



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

**MEETING DATE:** October 6, 2021

**NAME & NUMBER OF PROJECT:** 305 S. Congress Planned Unit Development, C814-89-0003.02

**NAME OF APPLICANT OR ORGANIZATION:** Richard Suttle  
Armbrust & Brown, PLLC

**LOCATION:** 305 S. Congress Avenue, Austin, Texas 78704

**COUNCIL DISTRICT:** District 9

**ENVIRONMENTAL REVIEW STAFF:** Atha Phillips, Environmental Program Manager, Watershed Protection Department

**ZONING CASE MANAGER:** Kate Clark, Senior Planner, Housing and Planning Department

**WATERSHED:** Colorado River Basin

**REQUEST:** To amend the current PUD.

**STAFF RECOMMENDATION:** Current proposal is not considered environmentally superior and thus not recommended but would be with the following conditions.

**RECOMMENDED CONDITIONS:**

1. Except for items listed in the amended ordinance, the PUD will be subject to the code at the time of site plan application.
2. Dedicate by deed the area of approximately 6.53 acres as public parkland located along the Lady Bird Lake frontage; and 1.59 acres of parkland easements. The parkland and easements shall not be restricted.
3. Provide public equitable access from S. Congress ROW to the Hike and Bike trail that does not force visitors through the development.
4. Provide \$100 over what is required by current code to build park amenities.

5. Complete a Parkland Improvement Agreement that includes maintenance for the water quality ponds located within the parkland.
6. Move and narrow the proposed pier to a location that does not impact existing trees.
7. Relocate the trail a minimum of 25' from the crest of the slope along the shoreline except at approved shoreline access points and restore the area between the shoreline and trail with riparian or wetland vegetation on the east side. Protect shoreline and vegetation with a split rail fence.
8. Eliminate redundant paths or trails within the critical water quality zone and reduce proposed impervious cover within the CWQZ to 10%, this number will include proposed concrete sidewalks.
9. Preserve or transplant 100% of all Heritage trees and preserve 77% of tree overall on-site.
10. Provide 1000 cubic feet of soil for street trees, can be shared by a maximum of two trees.
11. Proposed trees and shrubs shall be native or adaptive to Central Texas.
12. Provide green stormwater infrastructure for all phases of the PUD project.
  - A. The project shall capture the maximum amount of stormwater within the project through cisterns, use this water within the building per Water Forward goals and rain gardens located along the extension of Barton Springs Road to treat ROW.
  - B. Water quality located within the CWQZ will utilize rain gardens that are integrated with the Hike and Bike trail.
13. Connect to and use Austin Water Utility reclaimed water for all non-potable water use within the project.
14. Demonstrate that the building design will reduce the potential for bird/building collisions by using glass with a reflectivity of 15% or less.
15. Enhance City of Austin Dark Sky regulations by adding the following requirements:
  - A. Require warm light: Low Kelvin rated lights (3000 Kelvin or less) are warm and emit less harmful blue-violet light than high Kelvin rated.
  - B. Shielding: outdoor lighting shall be shielded so that the luminous elements of the fixture are not visible from any other property. Outdoor lighting fixtures are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements.
  - C. Set a Total Outdoor Light Output: maximum lumens allowed per net acre:
    - Nonresidential property: 100,000 lumens/net acre
    - Residential property: 25,000 lumens/net
  - D. Prevent light trespass: Focus light on activity and use activity appropriate lighting.



# 305 S. Congress PUD

C814-89-0003.02

Atha Phillips

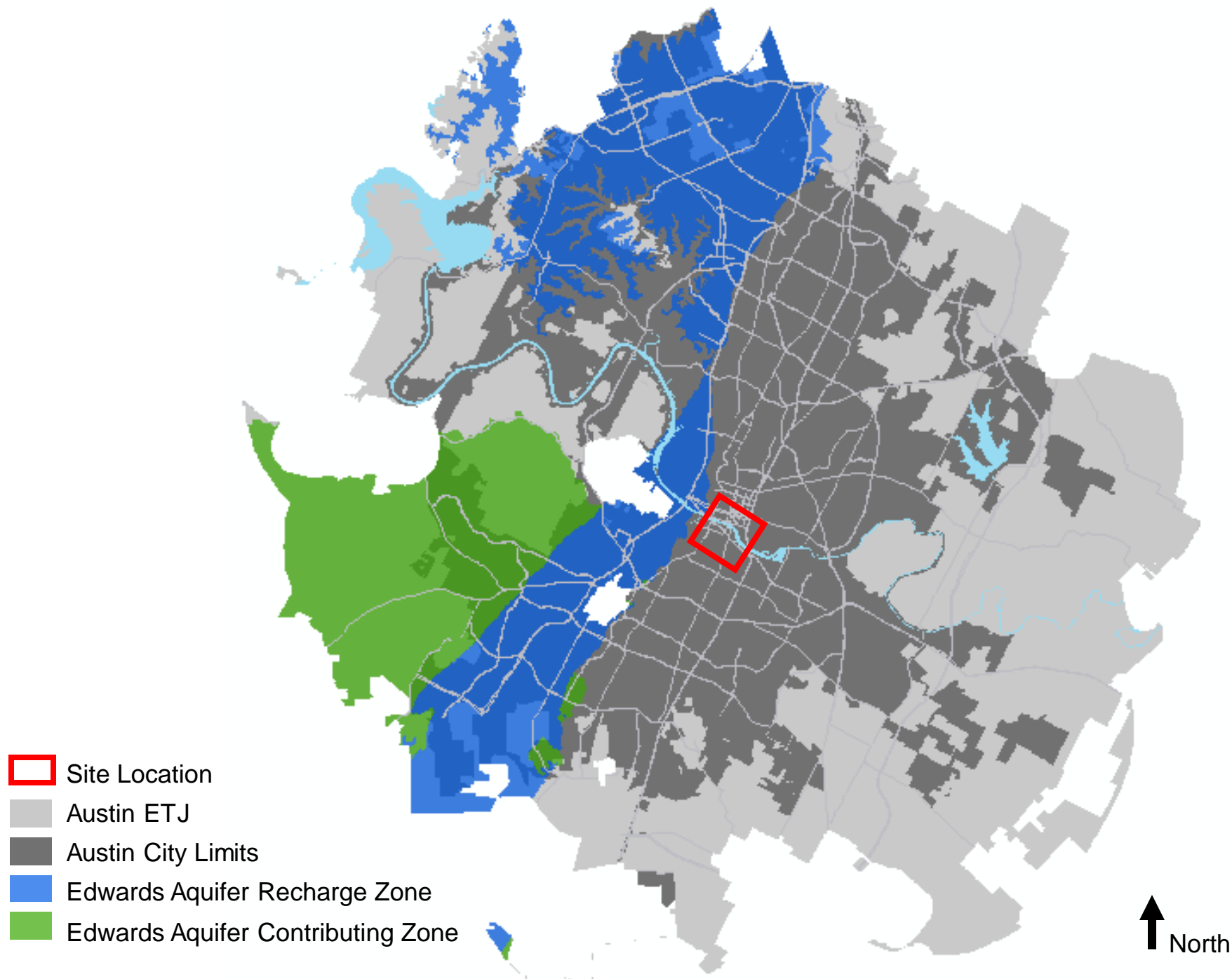
Environmental Officer's Office

# What is a PUD?

- PUD = Planned Unit Development
- PUD is a type of Zoning that alters code requirements in exchange for other superiorities
- PUDs are required to:
  - Preserve natural environment
  - Encourage high quality development/innovative design
  - Ensure adequate public facilities/services
  - Produce development that is superior to development under conventional regulations
- Meet All Tier One: Outlines Minimum Requirements
  - Provide additional Open Space (Cannot include detention areas unless designed as an amenity)
  - Provide a two-star Austin Energy Green Building Rating
  - 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
  - Exceed the minimum landscaping requirements of the City Code
- Meet Tier Two Requirements for Additional Superiority

# PUD Background:

- 18.86 acres
- Lady Bird Lake - Colorado River Basin
- Urban Watershed Classification
- 100-year Floodplain
- Critical Water Quality Zone
- Existing Hike and Bike trail in an easement
- Existing public access from S. Congress Ave.
- Existing PUD from 1989-2<sup>nd</sup> Amendment





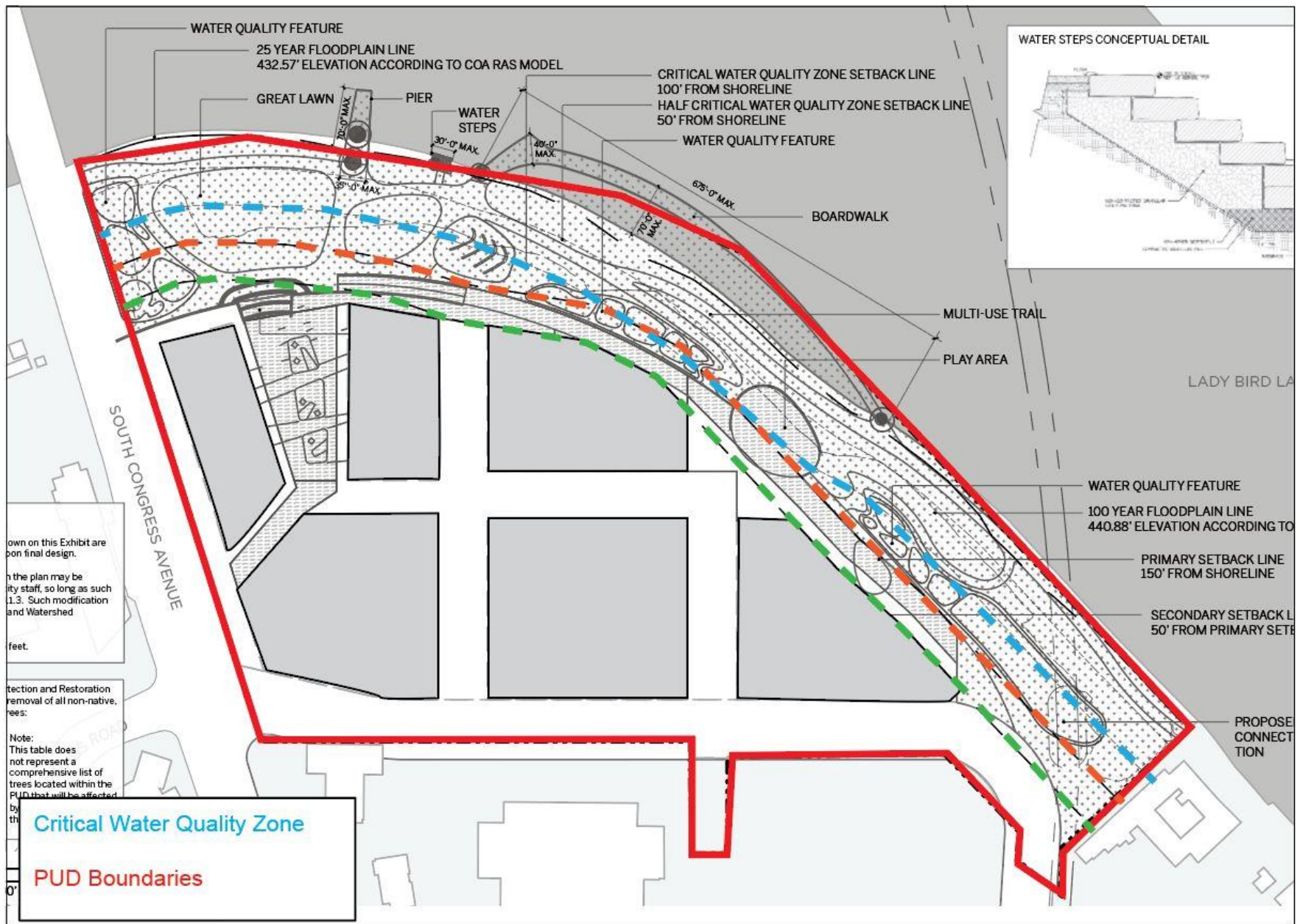






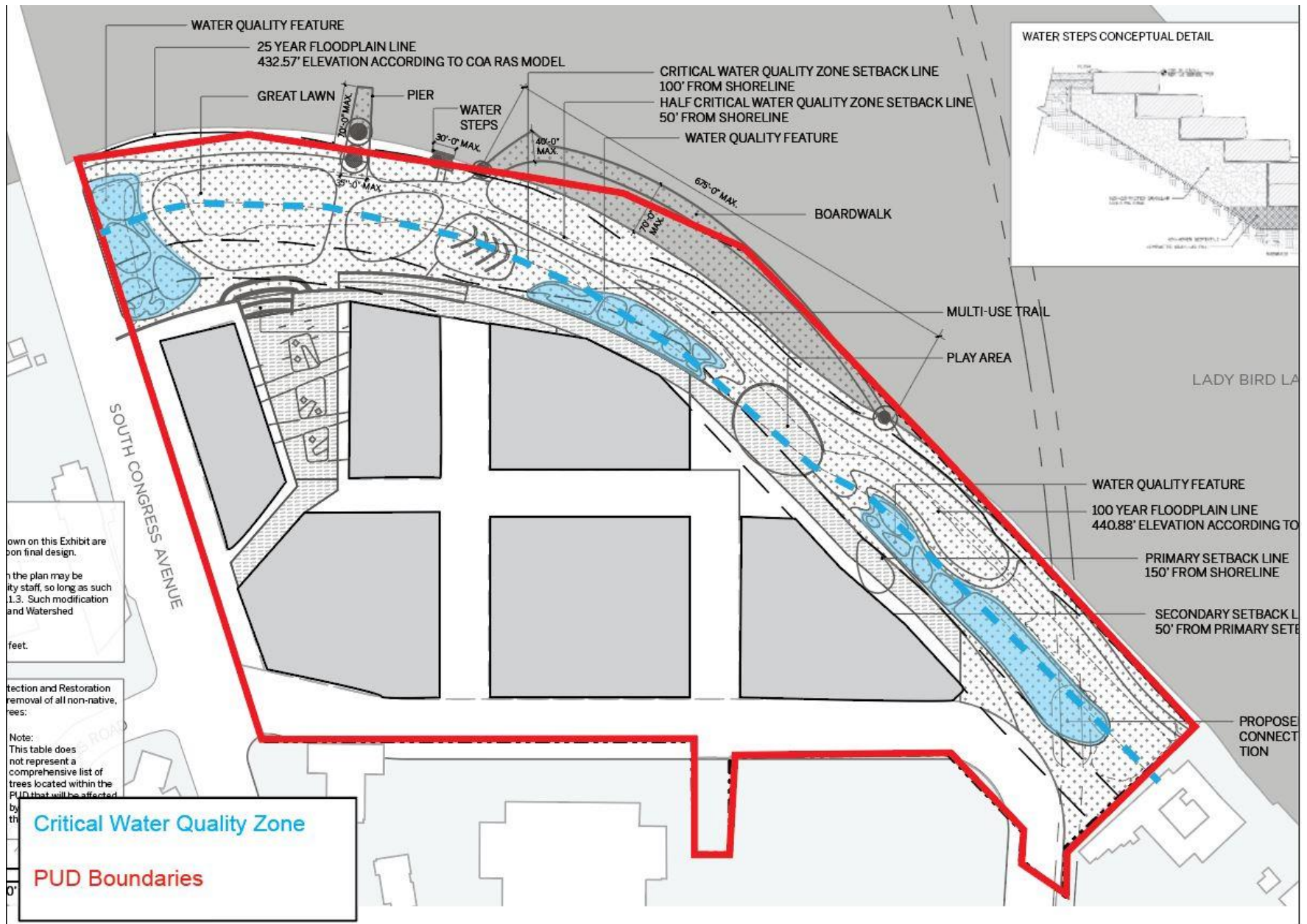




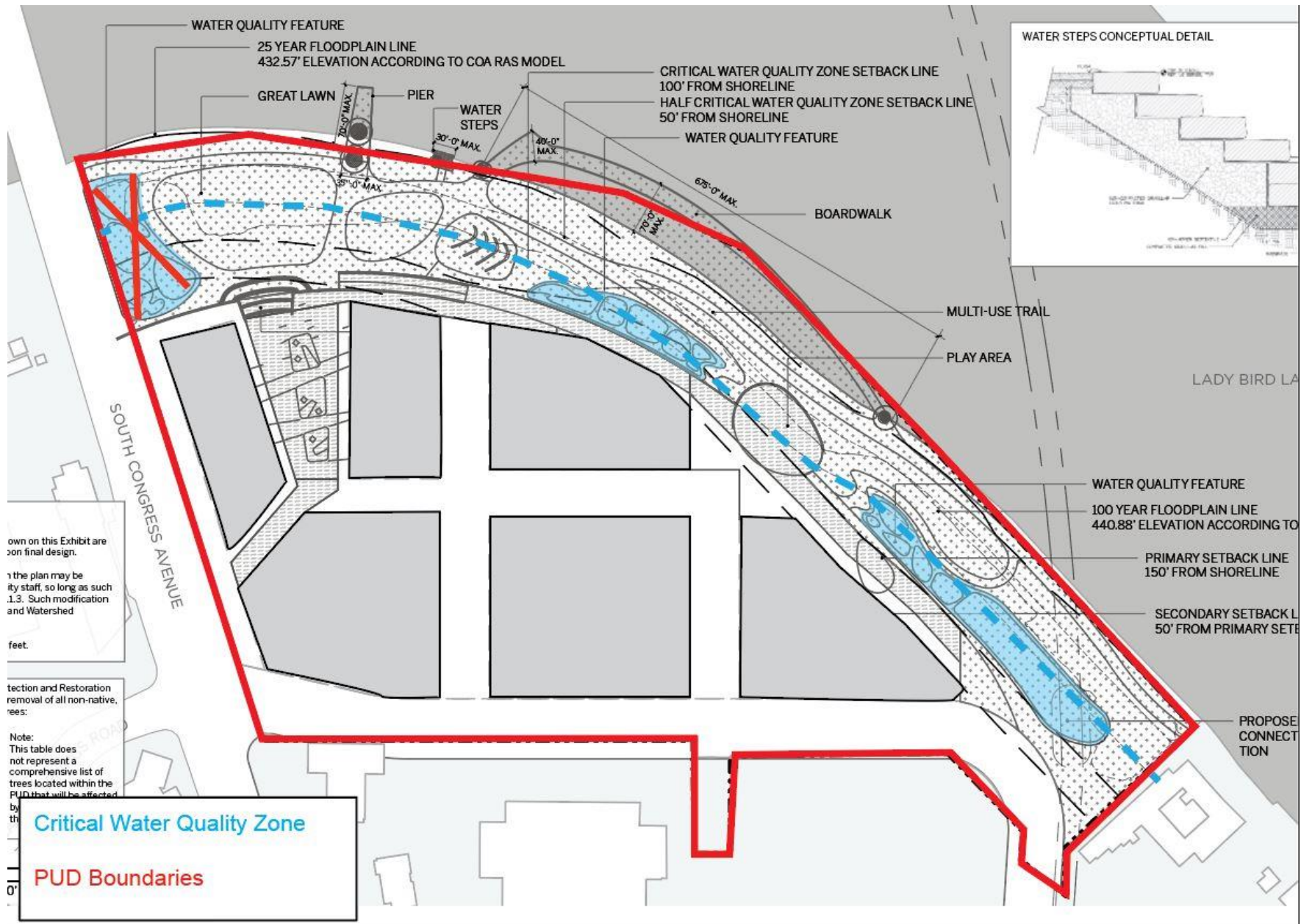


Setbacks and Buffers



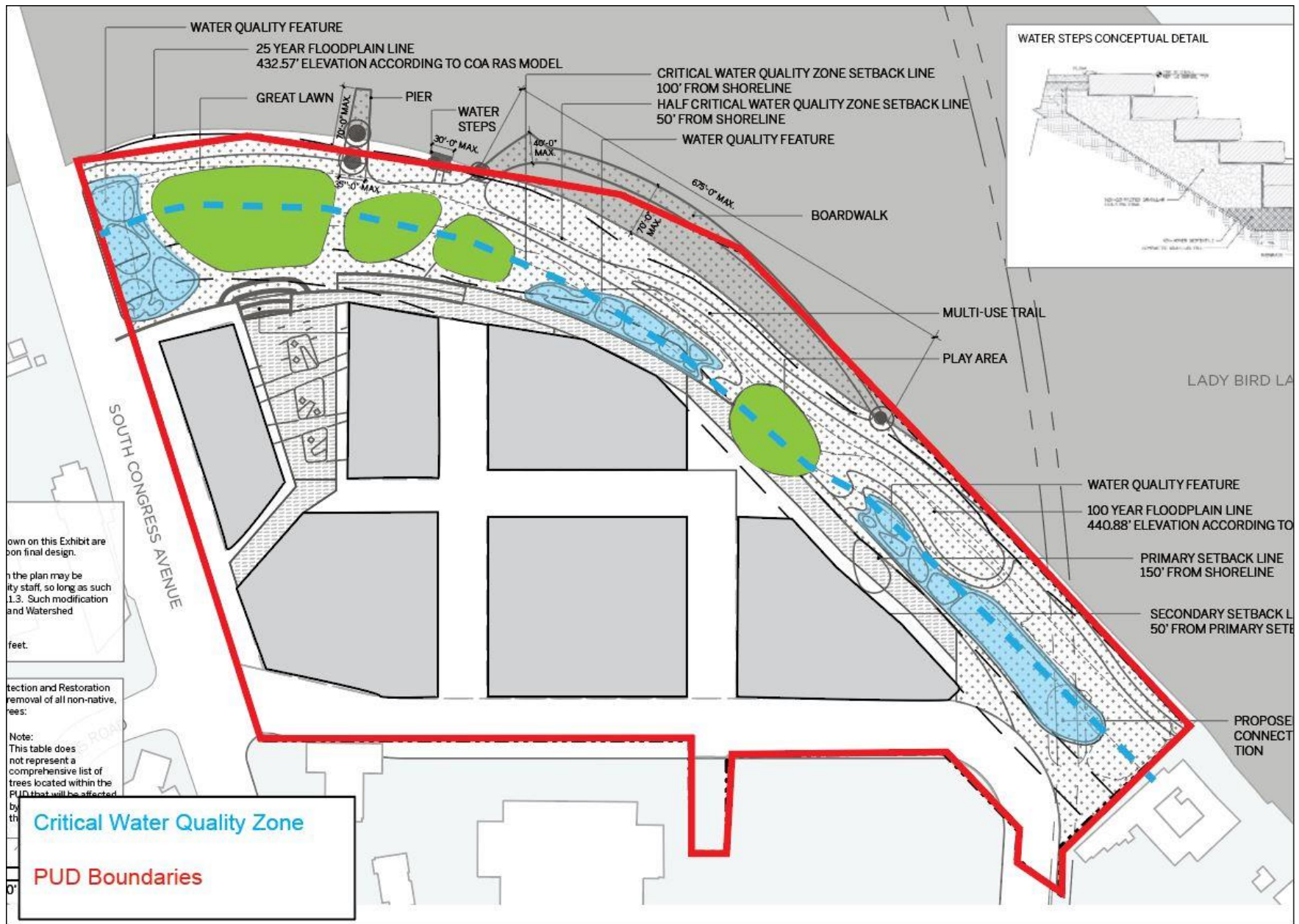


Water Quality



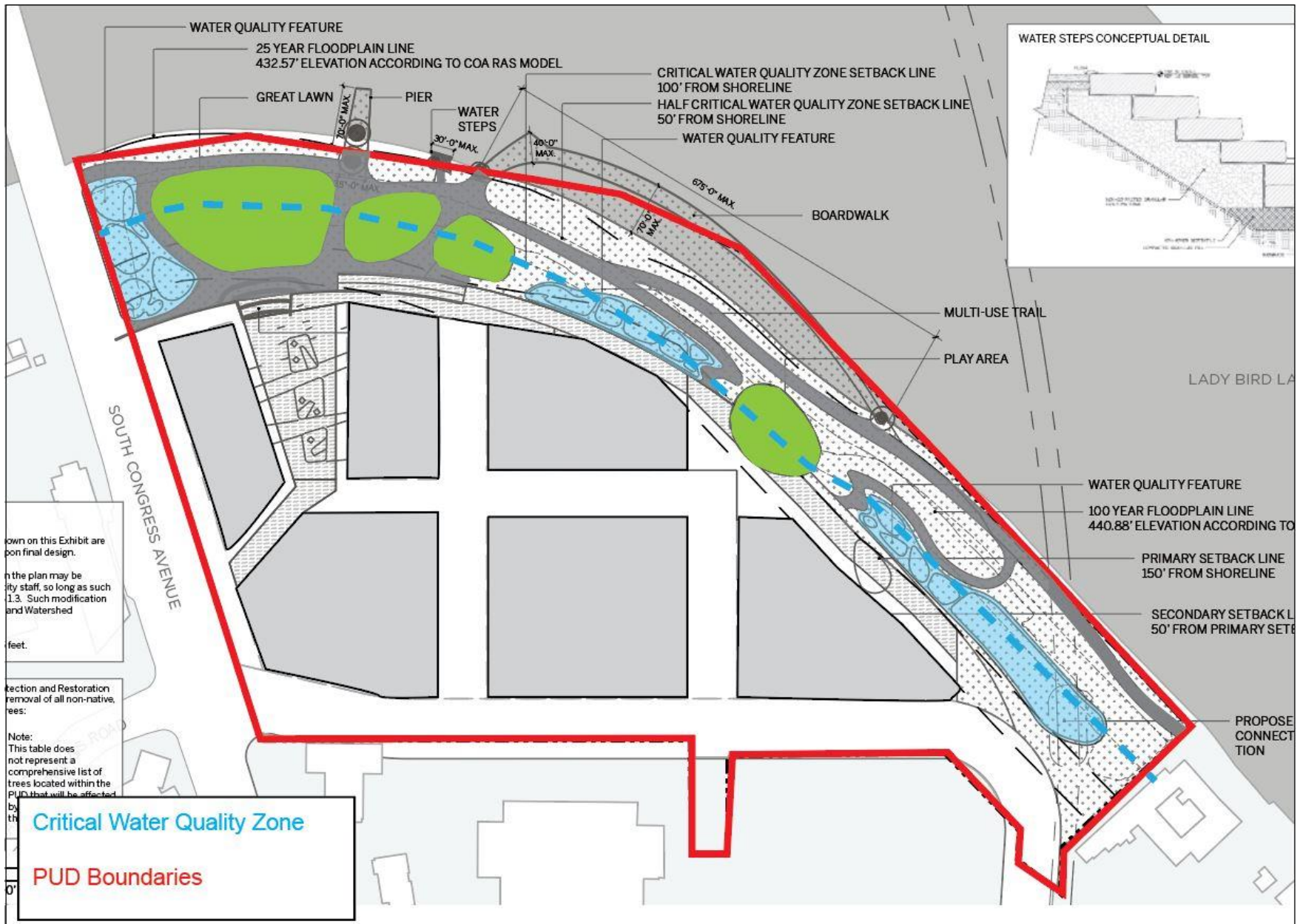
## Water Quality



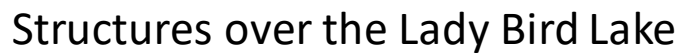


Proposed Turf Areas

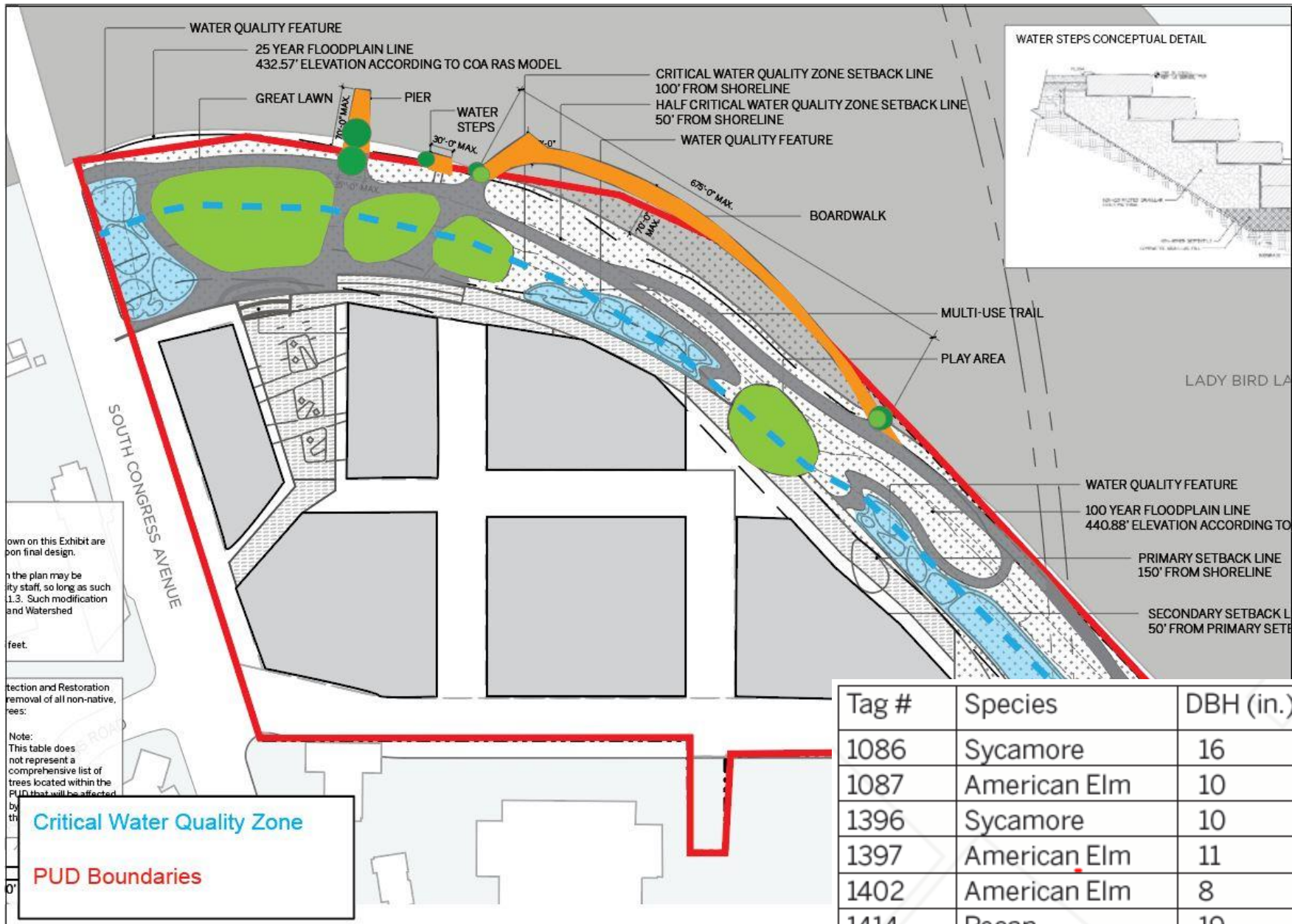


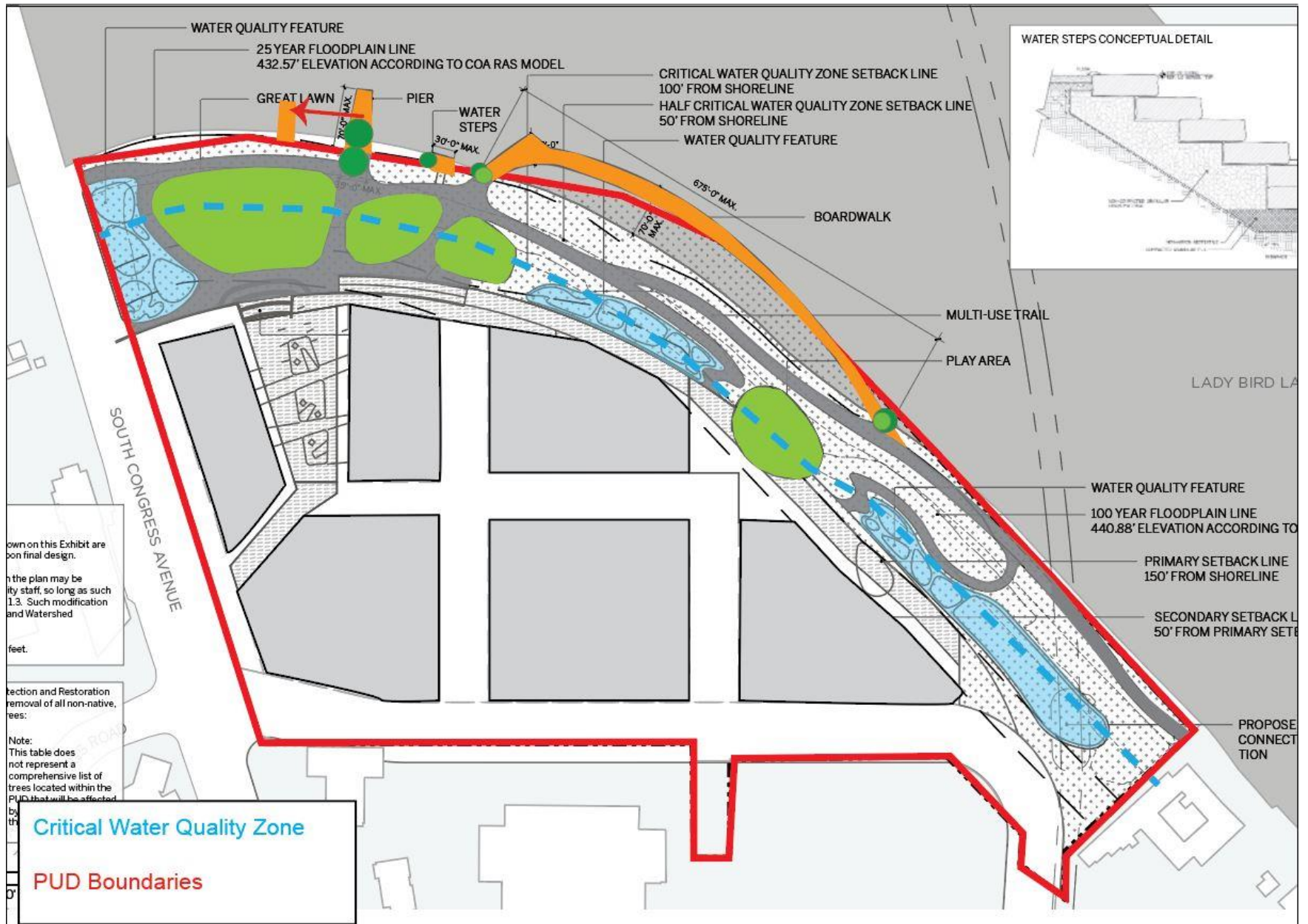


Proposed Trails









Options to Avoid Tree Removal

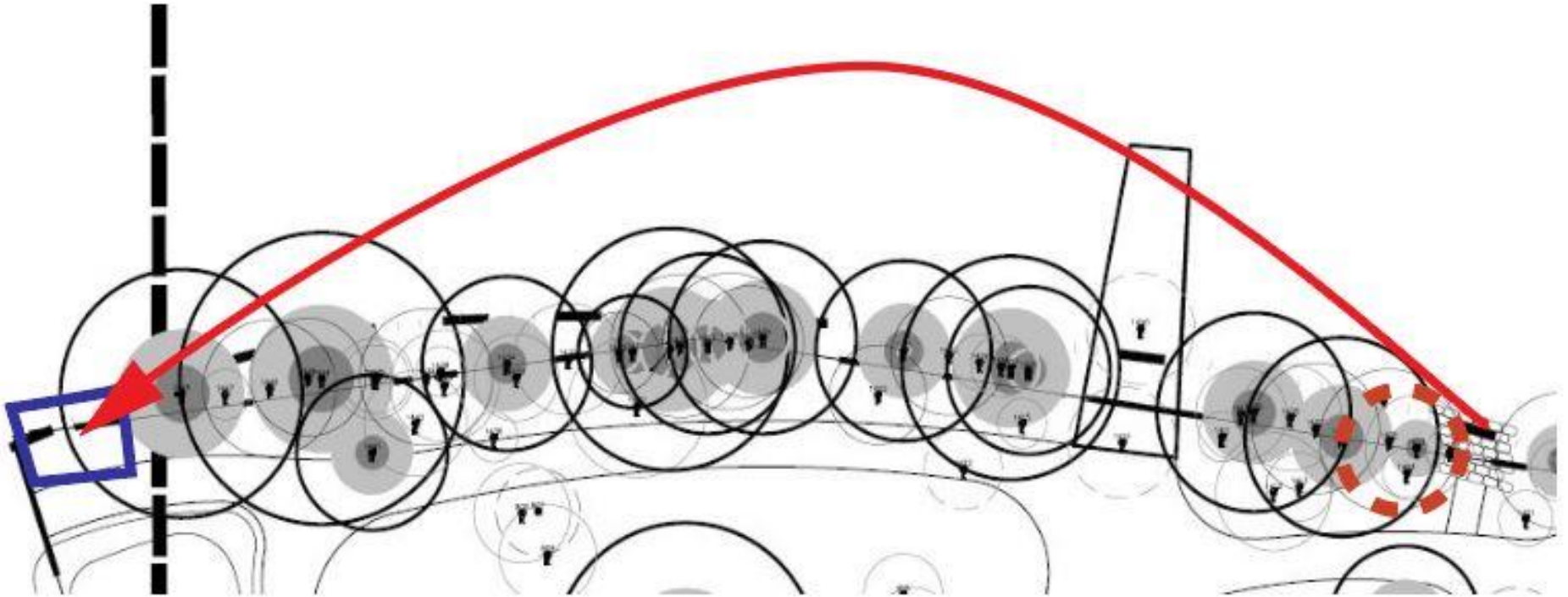




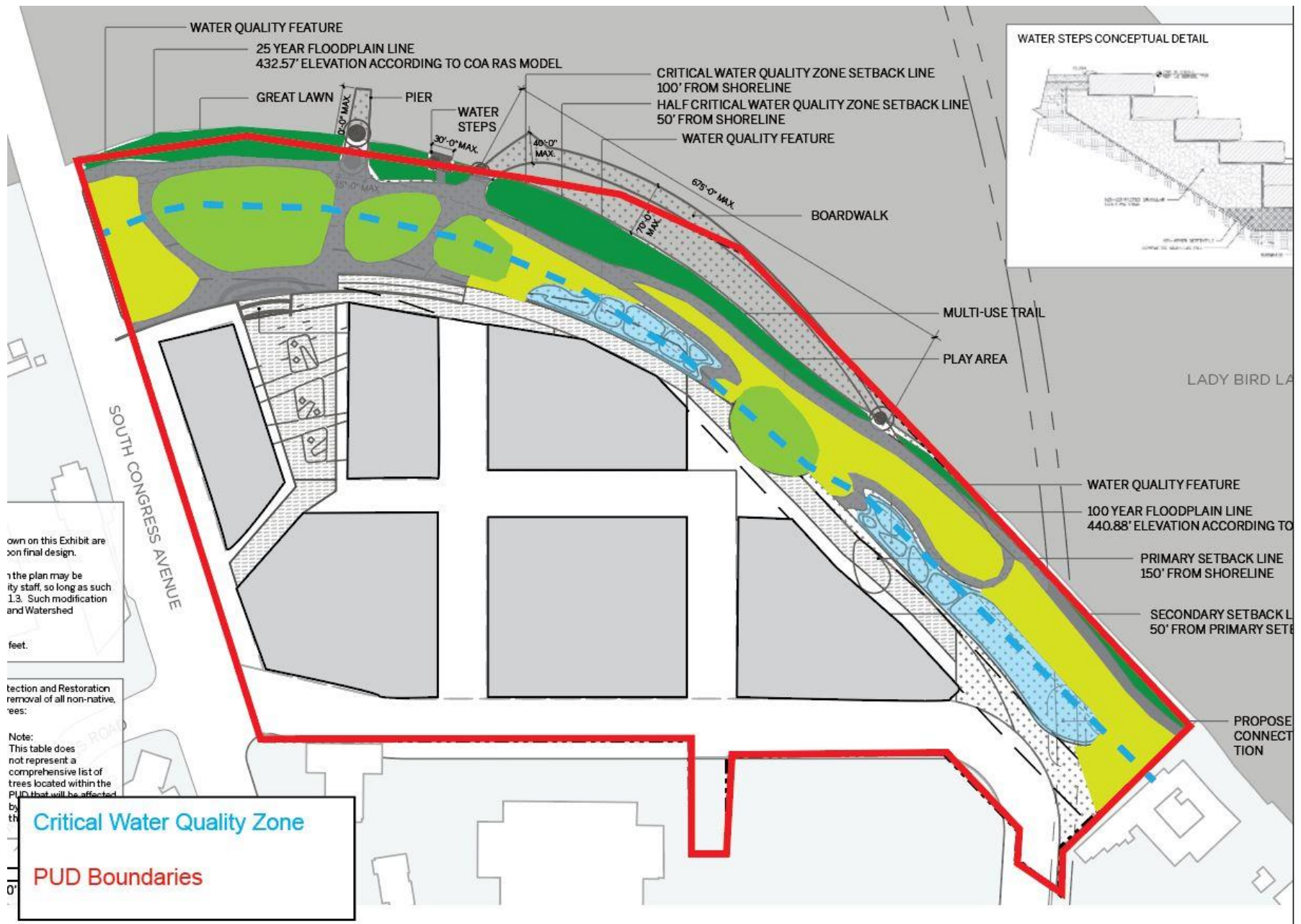
## Options to Avoid Tree Removal







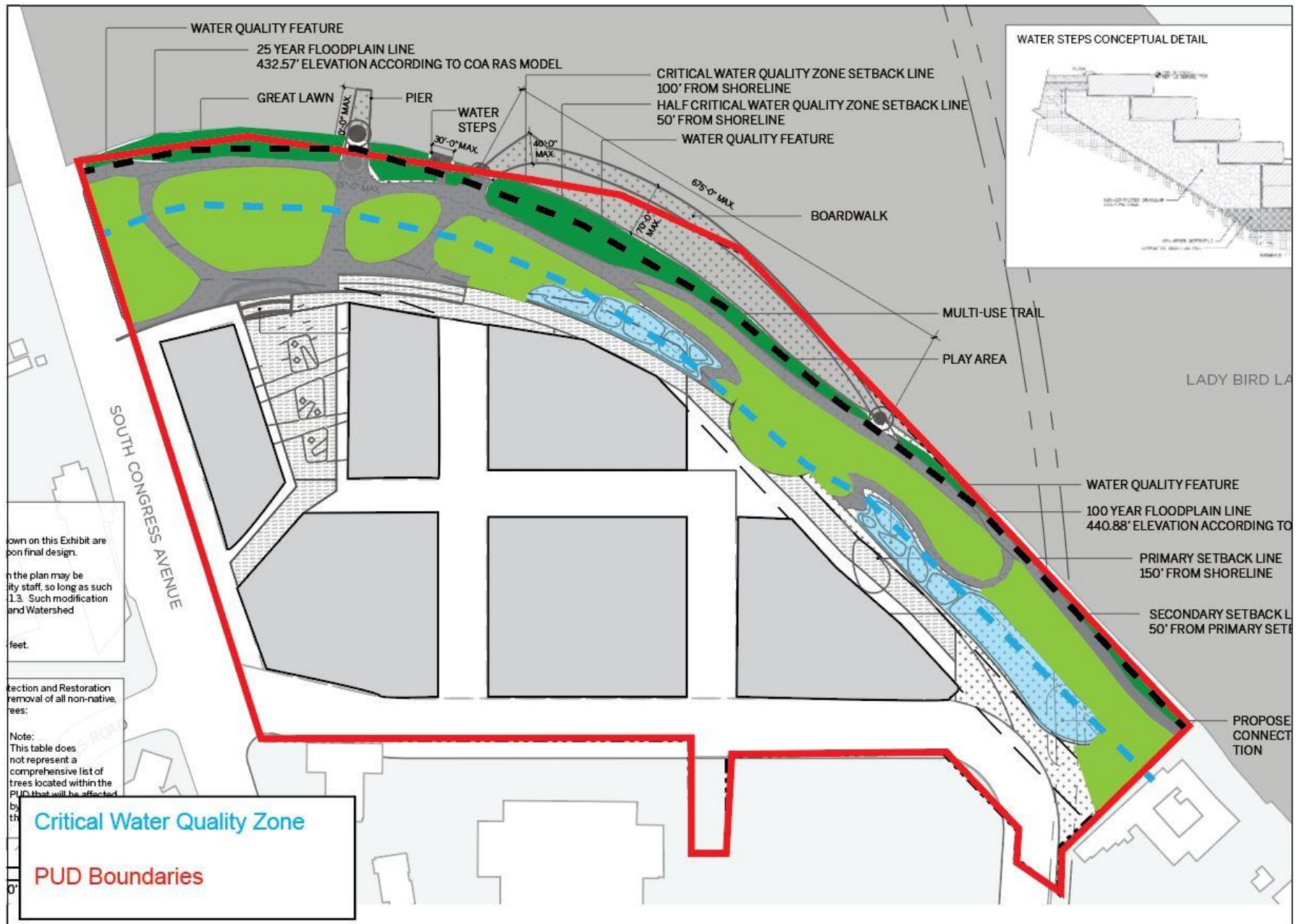
Options to Avoid Tree Removal



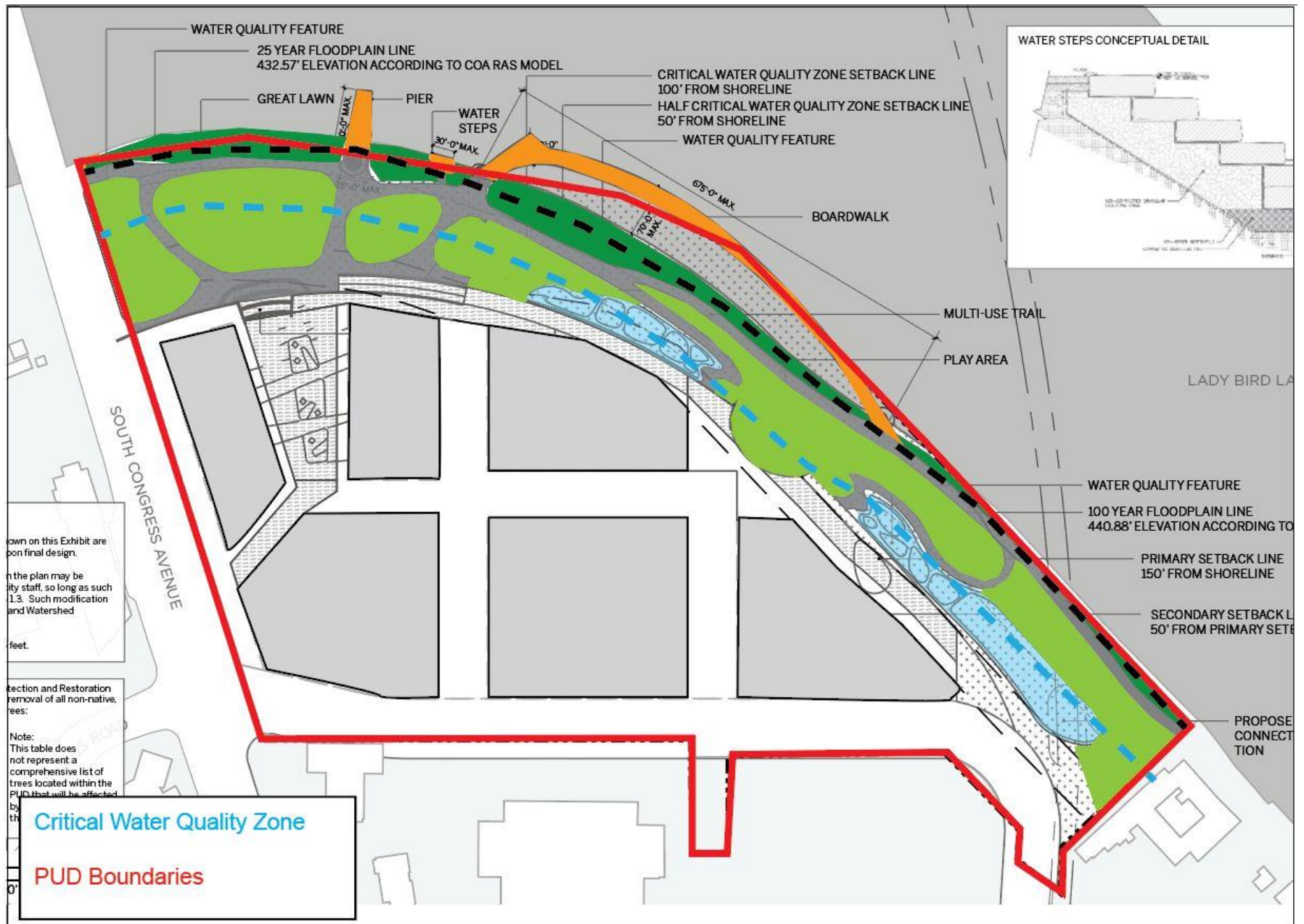
## Proposed Environmental Restoration











Proposed Environmental Restoration



Proposed Environmental Restoration





	PARKLAND AREAS WITH FULL CREDIT - 62,531 SF (1.44 AC)
	PARKLAND AREAS WITH 50% CREDIT - 184,665 SF TOTAL - 92,332.50 SF @ 50% CREDIT (2.12 AC)
	PLAZA AREAS WITH 50% CREDIT - 69,478 SF TOTAL - 34,739 SF @ 50% CREDIT (0.80 AC)
	PARKLAND AREAS WITH 0% CREDIT - 48,502 SF TOTAL (1.11 AC)

## Parkland Dedication



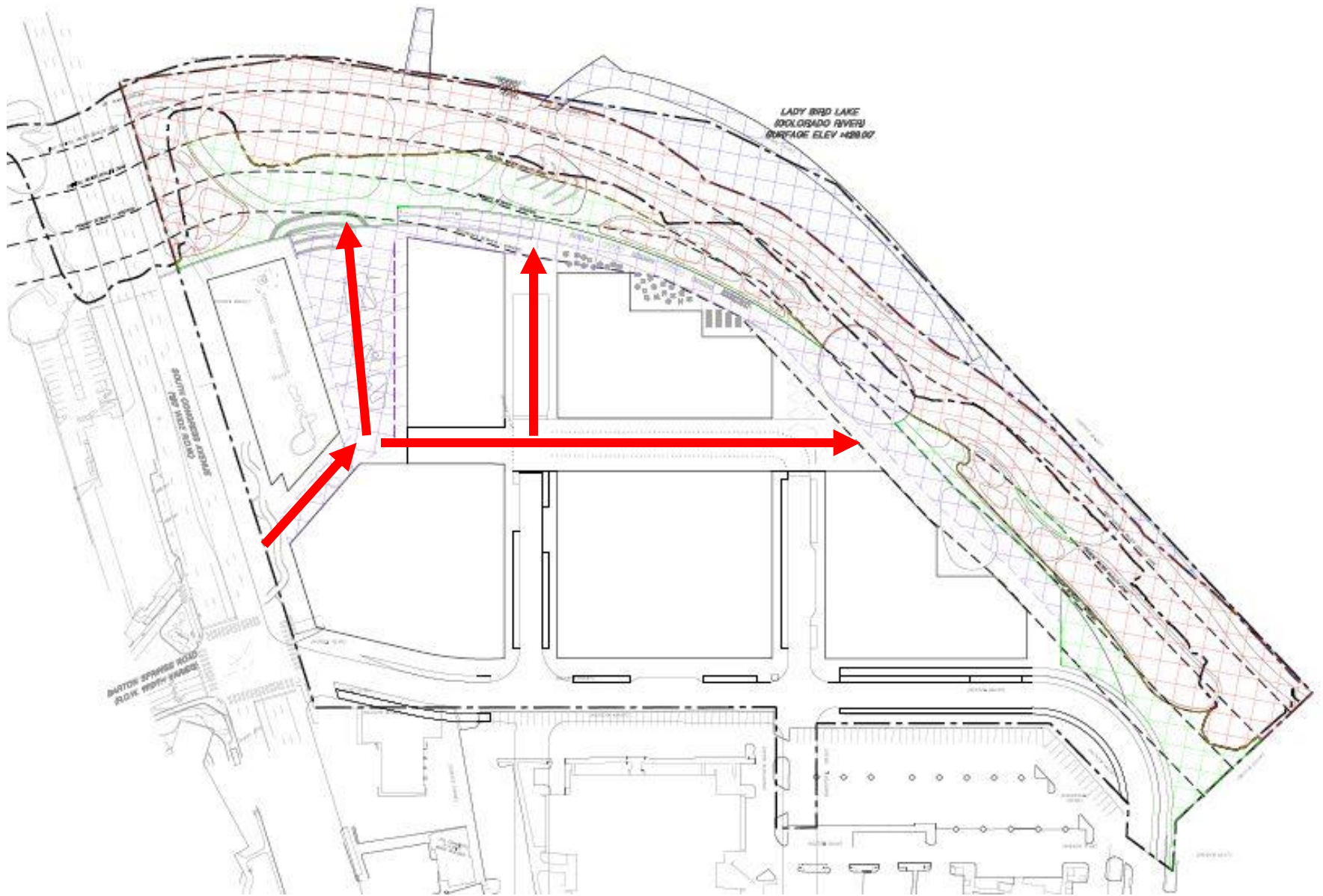


Current Trail Access



Existing Parkland Access Eliminated





Proposed Parkland Access

# Comparison:

	Existing Code	Proposed PUD	
<b>Water Quality</b>	100% capture volume or payment in lieu	100% capture volume	
<b>Drainage</b>	No adverse impact	No adverse impact	
<b>Impervious Cover</b>	15% Primary Setback 40% Secondary Setback 5% Critical Water Quality Zone	Project is proposing 24.5% impervious cover in the Primary setback and Critical Water Quality Zone	✗
<b>Open Space</b>	20% of non-residential tracts (Tier 1) Additional 20% (Tier 2)	1.59 acres Park Easement 6.53 acres Dedicated Parkland Total: 8.12 acres of Open Space	✓
<b>CWQZ</b>	100' from shoreline, 5% IC allowed	Project proposes a large amount of disturbance in the buffer that includes shoreline modification, tree removal, redundant paths, and very little restoration	✗
<b>Critical Env. Features</b>	150' Protective Buffer	Applicant shows the wetland fridge but does not add a buffer to protect the features	
<b>Landscape Irrigation</b>	Potable water	Project proposes to draw water from Lady Bird Lake, AWU is asking the development to connect to reclaimed water	✗

# Comparison:

	Existing Code	Proposed PUD	
<b>Trees</b>	Current code including Heritage Tree ordinance	Will preserve or transplant all Heritage Trees, will save 77% of all trees on site	✓
<b>Extension of boat dock/pier into lake</b>	Boat dock or pier may not extend beyond 30' from the shoreline	Project is proposing to modify this section code to allow a pier and boardwalk to extend 70' into the lake	✗
<b>20% shoreline disturbance</b>	Docks, piers, boardwalks can only take up 20% of a site's shoreline frontage.	Project is proposing to waive this section of code	✗
<b>Relocation of shoreline on Lady Bird Lake</b>	Requires City Council approval to relocate earth material on Lady Bird Lake.	Proposing a code modification to allow the administrative approval of the steps as opposed to seeking Council approval as required by code	✗
<b>Dark Sky Initiative</b>	Full cut-off or shielded	Full cut-off or shielded	
<b>Green Building</b>	2-Star Certified	2-Star Certified	

# Code Modifications-Environmental

1. Section 25-2-1176(A)(1) is modified to allow construction of the pier and boardwalk to extend up to 70' from the shoreline.
2. Section 25-2-1176(A)(4) is modified to exceed the allowed 20% of the shoreline.
3. 25-8-63(11)(a)(IV) is modified to allow the project to exceed 15% of site area allowed by code.
4. Section 25-8-261 and the ECM is modified to allow development within the Critical Water Quality Zone that is in accordance with the PUD Land Use Plan and Open Space Plan. This includes vegetation filter strips, rain gardens, bio-filtration ponds, stormwater outfall structures, park improvements including hard surface trails, bicycle trails, picnic facilities, playscapes, concessions including food and beverage vendors, bicycle rentals, sports equipment rentals, boat rentals, dining facilities, performance and special event facilities, boardwalks, sidewalks, pavilions, gazeboes, restrooms, exercise equipment and courses, beach lawn with steps into the water, boat landings, piers, rail station, stream bank stabilization and other similar facilities. Capping impervious cover at 24.5%. Only 5% allowed by code for development within the CWQZ and only 15% is allowed by the Waterfront Overlay.
5. Section 25-8-261(H) is modified to allow green stormwater quality controls (as defined by ECM) within 50 feet of the shoreline of Lady Bird Lake and within the 100-year floodplain.
6. Section 25-8-367 is modified to allow the administrative approval of the steps on the shoreline as opposed to seeking Council approval as required by code.

Red = Staff does not support

Black = Staff does support



# Recommendation

Current proposal is not superior, but would be superior with the following conditions:

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# Recommendation (cont.)

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# Questions?

## Contact Information:

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Environmental Officer's Office

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