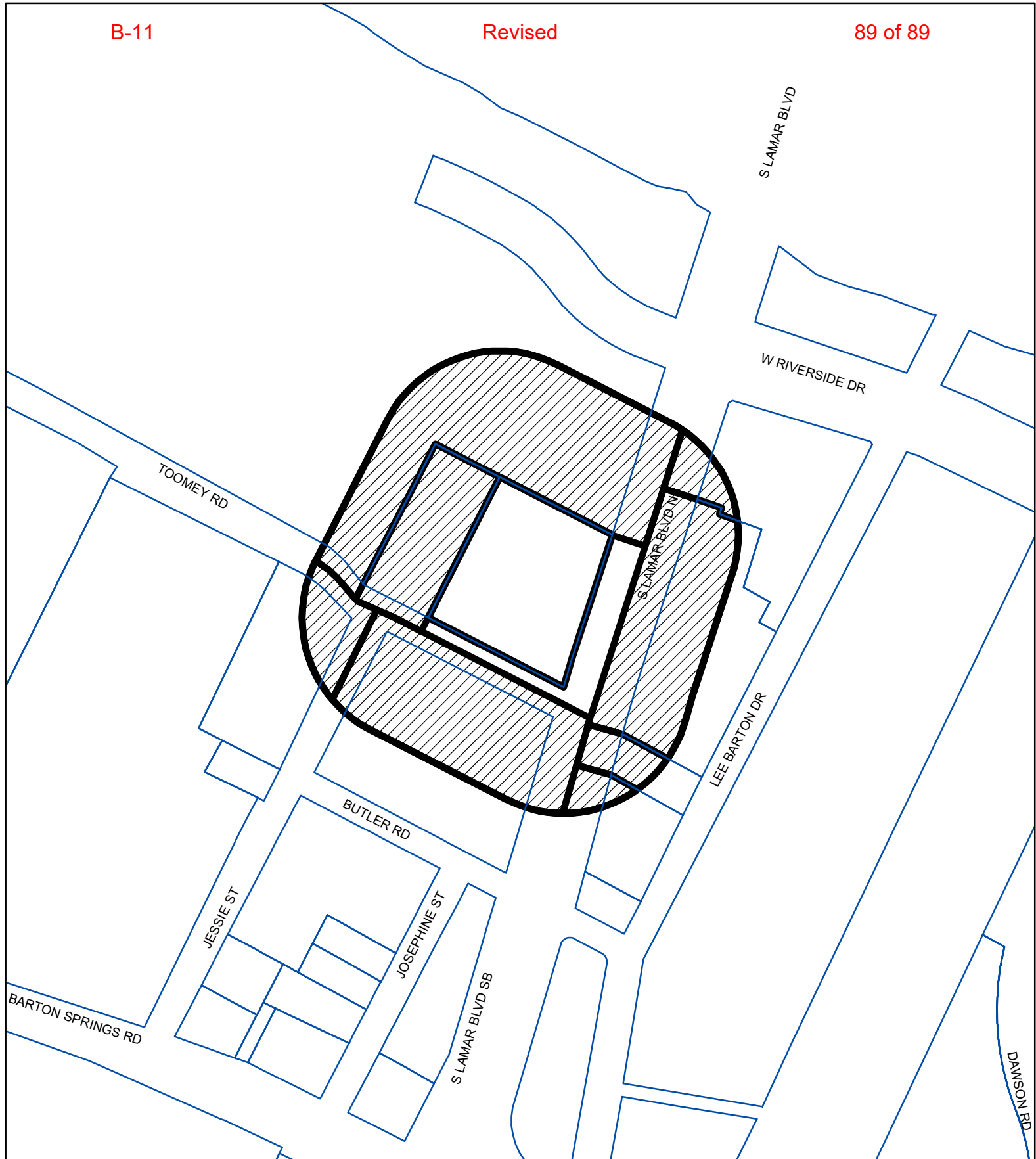
Date: 1/15/2020

Total Square Footage of Buffer: 314591.8758

Percentage of Square Footage Owned by Petitioners Within Buffer: 17.79%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0105020308	211 S LAMAR BLVD 78704	16 PIGGYBANK LTD	no	7844.20	0.00%
0105020305	311 S LAMAR BLVD 78704	AUSTACO REAL ESTATE PARTNERS LTD	no	5240.20	0.00%
0105020101	200 S LAMAR BLVD 78704	CITY OF AUSTIN	no	101186.73	0.00%
0105020410	JESSIE ST 78704	CITY OF AUSTIN	no	14351.42	0.00%
0105020306	221 S LAMAR BLVD 78704	LNR ENTERPRISES MANAGEMENT LLC	no	8187.22	0.00%
0105020501	300 S LAMAR BLVD 78704	SOUTH LAMAR-AUSTIN GLASS PO LTD	no	68181.88	0.00%
0105020103	1426 TOOMEY RD 78704	ZACHARY SCOTT THEATRE CENTER	no	31915.48	0.00%
0105020901	210 LEE BARTON DR		yes	55962.50	17.79%
Total				292869.61	17.79%



PETITION

Case#: C814-2018-0121

-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

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

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



1" = 200'