

**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-11**  
**AGENDA DATE: Thu 08/26/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C814-98-0001.01 - Southwest Marketplace (an amendment to The Forum P.U.D.) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4201-4515 West William Cannon Drive and 6900-7238 South MoPac Expressway (Williamson Creek Watershed-Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning with conditions. This property is located in the Barton Springs Zone, has been proposed for a zoning change that will: 1) modify the original conditions of zoning, and 2) modify the application of Chapter 25-8, Article 12 (Saves Our Springs Initiative. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: Hay Barn Ltd. (Carey P. Brownlee). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C814-98-0001.01

**Z.P.C. DATE:** May 18, 2004  
June 15, 2004  
July 20, 2004  
August 3, 2004

**ADDRESS:** 4201 – 4515 West William Cannon Drive and 6900 – 7238 South MoPac Expressway

**OWNER & APPLICANT:** Hay Barn Ltd.  
(Carey P. Brownlee)

**AGENT:** Drenner Stuart Wolff Metcalfe  
von Kreisler, LLP  
(Michele Haussmann)

**ZONING FROM:** PUD

**TO:** PUD

**AREA:** 71.630 acres

**SUMMARY STAFF RECOMMENDATION:** The staff's recommendation is to grant planned unit development (PUD) district zoning, as further illustrated in Exhibit B.

A Traffic Phasing Agreement executed on February 23, 2004 limits the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (July 16, 2004).

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

May 18, 2004: *POSTPONED TO 06/01/04 (APPLICANT)*  
[K.J; J.M 2<sup>ND</sup>] (8-0)

June 15, 2004: *POSTPONED TO 07/20/04 (STAFF).*  
[J.M; J.G 2<sup>ND</sup>] (9-0)

July 20, 2004: *POSTPONED TO 08/03/04 (APPLICANT & STAFF)*  
[J.M; J.G 2<sup>ND</sup>] (8-0) J.P – ABSENT

August 3, 2004: *APPROVED STAFF'S RECOMMENDATION FOR PUD ZONING; BY CONSENT.*  
[J.M; J.G 2<sup>ND</sup>] (8-0) J.P – ABSENT

### **EXHIBITS AND ATTACHMENTS TO STAFF REPORT:**

|                     |  |
|---------------------|--|
| Exhibits A and A-1: | Current Zoning Map and Aerial View   |
| Exhibit B:          | Proposed PUD Amendments to the Forum PUD for the Southwest Marketplace development   |
| Exhibit C:          | Applicant's Comparison Chart and Summary Letter: Proposed PUD Amendments for the Southwest Marketplace development as compared with Current Code and the Forum PUD               |
| Attachment A:       | Traffic Impact Analysis (TIA) Memorandum   |
| Attachment B:       | Environmental Board Motion of July 7, 2004   |
| Attachment C:       | Applicant's Proposed Amendments to the Forum PUD Land Use Plan, Development Regulations and Green Builder Standards; Copy of Amended Land Use Plan and Building Envelope Exhibit |

Letters of Support and Opposition are attached following Attachment C.

**ISSUES:**

At their meeting on July 7, 2004, the Environmental Board voted 7-0 to recommend the proposed PUD consistent with the staff recommendation. Please refer to Attachment B.

Letters of support from the Western Oaks Neighborhood Association, Westcreek Neighborhood Association, Creek Ridge Homeowner's Association and the Oak Hill Association of Neighborhoods (OHAN), and signatures of support from several surrounding property owners are attached at the back of the staff report. Letters of opposition have been submitted by a concerned citizen and Save Our Springs (SOS) Alliance are also attached.

**DEPARTMENT COMMENTS:**

The subject property is undeveloped and comprises 71.6 acres with frontages on Brush Country Road, West William Cannon Drive and South MoPac Expressway. The rezoning area carries planned unit development (PUD) zoning by way of a 1998 – 1999 rezoning application and represents a portion of the Forum Planned Unit Development. Please refer to Exhibits A and A-1. The applicant proposes substantial changes to land uses and development standards approved for Tract 2 to accommodate retail development. As illustrated in Exhibit B and further outlined in Attachment C, several amendments are proposed by the applicant and summarized below:

- Increase the approved square footage of gross floor area for one single tenant from 100,000 to 153,000 to facilitate the development of a wholesale food and retail sales use (Costco). The applicant has also proposed to reduce the size of all other single occupants to a maximum of 50,000 square feet;
- Change the allowed land uses on Parcel C of Tract 2 from general office (GO) to community commercial (GR);
- Prohibit administrative and business offices and professional office uses;
- Reduce impervious cover by 20% (8.47 acres) from 42.34 acres to 33.87 acres;
- Treat roadway run-off to SOS standards for a portion of the property's frontage on MoPac Expressway (3.49 acres) and adjacent to Brush Country Road (1.59 acres), resulting in a total of 5.08 acres;
- Increase the capture volume for water quality pond(s) from 1.77 inches to 2.59 inches;
- Increase (updates) Green Building Standards to those adopted as part of the Circle C Development Agreement in 2002;
- Clarify the language regarding drainage facilities to allow for the construction of either one or separate facilities;
- Establish building envelope locations; and.
- Relocate one driveway on MoPac Expressway in original submittal.

The applicant has also provided additional information to City transportation review staff showing that the proposed modifications to the PUD result in a slight decrease in traffic compared with the previous Traffic Impact Analysis prepared in September 2003.

Following a series of discussions with the applicant and with their subsequent amendments to the PUD application, the Watershed Protection and Development Review Department and the Neighborhood Planning and Zoning Department support the PUD application. The current PUD amendments provide environmental benefits of reduced impervious cover, additional treatment of

roadway runoff, greater water quality capture volume, enhanced Green Building Standards and reduces the number of big box developments that could occur, in comparison with the existing PUD approval.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>                       | <b>LAND USES</b>  |
|--------------|-------------------------------------|---|
| <i>Site</i>  | PUD                                 | Undeveloped   |
| <i>North</i> | LR; GR-CO; CS-1-CO; PUD; SF-6; MF-2 | Service station with auto washing; Gym; Shopping centers; Liquor store; Undeveloped; Condominiums |
| <i>South</i> | N/A                                 | MoPac Expressway  |
| <i>East</i>  | N/A                                 | MoPac Expressway  |
| <i>West</i>  | LR; GR; CS; LO; SF-3; SF-2          | Undeveloped; Single family residences; Religious assembly   |

**AREA STUDY:** N/A

**TIA:** Is required – Please refer to Attachment A

**WATERSHEDS:** Williamson Creek –  
Barton Springs Zone – Recharge Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

89 – Westcreek Neighborhood Association

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

627 – Onion Creek Homeowners Association

918 – Davis Hills Estates

943 – Save Our Springs Alliance

967 – Circle C Neighborhood Association

**SCHOOLS:**

Mills Elementary School

Covington Middle School

Crockett High School

**CASE HISTORIES:**

| <b>NUMBER</b> | <b>REQUEST</b>  | <b>COMMISSION</b>   | <b>CITY COUNCIL</b>   |
|---------------|---|---|---|
| C14-03-0178   | LR to GR  | To Grant GR-CO with personal improvement services, retail (general) and restaurant (general) as the only permitted GR uses, and all permitted LR uses | Approved GR-CO zoning as recommended by ZAP; Restrictive Covenant for IPM / Grow Green includes all of shopping center property (2-26-04) |
| C14-02-0045   | GR-CO; CS-1-CO to GR-CO; CS-1-CO for the relocation of a liquor sales use | To Grant CS-1-CO for Tract 1; GR-CO for Tracts 2 and 3. Conditional Overlay is for IPM Plan, height   | Approved ZAP recommendation with additional requirements for use of native plants and prohibiting cocktail                                |

|             |             | limitations, prohibited uses and water quality volume requirements | lounge as a Conditional Use. (8-29-02)  |
|-------------|-------------|--|---|
| C14-96-0115 | LR to GR-CO | To Grant GR-CO   | Approved GR-CO with Conditional Overlay for IPM Plan; list of prohibited uses; 40' height limit for offices; 30' for retail or commercial; water quality volume requirements (1-8-98) |
| C14-96-0105 | LR to GR    | To Grant GR-CO   | Approved GR-CO with Conditional Overlay for 2,000 trips; increased capture volume; list of prohibited uses (12-12-96)   |
| C14-89-0007 | LO to GR-CO | To Grant GR-CO with Conditional Overlay                            | Approved GR-CO with Conditional Overlay limiting F.A.R.; impervious cover to 70%; LR uses and freestanding or low-profile signs allowed in the LR district (11-9-89)                  |

#### **RELATED CASES:**

The subject rezoning area (71.630 acres) was Tract II of five tracts of land (totaling 424.781 acres) known as the Forum Planned Unit Development (C814-98-0001 – Ordinance # 990408 – 14). Tracts I, II and III are to be developed. Tract IV, located east of MoPac and south of William Cannon Drive, is a 147-acre Preserve tract, and also known as Mitigation Property that serves to offset impervious cover allowed on other developable tracts. Tract V (also known as the Blowing Sink Tract), located southwest of Deer Lane and Brodie Lane, consists of 165.27 acres and was dedicated to the City of Austin as Mitigation Property. The Blowing Sink Tract contains significant environmental recharge features.

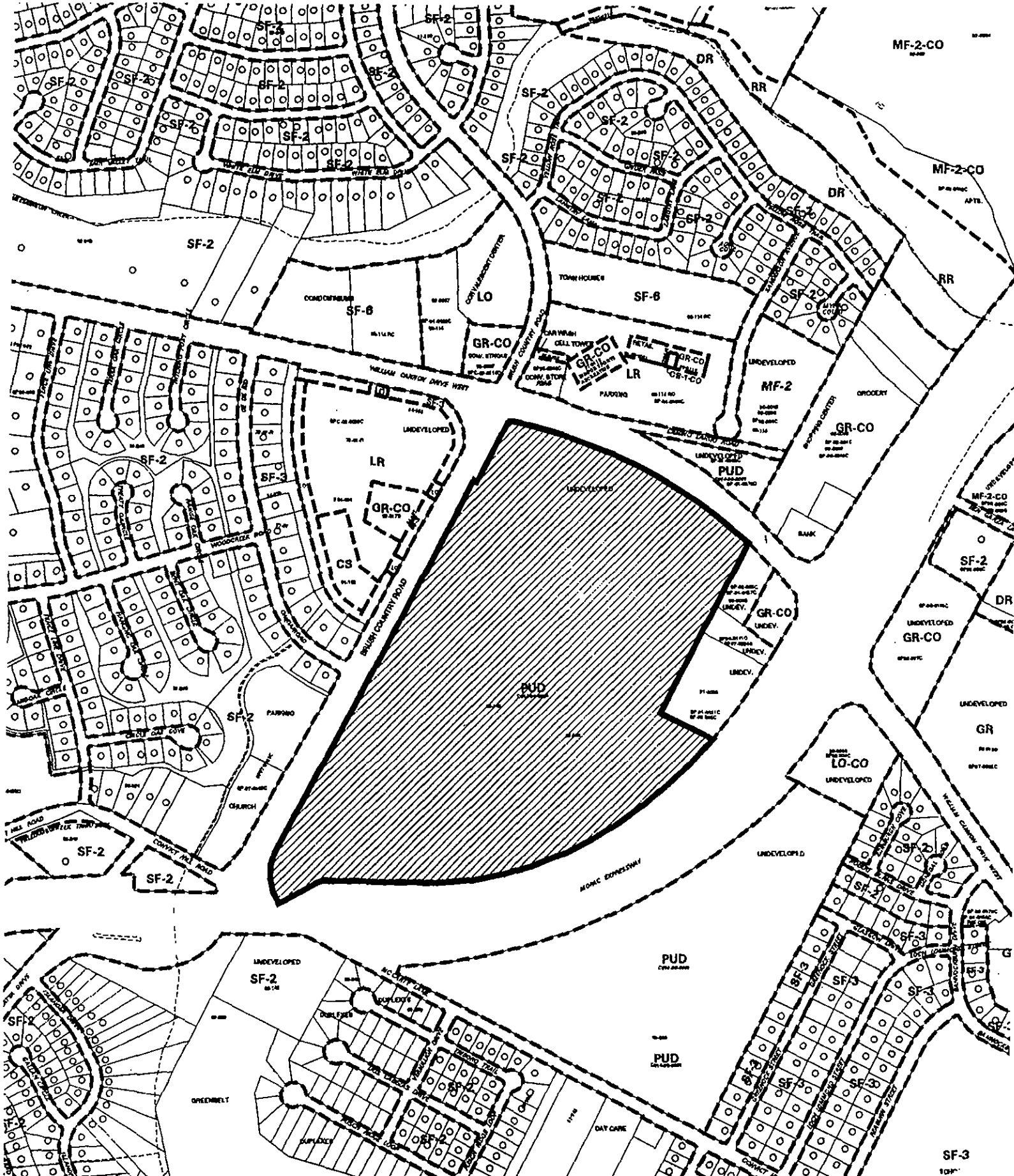
City Council approved PUD zoning for these properties on April 8, 1999. Tract II consisted of Parcels B, C, D and E; Parcel C carried GO zoning and uses while the remaining three carried GR zoning. The accompanying Development Regulations included compliance with Green Builder Standards; required a 200-foot wide vegetative buffer abutting Brush Country Road and prohibited access to this road; required a pedestrian access system; established allowable impervious cover; established restrictions on office uses; established a 100,000 square foot of gross floor area cap for single-occupant commercial use; and established a 1-acre site area for plant nursery use. Permitted uses were also established, in addition to Green Builder standards and water quality criteria.

**ABUTTING STREETS:**

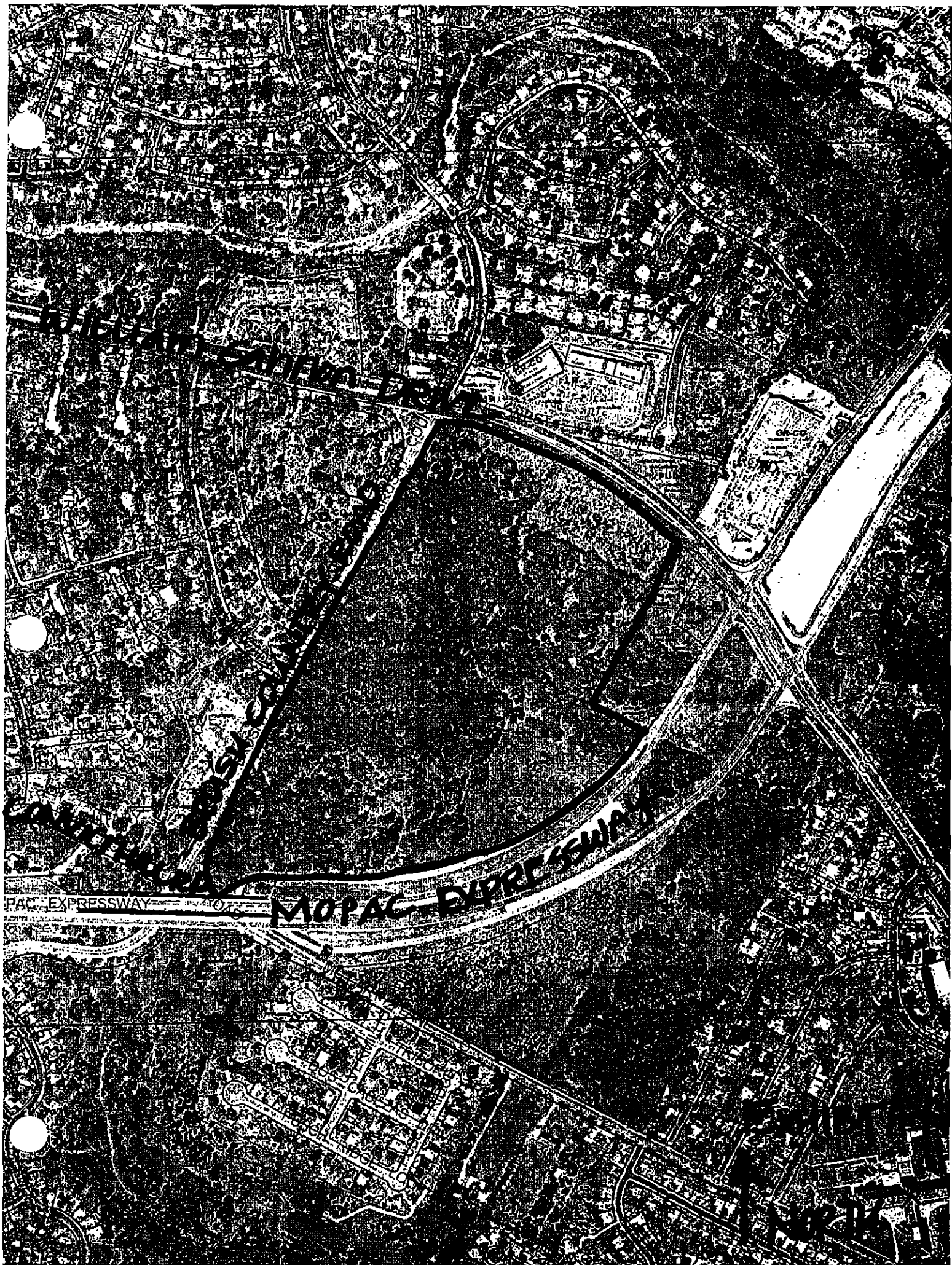
| <b>STREET</b>        | <b>RIGHT-OF-WAY</b> | <b>PAVEMENT WIDTH</b> | <b>CLASSIFICATION</b> | <b>DAILY TRAFFIC</b> |
|----------------------|---------------------|-----------------------|-----------------------|----------------------|
| Brush Country Road   | 130-140 feet        | 40-60 feet            | Minor Arterial        | 5,913 (2001)         |
| William Cannon Drive | 150 feet            | 2 @ 36 feet           | Major Arterial        | 33,086 (2002)        |
| Loop 1 (MoPac)       | 375 - 420 feet      | 2 @ 24 feet           | Parkway               | 36,000 (2001)        |

- There are existing sidewalks along William Cannon Drive.
- Capital Metro bus service is available at the intersection of Convict Hill and Brush Country, adjacent to this tract.

**CITY COUNCIL DATE:** August 26, 2004**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh    **PHONE:** 974-7719    e-mail: wendy.walsh@ci.austin.tx.us



|               |                              |  |  |  |                                       |
|---------------|------------------------------|--|--|--|---------------------------------------|
| <br>1" = 600' | SUBJECT TRACT                |  | PLANNED UNIT DEVELOPMENT                                   |  | CITY OF<br>REFERENCE<br>NUMBER<br>D18 |
|               | PENDING CASE                 |  | EXHIBIT A  |  |                                       |
|               | ZONING BOUNDARY              |  | CASE #: C814-98-0001.01                                    |  |                                       |
|               | CASE MGR: W. WALSH           |  | ADDRESS: 4201-4515 W WILLIAM CANNON DR & 6900-7238 S MOPAC |  |                                       |
|               |                              |  | DATE: 04-05  |  |                                       |
|               | SUBJECT AREA (acres): 71.630 |  | INTLS: SM  |  |                                       |





## **STAFF RECOMMENDATION**

The staff's recommendation is to grant planned unit development (PUD) district zoning, as further illustrated in Exhibit B.

A Traffic Phasing Agreement executed on February 23, 2004 limits the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (July 16, 2004).

## **BACKGROUND**

The subject property is undeveloped and comprises 71.6 acres with frontages on Brush Country Road, West William Cannon Drive and South MoPac Expressway. The rezoning area carries planned unit development (PUD) zoning by way of a 1998 – 1999 rezoning application and represents a portion of the Forum Planned Unit Development. Please refer to Exhibits A and A-1. The applicant proposes substantial changes to land uses and development standards approved for Tract 2 to accommodate retail development. As illustrated in Exhibit B and further outlined in Attachment C, several amendments are proposed by the applicant and summarized below:

- Increase the approved square footage of gross floor area for one single tenant from 100,000 to 153,000 to facilitate the development of a wholesale food and retail sales use (Costco). The applicant has also proposed to reduce the size of all other single occupants to a maximum of 50,000 square feet;
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The applicant has also provided additional information to City transportation review staff showing that the proposed modifications to the PUD result in a slight decrease in traffic compared with the previous Traffic Impact Analysis prepared in September 2003.

Following a series of discussions with the applicant and with their subsequent amendments to the PUD application, the Watershed Protection and Development Review Department and the Neighborhood Planning and Zoning Department support the PUD application. The current PUD amendments provide environmental benefits of reduced impervious cover, additional treatment of roadway runoff, greater water quality capture volume, enhanced Green Building Standards and reduces the number of big box developments that could occur, in comparison with the existing PUD approval.

## **BASIS FOR RECOMMENDATION**

### *1. Zoning changes should promote an orderly and compatible relationship among land uses.*

The current PUD amendments provide environmental benefits of reduced impervious cover, additional treatment of roadway runoff, greater water quality capture volume, enhanced Green Building Standards and reduces the number of big box developments that could occur, in comparison with the existing PUD approval.

### *2. Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.*

The executed Traffic Phasing Agreement and conditions assumed in the Traffic Impact Analysis memo will address the traffic impact of this development.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property is undeveloped, has slopes of 0 – 15% and generally drains to the north. Environmental studies have concluded that there are no significant environmental features on this property.

### **Impervious Cover & Environmental**

The proposed amendments to the Forum PUD land use plan and site development regulations will not directly effect environmental reviews of future site plans, as reviewed by the original ordinance.

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the Forum PUD ordinance that allows 65% impervious cover.

According to flood plain maps, there is no flood plain within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment. Per the Forum PUD ordinance, all landscaping will comply with the Green Building Standards.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 25,418 trips per day, compared with 26,010 assumed in the original 1998 traffic impact analysis. An updated TIA reflecting the lower trip total was submitted in September, 2003, in conjunction with a site plan for the first phase of the Forum PUD development, located on the north side of William Cannon Dr.

A restrictive covenant was executed in 1998 with the zoning case requiring the developer to provide 100 percent of the cost of certain roadway improvements identified in the TIA. An administrative revision to an exhibit in this agreement is in process to reflect the different land uses now proposed

and to modify the list of roadway improvements needed to mitigate the effects of the projected traffic. The applicant also requested that the improvements be phased to coincide with the development on the site, and a separate agreement executed on February 23, 2004 establishes the phasing schedule.

### **TPSD Right-of-Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Electric**

Austin Energy has no comments on this amendment to the Land Use Plan. Easement requirements and other comments will be generated on any site plans and plats for this project.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. The landowner will be responsible for providing all necessary water and wastewater utility improvements, offsite main extension and system upgrades to serve the site and land use.

The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

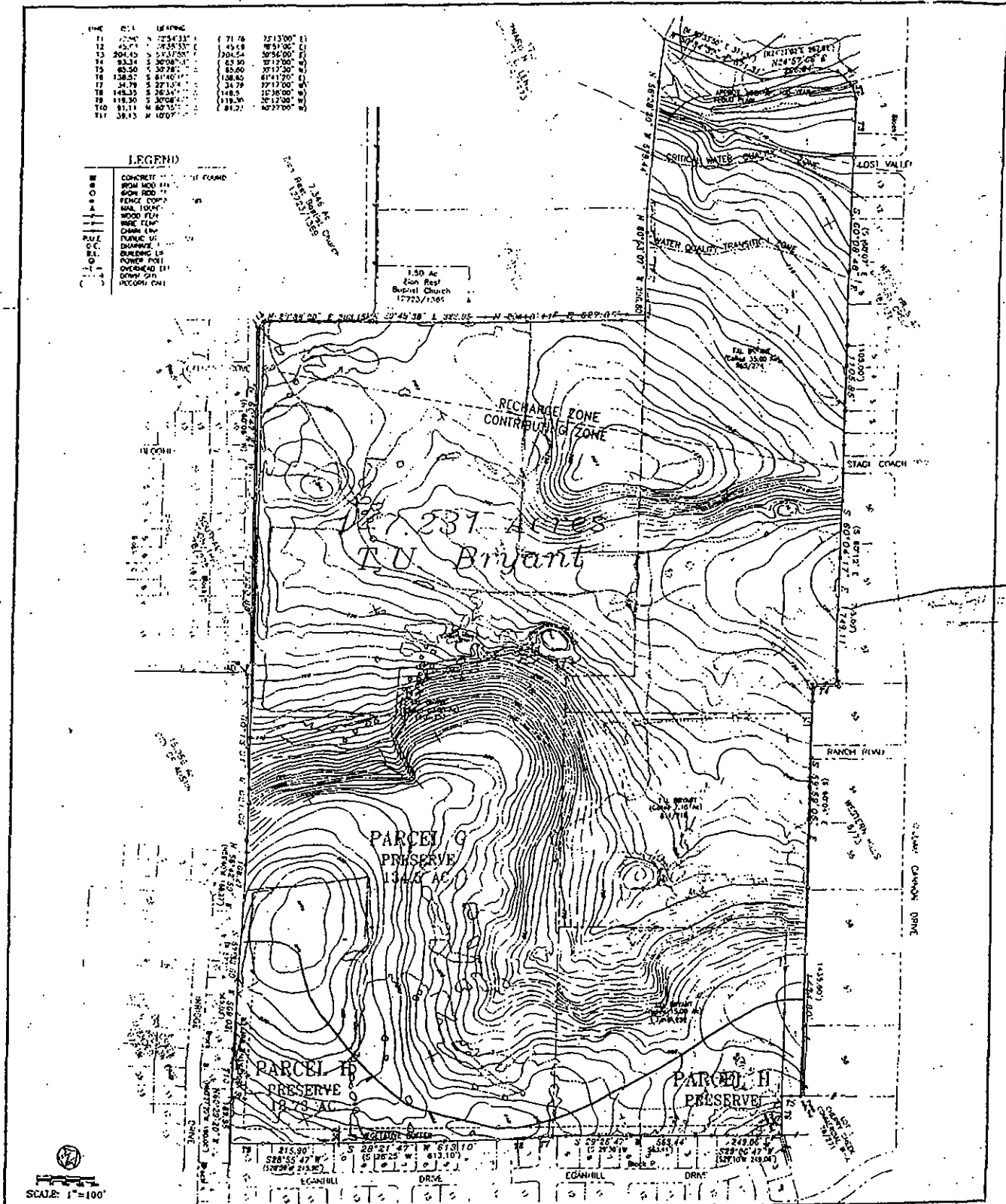
SECRET  
10-30-58



| LINE | STATION | BEARING        | LENGTH | E       | N  |
|------|---------|----------------|--------|---------|----|
| 11   | 12+00   | N 72°54'33" E  | 71.76  | 2213.00 | 11 |
| 12   | 12+00   | N 72°54'33" E  | 143.8  | 4091.00 | 12 |
| 13   | 204.43  | S 51°37'58" W  | 204.43 | 2094.00 | 13 |
| 14   | 93.34   | S 30°08'11" W  | 63.90  | 2127.00 | 14 |
| 15   | 63.50   | S 37°02'11" W  | 45.40  | 2117.50 | 15 |
| 16   | 138.27  | S 81°40'11" W  | 138.27 | 6141.70 | 16 |
| 17   | 34.79   | S 27°13'14" W  | 34.79  | 2212.00 | 17 |
| 18   | 146.35  | S 28°34'11" W  | 146.35 | 2138.00 | 18 |
| 19   | 118.30  | S 30°08'11" W  | 118.30 | 2127.00 | 19 |
| 20   | 91.11   | M 60°55'11" W  | 91.11  | 2077.00 | 20 |
| 21   | 38.13   | M 100°07'11" W | 38.13  | 2077.00 | 21 |

# LEGEND

|            |          |
|------------|----------|
| CONCRETE   | 1" FOUND |
| IRON ROD   | 1" FOUND |
| FENCE CORN | 1" FOUND |
| WALL       | 1" FOUND |
| WOOD FENCE | 1" FOUND |
| WIRE FENCE | 1" FOUND |
| CHAIN LINK | 1" FOUND |
| TURNING    | 1" FOUND |
| BRIDGE     | 1" FOUND |
| BUILDING   | 1" FOUND |
| OVERHEAD   | 1" FOUND |
| POWER      | 1" FOUND |
| OVERHEAD   | 1" FOUND |
| POWER      | 1" FOUND |
| OVERHEAD   | 1" FOUND |
| POWER      | 1" FOUND |





**Southwest Marketplace  
Amendment to the Forum PUD  
Comparison Chart – July 2004**

| Summary of Proposed Amendment<br>Proposed Amendment Description | Original 1999 PUD   | Proposed Amendment to the approved PUD  |
|---|---|---|
|   | <ul style="list-style-type: none"> <li>- GO zoning on Parcel C</li> <li>- A single occupant of a commercial use may not exceed 100,000 square feet of gross floor area, except office.</li> </ul> | <ul style="list-style-type: none"> <li>- GR zoning on Parcel C</li> <li>- A single occupant of a commercial use may not exceed 50,000 square feet of gross floor area, provided that one single occupant shall be allowed to occupy up to 153,000 square feet of gross floor area.</li> <li>- Prohibit office development.</li> </ul> |

|   |  |                            |                                   |  |
|---|--|----------------------------|-----------------------------------|--|
| Land Use  | N/A  | Office and retail          | Retail only                       | * Prohibiting office development - removes the highest regional traffic generator from the project.  |
| Prohibited Uses   | N/A  | Fast Food Service Stations | Fast Food Service Stations Office |  |
| Maximum lease space for a single occupant               | 50,000 square feet, generally 100,000 square feet for food sales | 100,000 square feet        |                                   | A single occupant of a commercial use may not exceed 50,000 square feet of gross floor area, provided that one single occupant shall be allowed to occupy up to 153,000 square feet of gross floor area. |
| Impervious Cover on Subject Tract:<br>71.63 acres       | SOS Ordinance  | 42.34 acres                | 33.87 acres                       | * 8.47 acre reduction = 20%  |
| Overall Impervious Cover Approved in the PUD Ordinance: | 64,364 acres (16.11%)  | 58 acres (14.52%)          | 49.53 acres (12.40%)              |  |
| 5 tracts = 424,781 acres total                          |  |                            |                                   |  |

EXHIBIT C  
APPLICANT'S COMPARISON CHART



|   |   |                                      |  |  |
|---|---|--------------------------------------|--|--|
| 71.63- Development Tract (subject tract)<br>3.11- Development Tract<br>37.54 - Development Tract<br>147.231 - Preserve - Dedicated to the City<br>165.27 - Blowing Sink Tract - Dedicated to the City |   |                                      |  | 58 acres - 8.47 acres less impervious cover = 49.53 acres<br>(8.47 acres=2.12%)<br><br>Difference between <u>cumulative impervious cover under SOS Ordinance</u> and <u>proposed amendment</u> = 14.834 acres or 3.71%   |
| <u>Water Quality:</u><br>Treatment of Roadway Run-off   | Not required  | Not required                         |  | <u>Treatment of Roadway run-off to SOS standards:</u><br><br>MoPac - 3.49 acres<br>Brush Country Road - 1.59 acres<br>Total - 5.08 acres   |
| <u>Water Quality - Increase Capture Volume:</u><br>Treatment of <u>Additional Run-off</u> from Site   | <u>Capture Depth:</u><br>1.77 inches  | <u>Capture Depth:</u><br>1.77 inches | <u>Capture Depth:</u><br>1.77 inches   | Proposed Capture Depth - 2.59 inches<br><br>*Increase in treatment by 0.82 inches = 46% increase   |
| <u>Tree Protection</u>  | 8.47 acres less impervious cover results in additional tree protection.<br><br>See Code |                                      |  | <u>Methods used to save trees:</u><br><br>- 8.47 acres less impervious cover<br><br>*Results in <u>saving 3,756 inches of trees</u> - 317 more trees remaining   |
| <u>Regional Traffic Reduction Based Upon Number of Regional Trip Generators</u>   | Not required  |                                      | 4 - Retail Boxes (greater than 50,000 sq. ft.)<br>1 - 100,000 sq. ft. Office<br><br>= 5 Regional Trip Generators<br><br>* office use generates longer regional trips than almost all retail. | 1 Retail Box<br><br>*1/5 = 80% Reduction in Regional Trips.<br><br><u>Note:</u><br>1. For an accurate comparison, the specific type of retail user must be identified.<br>2. The No Big Box Ordinance did not distinguish between retail users (except that it distinguished grocery stores from all other retail users).<br>3. In order to be consistent with the approach taken in the No Big Box Ordinance, this analysis does not distinguish between types of retail users. |

| Green Builder | Not required | Limited Green Builder Standards | <p><b>*Same Green Building Standards adopted as part of the Circle C Development Agreement approved in 2002.</b></p> <p>Upgraded Green Builder Requirements</p> <ul style="list-style-type: none"> <li>I. Sustainable Sites               <ul style="list-style-type: none"> <li>A. Erosion and Sedimentation Control</li> <li>B. Site Selection</li> <li>C. Alternative Transportation</li> <li>D. Recycled Site Disturbance</li> <li>E. Stormwater Management</li> </ul> </li> <li>II. Landscape and Exterior Design/Heat Island Reduction               <ul style="list-style-type: none"> <li>A. Shade</li> <li>B. Heat Island Reduction</li> <li>C. Exterior Light Pollution Reduction</li> </ul> </li> <li>III. Water Efficiency               <ul style="list-style-type: none"> <li>A. Water Efficient Landscaping</li> <li>B. Water Use Reduction</li> </ul> </li> <li>IV. Energy and Atmosphere               <ul style="list-style-type: none"> <li>A. Minimum Energy Performance</li> <li>B. CFC Reduction in HVAC/R Equipment</li> <li>C. Optimize Energy Performance</li> <li>D. Ozone Depletion</li> <li>E. Green Power</li> </ul> </li> <li>V. Materials and Resources               <ul style="list-style-type: none"> <li>A. Store and Collection of Recyclables</li> <li>B. Construction Waste Management</li> <li>C. Recycled Content</li> <li>D. Local/Regional Materials</li> <li>E. Certified Wood</li> </ul> </li> <li>VI. Indoor Environmental Quality               <ul style="list-style-type: none"> <li>A. Minimum IAQ Performance</li> <li>B. Environmental Tobacco Smoke Control</li> <li>C. Increase Ventilation Effectiveness</li> <li>D. Construction IAQ Management Plan</li> <li>E. Low-Emitting Materials</li> <li>F. Indoor Chemical and Pollutant Source Control</li> <li>G. Controllability of Systems</li> <li>H. Thermal Comfort</li> <li>I. Daylight and Views</li> </ul> </li> </ul> |
|---------------|--------------|---------------------------------|--|
|---------------|--------------|---------------------------------|--|

| Traffic Trips                                 |              |  | * No increase in traffic   |  | * No increase in traffic   |  |
|---|--------------|--|--|--|--|--|
|   | N/A          |  |  |  |  |  |
| Traffic Pressure on Arterials                 | Not required |  | Retail oriented in a strip along William Cannon; creates traffic pressure at the signal on William Cannon.   |  | Retail anchor pushed back into the corner of the site and oriented toward MoPac; relieves traffic pressure from William Cannon and directs traffic to the MoPac driveways.         |  |
| Equalization of Pressure on Access Points     | Not required |  | Retail oriented in a strip along William Cannon; directs traffic to the driveways on William Cannon.   |  | Retail anchor pushed back into the corner of the site and oriented toward MoPac; relieves traffic pressure from William Cannon and directs traffic to the MoPac driveways.         |  |
| Loss square footage                           |              |  |  |  |  |  |
|   | Not required |  | 405,000 square feet of Retail<br>100,000 square feet of Office<br>505,000 square feet total<br>(42.34 acres of impervious cover)                           |  | 350,000 square feet of Retail<br>(33.8 acres of impervious cover)<br>* 350,000 square feet = 30.7% Reduction<br>505,000 square feet  |  |
| Location and Orientation of Large Stores      | Not required |  | Large store site(s) available fronting on William Cannon   |  | -Large stores are oriented toward MoPac and pushed far back into the site to create a visual buffer from roadways.   |  |
| Landscaping Between Roadway and Parking Areas | Not required |  | Not required<br><br>Strip retail fronting on William Cannon would require parking field along William Cannon.  |  | -Screening of retail development from William Cannon and MoPac.<br>-Landscaping and smaller buildings along William Cannon creates visual buffer from roadways.                    |  |
| Tree Preservation                             | See Code     |  | PUD Green Builder Standards:<br>Three existing groves of trees located on the southern portion of the site are to be protected (exhibit in PUD Ordinance). |  | -Protect the three existing groves of trees as required by the PUD Ordinance.<br>-Provides more shade.<br>-Provides "people places."<br>-Use of arbors in tree preservation areas. |  |
| Visual Interruption of Large Parking Fields   | Not required |  | Not required   |  | Use the following to interrupt the parking field:<br>Small retail buildings<br>Trees<br>Landscaped islands<br>Design features<br>Signage<br>Drive isles                            |  |

|                             |              |  |                                 | Traffic circle<br>Pedestrian paths/aisles   |
|-----------------------------|--------------|--|---------------------------------|---|
| Variety in Front Elevations | Not required |  | Not required                    | The front facade of the retail building that contains multiple retailers must have articulation.  |
| Quality of Materials        | Not required |  | Not Required                    | All buildings constructed in the tract shall have a consistent "look and feel" to those buildings constructed on the 3.11 acre tract across William Cammon.<br>Restrictive covenant with the Western Oaks neighborhood association will outline the proposed architectural elements.  |
| Fewer Parking Spaces        | Not required |  | Not required                    | Less impervious cover = less building square footage = fewer parking spaces = more tree preservation islands  |
| Wet Pond Feature            | Not required |  | Not required                    | Amenity used as a "people place" for the community to gather, as well as additional water quality benefits.   |
| Signage                     | See Code     |  | Not required                    | <ul style="list-style-type: none"> <li>- The method, style and materials to be used in the signage within the project shall be compatible with other first-class shopping centers in the Central Texas area.</li> <li>- Entry and directional signs shall be monument type signs</li> <li>- Tenant identification signs shall utilize "reverse channeling" method, except the sole user larger than 50,000 square feet - all lighting will meet "dark skies" provisions of Green Builder document.</li> </ul> |
| No Office Buildings         | Not required |  | Office buildings proposed       | Office buildings prohibited <ul style="list-style-type: none"> <li>* Prevents "flex space" type office from locating behind the strip retail.</li> <li>* Prohibits the highest regional traffic generator.</li> </ul>   |
|                             |              |  |                                 |   |
| Neighborhood Support        | Not required |  | Neighborhood support originally | Overwhelming neighborhood support for proposed amendments.  |
| Impact on Local Retailers   | Not required |  | Not required                    | Use of a high credit anchor to help local retailers locate in the center.<br>Actively seeking local tenants.  |

|                     |              |  |  |
|---------------------|--------------|--|--|
| Pedestrian-friendly | Not required | <p>PUD Note 23:<br/>A pedestrian access system shall be designed throughout the development tracts implementing conventional sidewalks and alternative sidewalks, such as hike and bike trails and crosswalks.</p> | <p>Expansive pedestrian trail plan utilizing 8 feet wide trails made of decomposed granite, organic mulch or pavers. Every retail use is directly connected to a pedestrian trail throughout the center. Conflicts between pedestrian trails and vehicular traffic are resolved in favor of pedestrians. Site is designed to allow a pedestrian link to regional pedestrian plans.</p> |
| "People Places"     | Not required |  | <p>Arbors; plazas; traffic circle; wet pond</p>  |
| Uniqueness          | Not required |  | <p>Site plan features:<br/>Tenants<br/>View from roadways<br/>Feeling inside center<br/>People-places<br/>Quality of Materials<br/>Access</p>  |

AMENDED APPLICATION

Original Application

- 1) "GO" to "GR" base zoning district on Parcel C
- 2) Clarification of Note #25 regarding meaning of "collectively" (i.e., water quality controls)
- 3) Amend Note #38 regarding size of single occupants (Note: junior limitation needs to be reduced from 80,000 square feet to 50,000 square feet)

Additional PUD Restrictions

- 1) Prohibiting office development
- 2) Reduction in impervious cover
- 3) Treatment of roadway run-off
- 4) Increase in capture volume for water quality ponds
- 5) Increased Green Builder standards
- 6) Building envelopes



MICHELE C. HAUSSMANN  
PRINCIPAL PLANNER

(512) 404-2233  
[mch@lawdsww.com](mailto:mch@lawdsww.com)

June 29, 2003

Ms. Alice Glasco  
Neighborhood Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

**VIA HAND DELIVERY**

RE: Southwest Marketplace  
Amendment of the Forum PUD - City File Number C814-98-0001 –  
Approximately 71.63 Acres Located at the Southwest Corner of Mopac  
Expressway and William Cannon Drive ("Property"); Application for an  
Amendment to a Land Use Plan  
**Amended Application**

Dear Alice:

As representatives of the prospective purchaser of the above stated Property, we respectfully submit this letter amending the zoning application filed on November 21, 2003. The original application included the following amendments noted in the amended Land Use Plan Exhibits A-G:

- 1) Amend Parcel C from GO to GR zoning (Amend Exhibit A and D);
- 2) Clarify the language in Note #25 to, "Runoff from Parcels B through F, I and J shall be managed collectively (meaning Parcel A, Parcels B-D, Parcel I and Parcels F and J can use one facility or have separate facilities) through water quality controls and onsite pollution prevention techniques, so that an increase does not occur in the respective annual loading from Parcels B through F, I and J of the pollutants identified in Section 25-8-514 of the City Code from the site" (Amend Exhibit B);
- 3) Amend the language in Note # 38, "A single occupant of a commercial use that is a permitted use in the Forum PUD Permitted Uses Table, attached as Exhibit "D", may not exceed 80,000 square feet of gross floor area, provided that one single occupant shall be allowed to occupy up to 153,000 square feet of gross floor area. The restriction in this Note 38 does not apply to office uses, which are limited as provided in Notes 36 and 37" (Amend Exhibit B);



This amended application includes the Additional PUD Restrictions we are proposing, which includes:

- 1) Prohibiting office development;
- 2) Reduction in impervious cover;
- 3) Treatment of roadway run-off;
- 4) Increase in capture volume for water quality pond(s);
- 5) Increased Green Builder standards, and
- 6) Building envelopes.

The Additional PUD Restrictions are included in the amended Exhibits A-G (see attached). A summary of the original application and the amended application is also included for your use.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michele C. Haussmann', with a long horizontal flourish extending to the right.

Michele C. Haussmann

Enclosures

cc: Greg Guernsey, Neighborhood Planning and Zoning Department (via hand delivery with enclosures)  
Wendy Walsh, Neighborhood Planning and Zoning Department (via hand delivery with enclosures)  
Jeff Howard, McLean & Howard, via hand delivery (with enclosures)  
William Chaffe, Cardinal Paragon, Inc., via facsimile (214) 360-1844 (without enclosures)  
Grey Stogner, S.C. Companies, via facsimile (214) 340-2029 (without enclosures)  
Danielle Simmers, Bury + Partners, via facsimile (512) 328-0325 (without enclosures)  
Steve Drenner, Firm





## MEMORANDUM

**To:** Wendy Walsh, Case Manager  
Neighborhood Planning and Zoning Department

**From:** George Zapalac  
Watershed Protection and Development Review Department

**Date:** July 16, 2004 (Updated)

**Subject:** Southwest Marketplace (Forum PUD)  
C814-98-0001.01  
Traffic Impact Analysis

### BACKGROUND

This property was originally zoned in 1998 as Tract 2 of the Forum PUD. At the time the developer agreed to post fiscal surety to cover 100 percent of the cost of several off-site roadway improvements. The development scenario assumed at the time would have generated 12,682 adjusted 24-hour trips or 1200 adjusted PM peak -hour trips.

In September, 2003, the applicant prepared an addendum to the traffic impact analysis in order to provide for phasing of the traffic improvements and changes in the proposed land uses. This addendum was submitted in conjunction with a site plan for Tract 1 of the Forum PUD but did assume a different land use mix on Tract 2 as well. For Tract 2, the development scenario assumed in the TIA addendum would have generated 11,847 adjusted 24-hour trips or 1,111 adjusted PM peak-hour trip – a slight decrease from the 1998 TIA. The schedule of traffic improvements assumed in the original zoning case was modified slightly and a traffic phasing agreement was executed as a restrictive covenant. The agreement requires the developer to post fiscal surety for traffic improvements prior to receiving site plan approval for the different phases of the development.

The developer has now proposed a different development scenario for Tract 2 than was assumed in the TIA addendum of 2003. This proposal is based on the following land use and adjusted trip generation assumptions:

ATTACHMENT A

### Adjusted Trip Generation

| Tract | Land Use                 | Size         | 24-hr trips | AM peak | PM peak |
|-------|--------------------------|--------------|-------------|---------|---------|
| 2     | Discount Club            | 153,000 s.f. | 5,525       | 0       | 503     |
|       | Specialty Retail Center  | 138,400 s.f. | 2,702       | 0       | 172     |
|       | Furniture Store          | 24,800 s.f.  | 60          | 1       | 5       |
|       | High-Turnover Restaurant | 21,000 s.f.  | 1,284       | 92      | 106     |
|       | Quality Restaurant       | 12,750 s.f.  | 538         | 0       | 45      |
|       | Drive-In Bank            | 8 windows    | 1,737       | 100     | 268     |
|       | Total                    |              | 11,846      | 193     | 1099    |

The land-use assumptions of the current proposal result in a further reduction of 24-hour and PM peak-hour trips from the original TIA.

In comparison with the original TIA, the new TIA assumes the completion of the main lanes of Loop 1 at William Cannon, which are currently under construction by TXDOT. Consequently, many of the improvements shown in the previous TIA are no longer necessary.

With the improvements recommended in the TIA, all affected intersections operate at an acceptable level of service except the following:

William Cannon and Brodie - This intersection operates at Level of Service F in the PM peak hour in 2004. However, site traffic is only a small percentage of total traffic in this phase. By adding northbound and southbound turn lanes, operation is improved to LOS E in 2006.

Brush Country/Latta and Convict Hill - As an unsignalized intersection, operation is LOS F in 2004. However, site traffic is a very small percentage of total traffic in this phase. The addition of a traffic signal improves operation to LOS D in 2006.

### RECOMMENDATIONS

In accordance with the traffic phasing agreement executed on February 23, 2004, fiscal surety for the improvements identified in Phase 2 must be posted prior to the release of any site plans for Phase 2. In accordance with the original PUD agreement, the applicant is responsible for 100 percent of the cost of the off-site improvements. The land uses and traffic improvements are subject to administrative revision if an updated TIA is submitted in the future.

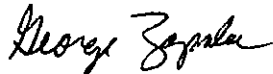
The traffic improvements required for Phase 2 are:

### Phase 2 Improvements

| Phase | Intersection                 | Improvements  | Estimated Cost | Pro-Rata Share | Fiscal Share     |
|-------|------------------------------|---|----------------|----------------|------------------|
| 2     | Brodie & William Cannon      | Additional northbound and southbound left-turn lane | \$ 81,715      | 100%           | \$ 81,715        |
| 2     | Brush Country & Convict Hill | Install traffic signal                              | \$110,000      | 100%           | \$110,000        |
|       |                              |   |                | <b>Total</b>   | <b>\$191,715</b> |

Traffic signals included in the table will not be installed until warrants have been met, as determined by the City of Austin.

Please contact me at 974-2725 if you have any questions.



George Zapalac  
Watershed Protection and Development Review

cc: Rashed Islam, WHM  
Carol Kaml, Fiscal Officer



## ENVIRONMENTAL BOARD MOTION 070704-C1

Date: July 7, 2004

Subject: Southwest Marketplace (C814-98-0001.01 Forum PUD)

Motioned By: Phil Moncada

Seconded By: Timothy Riley

### Recommendation

The Environmental Board recommends **conditional approval** of the proposed amendments to the Forum PUD.

### Conditions

All amendments listed in the July 1 memorandum from Pat Murphy to Wendy Walsh re Southwest Marketplace are to be incorporated into the agreement. All conditions are agreed to or proposed by the applicant.

### Rationale

The proposed amendment represents a substantial environmental improvement to the existing agreement: impervious cover is reduced by 8.47 acres to approximately 12.4% overall, storm water capture volume is increased by 46% from 1.77 to 2.59 inches, Green building criteria for all construction are provided, and pedestrian facilities and numerous other neighborhood friendly amenities are incorporated into the agreement.

Surrounding neighborhoods support the amendment.

Although the project is not subject to the No Big Box Ordinance, it complies with the spirit of the ordinance by providing that only one "Big Box" retail facility of 153,000 square feet can be built instead of 3 or more 100,000 square foot "Big Boxes" – resulting in a substantial decrease in this type of development. The Board believes that it must be assumed that all development authorized in the previous agreement, without regard to market forces and conditions, will be built

Continued on back

Vote 6-0-0-2

For: Ascot, Curra, Leffingwell, Holder, Moncada, Riley

Against: None

Abstain: None

Absent: Anderson, Maxwell,

Approved By:

Lee Leffingwell, Chair

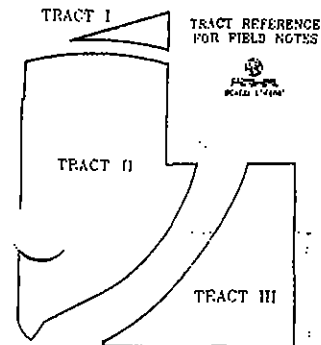
# **Southwest Marketplace**

## **Proposed Amendment to the Forum PUD Land Use Plan, Development Regulations and Green Builder Standards**

### **Amended Land Use Plan Exhibits A-G and New Exhibit H**

**City File Number C814-98-0001.01**

**Exhibit A: Forum PUD Land Use Plan (4 sheets) Amended**

[illegible]

| STATION | Altitude  | Latitude  | Longitude  | Time Zone | Time of Day | Time of Year |
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PROPERTY BOUNDARY  
PACED LINE  
SURROUNDING LOT LINE  
CRITICAL WATER QUALITY ZONE  
WATER QUALITY PROTECTION ZONE  
100 YEAR FLOODPLAIN  
SURROUNDING ZONE LINE  
APPROXIMATE  
HIGHWAY LOCATION  
HIRE THE ONE PAGE  
VEGETATION

OWNER: GARZA ELI JAMES  
3712 DEN GARZA LANE  
AUSTIN, TX 78749-1621.

# THE - FORUM

## PLANNED UNIT DEVELOPMENT

SITE DEVELOPMENT CRITERIA  
AND LAND USE SUMMARY

| Project/Activity | Task ID | Task Name | Start Date | End Date   | Duration | Resources  | Notes       | Progress | Issues            |
|------------------|---------|-----------|------------|------------|----------|------------|-------------|----------|-------------------|
| Project A        | 1       | Task A.1  | 2023-01-01 | 2023-01-05 | 5 days   | Resource A | Completed   | 100%     | None              |
| Project A        | 2       | Task A.2  | 2023-01-06 | 2023-01-10 | 5 days   | Resource A | In Progress | 75%      | Minor delay       |
| Project A        | 3       | Task A.3  | 2023-01-11 | 2023-01-15 | 5 days   | Resource A | Not Started | 0%       | None              |
| Project B        | 4       | Task B.1  | 2023-01-01 | 2023-01-05 | 5 days   | Resource B | Completed   | 100%     | None              |
| Project B        | 5       | Task B.2  | 2023-01-06 | 2023-01-10 | 5 days   | Resource B | In Progress | 50%      | Resource conflict |
| Project B        | 6       | Task B.3  | 2023-01-11 | 2023-01-15 | 5 days   | Resource B | Not Started | 0%       | None              |
| Project C        | 7       | Task C.1  | 2023-01-01 | 2023-01-05 | 5 days   | Resource C | Completed   | 100%     | None              |
| Project C        | 8       | Task C.2  | 2023-01-06 | 2023-01-10 | 5 days   | Resource C | In Progress | 25%      | Scope change      |
| Project C        | 9       | Task C.3  | 2023-01-11 | 2023-01-15 | 5 days   | Resource C | Not Started | 0%       | None              |

**The Japan-EU Easiness**

[illegible]

THE FORUM 191

[illegible][illegible]

FOOT 11, 1974 in Rowan Springs Lake = 27.6 P) 40779  
 1974, glaucous to pale blue, inner to outer = 28.11 40779

## ABSTRACT

Investigation Number: 11214

▲ P.U.D. Amendment 2003/2004

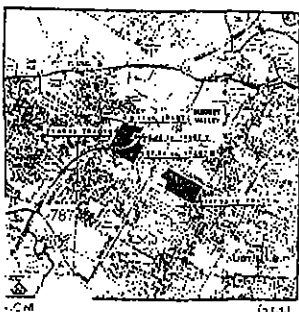


TABLE OF EXHIBITS  
ORDINANCE NO.

1. EXHIBIT A- LAND USE PLAN (see attached sheets 2-3 and 3-3)
2. EXHIBIT B- FORUM PUD DEVELOPMENT REGULATIONS
3. EXHIBIT C- DESCRIPTION OF PROPERTY AND ZONING MAP
4. EXHIBIT D- PERMITTED USES TABLE
5. EXHIBIT E- GREEN BUILDER STANDARD
6. EXHIBIT F- DESCRIPTION OF MITIGATION PROPERTY
7. EXHIBIT G- WATER QUALITY CRITERIA





| LINE | POINT | ELEVATION | N        | E      | W | S |
|------|-------|-----------|----------|--------|---|---|
| 1    | 1     | 2754.33   | 71.46    | 101.00 | 0 | 0 |
| 2    | 2     | 2754.33   | 145.65   | 101.00 | 0 | 0 |
| 3    | 3     | 2754.33   | 219.84   | 101.00 | 0 | 0 |
| 4    | 4     | 2754.33   | 293.99   | 101.00 | 0 | 0 |
| 5    | 5     | 2754.33   | 368.14   | 101.00 | 0 | 0 |
| 6    | 6     | 2754.33   | 442.29   | 101.00 | 0 | 0 |
| 7    | 7     | 2754.33   | 516.44   | 101.00 | 0 | 0 |
| 8    | 8     | 2754.33   | 590.59   | 101.00 | 0 | 0 |
| 9    | 9     | 2754.33   | 664.74   | 101.00 | 0 | 0 |
| 10   | 10    | 2754.33   | 738.89   | 101.00 | 0 | 0 |
| 11   | 11    | 2754.33   | 813.04   | 101.00 | 0 | 0 |
| 12   | 12    | 2754.33   | 887.19   | 101.00 | 0 | 0 |
| 13   | 13    | 2754.33   | 961.34   | 101.00 | 0 | 0 |
| 14   | 14    | 2754.33   | 1035.49  | 101.00 | 0 | 0 |
| 15   | 15    | 2754.33   | 1109.64  | 101.00 | 0 | 0 |
| 16   | 16    | 2754.33   | 1183.79  | 101.00 | 0 | 0 |
| 17   | 17    | 2754.33   | 1257.94  | 101.00 | 0 | 0 |
| 18   | 18    | 2754.33   | 1332.09  | 101.00 | 0 | 0 |
| 19   | 19    | 2754.33   | 1406.24  | 101.00 | 0 | 0 |
| 20   | 20    | 2754.33   | 1480.39  | 101.00 | 0 | 0 |
| 21   | 21    | 2754.33   | 1554.54  | 101.00 | 0 | 0 |
| 22   | 22    | 2754.33   | 1628.69  | 101.00 | 0 | 0 |
| 23   | 23    | 2754.33   | 1702.84  | 101.00 | 0 | 0 |
| 24   | 24    | 2754.33   | 1776.99  | 101.00 | 0 | 0 |
| 25   | 25    | 2754.33   | 1851.14  | 101.00 | 0 | 0 |
| 26   | 26    | 2754.33   | 1925.29  | 101.00 | 0 | 0 |
| 27   | 27    | 2754.33   | 1999.44  | 101.00 | 0 | 0 |
| 28   | 28    | 2754.33   | 2073.59  | 101.00 | 0 | 0 |
| 29   | 29    | 2754.33   | 2147.74  | 101.00 | 0 | 0 |
| 30   | 30    | 2754.33   | 2221.89  | 101.00 | 0 | 0 |
| 31   | 31    | 2754.33   | 2296.04  | 101.00 | 0 | 0 |
| 32   | 32    | 2754.33   | 2370.19  | 101.00 | 0 | 0 |
| 33   | 33    | 2754.33   | 2444.34  | 101.00 | 0 | 0 |
| 34   | 34    | 2754.33   | 2518.49  | 101.00 | 0 | 0 |
| 35   | 35    | 2754.33   | 2592.64  | 101.00 | 0 | 0 |
| 36   | 36    | 2754.33   | 2666.79  | 101.00 | 0 | 0 |
| 37   | 37    | 2754.33   | 2740.94  | 101.00 | 0 | 0 |
| 38   | 38    | 2754.33   | 2815.09  | 101.00 | 0 | 0 |
| 39   | 39    | 2754.33   | 2889.24  | 101.00 | 0 | 0 |
| 40   | 40    | 2754.33   | 2963.39  | 101.00 | 0 | 0 |
| 41   | 41    | 2754.33   | 3037.54  | 101.00 | 0 | 0 |
| 42   | 42    | 2754.33   | 3111.69  | 101.00 | 0 | 0 |
| 43   | 43    | 2754.33   | 3185.84  | 101.00 | 0 | 0 |
| 44   | 44    | 2754.33   | 3259.99  | 101.00 | 0 | 0 |
| 45   | 45    | 2754.33   | 3334.14  | 101.00 | 0 | 0 |
| 46   | 46    | 2754.33   | 3408.29  | 101.00 | 0 | 0 |
| 47   | 47    | 2754.33   | 3482.44  | 101.00 | 0 | 0 |
| 48   | 48    | 2754.33   | 3556.59  | 101.00 | 0 | 0 |
| 49   | 49    | 2754.33   | 3630.74  | 101.00 | 0 | 0 |
| 50   | 50    | 2754.33   | 3704.89  | 101.00 | 0 | 0 |
| 51   | 51    | 2754.33   | 3779.04  | 101.00 | 0 | 0 |
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| 53   | 53    | 2754.33   | 3927.34  | 101.00 | 0 | 0 |
| 54   | 54    | 2754.33   | 4001.49  | 101.00 | 0 | 0 |
| 55   | 55    | 2754.33   | 4075.64  | 101.00 | 0 | 0 |
| 56   | 56    | 2754.33   | 4149.79  | 101.00 | 0 | 0 |
| 57   | 57    | 2754.33   | 4223.94  | 101.00 | 0 | 0 |
| 58   | 58    | 2754.33   | 4298.09  | 101.00 | 0 | 0 |
| 59   | 59    | 2754.33   | 4372.24  | 101.00 | 0 | 0 |
| 60   | 60    | 2754.33   | 4446.39  | 101.00 | 0 | 0 |
| 61   | 61    | 2754.33   | 4520.54  | 101.00 | 0 | 0 |
| 62   | 62    | 2754.33   | 4594.69  | 101.00 | 0 | 0 |
| 63   | 63    | 2754.33   | 4668.84  | 101.00 | 0 | 0 |
| 64   | 64    | 2754.33   | 4742.99  | 101.00 | 0 | 0 |
| 65   | 65    | 2754.33   | 4817.14  | 101.00 | 0 | 0 |
| 66   | 66    | 2754.33   | 4891.29  | 101.00 | 0 | 0 |
| 67   | 67    | 2754.33   | 4965.44  | 101.00 | 0 | 0 |
| 68   | 68    | 2754.33   | 5039.59  | 101.00 | 0 | 0 |
| 69   | 69    | 2754.33   | 5113.74  | 101.00 | 0 | 0 |
| 70   | 70    | 2754.33   | 5187.89  | 101.00 | 0 | 0 |
| 71   | 71    | 2754.33   | 5262.04  | 101.00 | 0 | 0 |
| 72   | 72    | 2754.33   | 5336.19  | 101.00 | 0 | 0 |
| 73   | 73    | 2754.33   | 5410.34  | 101.00 | 0 | 0 |
| 74   | 74    | 2754.33   | 5484.49  | 101.00 | 0 | 0 |
| 75   | 75    | 2754.33   | 5558.64  | 101.00 | 0 | 0 |
| 76   | 76    | 2754.33   | 5632.79  | 101.00 | 0 | 0 |
| 77   | 77    | 2754.33   | 5706.94  | 101.00 | 0 | 0 |
| 78   | 78    | 2754.33   | 5781.09  | 101.00 | 0 | 0 |
| 79   | 79    | 2754.33   | 5855.24  | 101.00 | 0 | 0 |
| 80   | 80    | 2754.33   | 5929.39  | 101.00 | 0 | 0 |
| 81   | 81    | 2754.33   | 6003.54  | 101.00 | 0 | 0 |
| 82   | 82    | 2754.33   | 6077.69  | 101.00 | 0 | 0 |
| 83   | 83    | 2754.33   | 6151.84  | 101.00 | 0 | 0 |
| 84   | 84    | 2754.33   | 6225.99  | 101.00 | 0 | 0 |
| 85   | 85    | 2754.33   | 6300.14  | 101.00 | 0 | 0 |
| 86   | 86    | 2754.33   | 6374.29  | 101.00 | 0 | 0 |
| 87   | 87    | 2754.33   | 6448.44  | 101.00 | 0 | 0 |
| 88   | 88    | 2754.33   | 6522.59  | 101.00 | 0 | 0 |
| 89   | 89    | 2754.33   | 6596.74  | 101.00 | 0 | 0 |
| 90   | 90    | 2754.33   | 6670.89  | 101.00 | 0 | 0 |
| 91   | 91    | 2754.33   | 6745.04  | 101.00 | 0 | 0 |
| 92   | 92    | 2754.33   | 6819.19  | 101.00 | 0 | 0 |
| 93   | 93    | 2754.33   | 6893.34  | 101.00 | 0 | 0 |
| 94   | 94    | 2754.33   | 6967.49  | 101.00 | 0 | 0 |
| 95   | 95    | 2754.33   | 7041.64  | 101.00 | 0 | 0 |
| 96   | 96    | 2754.33   | 7115.79  | 101.00 | 0 | 0 |
| 97   | 97    | 2754.33   | 7189.94  | 101.00 | 0 | 0 |
| 98   | 98    | 2754.33   | 7264.09  | 101.00 | 0 | 0 |
| 99   | 99    | 2754.33   | 7338.24  | 101.00 | 0 | 0 |
| 100  | 100   | 2754.33   | 7412.39  | 101.00 | 0 | 0 |
| 101  | 101   | 2754.33   | 7486.54  | 101.00 | 0 | 0 |
| 102  | 102   | 2754.33   | 7560.69  | 101.00 | 0 | 0 |
| 103  | 103   | 2754.33   | 7634.84  | 101.00 | 0 | 0 |
| 104  | 104   | 2754.33   | 7708.99  | 101.00 | 0 | 0 |
| 105  | 105   | 2754.33   | 7783.14  | 101.00 | 0 | 0 |
| 106  | 106   | 2754.33   | 7857.29  | 101.00 | 0 | 0 |
| 107  | 107   | 2754.33   | 7931.44  | 101.00 | 0 | 0 |
| 108  | 108   | 2754.33   | 8005.59  | 101.00 | 0 | 0 |
| 109  | 109   | 2754.33   | 8079.74  | 101.00 | 0 | 0 |
| 110  | 110   | 2754.33   | 8153.89  | 101.00 | 0 | 0 |
| 111  | 111   | 2754.33   | 8228.04  | 101.00 | 0 | 0 |
| 112  | 112   | 2754.33   | 8302.19  | 101.00 | 0 | 0 |
| 113  | 113   | 2754.33   | 8376.34  | 101.00 | 0 | 0 |
| 114  | 114   | 2754.33   | 8450.49  | 101.00 | 0 | 0 |
| 115  | 115   | 2754.33   | 8524.64  | 101.00 | 0 | 0 |
| 116  | 116   | 2754.33   | 8598.79  | 101.00 | 0 | 0 |
| 117  | 117   | 2754.33   | 8672.94  | 101.00 | 0 | 0 |
| 118  | 118   | 2754.33   | 8747.09  | 101.00 | 0 | 0 |
| 119  | 119   | 2754.33   | 8821.24  | 101.00 | 0 | 0 |
| 120  | 120   | 2754.33   | 8895.39  | 101.00 | 0 | 0 |
| 121  | 121   | 2754.33   | 8969.54  | 101.00 | 0 | 0 |
| 122  | 122   | 2754.33   | 9043.69  | 101.00 | 0 | 0 |
| 123  | 123   | 2754.33   | 9117.84  | 101.00 | 0 | 0 |
| 124  | 124   | 2754.33   | 9191.99  | 101.00 | 0 | 0 |
| 125  | 125   | 2754.33   | 9266.14  | 101.00 | 0 | 0 |
| 126  | 126   | 2754.33   | 9340.29  | 101.00 | 0 | 0 |
| 127  | 127   | 2754.33   | 9414.44  | 101.00 | 0 | 0 |
| 128  | 128   | 2754.33   | 9488.59  | 101.00 | 0 | 0 |
| 129  | 129   | 2754.33   | 9562.74  | 101.00 | 0 | 0 |
| 130  | 130   | 2754.33   | 9636.89  | 101.00 | 0 | 0 |
| 131  | 131   | 2754.33   | 9711.04  | 101.00 | 0 | 0 |
| 132  | 132   | 2754.33   | 9785.19  | 101.00 | 0 | 0 |
| 133  | 133   | 2754.33   | 9859.34  | 101.00 | 0 | 0 |
| 134  | 134   | 2754.33   | 9933.49  | 101.00 | 0 | 0 |
| 135  | 135   | 2754.33   | 10007.64 | 101.00 | 0 | 0 |
| 136  | 136   | 2754.33   | 10081.79 | 101.00 | 0 | 0 |
| 137  | 137   | 2754.33   | 10155.94 | 101.00 | 0 | 0 |
| 138  | 138   | 2754.33   | 10230.09 | 101.00 | 0 | 0 |
| 139  | 139   | 2754.33   | 10304.24 | 101.00 | 0 | 0 |
| 140  | 140   | 2754.33   | 10378.39 | 101.00 | 0 | 0 |
| 141  | 141   | 2754.33   | 10452.54 | 101.00 | 0 | 0 |
| 142  | 142   | 2754.33   | 10526.69 | 101.00 | 0 | 0 |
| 143  | 143   | 2754.33   | 10600.84 | 101.00 | 0 | 0 |
| 144  | 144   | 2754.33   | 10674.99 | 101.00 | 0 | 0 |
| 145  | 145   | 2754.33   | 10749.14 | 101.00 | 0 | 0 |
| 146  | 146   | 2754.33   | 10823.29 | 101.00 | 0 | 0 |
| 147  | 147   | 2754.33   | 10897.44 | 101.00 | 0 | 0 |
| 148  | 148   | 2754.33   | 10971.59 | 101.00 | 0 | 0 |
| 149  | 149   | 2754.33   | 11045.74 | 101.00 | 0 | 0 |
| 150  | 150   | 2754.33   | 11119.89 | 101.00 | 0 | 0 |
| 151  | 151   | 2754.33   | 11194.04 | 101.00 | 0 | 0 |
| 152  | 152   | 2754.33   | 11268.19 | 101.00 | 0 | 0 |
| 153  | 153   | 2754.33   | 11342.34 | 101.00 | 0 | 0 |
| 154  | 154   | 2754.33   | 11416.49 | 101.00 | 0 | 0 |
| 155  | 155   | 2754.33   | 11490.64 | 101.00 | 0 | 0 |
| 156  | 156   | 2754.33   | 11564.79 | 101.00 | 0 | 0 |
| 157  | 157   | 2754.33   | 11638.94 | 101.00 | 0 | 0 |
| 158  | 158   | 2754.33   | 11713.09 | 101.00 | 0 | 0 |
| 159  | 159   | 2754.33   | 11787.24 | 101.00 | 0 | 0 |
| 160  | 160   | 2754.33   | 11861.39 | 101.00 | 0 | 0 |
| 161  | 161   | 2754.33   | 11935.54 | 101.00 | 0 | 0 |
| 162  | 162   | 2754.33   | 12009.69 | 101.00 | 0 | 0 |
| 163  | 163   | 2754.33   | 12083.84 | 101.00 | 0 | 0 |
| 164  | 164   | 2754.33   | 12157.99 | 101.00 | 0 | 0 |
| 165  | 165   | 2754.33   | 12232.14 | 101.00 | 0 | 0 |
| 166  | 166   | 2754.33   | 12306.29 | 101.00 | 0 | 0 |
| 167  | 167   | 2754.33   | 12380.44 | 101.00 | 0 | 0 |
| 168  | 168   | 2754.33   | 12454.59 | 101.00 | 0 | 0 |
| 169  | 169   | 2754.33   | 12528.74 | 101.00 | 0 | 0 |
| 170  | 170   | 2754.33   | 12602.89 | 101.00 | 0 | 0 |
| 171  | 171   | 2754.33   | 12677.04 | 101.00 | 0 | 0 |
| 172  | 172   | 2754.33   | 12751.19 | 101.00 | 0 | 0 |
| 173  | 173   | 2754.33   | 12825.34 | 101.00 | 0 | 0 |
| 174  | 174   | 2754.33   | 12899.49 | 101.00 | 0 | 0 |
| 175  | 175   | 2754.33   | 12973.64 | 101.00 | 0 | 0 |
| 176  | 176   | 2754.33   | 13047.79 | 101.00 | 0 | 0 |
| 177  | 177   | 2754.33   | 13121.94 | 101.00 | 0 | 0 |
| 178  | 178   | 2754.33   | 13196.09 | 101.00 | 0 | 0 |
| 179  | 179   | 2754.33   | 13270.24 | 101.00 | 0 | 0 |
| 180  | 180   | 2754.33   | 13344.39 | 101.00 | 0 | 0 |
| 181  | 181   | 2754.33   | 13418.54 | 101.00 | 0 | 0 |
|      |       |           |          |        |   |   |



## **Exhibit B: Forum PUD Development Regulations Amended**

**Amendments applicable to the 71.63 acre tract only (Parcels B-E). The following amendments supercede paragraphs 25 and 38 of the original Exhibit B and do not apply to the balance of the PUD (which is unaffected by these amendments):**

25. Parcels A through F and I shall meet the water quality standards of Section 25-8-514 of the City Code regarding pollutant loading through a retention and re-irrigation system. Runoff from Parcels B through F, I and J shall be managed collectively (meaning Parcel A, Parcels B-D, Parcel I and Parcels F and J can use one facility or have separate facilities) through water quality controls and onsite pollution prevention techniques, so that an increase does not occur in the respective annual loading from Parcels B through F, I and J of the pollutants identified in Section 25-8-514 of the City Code from the site. The controls shall be designed in accordance with the standards and criteria approved by the Watershed Protection Department and set forth in the Water Quality Control Criteria attached and incorporated as Exhibit "G". Pollutant reduction requirements for Parcel A may be added to the retention and re-irrigation requirements on Parcels B through F, I and J to achieve no increase in average annual pollutant loads. The water quality controls applicable to Parcels A through F, I and J will be maintained by the owner(s) of Parcels A through F, I and J in accordance with the Forum Conditions, Covenants and Restrictions to be established. The Total PUD Impervious Cover shall be reduced if such a reduction is necessary to assure compliance with the pollutant load restrictions set forth in the Note 26. The amount of a reduction shall be limited to the minimum amount necessary to achieve compliance with these pollutant load restrictions.
38. A single occupant of a commercial use that is a permitted use in the Forum PUD Permitted Uses Table, attached as Exhibit "D", may not exceed 50,000 square feet of retail sales area, provided that one single occupant shall be allowed to occupy up to 153,000 square feet of retail sales area. The restriction in this Note 38 does not apply to office uses, which are limited as provided in Notes 36 and 37.

### **Additional PUD Restrictions applicable to B-E only:**

- 1) Prohibit Administrative and Business Offices and Professional Office as defined in the Land Development Code as of the date of this Ordinance. The prohibition of these uses only applies if the use is defined as a Principal Use in the Development Code as of the date of this Ordinance.
  - a. Principal Use means the primary function of a site, building, or facility.
- 2) Reduction in impervious cover:
  - a. Parcels B, C, D and E = 71.63 acre tract:

- i. 42.34 acres of impervious cover permitted  
-8.47 acres of impervious cover deducted (20% reduction)  
33.87 acres of impervious cover permitted

3) Treatment of roadway run-off:

- a. Treatment of Roadway run-off to SOS standards:

|                             |                   |
|-----------------------------|-------------------|
| MoPac -                     | 3.49 acres        |
| <u>Brush Country Road -</u> | <u>1.59 acres</u> |
| Total -                     | 5.08 acres        |

4) Increase in capture volume for water quality pond(s):

- a. Proposed Capture Depth - 2.59 inches

5) Increased Green Builder standards (see Exhibit E), and

- a. Replace existing Exhibit E with new Exhibit E increasing the Green Builder Standards.

6) Building envelopes (see attached Building Envelopes Plan, Exhibit H).

**Exhibit D: Permitted Uses Table Amended**

| <u>Parcels</u> | <u>Base District</u> | <u>Additional Permitted Uses</u>    | <u>Additional Excluded Uses</u>                         |
|----------------|----------------------|-------------------------------------|---|
| B (24.95)*     |                      |                                     |   |
| C (24.39)      | GR                   | Veterinary Services<br>Liquor Sales | Service Station and<br>Restaurant (Drive-in, Fast Food) |

\* Correcting scrivener's error in original Exhibit "D".

**Exhibit E: Amended Green Builder Standards (only applicable to Parcels B-E)**

**Exhibit E**  
**Green Development Performance Standards**  
**For Parcels B-E Only**

**Introduction.**

1.1 The owner or the owner's developer (the "Owner") of any retail development on any of Parcels B, C, D, or E of the PUD Property (each, a "Parcel", and collectively, the "Parcels") shall comply with the mandatory requirements set out in this Exhibit E, and shall also consider the optional standards as set out herein, provided, however, that if a mandatory requirement listed in this Exhibit E is not feasible, as determined by the reviewer described in Section 1.2 hereof, then Owner does not have to achieve or follow that standard, and Owner will be deemed to have complied with such mandatory requirement by virtue of a determination by the reviewer that the requirement is not feasible. For purposes of determining feasibility under this Exhibit E, the reviewer may consider, among other things and as applicable to the requirement in question, the ready availability of technology and/or materials, the cost of compliance compared to the benefits and as a component of overall cost of development or construction, whether the requirement would have more than a de minimis impact on environmental quality under the particular circumstances, and the requirements and limitations of applicable law. If the reviewer determines that a requirement listed herein as "mandatory" is feasible, then that requirement must be complied with.

1.2 Compliance with the requirements of Section 1.1 on any given Parcel, whether such requirements are mandatory or optional, shall be evidenced by the approval of plans by any one of (i) a licensed engineer, (ii) a licensed architect, or (iii) a U.S. Green Building Council LEED (Leadership in Energy & Environmental Design) Green Building Rating System accredited professional (or, if at such time as the evidence of compliance is being reviewed, the LEED program no longer exists or LEED accredited professionals are no longer readily available, a reviewer who is qualified according to standards agreed to by both the City and the Owner of the particular Parcel for which compliance is being determined). Such approval shall include the reviewer's calculation of the number of mandatory and optional Exhibit E requirements satisfied under the approved plan. If plans will be reviewed by a licensed engineer or architect under this Section 1.2, Owner will use reasonable efforts to find and use a licensed engineer or architect who is experienced with green building technology and practices and/or is familiar with the LEED program. Approval of plans as described in this Section 1.2 shall be sufficient and conclusive for all purposes, and no other review or approval, whether by the City or otherwise, shall be required.

1.3 The requirements hereof, as they apply to each Parcel, may, at the option of the Owner of a Parcel or the City, be reassessed by the City and such Parcel Owner, but no more often than every five years. Upon the agreement of the City and such an Owner, the standards applicable to that Parcel may be modified in a writing signed by the City and such Owner, and an amendment hereto reflecting the modification of standards applicable to that Parcel shall be



recorded in the appropriate records of Travis County, Texas. The Owner and the City shall invite the director of the Lady Bird Johnson Wildflower Center to participate in discussions regarding any such modification, but the director is not hereby obligated to so participate. If the LEED program and/or LEED accredited professionals are no longer available at the time of any such 5-year reassessment, the City and the Parcel Owner who asked for a reassessment shall also agree upon the qualifications of successor reviewers who, along with licensed engineers and licensed architects, may review plans for compliance with this Exhibit E (as described in Section 1.2).

1.4 Notwithstanding the provisions of Section 1.3 to the contrary, the plant species lists attached hereto as Appendices A, B, and C may be amended from time to time upon the mutual agreement of the owner of an affected Parcel and the director of the Lady Bird Johnson Wildflower Center. Any such amendment shall be recorded in the appropriate records of Travis County, Texas.

1.5 This Exhibit E applies only to Parcels B-E of the PUD Property, and supersedes the original Exhibit E Green Development Performance Standards for the Parcels. This Exhibit E has no affect on the balance of the PUD Property, including any green development performance standards applicable thereto.

**Part One. Guiding Principles.** Following are general site and design strategies and goals for development of the Parcels, which strategies and goals may or may not be achievable for a given site or use, all as set out more completely elsewhere in, and governed by the other provisions of, this Exhibit E:

I. Site Strategies.

- A. Design with Nature. Specify climate- and site-responsive design strategies & features to maximize building self-reliance and minimize ecological harm on multiple scales.
- B. Design For Water Quality. Minimize stormwater run-off by reducing impervious surfaces, installing rainwater harvesting systems and green roofs, and designing swales and appropriate set-backs integrated into a healthy landscape. For properties in the recharge zone, design for no net increase of stormwater runoff rates over existing conditions.
- C. Design To Maximize Open Space. Cluster development and hardscapes to preserve undisturbed open space and protect critical environmental features.
- D. Design To Reduce Vehicle Miles. Design providing walkable distances and pedestrian and bicycle pathways to accommodate transportation needs. Link destination points throughout the development and incorporate park & ride, vanpool, car sharing, and access to public transportation and incentives for employers to hire from nearby neighborhoods.

- E. Design With Native Plant Landscapes & Maintain With Organic Methods & Materials. Specify plant species indigenous to the Edwards Aquifer watershed and employ organic gardening methods eliminating use of toxic pesticides and herbicides. Prohibit turf on retail sites.
- F. Design For Food Production. Where permitted by zoning, designate lot- and neighborhood-scale gardens for individual and community food production.

## II. Design Strategies.

- A. Design with Flexibility. Anticipate change in user needs by designing open building systems.
- B. Design For Human Scale. Establish appropriate square foot parameters that provide efficient and sufficient space allocations relative to user needs.
- C. Design With Integrated Process and Systems. Establish multi-discipline design decision process and optimize the efficiencies of complementary building elements.
- D. Design for Indoor Environmental Quality. Design for daylight as primary light source, provide occupants access to views, and optimize natural and mechanical ventilation and air conditioning systems while eliminating sources of indoor pollution.
- E. Design With Healthy Materials. Specify materials that are non-toxic, resist mold, eliminate emissions of volatile organic compounds (vocs) and are not responsible for the release of persistent bioaccumulative toxins (pbts) through the life cycle.
- F. Design With Durable Materials. Specify materials that are long-lasting and minimize maintenance and repair requirements.
- G. Design With Regional Materials. Specify environmentally-sound building materials and products that are sourced and manufactured within a 500 mile radius of building site thereby supporting the regional economy.
- H. Design For Resource Efficiency. Employ strategies that achieve greater energy and water efficiency than comparable (but non-green) buildings in Central Texas.
- I. Design For Renewable Energy. Integrate appropriately-scaled renewable energy technologies for water heating and electrical generation, and secure long-term contracts for grid-connected "green" energy where available through the provider.
- J. Design For Waste Minimization. Employ strategies to reduce, reuse, recycle, and compost construction, demolition and land-clearing debris, and design buildings to facilitate recycling during operations.

## **Part Two. Retail Development**

### **I. Overview.**

Subject to all of the terms of the Introduction, above, the requirements set out in Sections II through VII below shall govern retail development of the Parcels. All such development must comply with those requirements that are listed below as “mandatory”, and must also comply with a total of at least five (5) in the aggregate of the items listed below as “optional”.

### **II. Sustainable Sites.**

#### **A. Erosion and Sedimentation Control**

1. Design in conformance with a site and erosion control plan that conforms to the best management practices identified in (i) the EPA’s Stormwater Management for Construction Activities (EPA-832.R-92-005, Chapter 3), or (ii) the erosion and sedimentation control requirements in the City’s Code, whichever is more stringent. At the least, the plan must (i) prevent loss of soil by stormwater and/or wind erosion during construction, including by calling for protection of topsoil by stockpiling for reuse, and (ii) prevent sedimentation or pollution of storm sewer and receiving streams from dust and particulate matter.
  - a. Mandatory
  - b. Documentation Requirement: conforming erosion and sedimentation control plan.
2. Revegetation for erosion control will be consistent with the project landscape standards while allowing for seasonally appropriate temporary seeding. Following the completion of all construction activities in the area, areas compacted by construction activities shall be aerated or the soils shall be amended as necessary to allow for appropriate revegetation. Seed mixes for permanent revegetation will include only native grasses and wildflowers from the approved plant list (see Appendix A).
  - a. Mandatory
  - b. Documentation Requirement: Conforming erosion and sedimentation control plan.
3. [intentionally omitted]
4. Provision of on-site detention for 2-year 3-hour storm event.
  - a. Mandatory, unless site conditions and proposed development dictate that

it would be more prudent not to provide the facility.

- b. Documentation Requirement: Stormwater management plans and calculations.
5. Fertilizer containing not more than the equivalent of 40 pounds of nitrogen per acre per year will be applied, except where greater plant nitrogen uptake is demonstrated.
- a. Mandatory
  - b. Documentation Requirement: Landscape plan and/or narrative description of fertilizing areas and measurements.

**B. Site Selection**

- 1. Establish specific setbacks from critical environmental features that meet or exceed minimum setback requirements under the City of Austin Code on a site-by-site basis.
  - a. Mandatory
  - b. Documentation Requirement: Provide site plan showing proposed project footprint and locations of critical environmental features.
- 2. Construction in City of Austin Critical Water Quality and Water Quality Transition Zones is prohibited except as permitted by City of Austin Code or pursuant to variances.
  - a. Mandatory
  - b. Documentation Requirement: Site plan showing locations of CWQZ and WQTZ and footprint of proposed construction, as well as copies of variance approvals, as appropriate.
- 3. Identify and consider preservation of significant trees and tree groups, as "significant trees" and "tree groups" are described in the City of Austin Environmental Criteria Manual, Section 3, as applicable to a Parcel.
  - a. Mandatory
  - b. Documentation Requirement: Provide tree survey and site plan, and/or narrative describing preservation plan.
- 4. No construction of buildings or development, excluding water quality facilities approved by the City of Austin, shall be permitted on any portion of a Parcel that

meets any of the following criteria: (i) is “prime farmland” as defined by the American Farmland Trust; (ii) is land lying lower than one foot (1’) above the elevation of the 100-year flood plain as defined by FEMA; (iii) is within 100’ of any “wetland” as defined by either 40 CFR, Parts 230-233 and Part 22, (iv) was public parkland prior to its acquisition by Owner, unless land of equal or greater value as parkland is accepted by the appropriate governmental entity in exchange for such former public parkland.

- a. Mandatory
  - b. Documentation Requirement: Provide site plan showing the proposed project footprint, as well as the location of any 100-year floodplain, or designated wetlands, as well as a note confirming the absence of prime farmland and prior public parkland.
5. Construction is prohibited on any land that is habitat for any Texas or federally listed threatened or endangered species that is identified as such habitat by a federal or state agency prior to the date hereof, unless pursuant to permission from the U.S. Fish and Wildlife Service.
- a. Mandatory
  - b. Documentation Requirement: Provide site plan showing the limits of proposed construction, if any, located within identified habitat for listed threatened or endangered species.

C. Alternative Transportation

- 1. Locate buildings (i) within one-half mile of a commuter rail, light rail, or subway station or (ii) within one-quarter mile of the stop(s) of two or more bus lines.
  - a. Optional
  - b. Documentation Requirement: Provide area plan highlighting building location, transportation features, and distances. Include scale bar for distance measurement.
- 2. [intentionally omitted]
- 3. [intentionally omitted]
- 4. If City Code requires a building to have bicycle parking, provide covered bicycle parking within 50 feet of such building entrance. The number of spaces must meet or exceed the number of such spaces required under City Code, but be not less than 5% of anticipated occupancy.

- a. Optional
  - b. Documentation Requirement: Provide site plan showing number and location of parking spaces, and narrative regarding anticipated occupancy of relevant building.
5. Provide suitable means for storing bicycles, with convenient changing facilities for use by cyclists. Provide showers as appropriate to the scale and type of use of the facility.
- a. Mandatory
  - b. Documentation Requirement: Provide site drawings showing bike area and number of bikes served, and a report describing estimated staffing and provisions for showers/changing area(s).
6. Install alternative-fuel refueling station(s) capable of servicing the number of cars equal to 3% of the total vehicle parking capacity of the Parcel. Liquid or gaseous fueling facilities must be separately ventilated or located outdoors.
- a. Optional
  - b. Documentation Requirement: Provide site drawings & specifications showing any alternative-fuel refueling station, as well as the number of parking spaces.
7. For rehabilitation projects, add no new parking spaces.
- a. Optional
  - b. Documentation Requirement: Provide parking plan highlighting total parking capacity and narrative describing previous parking space number, and number of spaces required by city code.
8. [intentionally omitted]
9. Evaluate the feasibility of parking ratios reduced from City Code requirements.
- a. Mandatory
  - b. Documentation Requirement: Narrative describing analysis of feasibility, and calculations based on the square footage of the relative building.

D. Reduced Site Disturbance

1. Protect open space by limiting site disturbance to the extent feasible based on good design practice and construction techniques. Limits of construction to be defined by silt fence, chain link fencing, orange plastic mesh fencing, or other appropriate methods.
  - a. Mandatory
  - b. Documentation Requirement: Provide site drawings showing limits of construction disturbance and location and type of containment method chosen.
2. Limits of construction to be defined by chain link fencing.
  - a. Optional
  - b. Documentation Requirement: Provide site drawings showing the development footprint and calculating the amount of open space on the Parcel.
3. Limit the area of construction disturbance to (i) within 40 feet of building perimeters, within 30 feet of parking lot perimeters, and to the extent feasible to permit construction of infrastructure such as utilities, stormwater facilities, pedestrian/bicycle paths and required landscaping, OR (ii) no more than 105% of the sum of the allowable impervious cover plus stormwater facilities and utilities.
  - a. Mandatory
  - b. Documentation Requirement: Site plan and/or erosion and sedimentation plan showing location of construction areas, and calculations indicating compliance with the standard.
4. Require contractor bonding to cover the estimated value of trees identified on the tree preservation plan as being preserved.
  - a. Optional
  - b. Documentation Requirement: Tree preservation plan showing trees to be preserved, narrative describing valuation of preserved trees, and evidence of contractor bonding.
5. Construction contract documents will require contractor to be financially liable for the estimated value of damage to or destruction of trees identified to be preserved.
  - a. Mandatory

- b. Documentation Requirement: Provide narrative and/or tree preservation plan and erosion and sedimentation control plan showing tree protection measures, and copy of executed construction contract with appropriate liability language.

E. Stormwater Management

1. With the exception of participation in existing regional stormwater facilities, implement a stormwater management plan (i) that results in no increase in the rate of stormwater runoff after development from pre-development levels, or (ii) if existing impervious cover is greater than 50%, that reduces the rate and quantity of stormwater runoff by at least 25% from existing levels.
  - a. Mandatory
  - b. Documentation Requirement: Provide stormwater management plan with calculations.
2. Implement a stormwater management plan that results in treatment systems designed to remove 80% of the average annual post development total suspended solids (TSS) and 40% of the average annual post development total phosphorous (TP) by implementing Best Management Practices (BMPs) outlined in the EPA's Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters (EPA 840-B-92-002 1/93).
  - a. Mandatory
  - b. Documentation Requirement: Provide stormwater management plan with calculations and describing BMPs implemented.
3. Treat stormwater run-off to achieve no increase in the average annual pollutant load defined in Section 25-8-514 (A) of the City of Austin Code (as that section reads as of the date hereof), using vegetative filter areas and retention/re-irrigation water quality controls.
  - a. Mandatory
  - b. Documentation Requirement: Provide water quality control plans, including calculations of estimated pre- and post-construction average annual pollutant loads.
4. Achieve a reduction in stormwater runoff volume by complying with one or more of the following performance standards:
  - A minimum of 20% of the roof construction on the site to utilize a green



roof.

- Pervious pavement required for at least 50% of all surface parking areas where soil depths are greater than 4 feet.
  - Connecting paths for pedestrians and bikes will be decomposed granite, gravel or other pervious material, except where impervious pavement is required to meet applicable law, or where otherwise necessary to accommodate intended use.
  - Substitute natural-bottom vegetated channel drainage for storm drainage conveyance, unless alternative lining is required to obtain City approval.
  - Achieve impervious cover reductions through clustering, reduced parking requirements and/or narrower roadways.
  - Disconnect impervious cover by providing swales rather than pipe drainage, or by sloping roofs, driveways and parking areas to vegetated filter areas rather than storm sewers.
  - Achieve no decreased flow to Identified Aquifer Recharge Features.
- a. Mandatory
  - b. Documentation Requirement: Provide a narrative describing compliance with this standard, including, as appropriate, plans, materials lists, and/or calculations.

### III. Landscape and Exterior Design/Heat Island Reduction

#### A. Shade

- 1. Do at least one of the following: (i) provide shade (within 15 years) on at least 30% of non-roof impervious surfaces on the Parcel, including parking lots, walkways, plazas, etc., using trees or trellises with vines from the approved plant list (see Appendix A), (ii) use light colored/high albedo materials (with a reflectance of at least 0.3) for 30% of the Parcel's non-roof impervious surfaces, (iii) place at least 50% of the parking spaces underground, or (iv) use pervious pavement where soils are 4 feet or greater in depth.
- a. Mandatory
  - b. Documentation Requirement: Depending on the option(s) chosen, provide (i) drawings showing 15-year shading plan with non-roof impervious surface calculations, (ii) specifications for high-albedo materials used and non-roof impervious surface calculations, (iii) parking plan with count of surface vs. underground spaces, or (iv) drawings showing areas of pervious pavement.

2. When considering placement of pedestrian and bicycle pathways on a Parcel, consider locating such pathways in existing shaded areas, and creating additional areas of shade, employing native trees and trellises with vines using plants from the approved list (see Appendix A), buildings, canopies, and/or any other permissible shade provider.
  - a. Optional
  - b. Documentation Requirement: Provide site plan and/or other drawings showing pedestrian and bicycle pathways and showing shade areas, with calculations.

**B. Heat Island Reduction**

1. Either (i) use ENERGY STAR Roof-compliant, high reflectance and high emissivity roofing (with initial reflectance of at least 0.65 and 3-year aged reflectance of at least 0.5 when tested in accordance with ASTM E903 and emissivity of at least 0.9 when tested in accordance with ASTM 408) for at least 75% of the roof surface, or (ii) install a vegetated roof for at least 50% of the roof area.
  - a. Optional
  - b. Documentation Requirement: Provide (i) specifications of materials and roof area calculations, or (ii) plans and roof area calculations.
2. Conduct a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces.
  - a. Mandatory
  - b. Documentation Requirement: Provide a cost/benefit analysis for the anticipated life of the facility comparing construction and maintenance costs for concrete versus asphalt paving surfaces.

**C. Exterior Light Pollution Reduction**

1. In order to improve night sky access and reduce development impact on the nocturnal environment, do not exceed Illuminating Engineering Society of North America (IESNA) footcandle level requirements as stated in the IESNA's "Recommended Practice Manual: Lighting for Exterior Environments", and design interior and exterior lighting such that no direct-beam illumination leaves the building site.
  - a. Mandatory

- b. Documentation Requirement: Provide exterior lighting design plan highlighting footcandle contours and demonstrating compliance w/IESNA requirements. Provide design narrative showing that no direct-beam illumination leaves site.
- 2. Develop an exterior lighting plan for all development that sets maximum lighting levels for commercial areas at three footcandles, average maintained, measured horizontally at finished ground level with a 4:1 illumination ratio.
  - a. Optional
  - b. Documentation Requirement: Provide exterior lighting design plan and narrative demonstrating compliance with this requirement.
- 3. If permissible by City Code, free standing light fixtures shall not exceed 30 feet measured from the ground/pavement to the bottom base of the fixture.
  - a. Optional
  - b. Documentation Requirement: Provide narrative including measurements.
- 4. Fixture wattage shall not exceed 350 lamp watts and shall contain the lowest available mercury content at the time of purchase, consistent with fulfilling performance requirements.
  - a. Optional
  - b. Documentation Requirement: Provide specifications regarding fixtures.
- 5. Fixtures shall be limited to two per pole, and shall have no uplight or lamps/light-refracting lenses extending below the plane of the lowest point of the fixture housing. Fixtures will provide a cutoff not to exceed 90 degrees from nadir so that light is not emitted above the horizontal plane.
  - a. Optional
  - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures and describing light emissions.
- 6. Building-mounted wall packs shall not exceed a lamp wattage of 200 watts and shall be mounted no higher than 28 feet from the ground/pavement to the bottom of the fixture. Wall packs shall be configured with a full front metal shield with a sharp cutoff of at least 85 degrees to block the lamp source from line of sight view. Open-faced wall packs of any wattage or size are prohibited.
  - a. Optional

- b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures.
- 7. All lighting fixtures to illuminate outdoor advertising shall utilize downlighting, backlighting, or internal illumination (using lamps of 100 watts or less).
  - a. Mandatory
  - b. Documentation Requirement: Provide exterior lighting design plan highlighting lighting fixtures and a narrative showing that no direct-beam illumination leaves site.
- 8. Lamp wattage for outdoor advertising signs constructed of translucent materials and wholly illuminated from within shall not exceed 75 watts.
  - a. Optional
  - b. Documentation Requirement: Provide specifications regarding fixtures and lamps.
- 9. If and to the extent that Owner chooses to pursue an optional standard under these Part C Exterior Light Pollution Reduction provisions, and such option is in conflict with otherwise applicable provisions of the City of Austin's Code, Owner will seek to obtain a waiver of or variance from such conflicting Code provisions, as appropriate.
  - a. Mandatory
  - b. Documentation Requirement: Provide such documentation to the City as is necessary under applicable law to obtain the waiver or variance in question. In pursuit of such waiver or variance, Owner may rely on the advice of legal counsel rather than only a licensed engineer, licensed architect, or LEED accredited professional as described herein.
- 11. For a Parcel with zoning allowing a service station, all luminaires mounted on the undersurface of service station canopies shall be fully shielded and utilize flat glass or flat plastic covers. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface of the canopy and auxiliary lighting within signs or panels over the pumps, is to be included toward the total outdoor light output for the Parcel.
  - a. Optional

- b. Documentation Requirement: Provide exterior lighting design plan highlighting luminaries and specifications regarding fixtures.

#### IV. Water Efficiency

##### A. Water Efficient Landscaping

1. Use either (i) high efficiency irrigation technologies that are in keeping with the scale and requirements of the landscaped areas, or (ii) captured rain or recycled water, in either event to reduce potable water consumption for irrigation by 50% over conventional irrigation methods.
  - a. Mandatory
    - b. Documentation Requirement: Provide plans or a design narrative, including calculations, demonstrating compliance with this requirement.
2. Use captured rain or recycled water to eliminate potable water consumption for irrigation.
  - a. Optional
    - b. Documentation Requirement: Provide plans or a design narrative demonstrating compliance with this standard.
3. In order to preserve existing plant material, Owner shall (i) use reasonable efforts to select building, road, and parking sites from locations with the least ecological health rather than disturb places in the best health, (ii) if not in an area to be landscaped under City Code, restore healthy soils, native plant communities and fauna habitat in areas temporarily disturbed by construction activity, and (iii) have a tree and plant survey performed by a qualified professional, which may include a representative of the Lady Bird Johnson Wildflower Center (hereinafter referred to as TWC), which survey must include:
  - A field survey;
  - A species list;
  - Recommendations for rare, unique, or valuable plant recovery and reuse;
  - An evaluation of all trees 19 inches and larger in diameter performed in accordance with Section 3.5.1 of the City's Environmental Criteria Manual;
  - Recommendations for protection of significant trees during construction; and
  - Recommendations for long-term site management to protect the tree

resources.

- a. Optional
  - b. Documentation Requirement: Provide a narrative describing the location decisions made for buildings, roads, and parking sites, a plan for soil recovery, and a tree and plant survey as described.
4. For plant species identified as "significant" in a tree and plant survey done pursuant to paragraph 3, above, that will be disturbed during construction activities, remove all or a material portion of such plants and replant in a compatible area that will not be disturbed. Preserve significant trees and tree groups.
    - a. Optional
    - b. Documentation Requirement: Provide copy of tree and plant survey, and plan for preservation, removal, and replanting.
  5. In new plant assemblages, use plant species from the approved plant lists that take advantage of specific site conditions (e.g., water-loving plants in natural or created drainages, xeric plants on slopes and ridgelines) in order to reduce or eliminate reliance on supplemental water, fertilizer or pesticides in comparison to traditional landscaping assemblages.
    - a. Mandatory
    - b. Documentation Requirement: Provide list of plant species used in new assemblages along with plan showing planting locations, and narrative describing estimated reductions in water, fertilizer, or pesticide use compared to traditional landscaping.
  6. To the extent practicable, the Owner will require in its contracts for landscape maintenance that only electric (or other non-gasoline) mowers and equipment be used.
    - a. Optional
    - b. Documentation Requirement: Provide copies of maintenance contracts and narrative regarding availability of non-gasoline based services.
  7. A progressive Integrated Pest Management (IPM) plan will be developed and implemented for the site using standards at least as stringent as City of Austin standards, and which plan will call for the use of chemicals as a last resort in the progression, and in any event call for the least toxic chemicals approved for use. The plan will address construction and post-construction chemical use.

- a. Mandatory
  - b. Documentation Requirement: Provide IPM plan.
8. Specify a minimum of 25% of building materials, including for planters, benches, and stone work, that contain in the aggregate a minimum weighted average of either (i) 20% post-consumer recycled content material or (ii) 40% post-industrial recycled content material.
- a. Mandatory
  - b. Documentation Requirement: Provide requests for bids, specifications, and other information regarding the amount of recycled content materials to be used, and provide calculations demonstrating compliance with the standard.
9. A landscape materials plan will be developed that includes such requirements as: (i) no materials that leach pollutants, such as creosote-treated railroad ties and CCA (copper chromated arsenic) and pentachlorophenol treated wood, will be allowed, (ii) for wood in contact with soil, an approved treatment method, such as ACQ (ammonium copper quaternary), naturally-resistant wood, or a wood-plastic composite will be required, (iii) topsoil from the site will be stockpiled using appropriate erosion control methods during storage, (iv) excavated boulders will be stored and incorporated into the site landscape, and (v) woody plant material will be used on site either for fenceposts and trim, or mulched and used on site for paths and planting beds to the greatest extent practicable. All woody plant material not used on-site will be made available for off-site use, and that none of the woody plant material will be disposed of in a landfill.
- a. Mandatory
  - b. Documentation Requirement: Provide materials plan including all required components.
- B. Innovative Wastewater Technologies
1. Either (i) reduce the use of municipally-provided potable water for building sewage conveyance by at least 50% over standard usage as of the date of these restrictions, or (ii) treat 100% of wastewater on-site to tertiary standards.
- a. Optional
  - b. Documentation Requirement: Provide plans or narrative, including calculations of standard usage and reduction, demonstrating compliance with this standard.

C. Water Use Reduction

1. [intentionally omitted]

2. Consider employing strategies that in the aggregate use 30% less potable water than the water use baseline calculated for the building (not including irrigation) after meeting 1992 Energy Policy Act fixture performance requirements.

a. Optional

b. Documentation Requirement: Provide information regarding all water consuming fixtures with performance compliance; provide a water budget calculation showing reduction calculation.

3. Design roofs to capture at least 50% of the roof area for rainwater harvesting, and provide rainwater collection and storage for at least 1 inch of capture volume, provided, however, that in no event shall the design and construction costs of such facilities be required to exceed a maximum cost of \$4,000 (w/ annual growth rate of 2% from the date of these restrictions) per 10,000 square feet of the roof area.

a. Optional

b. Documentation Requirement: Provide plans, specifications, and calculations demonstrating compliance with this standard.

4. Design and install roof-mounted HVAC equipment so that any leaking water is contained and captured.

a. Optional

b. Documentation Requirement: Provide plans showing containment and capture system.

5. Evaluate the feasibility of greywater reuse for internal (in buildings) and external (elsewhere on the Parcel) water demand. Evaluation of external greywater reuse must consider the potential for aquifer contamination in the system design.

a. Optional

b. Documentation Requirement: Provide narrative regarding the feasibility evaluation.

V. Energy and Atmosphere

A. Fundamental Building Systems Commissioning



1. Implement the following fundamental best practice commissioning procedures: engage a commissioning authority; review design intent and basis of design documentation; include commissioning requirements in the construction documents; develop and utilize a commissioning plan; verify installation, functional performance, training, and documentation; and complete a commissioning report.
  - a. Optional
  - b. Documentation Requirement: Submit a plan or narrative demonstrating compliance with this standard.
- B. Minimum Energy Performance
  1. Design to meet building energy efficiency and performance as required by ASHRAE/IESNA 90.1-1999 or the City's energy code.
    - a. Mandatory
    - b. Documentation Requirement: Provide code analysis & summary table demonstrating compliance.
- C. CFC Reduction in HVAC/R Equipment
  1. Use no CFC-based refrigerants in new building HVAC/R base building systems. When re-using existing base building HVAC/R equipment, complete a comprehensive CFC phaseout conversion.
    - a. Mandatory
    - b. Documentation Requirement: For new buildings provide information regarding CFC-free refrigerants for all HVAC/R equipment. For existing buildings list all existing HVAC/R equipment & copy of phase-out plan.
- D. Optimize Energy Performance
  1. Reduce energy cost by 20% compared to the energy cost budget for regulated energy components described in the requirements of ASHRAE/IESMA Standard 90.1-1999, as demonstrated by a whole building simulation using the Energy Cost Budget Method described in Section 1.1. Regulated energy components include HVAC systems, building envelope, service hot water systems, lighting, and other regulated systems as defined by ASHRAE.
    - a. Mandatory

- b. Documentation Requirement: Provide building simulation and energy cost budget calculations demonstrating compliance with this standard.
- 2. Seek to reduce energy cost by 30% compared to the energy cost budget for regulated energy components described in the requirements of ASHRAE/IESMA Standard 90.1-1999, as demonstrated by a whole building simulation using the Energy Cost Budget Method described in Section 1.1. Regulated energy components include HVAC systems, building envelope, service hot water systems, lighting, and other regulated systems as defined by ASHRAE.
  - a. Optional
  - b. Documentation Requirement: Provide building simulation and energy cost budget calculations demonstrating compliance with this standard.
- 3. Seek to reduce energy cost by 40% compared to the energy cost budget for regulated energy components described in the requirements of ASHRAE/IESMA Standard 90.1-1999, as demonstrated by a whole building simulation using the Energy Cost Budget Method described in Section 1.1. Regulated energy components include HVAC systems, building envelope, service hot water systems, lighting, and other regulated systems as defined by ASHRAE.
  - a. Optional
  - b. Documentation Requirement: Provide building simulation and energy cost budget calculations demonstrating compliance with this standard.
- 4. Seek to reduce energy cost by 50% compared to the energy cost budget for regulated energy components described in the requirements of ASHRAE/IESMA Standard 90.1-1999, as demonstrated by a whole building simulation using the Energy Cost Budget Method described in Section 1.1. Regulated energy components include HVAC systems, building envelope, service hot water systems, lighting, and other regulated systems as defined by ASHRAE.
  - a. Optional
  - b. Documentation Requirement: Provide building simulation and energy cost budget calculations demonstrating compliance with this standard.
- 5. Seek to reduce energy cost by 60% compared to the energy cost budget for regulated energy components described in the requirements of ASHRAE/IESMA Standard 90.1-1999, as demonstrated by a whole building simulation using the Energy Cost Budget Method described in Section 1.1. Regulated energy components include HVAC systems, building envelope, service hot water systems, lighting, and other regulated systems as defined by ASHRAE.

- a. Optional
  - b. Documentation Requirement: Provide building simulation and energy cost budget calculations demonstrating compliance with this standard.
- E. Renewable Energy
- 1. Supply 5% Total Energy Cost through the use of on-site renewable energy systems.
    - a. Optional
    - b. Documentation Requirement: Provide drawings or narrative of energy systems, and include cost calculations.
  - 2. Supply 10% Total Energy Cost through the use of on-site renewable energy systems.
    - a. Optional
    - b. Documentation Requirement: Provide drawings or narrative of energy systems, and include cost calculations.
  - 3. Supply 20% Total Energy Cost through the use of on-site renewable energy systems.
    - a. Optional
    - b. Documentation Requirement: Provide drawings or narrative of energy systems, and include cost calculations.
- F. Additional Commissioning
- 1. In addition to the Fundamental Building Commissioning pre-requisite, implement the following additional commissioning tasks:
    - Conduct a focused review of the design prior to the construction document phase;
    - Conduct a focused review of the construction documents when close to completion;
    - Conduct a selective review of contractor submittals for commissioned equipment;  
[the above three reviews must be performed by a firm other than the designer]
    - Develop a recommissioning management manual; and
    - Have a contract in place for a near warranty-end or post-occupancy

review.

a. Optional

- b. Documentation Requirement: Provide a plan or narrative regarding procedures for review and otherwise demonstrating compliance with this standard.

G. Ozone Depletion

1. Install base building level HVAC and refrigeration equipment and fire suppression chemicals and either replace those that contain HCFCs or Halon with an available non-ozone depleting alternative, or use chemicals that might have an ozone depleting potential but nevertheless have a superior TEWI rating, or use some combination of chemicals that in the judgment of the reviewer, and based on current technology, achieves the best environmental result for this goal.

a. Mandatory

- b. Documentation Requirement: Supply lists of relevant equipment and chemicals used demonstrating compliance.

H. Measurement and Verification

1. Comply with long-term continuous measurement of performance as stated in Option B: Methods by Technology of the US DOE's International Performance Measurement and Verification Protocol (IPMVP) for the following: lighting systems and controls; constant and variable motor loads; variable frequency drive operations; chiller efficiency at variable loads; cooling load; air and water economizer and heat recovery cycles; air distribution static pressures and ventilation air volumes; boiler efficiencies; building specific process energy efficiency systems and equipment; and indoor water risers and outdoor irrigation systems.

a. Optional

- b. Documentation Requirement: Provide copy of measurement and verification plan and schedule of instrumentation controls for each category.

I. Green Power

If available to serve the Parcel, and if such power, either alone or in combination with conventional power, can be obtained at no more than 110% of the cost of buying only the conventional power available from the same provider, contract to purchase power generated from renewable sources that meet the certification

requirements of the Center for Resource Solutions Green-e products.

- a. Mandatory
- b. Documentation Requirement: Provide information regarding availability of green-e products, costs and calculations, and copy of contract, if applicable.

## VI. Materials and Resources

### A. Storage and Collection of Recyclables

- 1. Provide an easily accessible area dedicated to separation, collection and storage of recyclable materials including, at a minimum, paper, glass, plastics, and metals.
  - a. Mandatory
  - b. Documentation Requirement: Provide drawings highlighting location of recycling area(s).

### B. Building Reuse

- 1. Maintain at least 75% of existing building shells and structures in order to conserve the use of building materials and reduce demolition effects where practicable.
  - a. Optional
  - b. Documentation Requirement: Provide drawings and calculations demonstrating compliance with this standard.
- 2. Maintain 100% of existing building shells and structures in order to conserve the use of building materials and reduce demolition effects where practicable.
  - a. Optional
  - b. Documentation Requirement: Provide drawings and calculations demonstrating compliance with this standard.
- 3. Maintain 100% of existing building shells and structures, as well as 50% of non-shell improvements, in order to conserve the use of building materials and reduce demolition effects where practicable.
  - a. Optional
  - b. Documentation Requirement: Provide drawings and calculations

demonstrating compliance with this standard.

C. Construction Waste Management

1. Recycle and/or salvage at least 50% (by weight) of construction, demolition, and land clearing wastes, including by mulching trees and recycling or reusing topsoil and rocks. Salvage may include donation of materials to charitable organizations.
  - a. Mandatory
  - b. Documentation Requirement: Provide estimated measurements (by weight), calculations, and narrative reports of recycling and salvage activity demonstrating compliance with this standard.
2. Develop and implement a waste management plan to recycle and/or salvage at least 75% (by weight) of construction, demolition, and land clearing wastes. Salvage may include donation of materials to charitable organizations.
  - a. Optional
  - b. Documentation Requirement: Provide estimated measurements (by weight), calculations, and narrative reports of recycling and salvage activity demonstrating compliance with this standard.

D. Resource Reuse

1. Specify salvaged or refurbished materials for at least 5% of the cost of building materials.
  - a. Optional
  - b. Documentation Requirement: Provide specifications and contractor submittals as well as calculations.
2. Specify salvaged or refurbished materials for at least 10% of the cost of building materials.
  - a. Optional
  - b. Documentation Requirement: Provide specifications and contractor submittals as well as calculations.

E. Recycled Content

1. Specify a minimum of 25% of building materials that contain in the aggregate a minimum weighted average of either (i) 20% post-consumer recycled content

material or (ii) 40% post-industrial recycled content material.

a. Mandatory

b. Documentation Requirement: Provide requests for bids, specifications, and other information regarding the amount of recycled content materials to be used, and provide calculations demonstrating compliance with the standard.

2. Seek to specify a minimum of 50% of building materials that contain in the aggregate a minimum weighted average of either (i) 20% post-consumer recycled content material or (ii) 40% post-industrial recycled content material.

a. Optional

b. Documentation Requirement: Provide requests for bids, specifications, and other information regarding the amount of recycled content materials to be used, and provide calculations demonstrating compliance with the standard.

F. Local/Regional Materials

1. Specify that a minimum of 20% of building materials used must be manufactured (final assembly) regionally within a radius of 500 miles from the Parcel.

a. Mandatory

b. Documentation Requirement: Provide specifications and contractor submittals listing building materials used, source of such materials, and calculations demonstrating compliance with this standard.

2. Specify that a minimum of 50% of the regionally-manufactured building materials used must be extracted, harvested, or recovered within a radius of 500 miles from the Parcel.

a. Optional

b. Documentation Requirement: Provide specifications and contractor submittals listing building materials used, source of such materials, and calculations demonstrating compliance with this standard.

G. Rapidly Renewable Materials

Specify that at least 5% of the total building materials must be from rapidly renewable sources.

- a. Optional
- b. *Documentation Requirement: Provide available documentation from manufacturer regarding rapidly renewable material content/source of products, and provide calculations demonstrating that 5% of building materials are rapidly renewable.*

#### H. Certified Wood

- 1. To the extent that the cost of such wood-based materials exceeds 5% of the total cost of the building, at least 50% of wood-based materials must be certified in accordance with the Forestry Stewardship Council guidelines for wood building components, including, but not limited to, structural framing and general dimensional framing, flooring, finishes, furnishings, and non-rented temporary construction applications such as bracing, concrete form work, and pedestrian barriers.
  - a. Mandatory
  - b. *Documentation Requirement: Provide wood certification information from manufacturer, and calculations demonstrating compliance with this standard.*

### VII. Indoor Environmental Quality

#### A. Minimum IAQ Performance

- 1. Meet the minimum requirements of voluntary consensus standard ASHRAE 62-1999, Ventilation for Acceptable Indoor Air Quality and approved addenda.
  - a. Mandatory
  - b. *Documentation Requirement: Provide approval from qualified reviewer demonstrating compliance with this standard.*

#### B. Environmental Tobacco Smoke Control

Prohibit smoking in the building altogether, or limit smoking to a designated smoking room designed to effectively contain, capture, and remove all Environmental Tobacco Smoke (ETS) from the building (which may be accomplished by, at a minimum, direct exhaust from the smoking room to the outdoors with no recirculation of air containing ETS).

- a. Mandatory



- b. Documentation Requirement: Provide letter from owner verifying building policy prohibiting smoking, or, if a smoking room is designated, provide plans for ventilation demonstrating compliance with this standard.

C. Carbon Dioxide (CO2) Monitoring

- 1. Install a permanent CO2 monitoring system with feedback on space ventilation performance in a form that affords operational adjustments. Specify initial operational set point parameters to maintain indoor CO2 levels no higher than outdoor levels by more than 530 ppm.
  - a. Optional
  - b. Documentation Requirement: Provide drawings and specifications of CO2 monitoring system, and narrative describing initial operation set point parameters.

D. Increase Ventilation Effectiveness

- 1. For mechanically ventilated buildings, design ventilation systems that result in air change effectiveness of at least 0.9 based on ASHRAE 129-1997. For naturally ventilated spaces, demonstrate a distribution and laminar flow pattern that involves at least 90% of the room or zone area in the direction of air flow for at least 95% of the hours of occupancy.
  - a. Mandatory
  - b. Documentation Requirement: For mechanically ventilated space, provide report summarizing test results, calculations, and design narrative. For naturally ventilated space, provide airflow simulation results including inlets, outlets & flow patterns demonstrating compliance with this standard.

E. Construction IAQ Management Plan

- 1. During construction, (i) meet or exceed the minimum requirements of the Sheet Metal and Air Conditioning National Contractors Association (SMACNA) IAQ Guideline for Occupied Buildings under Construction, 1995, (ii) protect stored on-site or installed absorptive materials from moisture damage, and (iii) replace air filtration media immediately prior to occupancy. Filtration media must have a Minimum Efficiency Reporting Value (MERV) of 13, as determined by ASHRAE 52.2-1999.
  - a. Mandatory
  - b. Documentation Requirement: Provide copy of construction IAQ

management plan with explanation regarding SMACNA guidelines compliance, provide photographs or narratives of construction measures to protect absorptive materials, and provide information regarding MERV and replacement of filtration media.

2. Institute a plan to conduct a minimum 2-week building flushout with new filtration media at 100% outside air after construction ends and prior to occupancy, or conduct a baseline indoor air quality testing procedure consistent with current EPA Protocol for Environmental Requirements, Baseline IAQ and Materials, Research Triangle Park Campus, Section 01445.
  - a. Optional
  - b. Documentation Requirement: Provide copy of plan, including letter from qualified reviewer describing building flushout procedures and schedules, with reasonable documentation demonstrating conformance with testing procedures and requirements as described in the referenced standard.

F. Low-Emitting Materials

1. Use only adhesives that meet or exceed the VOC limits of South Coast Air Quality Management District Rule #1168. All sealants used as a filler must meet or exceed Bay Area Air Resources Board Regulation 8, Rule 51.
  - a. Mandatory
  - b. Documentation Requirement: Provide a Material Safety Data Sheet (MSDS) for each adhesive and sealant used in the building, showing VOC limits.
2. Use only paints and coatings that meet or exceed the Green Seal Certification specifications with regard to low or no VOC.
  - a. Mandatory
  - b. Documentation Requirement: Provide Material Safety Data Sheets (MSDS) for each paint and coating used in the building showing VOC limits, and provide Green Seal Certification specifications, with a comparison of VOC content.
3. Use only carpet systems that meet or exceed the Carpet and Rug Institute Green Label Indoor Air Quality Test Program.
  - a. Mandatory
  - b. Documentation Requirement: Provide information regarding each carpet

demonstrating compliance with this standard.

4. Use composite wood and agrifiber products that contain no added urea-formaldehyde resins.
  - a. Mandatory
  - b. Documentation Requirement: Provide information regarding each composite wood or agrifiber products used in the building, highlighting urea-formaldehyde resin limits.

G. Indoor Chemical and Pollutant Source Control

1. Design to minimize cross-contamination of regularly occupied areas by chemical pollutants, including by employing permanent entryway systems (such as grills and grates) to prevent dirt, particulates, etc. from entering the building at all high volume entryways.
  - a. Mandatory
  - b. Documentation Requirement: Provide drawings and narratives describing entryway systems, and effect on preventing particulate entry.

H. Controllability of Systems

1. [intentionally omitted]
2. Provide controls for each individual airflow, temperature, and lighting for 50% of the non-perimeter, regularly occupied areas.
  - a. Optional
  - b. Documentation Requirement: Provide drawings showing controls, and calculations.

I. Thermal Comfort

1. Comply with ASHRAE 55-1992, Addenda 1995, for thermal comfort standards including humidity control within established ranges per climate zone.
  - a. Mandatory
  - b. Documentation Requirement: Provide letter from qualified reviewer confirming compliance with standard.
2. Install a permanent temperature and humidity monitoring system configured to

provide operators control over thermal comfort performance and effectiveness of humidification and/or dehumidification systems in the building.

a. Optional

b. Documentation Requirement: Provide drawings and specifications showing installed system, and a narrative describing operator control.

**J. Daylight and Views**

1. Achieve a minimum Daylight Factor of 2% (excluding direct sunlight penetration) in 75% of all space occupied for critical visual tasks, excluding copy rooms, storage areas, mechanical, laundry, and other low occupancy support areas, and also excluding spaces where tasks would be hindered by use of daylight or where accomplishing specific tasks within a space would be enhanced by direct penetration of sunlight.

a. Mandatory

b. Documentation Requirement: Provide drawings with narrative highlighting critical visual task areas, calculations demonstrating minimum Daylight Factor of 2% in these areas.

2. Direct the line of sight to vision glazing from 90% of all regularly occupied spaces, not including copy rooms, storage areas, mechanical, laundry, and other low occupancy support areas.

a. Optional

b. Documentation Requirement: Provide drawings with narrative demonstrating compliance with this standard.

**Part Three. Innovation and Design Process.** Following are additional design and performance requirements for all of the Parcels that will also serve to conserve water, improve the quality of stormwater runoff, protect the aquifer, and preserve the natural landscape.

1. With the exception of any rainwater harvesting, for any underground storage tank system located on any Parcel, tertiary containment must be provided, unless otherwise provided by the City, which tertiary barrier must consist of an artificially constructed material that is sufficiently thick and impermeable to direct a release to a monitoring point and permit its detection. All such underground storage tank systems must include a monitoring and detection system able to detect a release, which monitoring and detection system must be located between the walls of the double walled tank and the piping sump.

- a. Mandatory
  - b. Documentation Requirement: Drawings and specifications indicating tertiary containment and the required monitoring system.
- 2. Unless the City fails to provide water service to a Parcel, no additional water wells will be drilled or developed on the Parcels (with the exception of the Parcel for which no City service is available).
  - a. Mandatory
  - b. Documentation Requirement: If necessary, documentation of the City's failure to provide water service.
- 3. Expand land use compatibility buffer areas beyond the requirements of applicable City zoning ordinances.
  - a. Optional
  - b. Documentation Requirement: Provide narrative regarding required and achieved buffer areas, including calculations.
- 4. All plantings will be from plants listed on Appendices A and B, and no plantings will be from the plant species shown on Appendix C. The ratio of plantings from Appendices A and B will be 70/30.
  - a. Mandatory
  - b. Documentation Requirement: Maintain list of species planted that can be checked against Appendix C for compliance with this standard.

| Common Name  | Genus / Species  | Family           | K |
|--|--|------------------|---|
| 1. Highly recommended - commercially available       |  |                  |   |
| 2. Recommended - available through specialty outlets |  |                  |   |
| 3. Recommended - may not be readily available        |  |                  |   |
| Afinador   | <i>Mortonia greggii</i>  | Celastraceae     | 3 |
| Agarita  | <i>Mahonia trifoliolata</i> ( <i>Berberis trifoliolata</i> )                 | Berberidaceae    | 2 |
| Alabama Lipfern                                      | <i>Chorizanthes alabamensis</i>  | Pteridaceae      | 3 |
| American Beautyberry                                 | <i>Callicarpa americana</i>  | Verbenaceae      | 1 |
| American Brooklime                                   | <i>Veronica americana</i>  | Scrophulariaceae | 2 |
| American Elm   | <i>Ulmus americana</i>   | Ulmaceae         | 1 |
| American Sycamore                                    | <i>Platanus occidentalis</i>   | Platanaceae      | 3 |
| American Water-willow                                | <i>Justicia americana</i>  | Acanthaceae      | 3 |
| Annual Pennyroyal                                    | <i>Hedeoma acinoides</i>   | Lamiaceae        | 2 |
| Antelope-horns                                       | <i>Asclepias asperula</i> ssp. <i>capricornu</i>                             | Asclepiadaceae   | 3 |
| Aperajo Muhly  | <i>Muhlenbergia utilis</i>   | Poaceae          | 3 |
| Arizona ash  | <i>Fraxinus volutina</i>   | Oleaceae         | 3 |
| Arizona Walnut                                       | <i>Juglans major</i>   | Juglandaceae     | 3 |
| Ashe Juniper   | <i>Juniperus ashei</i>   | Cupressaceae     | 2 |
| Autumn Sage  | <i>Salvia greggii</i>  | Lamiaceae        | 3 |
| Baby Blue-eyes                                       | <i>Nomophila phacelioides</i>  | Hydrophyllaceae  | 3 |
| Bald Cypress   | <i>Taxodium distichum</i>  | Cupressaceae     | 3 |
| Balsam Gourd   | <i>Ibervillea lindholmeri</i>  | Cucurbitaceae    | 1 |
| Bandana-of-the-Everglades                            | <i>Canna flaccida</i>  | Liliaceae        | 3 |
| Barbados Cherry                                      | <i>Malpighia glabra</i>  | Malpighiaceae    | 2 |
| Barbara's Buttons                                    | <i>Marshallia caespitosa</i>   | Asteraceae       | 2 |
| Barreta  | <i>Helietta parvifolia</i>   | Rutaceae         | 3 |
| Basket Flower  | <i>Centaurea americana</i>   | Asteraceae       | 2 |
| Beaked Spikerush                                     | <i>Eleocharis rostellata</i>   | Cyperaceae       | 3 |
| Bearded Swallow-wort                                 | <i>Cynanchum barbigerum</i>  | Asclepiadaceae   | 3 |
| Bee Brush  | <i>Aloysia gratissima</i>  | Verbenaceae      | 2 |
| Beggar's Tick  | <i>Torilis arvensis</i>  | Apiaceae         | 2 |
| Bermuda Blue-eyed Grass                              | <i>Sisyrinchium angustifolium</i>  | Iridaceae        | 3 |
| Big Bluestem   | <i>Andropogon gerardii</i>   | Poaceae          | 2 |
| Big Love Nolina                                      | <i>Nolina bigelovii</i>  | Liliaceae        | 2 |
| Big Red Sage   | <i>Salvia penstemonoides</i>   | Lamiaceae        | 2 |
| Bigtooth Maple                                       | <i>Acer grandidentatum</i>   | Aceraceae        | 3 |
| Bindweed   | <i>Convolvulus oquitans</i>  | Convolvulaceae   | 2 |
| Black Bog-rush                                       | <i>Schoenus nigricans</i>  | Cyperaceae       | 2 |
| Black Cherry   | <i>Prunus serotina</i>   | Rosaceae         | 3 |
| Black Dalea  | <i>Dalea frutescens</i>  | Fabaceae         | 2 |
| Black Willow   | <i>Salix nigra</i>   | Salicaceae       | 3 |
| Black-eyed Susan                                     | <i>Rudbeckia hirta</i>   | Asteraceae       | 2 |
| Blackfoot Daisy                                      | <i>Melampodium leucanthum</i>  | Asteraceae       | 3 |
| Bladderwort  | <i>Utricularia gibba</i>   | Lentibulariaceae | 3 |
| Blanco Crabapple                                     | <i>Malus ioensis</i> var. <i>texana</i>                                      | Rosaceae         | 2 |
| Blue Curts   | <i>Phacelia congesta</i>   | Hydrophyllaceae  | 3 |
| Blue Funnel-lily                                     | <i>Androstaphyllum caeruleum</i>   | Liliaceae        | 3 |
| Blue Gilia, Prick-leaf Gilia                         | <i>Gilia rigida</i> ssp. <i>rigida</i>                                       | Polemoniaceae    | 2 |
| Blue grama   | <i>Bouteloua gracilis</i>  | Poaceae          | 1 |
| Blue Mistflower                                      | <i>Conoclinium coelestinum</i> ( <i>Eupatorium coelestinum</i> )             | Asteraceae       | 1 |
| Blue Morning Glory                                   | <i>Ipomoea lindheimeri</i>   | Convolvulaceae   | 2 |
| Blue Mud Plantain                                    | <i>Heteranthera limosa</i>   | Pontederiaceae   | 2 |
| Blue shrub Sage                                      | <i>Salvia ballotiflora</i>   | Lamiaceae        | 2 |
| Blue Threawn   | <i>Aristida purpurea</i> var. <i>healleyi</i>                                | Poaceae          | 3 |
| Bluebell   | <i>Eustoma exaltatum</i> ssp. <i>russellianum</i> ( <i>E. grandiflorum</i> ) | Gentianaceae     | 3 |
| Bluebonnet   | <i>Lupinus texensis</i>  | Fabaceae         | 3 |
| Blues  | <i>Hedyotis nigricans</i>  | Rubiaceae        | 3 |
| Blunt-lobed Cliff Fern                               | <i>Woodsia obtusa</i>  | Dryopteridaceae  | 3 |
| Bois d'Arc, Osage Orange                             | <i>Maclura pomifera</i>  | Moraceae         | 3 |
| Box Elder  | <i>Acer negundo</i>  | Aceraceae        | 3 |
| Branched Dicotylea                                   | <i>Dicotylea brachiata</i>   | Acanthaceae      | 1 |
| Brazilwood   | <i>Condalia hookeri</i>  | Rhamnaceae       | 3 |
| Broom Snakehead                                      | <i>Gutierrezia sarothrae</i> ( <i>Xanthocephalum sarothrae</i> )             | Asteraceae       | 3 |

K = KEYCODE

1 = Highly recommended - commercially available

2 = Recommended - available through specialty outlets

3 = Recommended - may not be readily available

| Common Name                 | Genus / Species   | Family           | K |
|-----------------------------|---|------------------|---|
| Broomweed                   | <i>Amphlachyris dracunculoides</i><br>( <i>Xanthocephalum dracunculoides</i> )        | Asteraceae       | 3 |
| Buffalograss                | <i>Buchloe dactyloides</i>  | Poaceae          | 1 |
| Bulbous Adder's-Tongue Fern | <i>Ophioglossum crotalophoroides</i>  | Ophioglossaceae  | 3 |
| Bull Muhly                  | <i>Muhlenbergia emersleyi</i>   | Poaceae          | 1 |
| Bunch-grass                 | <i>Nolina texana</i>  | Liliaceae        | 3 |
| Bundleflower                | <i>Desmanthus illinoensis</i>   | Fabaceae         | 1 |
| Bur oak                     | <i>Quercus macrocarpa</i>   | Fagaceae         | 2 |
| Bush Croton                 | <i>Croton fruticosus</i>  | Euphorbiaceae    | 3 |
| Bush Sunflower              | <i>Simsia calva</i>   | Asteraceae       | 2 |
| Bushy Bluestem              | <i>Andropogon glomeratus</i>  | Poaceae          | 2 |
| Bushy Skullcap              | <i>Scutellaria wrightii</i>   | Lamiaceae        | 2 |
| Butterfly Weed              | <i>Asclepias tuberosa</i>   | Asclepiadaceae   | 2 |
| Butterweed                  | <i>Packera tampicana</i> ( <i>Senecio</i><br><i>imparipinnatus</i> )                  | Asteraceae       | 2 |
| Bulbous Bush                | <i>Cephalanthus occidentalis</i>  | Rubiacaceae      | 2 |
| California Loosestrife      | <i>Lythrum californicum</i>   | Lythraceae       | 3 |
| Camphor Weed                | <i>Heterotheca subaxillaris</i> ( <i>H. latifolia</i> )                               | Asteraceae       | 3 |
| Canada Wild Rye             | <i>Elymus canadensis</i>  | Poaceae          | 1 |
| Canyon Muhly                | <i>Muhlenbergia x involuta</i> (hybrid in<br>nature)                                  | Poaceae          | 3 |
| Cardinal Feather            | <i>Acalypha radians</i>   | Euphorbiaceae    | 2 |
| Cardinal Flower             | <i>Lobelia cardinalis</i>   | Campanulaceae    | 1 |
| Carolina Basswood           | <i>Tilia americana</i> var. <i>caroliniana</i>  | Tiliaceae        | 3 |
| Carolina Buckthorn          | <i>Frangula caroliniana</i> ( <i>Rhamnus</i><br><i>caroliniana</i> )                  | Rhamnaceae       | 3 |
| Carolina Jessamine          | <i>Gelsemium sempervirens</i>   | Loganiaceae      | 3 |
| Carolina Joint-tail         | <i>Coelorachis cylindrica</i>   | Poaceae          | 3 |
| Carolina Modiola            | <i>Modiola caroliniana</i>  | Malvaceae        | 2 |
| Carolina Silverbell         | <i>Halesia carolina</i>   | Styracaceae      | 3 |
| Carolina Snailseed          | <i>Cocculus carolinus</i>   | Menispermaceae   | 3 |
| Carolina Wolfberry          | <i>Lycium carolinianum</i> var. <i>quadrifidum</i>                                    | Solanaceae       | 2 |
| Catclaw                     | <i>Acacia greggii</i> var. <i>wrightii</i> ( <i>A. wrightii</i> )                     | Fabaceae         | 2 |
| Cat-claw Mimosa             | <i>Mimosa aculeaticarpa</i> var. <i>biuncifera</i> ( <i>M.</i><br><i>biuncifera</i> ) | Fabaceae         | 2 |
| Cedar Elm                   | <i>Ulmus crassifolia</i>  | Ulmaceae         | 3 |
| Cedar Sage                  | <i>Salvia roemeriana</i>  | Lamiaceae        | 2 |
| Cedar Sedge                 | <i>Carex planostachys</i>   | Cyperaceae       | 2 |
| Chatterbox Orchid           | <i>Epipactis gigantea</i>   | Orchidaceae      | 2 |
| Cherokee Sedge              | <i>Carex cherokeensis</i>   | Cyperaceae       | 2 |
| Chile Pepper                | <i>Capsicum annuum</i>  | Solanaceae       | 1 |
| Chile Piquin                | <i>Capsicum annuum</i> var. <i>glabriusculum</i>                                      | Solanaceae       | 3 |
| Chinkapin                   | <i>Quercus muehlenbergii</i>  | Fagaceae         | 2 |
| Chintul                     | <i>Cyperus articulatus</i>  | Cyperaceae       | 3 |
| Chisme                      | <i>Portulaca pilosa</i>   | Portulacaceae    | 3 |
| Chocolate Daisy             | <i>Borlandiera lyrata</i>   | Asteraceae       | 1 |
| Clammyweed                  | <i>Polanisia dodecandra</i>   | Capparaceae      | 3 |
| Clapwood                    | <i>Ephedra ahtisyphilitica</i>  | Ephedraceae      | 3 |
| Cluster Beak-rush           | <i>Rhynchospora glomerata</i>   | Cyperaceae       | 2 |
| Coastal Water-hyssop        | <i>Bacopa monnieri</i>  | Scrophulariaceae | 2 |
| Common Sixweeks Grass       | <i>Vulpia octoflora</i>   | Poaceae          | 1 |
| Common Water Nymph, Najas   | <i>Najas guadalupensis</i>  | Najadaceae       | 3 |
| Compact Prairie Clover      | <i>Dalea compacta</i> var. <i>pubescens</i><br>( <i>Petalostemon pulcherrimus</i> )   | Fabaceae         | 3 |
| Compassplant                | <i>Silphium laciniatum</i>  | Asteraceae       | 2 |
| Copper Lily                 | <i>Habenaria tubispathus</i> ( <i>H. texensis</i> )                                   | Liliaceae        | 3 |
| Coral Bean                  | <i>Erythrina herbacea</i>   | Fabaceae         | 3 |
| Coral Berry                 | <i>Symphoricarpos orbiculatus</i>   | Caprifoliaceae   | 3 |
| Coral Honeysuckle           | <i>Lonicera sempervirens</i>  | Caprifoliaceae   | 3 |
| Cow-itch Vine               | <i>Cissus trifoliata</i> ( <i>C. incisa</i> )   | Vitaceae         | 3 |
| Cowpen daisy                | <i>Verbesina encelioides</i>  | Asteraceae       | 2 |
| Creek Plum                  | <i>Prunus rivularis</i>   | Rosaceae         | 1 |
| Creek Sedge                 | <i>Carex amphibola</i>  | Cyperaceae       | 3 |
| Creek Sedge                 | <i>Carex blanda</i>   | Cyperaceae       | 2 |
| Crossvine                   | <i>Bignonia capreolata</i>  | Bignoniaceae     | 1 |

K = KEYCODE

1 = Highly recommended - commercially available

2 = Recommended - available through specialty outlets

3 = Recommended - may not be readily available

| Common Name                    | Genus / Species   | Family           | K |
|--------------------------------|---|------------------|---|
| Crow Poison                    | <i>Nothoscordum bivalve</i>   | Liliaceae        | 2 |
| Cut-leaf Evening Primrose      | <i>Oenothera lacinata</i>   | Onagraceae       | 2 |
| Cut-leaf Gilia                 | <i>Gilia incisa</i>   | Polemoniaceae    | 2 |
| Cutleaf Penstemon              | <i>Penstemon baccharifolius</i>   | Scrophulariaceae | 2 |
| Damianita                      | <i>Chrysactinia mexicana</i>  | Asteraceae       | 2 |
| Davis Mountain Sage            | <i>Salvia reptans</i>   | Lamiaceae        | 2 |
| Day Flower                     | <i>Commelina erecta</i> var. <i>erecta</i>                                    | Commelinaceae    | 3 |
| Dayflower                      | <i>Commelina erecta</i>   | Commelinaceae    | 3 |
| Death Camas                    | <i>Zigadenus nuttallii</i>  | Liliaceae        | 3 |
| Deer Muhly                     | <i>Muhlenbergia rigens</i>  | Poaceae          | 3 |
| Desert willow                  | <i>Chilopsis linearis</i>   | Bignoniaceae     | 2 |
| Desert Yaupon                  | <i>Schaefferia cuneifolia</i>   | Celastraceae     | 2 |
| Devil's Shoestring             | <i>Nolina lindheimeriana</i>  | Liliaceae        | 1 |
| Disc Water-hyssop              | <i>Bacopa rotundifolia</i>  | Scrophulariaceae | 3 |
| Downy Thornapple               | <i>Datura innoxia</i>   | Solanaceae       | 2 |
| Drummond Phlox                 | <i>Phlox drummondii</i>   | Polemoniaceae    | 2 |
| Drummond's Skulcap             | <i>Scutellaria drummondii</i>   | Lamiaceae        | 3 |
| Drummond's Wild Petunia        | <i>Ruellia drummondiana</i>   | Acanthaceae      | 3 |
| Drummond's Wood-Sorrel         | <i>Oxalis drummondii</i>  | Oxalidaceae      | 3 |
| Dutchman's Breeches            | <i>Thamnosma texana</i>   | Rutaceae         | 3 |
| Dwarf Palmetto                 | <i>Sabal minor</i>  | Arecaceae        | 2 |
| Eastern Cottonwood             | <i>Populus deltoides</i>  | Salicaceae       | 3 |
| Eastern Gamagrass              | <i>Tripsacum dactyloides</i>  | Poaceae          | 3 |
| Edlerberry                     | <i>Sambucus nigra</i> ssp. <i>canadensis</i> (S. <i>canadensis</i> )          | Caprifoliaceae   | 3 |
| Edward's Spiderwort            | <i>Tradescantia edwardsiana</i>   | Commelinaceae    | 3 |
| Elbowbush                      | <i>Forestiera pubescens</i>   | Oleaceae         | 2 |
| Emory Sedge                    | <i>Carex emoryi</i>   | Cyperaceae       | 3 |
| Engelmann's Sage               | <i>Salvia engelmannii</i>   | Lamiaceae        | 1 |
| Engelmann's Daisy              | <i>Engelmannia peristenia</i> (E. <i>pinnatifida</i> )                        | Asteraceae       | 3 |
| Erect Bouchetta                | <i>Bouchettia erecta</i>  | Solanaceae       | 2 |
| Eryngo                         | <i>Eryngium leavenworthii</i>   | Aplaceae         | 2 |
| Escarpment Live Oak            | <i>Quercus fusiformis</i>   | Fagaceae         | 3 |
| Escobilla                      | <i>Buddleja scorioides</i>  | Buddlejaceae     | 3 |
| Evergreen Sumac                | <i>Rhus virens</i>  | Anacardiaceae    | 2 |
| Eve's Necklace                 | <i>Sophora affinis</i>  | Fabaceae         | 1 |
| Fall Aster                     | <i>Symphoricarum oblongifolium</i> (Aster <i>oblongifolius</i> )              | Asteraceae       | 2 |
| Fall Gumweed                   | <i>Grindelia lanceolata</i>   | Asteraceae       | 3 |
| False Aloe                     | <i>Manfreda virginica</i> (Pollanthes <i>virginica</i> )                      | Agavaceae        | 2 |
| False Day-flower               | <i>Tinania anomala</i> (Commelinanlia <i>anomala</i> )                        | Commelinaceae    | 3 |
| False Dragon-head              | <i>Physostegia angustifolia</i>   | Lamiaceae        | 3 |
| False Gromwell                 | <i>Onosmodium molle</i> ssp. <i>bejarense</i> (O. <i>bejarense</i> )          | Boraginaceae     | 3 |
| False Indigo                   | <i>Amorpha fruticosa</i>  | Fabaceae         | 3 |
| False Nightshade               | <i>Chamaesaracha conlodes</i>   | Solanaceae       | 3 |
| False Willow                   | <i>Baccharis neglecta</i>   | Asteraceae       | 3 |
| Fiddlewood                     | <i>Citharexylum berlandieri</i>   | Verbenaceae      | 3 |
| Flame Acanthus                 | <i>Anisacanthus quadrifidus</i> var. <i>wrightii</i> (A. <i>wrightii</i> )    | Acanthaceae      | 1 |
| Flame-flower                   | <i>Talinum aurantiacum</i>  | Portulacaceae    | 2 |
| Flame-leaf Sumac               | <i>Rhus lanceolata</i>  | Anacardiaceae    | 1 |
| Flecha de Agua                 | <i>Sagittaria longiloba</i>   | Alismataceae     | 3 |
| Fluttermill                    | <i>Oenothera macrocarpa</i> ssp. <i>macrocarpa</i> (O. <i>missouriensis</i> ) | Onagraceae       | 3 |
| Four Nerve Daisy, Bitterweed   | <i>Tetaneuris scaposa</i>   | Asteraceae       | 3 |
| Four Nerve Daisy, Bitterweed   | <i>Tetaneuris scaposa</i> var. <i>scaposa</i> (Hymenoxys <i>scaposa</i> )     | Asteraceae       | 2 |
| Foxglove, Prairie Beard-tongue | <i>Penstemon cobaea</i>   | Scrophulariaceae | 2 |
| Fragrant Sedge                 | <i>Cyperus odoratus</i>   | Cyperaceae       | 3 |
| Fragrant Sumac                 | <i>Rhus aromatica</i>   | Anacardiaceae    | 1 |
| Frank's Sedge                  | <i>Carex frankii</i>  | Cyperaceae       | 3 |
| Fringed Bluestar               | <i>Amsonia ciliata</i>  | Apocynaceae      | 3 |
| Fringed Puccoon                | <i>Lithospermum incisum</i>   | Boraginaceae     | 2 |

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|-----------------------------|--|------------------|---|
| Frostweed                   | <i>Verbesina virginica</i>   | Asteraceae       | 2 |
| Garden Tomato               | <i>Solanum lycopersicum</i> var. <i>cerasiforme</i>                                  | Solanaceae       | 2 |
| Gayfeather                  | <i>Liatris mucronata</i>   | Asteraceae       | 3 |
| Giant Blue Sage             | <i>Salvia azurea</i>   | Lamiaceae        | 2 |
| Giant Buttrush              | <i>Schoenoplectus californicus</i> (Scripus <i>californicus</i> )                    | Cyperaceae       | 3 |
| Giant Coneflower            | <i>Rudbeckia maxima</i>  | Asteraceae       | 2 |
| Giant Ragweed               | <i>Ambrosia trifida</i> var. <i>toxana</i>   | Asteraceae       | 3 |
| Giant Spiderwort            | <i>Tradescantia gigantea</i>   | Commelinaceae    | 2 |
| Golden Dalea                | <i>Dalea aurea</i>   | Fabaceae         | 2 |
| Golden Groundsel            | <i>Packera obovata</i> ( <i>Senecio obovatus</i> )                                   | Asteraceae       | 3 |
| Golden Wave                 | <i>Coreopsis tinctoria</i>   | Asteraceae       | 2 |
| Goldenball Leadtree         | <i>Leucaena retusa</i>   | Fabaceae         | 1 |
| Golden-Eye Phlox            | <i>Phlox roemeriana</i>  | Polemoniaceae    | 1 |
| Grass Leaf Rush             | <i>Juncus marginatus</i>   | Juncaceae        | 3 |
| Gray Golden Aster           | <i>Heterotheca canescens</i>   | Asteraceae       | 3 |
| Gray Vervain                | <i>Verbena canescens</i>   | Verbenaceae      | 3 |
| Great Leadtree              | <i>Leucaena pulverulenta</i>   | Fabaceae         | 2 |
| Green ash                   | <i>Fraxinus pennsylvanica</i>  | Oleaceae         | 1 |
| Green Dragon                | <i>Arisaema dracontium</i>   | Araceae          | 3 |
| Green Hawthorn              | <i>Crataegus viridis</i>   | Rosaceae         | 3 |
| Green Lily                  | <i>Schoenocaulon texanum</i>   | Liliaceae        | 3 |
| Green Milkweed              | <i>Asclepias viridis</i>   | Asclepiadaceae   | 3 |
| Greenthread                 | <i>Thelespisma filifolium</i>  | Asteraceae       | 3 |
| Greenthread                 | <i>Thelespisma filifolium</i> var. <i>filifolium</i>                                 | Asteraceae       | 3 |
| Gregg Dalea                 | <i>Dalea greggii</i>   | Fabaceae         | 2 |
| Gregg's Hawthorn            | <i>Crataegus greggiana</i>   | Rosaceae         | 3 |
| Ground Plum                 | <i>Astragalus crassicaulis</i>   | Fabaceae         | 3 |
| Gulf Muhly                  | <i>Muhlenbergia capillaris</i>   | Poaceae          | 2 |
| Gulf-coast Penstemon        | <i>Penstemon tenuis</i>  | Scrophulariaceae | 2 |
| Gum Elastic                 | <i>Sideroxylon lanuginosum</i> ssp. <i>lanuginosum</i> ( <i>Bumelia lanuginosa</i> ) | Sapotaceae       | 2 |
| Hairy Grama                 | <i>Bouteloua hirsuta</i>   | Poaceae          | 3 |
| Hairy Grama                 | <i>Bouteloua hirsuta</i> var. <i>pectinata</i> ( <i>B. pectinata</i> )               | Poaceae          | 3 |
| Hairy Hydrolea              | <i>Hydrolea ovata</i>  | Hydrophyllaceae  | 3 |
| Hairy Tridens               | <i>Eroneuron pilosum</i>   | Poaceae          | 3 |
| Hairy Waterclover           | <i>Marsilea vestita</i>  | Marsileaceae     | 2 |
| Hairy-fruit Chervil         | <i>Chaerophyllum tainturieri</i> var. <i>tainturieri</i>                             | Apiaceae         | 3 |
| Heart-leaf Four-O'clock     | <i>Mirabilis nyctaginea</i>  | Nyctaginaceae    | 3 |
| Heart-leaf Skullcap         | <i>Scutellaria ovata</i> ssp. <i>bracteata</i>                                       | Lamiaceae        | 2 |
| Heath Aster                 | <i>Symphotrichum ericoides</i> var. <i>ericoides</i> ( <i>Aster ericoides</i> )      | Asteraceae       | 2 |
| Hedgehog Cactus             | <i>Thelocactus setispinus</i> ( <i>Ferocactus setispinus</i> )                       | Cactaceae        | 3 |
| Herbertia                   | <i>Herbertia lahue</i> ssp. <i>caerulea</i>  | Irdisaceae       | 3 |
| Herba de Zizotes            | <i>Asclepias oenotheroides</i>   | Asclepiadaceae   | 3 |
| Hilly Sandwort              | <i>Arenaria benthamii</i>  | Caryophyllaceae  | 3 |
| Hoary Yucca                 | <i>Yucca schottii</i>  | Agavaceae        | 3 |
| Hooded Blue Violet          | <i>Viola sororia</i>   | Violaceae        | 3 |
| Hop Tree                    | <i>Ptelea trifoliata</i>   | Rutaceae         | 3 |
| Hop-hornbeam Copperleaf     | <i>Acalypha ostryifolia</i>  | Euphorbiaceae    | 3 |
| Horned Beakrush             | <i>Rhynchospora corniculata</i>  | Cyperaceae       | 3 |
| Horse-crippler              | <i>Echinocactus texensis</i>   | Cactaceae        | 2 |
| Horsemint                   | <i>Monarda citrifolia</i>  | Lamiaceae        | 2 |
| Horsetail                   | <i>Equisetum laevigatum</i>  | Equisetaceae     | 3 |
| Horsetail, Scouring Rush    | <i>Equisetum hyemale</i>   | Equisetaceae     | 3 |
| Hudson Flax                 | <i>Linum hudsonioides</i>  | Linaceae         | 3 |
| Huisache                    | <i>Acacia farnesiana</i>   | Fabaceae         | 3 |
| Huisache Daisy              | <i>Amblyolepis setigera</i> ( <i>Helenium setigerum</i> )                            | Asteraceae       | 3 |
| Indian Apple, Angel Trumpet | <i>Datura wrightii</i>   | Solanaceae       | 2 |
| Indian Blanket              | <i>Gaillardia puchella</i>   | Asteraceae       | 2 |
| Indian Mallow               | <i>Abutilon fruticosum</i>   | Malvaceae        | 3 |
| Indian Mallow, Pelotazo     | <i>Abutilon jilcanum</i>   | Malvaceae        | 2 |

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| Indian Paintbrush         | <i>Castilleja indivisa</i>   | Scrophulariaceae | 3 |
| Indian plantain           | <i>Arnoglossum plantagineum</i>  | Asteraceae       | 3 |
| Indigo Spires Salvia      | <i>Salvia 'Indigo Spires'</i>  | Lamiaceae        | 2 |
| Inland Sea Oats           | <i>Chasmanthium latifolium</i>   | Poaceae          | 2 |
| Jamaica Sawgrass          | <i>Cladium mariscus</i> ssp. <i>jamaicense</i> (C. <i>jamaicense</i> )                       | Cyperaceae       | 3 |
| KEYCODE                   |  |                  |   |
| Knotty Pondweed           | <i>Potamogeton nodosus</i>   | Potamogetonaceae | 1 |
| Lace Cactus               | <i>Echinocereus reichenbachii</i>  | Cactaceae        | 3 |
| Lacey oak                 | <i>Quercus laceyi</i> (Q. <i>glaucoidea</i> )  | Fagaceae         | 2 |
| Lady Bird's Centaury      | <i>Centaurea texensis</i>  | Gentianaceae     | 2 |
| Lady's Tresses            | <i>Spiranthes cernua</i>   | Orchidaceae      | 3 |
| Lance-leaf Burhead        | <i>Echinodorus cordifolius</i>   | Alismaceae       | 3 |
| Lance-leaved Coreopsis    | <i>Coreopsis lanceolata</i>  | Asteraceae       | 2 |
| Large Buttercup           | <i>Ranunculus macranthus</i>   | Ranunculaceae    | 1 |
| Lazy Daisy                | <i>Apanostophus riddellii</i>  | Asteraceae       | 2 |
| Least Daisy               | <i>Chaetopappa asteroides</i>  | Asteraceae       | 3 |
| Leather Stem              | <i>Jatropha dioica</i>   | Euphorbiaceae    | 2 |
| Limerock Brookweed        | <i>Samolus ebracteatus</i> ssp. <i>cuneatus</i>  | Primulaceae      | 3 |
| Limestone gaura           | <i>Gaura calycicola</i>  | Onagraceae       | 2 |
| Limnophilus               | <i>Hedeoma drummondii</i>  | Lamiaceae        | 3 |
| Lindheimer Muhty          | <i>Muhlenbergia lindheimeri</i>  | Poaceae          | 1 |
| Lindheimer Silkassel      | <i>Garrya ovata</i> ssp. <i>lindheimeri</i>  | Cornaceae        | 2 |
| Lindheimer's Indigo       | <i>Indigofera lindheimeriana</i>   | Fabaceae         | 2 |
| Lindheimer's Senna        | <i>Senna lindheimeriana</i> (Cassia <i>lindheimeriana</i> )                                  | Fabaceae         | 2 |
| Little Barley             | <i>Hordeum pusillum</i>  | Poaceae          | 2 |
| Little Bluestem           | <i>Schizachyrium scoparium</i>   | Poaceae          | 3 |
| Little Nipple Cactus      | <i>Mammillaria heyderi</i> var. <i>heyderi</i>   | Cactaceae        | 2 |
| Lizard Tail               | <i>Saururus cernuus</i>  | Saururaceae      | 1 |
| Longspike Silver Bluestem | <i>Bothriochloa longipaniculata</i>  | Poaceae          | 3 |
| Low Bladderpod            | <i>Lesquerella densiflora</i>  | Brassicaceae     | 3 |
| Low Verbena               | <i>Glandularia pumila</i> (Verbena <i>pumila</i> )   | Verbenaceae      | 3 |
| Low Wild Mercury          | <i>Argythamnia humilis</i> var. <i>humilis</i>   | Euphorbiaceae    | 3 |
| Low Wild Petunia          | <i>Ruellia humilis</i>   | Acanthaceae      | 2 |
| Lyre-leaf Sage            | <i>Salvia lyrata</i>   | Lamiaceae        | 2 |
| Maidenhair Fern           | <i>Adiantum capillus-veneris</i>   | Pteridaceae      | 3 |
| Malta Star-thistle        | <i>Centaurea melitensis</i>  | Asteraceae       | 3 |
| Marble-Seed               | <i>Onosmodium hofferi</i>  | Boraginaceae     | 3 |
| Marsh Flat Sedge          | <i>Cyperus pseudovegetus</i>   | Cyperaceae       | 3 |
| Marsh Fleabane            | <i>Pluchea odorata</i> var. <i>odorata</i> (P. <i>purpurascens</i> )                         | Asteraceae       | 2 |
| Marsh Obedient-plant      | <i>Physostegia intermedia</i>  | Lamiaceae        | 3 |
| Marsh-elder               | <i>Iva annua</i>   | Compositae       | 3 |
| Maximilian Sunflower      | <i>Helianthus maximiliani</i>  | Asteraceae       | 3 |
| Meadow Sedge              | <i>Carex peridentata</i>   | Cyperaceae       | 2 |
| Mealy Blue Sage           | <i>Salvia farinacea</i>  | Lamiaceae        | 1 |
| Mesquite                  | <i>Prosopis glandulosa</i>   | Fabaceae         | 1 |
| Mexican Buckeye           | <i>Ungnadia speciosa</i>   | Sapindaceae      | 2 |
| Mexican Feathergrass      | <i>Nassella tenuissima</i>   | Poaceae          | 3 |
| Mexican Flowering Fern    | <i>Anemia mexicana</i>   | Anemiaceae       | 3 |
| Mexican Hat               | <i>Ratibida columnifera</i> (R. <i>columnaris</i> )  | Asteraceae       | 1 |
| Mexican Plum              | <i>Prunus mexicana</i>   | Rosaceae         | 3 |
| Mexican redbud            | <i>Cercis canadensis</i> var. <i>mexicana</i>  | Fabaceae         | 2 |
| Milkvine                  | <i>Matelea reticulata</i>  | Asclepiadaceae   | 2 |
| Missouri Primrose         | <i>Oenothera macrocarpa</i> ssp. <i>incana</i> (O. <i>missouriensis</i> ssp. <i>incana</i> ) | Onagraceae       | 2 |
| Missouri Violet           | <i>Viola missouriensis</i>   | Violaceae        | 3 |
| Mock Orange               | <i>Philadelphus emestii</i>  | Saxifragaceae    | 2 |
| Mountain Pink             | <i>Centaurea boerhaavia</i>  | Gentianaceae     | 3 |
| Mountain Sage             | <i>Salvia regia</i>  | Lamiaceae        | 1 |
| Mouse Ears                | <i>Bernardia myricifolia</i>   | Euphorbiaceae    | 3 |
| Mustang Grape             | <i>Vitis mustangensis</i>  | Vitaceae         | 2 |
| Narrow Leaf Donnellower   | <i>Echillacea angustifolia</i>   | Asteraceae       | 1 |
| Narrow Leaf Dayflower     | <i>Commelina erecta</i> var. <i>angustifolia</i>   | Commelinaceae    | 3 |

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| Narrow-leaf Goldshower     | <i>Galphimia angustifolia</i> (Thryallis angustifolia)                       | Malpighiaceae    | 3 |
| Narrow-leaf Sumpweed       | <i>Iva angustifolia</i>  | Compositae       | 3 |
| Narrow-leaf Water Primrose | <i>Ludwigia octovalvis</i>   | Onagraceae       | 2 |
| Navaho Tea                 | <i>Thelesperma simplicifolium</i>  | Asteraceae       | 3 |
| Nerve Ray                  | <i>Tetragonotheca texana</i>   | Asteraceae       | 1 |
| Netleaf Hackberry          | <i>Celtis laevigata</i> var. <i>reticulata</i>                               | Ulmaceae         | 3 |
| Nipple Cactus              | <i>Coryphantha sulcata</i>   | Cactaceae        | 3 |
| Nipple Cactus              | <i>Coryphantha sulcata</i> var. <i>sulcata</i>                               | Cactaceae        | 3 |
| Nogalito                   | <i>Juglans microcarpa</i>  | Juglandaceae     | 3 |
| Oakwoods Ponyfoot          | <i>Dichondra recurvata</i>   | Convolvulaceae   | 3 |
| Old Plainsman              | <i>Hymenopappus artemisiaefolius</i>   | Asteraceae       | 2 |
| Oldfield Threeawn          | <i>Aristida oligantha</i>  | Poaceae          | 3 |
| Opposite-leaf Spotflower   | <i>Acnella oppositifolia</i> var. <i>repens</i> (Spilanthes americana)       | Asteraceae       | 3 |
| Orchid Tree                | <i>Bauhinia lunarioides</i>  | Fabaceae         | 2 |
| Ovate-leaf Cliffbrake      | <i>Pellaea ovata</i>   | Pteridaceae      | 3 |
| Palm-leaf Mistflower       | <i>Conoclinium greggii</i> (Eupatorium greggii)                              | Asteraceae       | 2 |
| Park's Nailwort            | <i>Paronychia virginica</i>  | Caryophyllaceae  | 3 |
| Paralena, Dyssodia         | <i>Thymophylla pentachaeta</i> var. <i>pentachaeta</i>                       | Asteraceae       | 3 |
| Partridge Pea              | <i>Chamaecrista fasciculata</i> var. <i>fasciculata</i> (Cassia fasciculata) | Fabaceae         | 3 |
| Passion Flower             | <i>Passiflora affinis</i>  | Passifloraceae   | 2 |
| Peach Bush                 | <i>Prunus texana</i>   | Rosaceae         | 3 |
| Pecan                      | <i>Carya illinoensis</i>   | Juglandaceae     | 3 |
| Pecan                      | <i>Carya illinoensis</i>   |                  | 3 |
| Pencil Cactus              | <i>Opuntia leptocaulis</i>   | Cactaceae        | 3 |
| Pennsylvania Pellitory     | <i>Parietaria pennsylvanica</i>  | Urticaceae       | 3 |
| Pennywort                  | <i>Hydrocotyle umbellata</i>   | Apiaceae         | 3 |
| Pennywort                  | <i>Hydrocotyle verticillata</i> var. <i>verticillata</i>                     | Apiaceae         | 3 |
| Peppervine                 | <i>Ampelopsis arborea</i>  | Vitaceae         | 3 |
| Pickercreeper              | <i>Pontederia cordata</i>  | Pontederiaceae   | 3 |
| Pigeon Berry               | <i>Rivina humilis</i>  | Phytolaccaceae   | 2 |
| Pincushion Daisy           | <i>Gaillardia suavis</i>   | Asteraceae       | 2 |
| Pine Muhly                 | <i>Muhlenbergia dubia</i>  | Poaceae          | 3 |
| Pink Evening Primrose      | <i>Oenothera speciosa</i>  | Onagraceae       | 3 |
| Pink Mimosa                | <i>Mimosa borealis</i>   | Fabaceae         | 2 |
| Pitcher Sage               | <i>Salvia azurea</i> var. <i>grandiflora</i>                                 | Lamiaceae        | 2 |
| Plains Prickly Pear        | <i>Opuntia macrocarpa</i>  | Cactaceae        | 1 |
| Plains Lovegrass           | <i>Eragrostis intermedia</i>   | Poaceae          | 2 |
| Plateau Gerardia           | <i>Agalinis edwardsiana</i>  | Scrophulariaceae | 3 |
| Plateau Goldeneye          | <i>Viguiera dentata</i>  | Asteraceae       | 2 |
| Pointed Phlox              | <i>Phlox cuspidata</i>   | Polemoniaceae    | 2 |
| Poison Ivy                 | <i>Toxicodendron radicans</i> (Rhus toxicodendron)                           | Anacardiaceae    | 2 |
| Pokeweed                   | <i>Phytolacca americana</i>  | Phytolaccaceae   | 3 |
| Ponyfoot                   | <i>Dichondra carolinensis</i>  | Convolvulaceae   | 3 |
| Possum Haw                 | <i>Ilex decidua</i>  | Aquifoliaceae    | 1 |
| Post oak                   | <i>Quercus stellata</i>  | Fagaceae         | 2 |
| Powder Cloakfern           | <i>Argyrochosma dealbata</i> (Notholaena dealbata, Polypodium dealbata)      | Pteridaceae      | 3 |
| Powdery Thalia             | <i>Thalia dealbata</i>   | Marantaceae      | 2 |
| Prairie Agalinis           | <i>Agalinis heterophylla</i>   | Scrophulariaceae | 3 |
| Prairie Brazosmint         | <i>Wormskia scutellarioides</i>  | Lamiaceae        | 3 |
| Prairie Buttercup          | <i>Ranunculus fascicularis</i>   | Ranunculaceae    | 2 |
| Prairie Celestials         | <i>Nemastylis geminiflora</i>  | Iridaceae        | 2 |
| Prairie Fleabane           | <i>Erigeron modestus</i>   | Asteraceae       | 3 |
| Prairie Goldenrod          | <i>Solidago nemoralis</i>  | Asteraceae       | 1 |
| Prairie Larkspur           | <i>Delphinium carolinianum</i> ssp. <i>viridescens</i>                       | Ranunculaceae    | 2 |
| Prairie Paintbrush         | <i>Castilleja purpurea</i>   | Scrophulariaceae | 3 |
| Prairie Paintbrush         | <i>Castilleja purpurea</i> var. <i>lindheimeri</i>                           | Scrophulariaceae | 3 |
| Prairie Phlox              | <i>Phlox pilosa</i>  | Polemoniaceae    | 2 |
| Prairie Rose               | <i>Rosa pratincola</i>   | Rosaceae         | 2 |

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| Prairie Verbena                    | <i>Glandularia bipinnatifida</i> var. <i>bipinnatifida</i><br>( <i>Verbena bipinnatifida</i> ) | Verbenaceae      | 3 |
| Prairie-tea                        | <i>Croton monanthogynus</i>  | Euphorbiaceae    | 3 |
| Purple Bindweed                    | <i>Ipomoea cordatotriloba</i> var. <i>cordatotriloba</i><br>( <i>I. trichocarpa</i> )          | Convolvulaceae   | 3 |
| Purple Cliffbrake                  | <i>Pellaea atropurpurea</i>  | Pteridaceae      | 3 |
| Purple Coneflower                  | <i>Echinacea purpurea</i>  | Asteraceae       | 2 |
| Purple Leatherflower               | <i>Clematis pitcheri</i>   | Ranunculaceae    | 2 |
| Purple Milkweed Vine               | <i>Matolea biflora</i>   | Asclepiadaceae   | 3 |
| Purple Milkwort                    | <i>Polygala lindheimeri</i>  | Polygalaceae     | 2 |
| Purple Plains Lovegrass            | <i>Eragrostis spectabilis</i>  | Poaceae          | 2 |
| Purple prickly pear                | <i>Opuntia macrocentra</i>   | Cactaceae        | 1 |
| Purple Sage, Cenizo                | <i>Leucophyllum frutescens</i>   | Scrophulariaceae | 1 |
| Purple Threeawn                    | <i>Aristida purpurea</i> var. <i>purpurea</i>  | Poaceae          | 2 |
| Purple Top                         | <i>Tridens flavus</i>  | Poaceae          | 3 |
| Pyramid Bush                       | <i>Melochia tomentosa</i>  | Steruliaceae     | 3 |
| Queen's Delight                    | <i>Stillingia texana</i>   | Euphorbiaceae    | 3 |
| Rabbit Tobacco                     | <i>Evax prolifera</i>  | Asteraceae       | 2 |
| Rain Lily                          | <i>Cooperia drummondii</i>   | Amaryllidaceae   | 3 |
| Rain Lily                          | <i>Cooperia pedunculata</i>  | Liliaceae        | 2 |
| Rattamvine                         | <i>Berchemia scandens</i>  | Rhamnaceae       | 3 |
| Red Buckeye                        | <i>Aesculus pavia</i>  | Hippocastanaceae | 2 |
| Red Buckeye                        | <i>Aesculus pavia</i> var. <i>pavia</i>  | Hippocastanaceae | 3 |
| Red Columbine                      | <i>Aquilegia canadensis</i>  | Ranunculaceae    | 1 |
| Red Grama                          | <i>Bouteloua trifida</i>   | Poaceae          | 3 |
| Red Yucca                          | <i>Hesperaloe parviflora</i>   | Agavaceae        | 3 |
| Redbud                             | <i>Cercis canadensis</i>   | Fabaceae         | 1 |
| Redbud                             | <i>Menodora heterophylla</i>   | Oleaceae         | 3 |
| Redroot                            | <i>Ceanothus herbaceus</i>   | Rhamnaceae       | 3 |
| Reflexed Sedge                     | <i>Carex retroflexa</i>  | Cyperaceae       | 2 |
| Resinbush, Skeleton-leaf Goldeneye | <i>Viguiera stenoloba</i>  | Asteraceae       | 3 |
| Resin-dot Skullcap                 | <i>Scutellaria resinosa</i>  | Lamiaceae        | 3 |
| Rock Flax                          | <i>Linum rupestre</i>  | Linaceae         | 3 |
| Rock-cress                         | <i>Arabis petiolaris</i>   | Brassicaceae     | 3 |
| Roemer's Indigo                    | <i>Amorpha roemeriana</i>  | Fabaceae         | 3 |
| Rose Mallow, Rock Rose             | <i>Pavonia lasiopetala</i>   | Malvaceae        | 3 |
| Roughleaf Dogwood                  | <i>Cornus drummondii</i>   | Cornaceae        | 2 |
| Roundhead Rush                     | <i>Juncus validus</i>  | Juncaceae        | 3 |
| Runyon's water-willow              | <i>Justicia runyonii</i>   | Acanthaceae      | 3 |
| Sacaton                            | <i>Sporobolus wrightii</i>   | Poaceae          | 2 |
| Salt Marsh-mallow                  | <i>Kosteletzkya virginica</i>  | Malvaceae        | 3 |
| Saltmarsh Aster                    | <i>Symphotrichum divaricatum</i>   | Asteraceae       | 3 |
| Sand Spikerush                     | <i>Eleocharis montevicensis</i>  | Cyperaceae       | 3 |
| Saw Greenbriar                     | <i>Smilax bona-nox</i>   | Smilacaceae      | 2 |
| Scarlet Leatherflower              | <i>Clematis texensis</i>   | Ranunculaceae    | 2 |
| Scarlet Pea                        | <i>Indigofera miniata</i>  | Fabaceae         | 3 |
| Scarlet Penstemon                  | <i>Penstemon triflorus</i>   | Scrophulariaceae | 3 |
| Scarlet Pimpernel                  | <i>Anagallis arvensis</i>  | Primulaceae      | 3 |
| Scarlet Rose Mallow                | <i>Hibiscus laevis</i>   | Malvaceae        | 2 |
| Scarlet Spiderling                 | <i>Boerhavia coccinea</i>  | Nyctaginaceae    | 3 |
| Scarlet-fruit Passion Flower       | <i>Passiflora foetida</i>  | Passifloraceae   | 3 |
| Scrambled Eggs                     | <i>Corydalis curvisiliqua</i>  | Fumariaceae      | 3 |
| Scurfpea                           | <i>Pedimelum late stipulatum</i> var. <i>appressum</i>   | Fabaceae         | 3 |
| Scurfpea                           | <i>Pedimelum late stipulatum</i> var. <i>late stipulatum</i>                                   | Fabaceae         | 3 |
| Scythe-fruit Arrowhead             | <i>Sagittaria lancifolia</i>   | Alismataceae     | 2 |
| Seep Muhly                         | <i>Muhlenbergia reverchonii</i>  | Poaceae          | 3 |
| Self Heal                          | <i>Prunella vulgaris</i>   | Lamiaceae        | 2 |
| Sensitive Briar                    | <i>Mimosa roemeriana</i> ( <i>Shrankia roemeriana</i> )  | Fabaceae         | 3 |
| Seven-leaf Creeper                 | <i>Parthenocissus heptaphylla</i>  | Vitaceae         | 1 |
| Shadscale                          | <i>Atriplex confertifolia</i>  | Chenopodiaceae   | 3 |
| Short Ragweed                      | <i>Ambrosia artemisiifolia</i>   | Asteraceae       | 3 |
| Short-stalk Chickweed              | <i>Cerastium brachyodum</i>  | Caryophyllaceae  | 3 |

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|-------------------------------|---|------------------|---|
| Showy Menodora                | <i>Menodora longiflora</i>  | Oleaceae         | 3 |
| Shrub Amyris                  | <i>Amyris madrensis</i>   | Rutaceae         | 3 |
| Shrubby Boneset               | <i>Ageratina havanensis</i> (Eupatorium havanense)  | Asteraceae       | 2 |
| Sida                          | <i>Sida abutilifolia</i>  | Malvaceae        | 3 |
| Sideoats Grama                | <i>Bouteloua curtipendula</i>   | Poaceae          | 2 |
| Siler's Tube-rose             | <i>Manfreda sileri</i>  | Agavaceae        | 3 |
| Silver Bladderpod             | <i>Lesquerella argyrea</i>  | Brassicaceae     | 3 |
| Silver Bluestem               | <i>Bothriochloa laguroides</i> ssp. <i>Torreyana</i>                                      | Poaceae          | 3 |
| Silver Bush Dalea             | <i>Dalea bicolor</i> var. <i>argyrea</i>  | Fabaceae         | 2 |
| Silver Ponyfoot               | <i>Dichondra argentea</i>   | Convolvulaceae   | 3 |
| Silver-leaf Nightshade        | <i>Solanum elaeagnifolium</i>   | Solanaceae       | 3 |
| Silverpuff                    | <i>Chaptalia nutans</i>   | Asteraceae       | 3 |
| Silverpuff                    | <i>Chaptalia texana</i>   | Asteraceae       | 3 |
| Skeleton-plant                | <i>Lygodesmia toxana</i>  | Asteraceae       | 2 |
| Slender Rosinweed             | <i>Silphium gracile</i>   | Asteraceae       | 3 |
| Slender-leaf Bitterweed       | <i>Tetaneuris linearifolia</i> var. <i>linearifolia</i> ( <i>Hymenoxys linearifolia</i> ) | Asteraceae       | 3 |
| Slenderleaf Sage              | <i>Salvia leptophylla</i>   | Lamiaceae        | 2 |
| Slender-lobe Passion Flower   | <i>Passiflora tenuiloba</i>   | Passifloraceae   | 1 |
| Slim Tridens                  | <i>Tridens muticus</i>  | Poaceae          | 3 |
| Small Bluebell                | <i>Eustoma oxaltatum</i>  | Gentianaceae     | 2 |
| Small Palafoxia               | <i>Palafoxia callosa</i>  | Asteraceae       | 3 |
| Smoketree                     | <i>Cotinus obovatus</i>   | Anacardiaceae    | 3 |
| Smooth Beggartick             | <i>Bidens laevis</i>  | Asteraceae       | 3 |
| Smooth Leaf Grape             | <i>Vitis cinerea</i> var. <i>helleri</i> (berlandieri)                                    | Vitaceae         | 3 |
| Snake Herb                    | <i>Dyschoriste linearis</i>   | Acanthaceae      | 2 |
| Snapdragon Vine               | <i>Maurandella antirrhiniflora</i> ( <i>Maurandya antirrhiniflora</i> )                   | Scrophulariaceae | 1 |
| Snow-on-the-mountain          | <i>Euphorbia marginata</i>  | Euphorbiaceae    | 3 |
| Soapberry                     | <i>Sapindus saponaria</i> var. <i>drummondii</i>  | Sapindaceae      | 3 |
| Soft Rush                     | <i>Juncus effusus</i> var. <i>solutus</i>   | Juncaceae        | 3 |
| Southern Black-haw            | <i>Viburnum rufidulum</i>   | Caprifoliaceae   | 2 |
| Southern Blue-flag            | <i>Iris virginica</i> var. <i>shrovi</i>  | Iridaceae        | 3 |
| Southern Dewberry             | <i>Rubus triflorus</i>  | Rosaceae         | 2 |
| Southern Shield Fern          | <i>Thelypteris kunthii</i>  | Thelypteridaceae | 3 |
| Spanish Dagger                | <i>Yucca treculeana</i>   | Agavaceae        | 3 |
| Spanish Needles               | <i>Bidens frondosa</i>  | Asteraceae       | 3 |
| Spice Bush                    | <i>Lindera bonzolii</i>   | Lauraceae        | 2 |
| Spice-lily                    | <i>Manfreda maculosa</i>  | Agavaceae        | 2 |
| Spider Antelope Horns         | <i>Asclepias asperula</i>   | Asclepiadaceae   | 2 |
| Spider Lily                   | <i>Hymenocallis liliiflora</i>  | Liliaceae        | 3 |
| Spreading Scaeseed            | <i>Spermodictyon nemorosum</i>  | Aplaceae         | 3 |
| Spring Lionsheart             | <i>Physostegia pulchella</i>  | Lamiaceae        | 2 |
| Square-bud Primrose, Sundrops | <i>Calyptophus berlandieri</i>  | Onagraceae       | 3 |
| Square-bud Primrose, Sundrops | <i>Calyptophus berlandieri</i> ssp. <i>pinnatifidus</i> (C. drummondianus)                | Onagraceae       | 2 |
| Squarestem Spikerush          | <i>Eleocharis quadrangulata</i>   | Cyperaceae       | 3 |
| Standing Cypress              | <i>Ipomopsis rubra</i>  | Convolvulaceae   | 3 |
| Standing Winecup              | <i>Callirhoe pedata</i>   | Malvaceae        | 2 |
| Stemless Evening Primrose     | <i>Oenothera triloba</i>  | Onagraceae       | 3 |
| Stick-leaf                    | <i>Mentzelia oligosperma</i>  | Laosaceae        | 3 |
| Sticky Mouse-ear Chickweed    | <i>Cerastium glomeratum</i>   | Caryophyllaceae  | 3 |
| Stork's Bill Geranium         | <i>Erodium texanum</i>  | Geraniaceae      | 3 |
| Straggler Daisy, Horseherb    | <i>Calyptracarpus vialis</i>  | Asteraceae       | 1 |
| Sugar Hackberry               | <i>Celtis laevigata</i>   | Ulmaceae         | 3 |
| Sugarberry Anacua             | <i>Ehretia anacua</i>   | Boraginaceae     | 3 |
| Swamp Milkweed                | <i>Asclepias incarnata</i>  | Asclepiadaceae   | 2 |
| Swan Flower                   | <i>Aristolochia erecta</i> (A. longiflora)  | Aristolochiaceae | 3 |
| Sweet Mountain Grape          | <i>Vitis monticola</i>  | Vitaceae         | 3 |
| Switchgrass                   | <i>Panicum virgatum</i>   | Poaceae          | 3 |
| Sword-leaf Blue-eyed Grass    | <i>Sisyrinchium chilense</i> (S. ensigerum)   | Iridaceae        | 3 |
| Sycamore-leaf Snowbell        | <i>Styrax platanifolia</i>  | Styracaceae      | 2 |
| Tall Dropseed                 | <i>Sporobolus compositus</i> var. <i>compositus</i>                                       | Poaceae          | 1 |
| Tall Goldenrod                | <i>Solidago altissima</i> (S. canadensis)   | Asteraceae       | 1 |

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| Tall Poppy mallow             | <i>Callirhoe leucocarpa</i>  | Malvaceae        | 3 |
| Tall Rosinweed                | <i>Silphium simpsonii</i>  | Asteraceae       | 2 |
| Texas Almond                  | <i>Prunus minutiflora</i>  | Rosaceae         | 3 |
| Texas ash                     | <i>Fraxinus texensis</i>   | Oleaceae         | 3 |
| Texas Aster                   | <i>Symphotrichum drummondii</i> var. <i>texanum</i> (Aster texanus)        | Asteraceae       | 2 |
| Texas Barberry                | <i>Mahonia swaseyi</i> (Berberis swaseyi)                                  | Berberidaceae    | 2 |
| Texas Betony                  | <i>Stachys coccinea</i>  | Lamiaceae        | 3 |
| Texas Buckeye                 | <i>Aesculus glabra</i> var. <i>arguta</i> (A. arguta)                      | Hippocastanaceae | 3 |
| Texas Bush-clover             | <i>Lespedeza texana</i>  | Fabaceae         | 3 |
| Texas Cupgrass                | <i>Eriochloa sericea</i>   | Poaceae          | 2 |
| Texas Dandelion               | <i>Pyrropappus pauciflorus</i>   | Asteraceae       | 3 |
| Texas Frogfruit               | <i>Phyla nodiflora</i> (Phyla incisa)                                      | Verbenaceae      | 3 |
| Texas Grama                   | <i>Bouteloua rigidiset</i>   | Poaceae          | 3 |
| Texas greeneyes               | <i>Berlandiera betonicifolia</i> (B. texana, B. texana var. betonicifolia) | Asteraceae       | 2 |
| Texas Kidneywood              | <i>Eysenhardtia texana</i>   | Fabaceae         | 3 |
| Texas Lantana                 | <i>Lantana urticoides</i> (L. horrida)                                     | Verbenaceae      | 3 |
| Texas Madrone                 | <i>Arbutus xalapensis</i>  | Ericaceae        | 1 |
| Texas Milkweed                | <i>Asclepias texana</i>  | Asclepiadaceae   | 3 |
| Texas Mock Orange             | <i>Philadelphus texensis</i>   | Saxifragaceae    | 3 |
| Texas Mountain Laurel         | <i>Sophora secundiflora</i>  | Fabaceae         | 3 |
| Texas Mulberry                | <i>Morus microphylla</i>   | Moraceae         | 1 |
| Texas Oak                     | <i>Quercus buckleyi</i>  | Fagaceae         | 1 |
| Texas Persimmon               | <i>Diospyros texana</i>  | Ebenaceae        | 3 |
| Texas Pistachio               | <i>Pistacia mexicana</i>   | Anacardiaceae    | 2 |
| Texas Prickly Pear            | <i>Opuntia engelmannii</i> var. <i>lindheimeri</i> (O. lindheimeri)        | Cactaceae        | 3 |
| Texas Redbud                  | <i>Cercis canadensis</i> var. <i>texensis</i>                              | Fabaceae         | 2 |
| Texas Sabal Palm              | <i>Sabal mexicana</i>  | Arecaceae        | 2 |
| Texas Sage                    | <i>Salvia texana</i>   | Lamiaceae        | 2 |
| Texas Sedge                   | <i>Carex texensis</i>  | Cyperaceae       | 2 |
| Texas Snakewood               | <i>Colubrina texensis</i>  | Rhamnaceae       | 3 |
| Texas Snowbell                | <i>Styrax platanifolius</i> ssp. <i>texanus</i> (S. texana)                | Styracaceae      | 3 |
| Texas Sotol                   | <i>Dasyliodon texanum</i>  | Liliaceae        | 2 |
| Texas Speargrass, Wintergrass | <i>Nassella leucotricha</i> (Stipa leucotricha)                            | Poaceae          | 1 |
| Texas Star Hibiscus           | <i>Hibiscus coccineus</i>  | Malvaceae        | 2 |
| Texas Thistle                 | <i>Cirsium texanum</i>   | Asteraceae       | 3 |
| Texas Vervain                 | <i>Verbena halei</i>   | Verbenaceae      | 3 |
| Texas Wisteria                | <i>Wisteria frutescens</i>   | Fabaceae         | 1 |
| Texas Yellow Star             | <i>Lindheimera texana</i>  | Asteraceae       | 3 |
| Texas red oak                 | <i>Quercus texana</i>  | Fagaceae         | 2 |
| Thorn-crested Agave           | <i>Agave lophantha</i>   | Agavaceae        | 3 |
| Threadleaf Pondweed           | <i>Potamogeton diversifolius</i>   | Potamogetonaceae | 3 |
| Three-flower Melic            | <i>Melica nitens</i>   | Poaceae          | 3 |
| Three-seeded Mercury          | <i>Acalypha phleoides</i> (A. lindheimeri)                                 | Euphorbiaceae    | 3 |
| Toothache Tree                | <i>Zanthoxylum hirsutum</i>  | Rutaceae         | 3 |
| Tracy Hawthorn                | <i>Crataegus tracyi</i>  | Rosaceae         | 3 |
| Trailing Ratany               | <i>Krameria lanceolata</i>   | Krameriaceae     | 1 |
| Trans-Pecos Cliffbrake        | <i>Pellaea ternifolia</i>  | Pteridaceae      | 2 |
| Tropical Sage                 | <i>Salvia coccinea</i>   | Lamiaceae        | 2 |
| Trumpet Creeper               | <i>Campsis radicans</i>  | Bignoniaceae     | 2 |
| Tulipan del Monte             | <i>Hibiscus martianus</i> (H. cardiophyllus)                               | Malvaceae        | 3 |
| Turk's Cap                    | <i>Malvastrum arboreus</i>   | Malvaceae        | 1 |
| Turk's Cap                    | <i>Malvastrum arboreus</i> var. <i>drummondii</i>                          | Malvaceae        | 3 |
| Turnsole                      | <i>Heliotropium indicum</i>  | Boraginaceae     | 3 |
| Twisted-leaf Yucca            | <i>Yucca rupicola</i>  | Agavaceae        | 3 |
| Two-flowered Anemone          | <i>Anemone edwardsiana</i>   | Ranunculaceae    | 3 |
| Two-leaved Senna              | <i>Senna roemeriana</i> (Cassia roemeriana)                                | Fabaceae         | 1 |
| Umbrellagrass                 | <i>Fulena simplex</i>  | Cyperaceae       | 3 |
| Upright Burnhead              | <i>Echinodorus berteroi</i> (Echinodorus rostratus)                        | Alismaceae       | 2 |
| Vasey's Oak                   | <i>Quercus vaseyana</i>  | Fagaceae         | 3 |
| Violet-leaf Gaura             | <i>Gaura mollis</i> (Gaura parviflora)                                     | Onagraceae       | 3 |

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| Velvet-leaf Mallow             | <i>Alouissadula holosericea</i>   | Malvaceae        | 2 |
| Venus' Looking Glass           | <i>Triodanis perfoliata</i>   | Campanulaceae    | 3 |
| Vine Mesquite                  | <i>Panicum obtusum</i>  | Poaceae          | 2 |
| Violet Prairie Clover          | <i>Dalea purpurea</i> var. <i>purpurea</i><br>( <i>Petalostemon purpureus</i> ) | Fabaceae         | 2 |
| Violet Wood-Sorrel             | <i>Oxalis violacea</i>  | Oxalidaceae      | 1 |
| Virginia Blueflag              | <i>Iris virginica</i>   | Iridaceae        | 3 |
| Virginia Creeper               | <i>Parthenocissus quinquefolia</i>  | Vitaceae         | 2 |
| Wand Butterfly-bush            | <i>Buddleja racemosa</i>  | Buddlejaceae     | 3 |
| Water Celery, Eelgrass         | <i>Vallisneria spiralis</i>   | Hydrocharitaceae | 2 |
| Water Clover                   | <i>Marsilea macropoda</i>   | Marsileaceae     | 3 |
| Water Pimpernel                | <i>Samolus valerandi</i> ssp. <i>parviflorus</i> (S. <i>parviflorus</i> )       | Primulaceae      | 2 |
| Water Stargrass                | <i>Heteranthera dubia</i> (H. <i>ilabmannii</i> )                               | Pontederiaceae   | 3 |
| Water-primrose                 | <i>Ludwigia peploides</i>   | Onagraceae       | 2 |
| Wax Myrtle                     | <i>Morella cerifera</i> (Myrica <i>cerifera</i> )                               | Myricaceae       | 3 |
| Western Ironweed               | <i>Vernonia baldwinii</i>   | Asteraceae       | 3 |
| Western Ragweed                | <i>Ambrosia psilostachya</i>  | Asteraceae       | 3 |
| Western Spiderwort             | <i>Tradescantia occidentalis</i>  | Commelinaceae    | 3 |
| Western Venus' Looking Glass   | <i>Triodanis coloradoensis</i>  | Campanulaceae    | 2 |
| Western Wild Petunia           | <i>Ruellia occidentalis</i>   | Acanthaceae      | 2 |
| Wheeler's Sotol                | <i>Dasyllirion wheeleri</i>   | Liliaceae        | 2 |
| White Avens                    | <i>Geum canadense</i>   | Rosaceae         | 3 |
| White Boneset                  | <i>Eupatorium serotinum</i>   | Asteraceae       | 2 |
| White Evolvulus                | <i>Evolvulus sericeus</i>   | Convolvulaceae   | 1 |
| White Gaura                    | <i>Gaura lindheimeri</i>  | Onagraceae       | 3 |
| White Heliotrope               | <i>Heliotropium tenellum</i>  | Boraginaceae     | 3 |
| White Honeysuckle              | <i>Lonicera albiflora</i>   | Caprifoliaceae   | 1 |
| White Milkwort                 | <i>Polygala alba</i>  | Polygalaceae     | 3 |
| White Prairie Clover           | <i>Dalea candida</i> var. <i>candida</i><br>( <i>Petalostemon candidus</i> )    | Fabaceae         | 3 |
| White Prairie Clover           | <i>Dalea multiflora</i> ( <i>Petalostemon multiflorus</i> )                     | Fabaceae         | 2 |
| White Prickly poppy            | <i>Argemone albiflora</i> ssp. <i>texana</i>                                    | Papaveraceae     | 3 |
| White Rock Lettuce             | <i>Pinaropappus roseus</i>  | Asteraceae       | 3 |
| White Shin Oak                 | <i>Quercus sinuata</i> var. <i>braviloba</i>                                    | Fagaceae         | 2 |
| White Snakeroot                | <i>Ageratina altissima</i> var. <i>altissima</i>                                | Asteraceae       | 3 |
| White Topped Sedge, Star Sedge | <i>Rhynchospora colorata</i> ( <i>Dichromena colorata</i> )                     | Cyperaceae       | 3 |
| White Tridens, White Top       | <i>Tridens albens</i>   | Poaceae          | 3 |
| White Water Lily               | <i>Nymphaea odorata</i>   | Nymphaeaceae     | 3 |
| White-flowered Rosin-weed      | <i>Silphium albidiflorum</i>  | Asteraceae       | 3 |
| Whitlowgrass                   | <i>Draba cuneifolia</i>   | Brassicaceae     | 2 |
| Whitlow-wort                   | <i>Paronychia virginica</i> var. <i>scoparia</i>                                | Caryophyllaceae  | 3 |
| Wild Bergamot                  | <i>Monarda fistulosa</i>  | Lamiaceae        | 1 |
| Wild Chervil                   | <i>Cryptotaenia canadensis</i>  | Apiaceae         | 3 |
| Wild Garlic, Drummond's Onion  | <i>Allium drummondii</i>  | Liliaceae        | 2 |
| Wild Geranium                  | <i>Geranium carolinianum</i>  | Geraniaceae      | 2 |
| Wild Hyacinth                  | <i>Camassia scilloides</i>  | Liliaceae        | 3 |
| Wild Onion                     | <i>Allium canadense</i>   | Liliaceae        | 3 |
| Wild Petunia                   | <i>Ruellia nudiflora</i>  | Acanthaceae      | 3 |
| Wild Poinsettia                | <i>Euphorbia cyathophora</i>  | Euphorbiaceae    | 3 |
| Windflower                     | <i>Anemone berlandieri</i> ( <i>Anemone heterophylla</i> )                      | Ranunculaceae    | 2 |
| Windmill Fingergrass           | <i>Chloris verticillata</i>   | Poaceae          | 3 |
| Winecup                        | <i>Callirhoe involucrata</i>  | Malvaceae        | 1 |
| Winecup                        | <i>Callirhoe involucrata</i> var. <i>lineariloba</i>                            | Malvaceae        | 3 |
| Winged Elm                     | <i>Ulmus alata</i>  | Ulmaceae         | 1 |
| Winkler's White Firewheel      | <i>Gallardia aestivalis</i> var. <i>winkleri</i>                                | Asteraceae       | 2 |
| Winter Bentgrass               | <i>Agrostis hyemalis</i>  | Poaceae          | 3 |
| Witch Hazel                    | <i>Hamamelis virginiana</i>   | Hamamelidaceae   | 3 |
| Woolly Bee-bush                | <i>Aloysia macrostachya</i>   | Verbenaceae      | 3 |
| Woolly Butterfly-bush          | <i>Buddleja marubifolia</i>   | Buddlejaceae     | 2 |
| Woolly Ironweed                | <i>Vernonia ludlowii</i>  | Asteraceae       | 2 |
| Woolly Lyre                    | <i>Cheilanthes tomentosa</i>  | Plantaginaceae   | 3 |

K = KEYCODE

1 = Highly recommended - commercially available

2 = Recommended - available through specialty outlets

3 = Recommended - may not be readily available

## Appendix A

City of Austin Grow Green List Only  
Sort by Common Name

| Common Name                      | Genus / Species   | Family           | K |
|----------------------------------|---|------------------|---|
| Woolly Rose-mallow               | <i>Hibiscus moscheutos</i> ssp. <i>lasiocarpus</i> (H. lasiocarpus) | Malvaceae        | 3 |
| Woolly Stemodia                  | <i>Stemodia lanata</i>  | Scrophulariaceae | 3 |
| Wright's False Mallow            | <i>Malvastrum aurantiacum</i>                                       | Malvaceae        | 3 |
| Yaupon Holly                     | <i>Ilex vomitoria</i>   | Aquifoliaceae    | 3 |
| Yellow Bells, Yellow Trumpetbush | <i>Tecoma stans</i>   | Bignoniaceae     | 3 |
| Yellow Bitterweed                | <i>Helenium amarum</i>  | Asteraceae       | 1 |
| Yellow Columbine                 | <i>Aquilegia chrysantha</i> var. <i>hinkleyana</i>                  | Ranunculaceae    | 1 |
| Yellow Cow Lily                  | <i>Nuphar lutea</i>   | Nymphaeaceae     | 2 |
| Yellow Flax                      | <i>Linum rigidum</i>  | Linaceae         | 3 |
| Yellow Indian Grass              | <i>Sorghastrum nutans</i> (S. <i>avenaceum</i> )                    | Poaceae          | 3 |
| Yellow Lotus                     | <i>Nelumbo lutea</i>  | Nelumbonaceae    | 3 |
| Yellow Passion Flower            | <i>Passiflora lutea</i>   | Passifloraceae   | 3 |
| Yellow Sedge                     | <i>Cyperus ochraceus</i>  | Cyperaceae       | 3 |
| Yellow Stone Crop                | <i>Sedum nuttallianum</i>   | Crassulaceae     | 2 |
| Yellow Wood Sorrel               | <i>Oxalis dillenii</i>  | Oxalidaceae      | 3 |
| Zexmenia                         | <i>Wedelia texana</i> (Zexmenia <i>hispida</i> )                    | Asteraceae       | 3 |
| Zigzag Iris                      | <i>Iris brevicaulis</i>   | Iridaceae        | 3 |

## K = KEYCODE

1 = Highly recommended - commercially available

2 = Recommended - available through specialty outlets

3 = Recommended - may not be readily available



| Genus / Species                           | Common Name                                       |
|---|---|
| <i>Abelia grandiflora</i>                 | Glossy Abelia                                     |
| <i>Artemisia 'Powis Castle'</i>           | Artemisia   |
| <i>Asclepias curassavica</i>              | Butterfly Weed, Mexican (Tropical Milkweed)       |
| <i>Aspidistra elatior</i>                 | Cast Iron Plant                                   |
| <i>B. frutescens</i> or <i>caulescens</i> | Bulbine   |
| <i>Berberis</i> sp.                       | Barberry, Japanese                                |
| <i>Buddleja Davidii</i>                   | Butterfly Bush                                    |
| <i>Caesalpinia gilliesii</i>              | Poinciana, Bird of Paradise                       |
| <i>Caesalpinia mexicana</i>               | Poinciana, Mexican Bird of Paradise               |
| <i>Caesalpinia pulcherrima</i>            | Poinciana, Red Bird of Paradise Pride of Barbados |
| <i>Carax tumulicola</i>                   | Sedge, Berkeley                                   |
| <i>Cassia corymbosa</i>                   | Senna, Flowering                                  |
| <i>Cassia lindheimeriana</i>              | Senna, Lindheimer                                 |
| <i>Cerastogma plumbaginoides</i>          | Leadwort Plumbago                                 |
| <i>Chitalpa tashkentensis</i>             | Chitalpa  |
| <i>Cuphea micropetala</i>                 | Cigar Plant                                       |
| <i>Cupressus arizonica</i>                | Arizona Cypress                                   |
| <i>Cyrtomium falcatum</i>                 | Fern, Holly                                       |
| <i>Dietes</i> sp.                         | Iris, Butterfly/Bicolor (African)                 |
| <i>Ficus pumila</i>                       | Fig Vine  |
| <i>Hamelia patens</i>                     | Firebush  |
| <i>Hibiscus</i> sp.                       | Hibiscus  |
| <i>Ilex cornuta 'Burfordii'</i>           | Holly, Burford                                    |
| <i>Ilex cornuta 'Burfordii nana'</i>      | Holly, Dwarf Burford                              |
| <i>Ilex cornuta 'Rotunda nana'</i>        | Holly, Dwarf Chinese                              |
| <i>Ipomoea leptophylla</i>                | Bush Morning Glory                                |
| <i>Iris albicans</i>                      | Iris, Bearded                                     |
| <i>Jasminum mesnyi</i>                    | Primrose Jasmine                                  |
| <i>Justicia brandegeana</i>               | Shrimp Plant                                      |
| <i>Justicia spicigera</i>                 | Mexican Honeysuckle                               |
| <i>Lagerstroemia indica</i>               | Crape Myrtle                                      |
| <i>Lantana camara</i>                     | Lantana, Shrub                                    |
| <i>Lantana montevidensis</i>              | Lantana, Trailing                                 |
| <i>Lantana x hybrida</i> (many varieties) | Lantana   |
| <i>Liriope muscari</i>                    | Liriope   |
| <i>Malpighia glabra</i>                   | Barbados Cherry                                   |
| <i>Muhlenbergia dumosa</i>                | Bamboo Muhly                                      |
| <i>Nandina</i> sp.                        | Nandina (dwarf varieties)                         |
| <i>Ophiopogon japonicus</i>               | Aztec Grass                                       |
| <i>Origanum vulgare</i>                   | Oregano   |
| <i>Pennisetum alopecuroides</i>           | Dwarf Fountain Grass                              |
| <i>Perovskia atricarpifolia</i>           | Sage, Russian                                     |
| <i>Phlomis fruticosa</i>                  | Jerusalem Sage                                    |
| <i>Plumbago auriculata</i>                | Plumbago  |
| <i>Polkomintha longiflora</i>             | Mexican Oregano                                   |
| <i>Prosopis glandulosa</i>                | Honey Mesquite                                    |
| <i>Prunus caroliniana</i>                 | Cherry Laurel                                     |
| <i>Prunus serotina</i> var. <i>extima</i> | Escarpment Black                                  |
| <i>Punica granatum</i>                    | Pomegranate                                       |
| <i>Punica virgatum</i>                    | Switch Grass                                      |
| <i>Quercus marilandica</i>                | Oak, Blackjack                                    |
| <i>Quercus polymorpha</i>                 | Oak, Monterey (Mexican White)                     |
| <i>Quercus shumardii texana</i>           | Oak, Shumard                                      |
| <i>Quercus virginiana</i>                 | Oak, Live (Southern)                              |
| <i>Rhamnus caroliniana</i>                | Carolina Buckthorn                                |
| <i>Rosa</i> sp.                           | Rose, Belinda's Dream                             |
| <i>Rosa</i> sp.                           | Rose, Knock Out                                   |
| <i>Rosa</i> sp.                           | Rose, Livin' Easy                                 |
| <i>Rosa</i> sp.                           | Rose, Marie Pavie                                 |
| <i>Rosa</i> sp.                           | Rose, Mutabilis                                   |
| <i>Rosa</i> sp.                           | Rose, Nearly Wild                                 |
| <i>Rosa</i> sp.                           | Rose, Old Blush                                   |
| <i>Rosmarinus officinalis</i>             | Rosemary  |

| Genus / Species                   | Common Name                      |
|-----------------------------------|----------------------------------|
| <i>Ruellia</i> sp.                | Ruellia                          |
| <i>Salvia guaranitica</i>         | Sage, Majestic                   |
| <i>Salvia leucantha</i>           | Sage, Mexican Bush               |
| <i>Santolina chamaecyparissus</i> | Santolina (Lavender Cotton)      |
| <i>Sapindus Drummondii</i>        | Soapberry                        |
| <i>Scutellaria suffrutescens</i>  | Pink Skullcap                    |
| <i>Secreasea pallida</i>          | Purple Heart                     |
| <i>Stipa tenuissima</i>           | Mexican Feathergrass (Wiregrass) |
| <i>Tagetes lemmonii</i>           | Copper Canyon Daisy              |
| <i>Tagetes lucida</i>             | Mexican Mint Marigold            |
| <i>Taxodium mucronatum</i>        | Cypress, Montezuma               |
| <i>Teucrium fruticans</i>         | Bush Germander                   |
| <i>Trachelospermum asiaticum</i>  | Asian Jasmine                    |
| <i>Ulmus parvifolia</i>           | Elm, Lacebark                    |
| <i>Yucca pallida</i>              | Yucca, Paleleaf                  |
| <i>Yucca recurvifolia</i>         | Yucca, Softleaf                  |

| Genus / Species                          | Common Name            |
|--|------------------------|
| <i>Antigonon leptopus</i>                | Coral Vine             |
| <i>Cotoneaster</i> sp.                   | Cotoneaster            |
| <i>Hedera helix</i>                      | English Ivy            |
| <i>Nandina domestica</i> 'Gulf Stream'   | Nandina, Gulf Stream   |
| <i>Nandina domestica</i> 'Harbour Dwarf' | Nandina, Harbour Dwarf |
| <i>Nandina domestica</i> 'Moon Bay'      | Nandina, Moon Bay      |
| <i>Nandina domestica</i> 'nana'          | Nandina, Nana          |
| <i>Nerium oleander</i>                   | Oleander               |
| <i>Passiflora incarnata</i>              | Passion Vine           |
| <i>Pistacia chinensis</i>                | Chinese Pistache       |
| <i>Spiraea</i> sp.                       | Spiraea                |
| <i>Vinca minor</i>                       | Periwinkle, Littleleaf |

**Exhibit H: Building Envelope Exhibit**

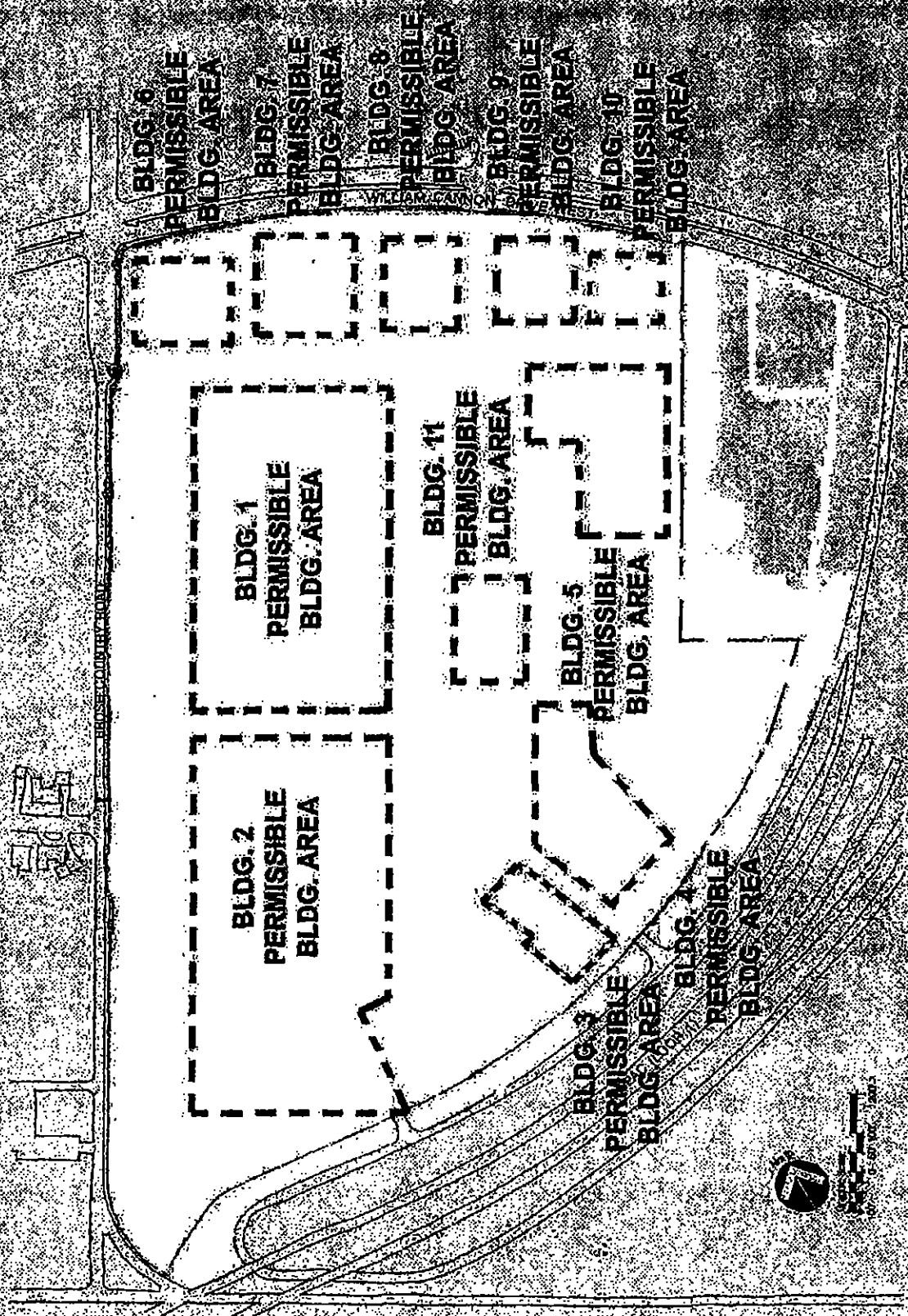


Exhibit H- Building Envelope Exhibit

CARDINAL PARAGON, INC.  
8214 Westchester, 9<sup>th</sup> Floor  
Dallas, Texas 75225

February 4, 2004

Western Oaks Neighborhood Association

Ms. Mary Castetter  
Texas Association of Builders  
510 West 15th Street  
Austin, TX 78701

Ms. Sara Summers  
5009 Desert Oak Circle  
Austin, TX 78749

Ms. Johnnie Wells  
7202 Rolling Meadow Rd  
Austin, TX 78749

Re: Letter of Understanding between Cardinal Paragon ("Developer") and Western Oaks Neighborhood Association (the "Association") with respect to the development of the 71 acres located at the southwest corner of South Mopac and William Cannon known as the "Southwest Marketplace" (the "Project")

Dear Mary, Sara and Johnnie:

This letter will reflect the terms of the agreement between Developer and the Association with regard to development of the Project. This agreement is subject to the finalization of an amended restrictive covenant or PUD Ordinance amendment (as the case may be) in a form acceptable to both Developer and the Association.

In connection with the development of the project, Developer has submitted or will submit certain applications (collectively, the "Applications") with governmental authorities. The Applications are listed on Exhibit A attached hereto.

In consideration for the Association's agreement to support the Applications, Developer hereby agrees, subject to any conditions contained herein, to:

- A. Modify that portion of the PUD Land Use Plan presently reflected on the Forum PUD Land Use Plan referenced as Exhibit "A" (Sheets "1 and 2") to City of Austin Ordinance 990408-14, as shown on Exhibit B attached hereto (the "New PUD Land Use Plan"), subject to such minor deviations or minor changes thereto as shall be desired by

Developer, or its successors and assigns, and which are not inconsistent with the terms hereof or, if inconsistent, are otherwise approved by the Association;

- B. Utilize reasonable efforts to ensure that large parking areas are interrupted with small retail buildings, trees, landscaped islands, design features, signage, drive aisles and other features so that the effect of any "large sea of parking" is minimized to the extent reasonably practical.
- C. Provide by restrictive covenant that the following standards are utilized in the design of the buildings for the Project (the "Design Standards"): (i) the front façade (i.e., the façade facing eastward) of Building # 1, as shown on the Conceptual Site Plan as shown on Exhibit C attached hereto (the "Conceptual Site Plan"), shall (1) have a minimum setback (measured from the southernmost point to the northernmost point on the façade) equal to 40 feet or more, and to provide such setback be accomplished utilizing at least three increments (none of which is larger than 20 feet), and (2) notwithstanding and in addition to the foregoing, an 80' long portion of such front façade (the "Recessed Portion") shall be set back a minimum of 25' from one portion of the façade adjacent to the Recessed Portion and a minimum of 15' from the other adjacent portion of the façade, as shown on the Conceptual Site Plan, and (ii) all buildings constructed on the 71 acres (Parcels "B", "C", "D", and "E") shall have a consistent "look and feel" to those buildings constructed on the 3.1 acre site (Parcel "A"). Any changes to the Design Standards must be approved in writing by the Association. Any changes to the Conceptual Site Plan shall be reviewed by the Association prior to final approval by The City of Austin. Additionally, if any desired change to the Conceptual Site Plan is a "Major Change" (as defined below), such change must be approved in writing by the Association. As used herein, a "Major Change" shall be any of the following:
- 1) Relocation of any building outside the permissible building areas shown on Exhibit D attached hereto;
  - 2) The addition of any buildings, other than those shown on the Conceptual Site Plan;
  - 3) Any increases in impervious cover that total more than five percent (5%) of the amount shown (48.8%) on the Conceptual Site Plan;
  - 4) An increase in parking spaces greater than five percent (5%) of the number of parking spaces shown (2060) on the Conceptual Site Plan;
  - 5) Elimination or modification of any architectural feature shown on the Conceptual Site Plan;
  - 6) Relocation or elimination of the wet pond from the general area therefore shown on the Conceptual Site Plan;

- 7) Elimination of any access points from the Project to the adjoining public roadways or relocation of such access points greater than 50 feet from the areas shown on the Conceptual Site Plan; and
- 8) Elimination of any internal drives within the Project or relocation of such internal drives greater than 50 feet from the areas shown on the Conceptual Site Plan.

Any desired change to the Conceptual Site Plan that complies with the Design Standards and is not a Major Change may be made by Developer without the prior consent from the Association; provided, however, all changes to the Conceptual Site Plan shall be communicated to the Association in writing at least thirty (30) days in advance of final approval by the City of Austin so as to provide time for remedial action by the Association should the Association determine that the change is not in compliance with the Design Standards.

- D. Provide by restrictive covenant covering the Project that all primary outdoor awnings shall be made of hard materials. Vinyl or cloth fabric awnings shall be specifically prohibited;
- E. Modify the terms of the PUD Ordinance City of Austin Ordinance 990408-14 ("PUD Ordinance") to provide that the Project will contain no more than one single retail user utilizing more than 50,000 square feet of retail sales area, and such single retail user will not utilize more than 153,000 square feet of retail sales area. It is the intent of this provision that single retail users shall not occupy separate retail spaces in the Project in order to thwart the intent of this provision;
- F. Modify the terms of the PUD Ordinance to prohibit a single retail user larger than 50,000 square feet from operating a "home improvement center" in the Project (defined as "Construction Sales and Services" in the Austin City Code). Additionally, Developer agrees (i) not to voluntarily grant a home improvement center located on the "Adjacent Tract" (as shown on the Conceptual Plan) reciprocal parking rights within the Project, unless approved in writing by the Association, (ii) to use its best efforts to make any retail development on the Adjacent Tract compatible to the Project, (iii) that in the event the retail development on the Adjacent Tract is not compatible with the Project, despite Developer's best efforts to the contrary, provide screening of such retail development on the Adjacent Tract and deny access to the Project, unless otherwise approved in writing by the Association or required by any governmental authorities, and (iv) cause the amended restrictive covenant to apply to the Adjacent Tract in the event the Project and the Adjacent Tract have common ownership (or if the owner of the Project has any ownership interest in the Adjacent Tract) subject to such modifications as may be approved in writing by the Association;
- G. Provide by restrictive covenant covering the Project that the perimeter pathways shown on the Conceptual Site Plan shall be a minimum of eight feet wide and shall be constructed utilizing decomposed granite or organic mulch, except for those areas which cross paved driveways or walkways and which will then utilize pavers or other specialty



paving such as stamped and stained concrete, rather than asphalt or concrete, that are consistent with pavers or other specialty paving used at the entries and other locations within the Project and to be of a color contrasting with paving materials (asphalt and concrete) used within the Project or that are otherwise paved due to the requirements of any governmental entity. Additionally, Developer agrees (i) to use reasonable efforts to ensure that retail shopping areas within the Project can be accessed safely from the perimeter paths and (ii) to reflect such pedestrian connections (via sidewalks or pedestrian paths) on all site plan applications to the City of Austin. Developer agrees to provide short lighting of the path through the dark vegetative areas. Additionally, Developer agrees to prohibit construction vehicles and equipment from utilizing the vegetative buffer on the western boundary of the Property (either for access to or parking for the site construction) except as necessary to construct paths, landscaping, utility or water quality structures, to the extent such are permitted within such buffer and as required by the development. Developer shall use best efforts to limit the disturbance of the vegetative buffer and keep it in its native state to screen the development from Brush Country. Vegetative covering (trees, shrubs) will be added to this buffer should it be needed to screen development from the adjacent neighborhood.

- H. Provide by restrictive covenant covering the Project, or by a note contained in the site development permit for the Project, a maintenance plan for the "pond" shown on the Conceptual Site Plan that provides for regular cleaning of debris, vegetation removal and general maintenance, it being the intent hereof that any areas which are periodically dry shall not be unsightly;
- I. Provide by restrictive covenant that (i) the method, style and materials to be used in the signage within the Project shall be compatible with other first-class shopping centers in the Central Texas area, (ii) entry and directional signs shall be monument type signs compatible with the building style and theme of the Project and shall utilize the "reverse channeling" method and (iii) tenant identification signage for all users in the Project shall utilize the "reverse channeling" method; provided, however, that the foregoing provision shall not be applicable to (1) the sole user allowed to occupy a space in the Project larger than 50,000 square feet and (2) any users specifically granted an exception in writing by the Association pursuant to a request therefore by Developer. In addition to the foregoing, signage shall consist of one character color, may be in any font, must be constructed of stainless steel with Lexan backs, and must use titanium studs. Neon colors for signage are limited to red, blue, green or white. In addition to the foregoing requirements, the following restrictions shall be applicable to signage in the Project: leasing signage maximum 32 square feet per face (no banners allowed); temporary signage on building facades (i.e., banners) must be removed within 30 days of occupancy; sandwich board signage not to exceed 10 square feet per face and not to be displayed more than 7 out of 90 consecutive calendar days; all other temporary signage must be displayed on the inside of storefront, not on exterior surfaces;
- J. Provide that Developer shall install a minimum of two "historical markers" constructed of permanent materials (stone, metal, etc.) to recognize the past history of the site and

Ms. Mary Castetter  
Ms. Sara Summers  
Ms. Johnnie Wells  
February 4, 2004

recognize the Brownlee family for their contribution of the Blowing Sink tract and other environmentally sensitive lands or other aspect of the Project, as the Developer deems appropriate. Developer shall consult with the board of directors of the Association or its designee regarding the location, text, style and materials to be used for the markers, provided that all final decisions regarding the location, text, style and materials to be used shall be made by Developer, in Developer's sole discretion; and

- K. In the event that the Adjacent Tract is not part of the Project, Developer shall use reasonable efforts (via lease conditions and deed restrictions) to ensure that none of the tenants of the Project, or their subsidiaries, partnerships, other corporate entities or successors conduct gasoline sales on the Adjacent Tract.

The agreements of Developer reflected herein are conditioned upon approval of the Applications by City of Austin Staff, Zoning & Platting Commission or City Council, as appropriate, in a form acceptable to Developer, with Developer using its best efforts to obtain such approval in a form acceptable to Developer.

Developer and the Association acknowledge and agree that (a) Developer does not currently own the Project, but has a contractual right to purchase the Project, (b) the terms of this agreement shall not be binding upon the current owner of the Project or the Association in the event that Developer, its successors, transferees or assigns, do not purchase the Project and (c) subject to the express terms hereof, the terms of this agreement shall be binding upon, and shall inure to the benefit of, Developer, and its successors, transferees or assigns, and the Association, its successors, transferees or assigns.

Please confirm the terms of this letter of understanding by your signature below.

CARDINAL PARAGON,

By a Texas corporation

By [Signature]

Name: WILLIAM M. CHAFFE

Title: VICE PRESIDENT

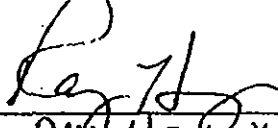
Ms. Mary Castetter  
Ms. Sara Summers  
Ms. Johnnie Wells  
February 4, 2004

**List of Attached Exhibits:**

- Exhibit A-List of Applications
- Exhibit B-New PUD Plan
- Exhibit C-Conceptual Site Plan
- Exhibit D-Building Envelope Exhibit

**ACCEPTED AND AGREED TO:**

**WESTERN OAKS NEIGHBORHOOD ASSOCIATION**

By:   
Name: RAY HENRY  
Title: PRESIDENT

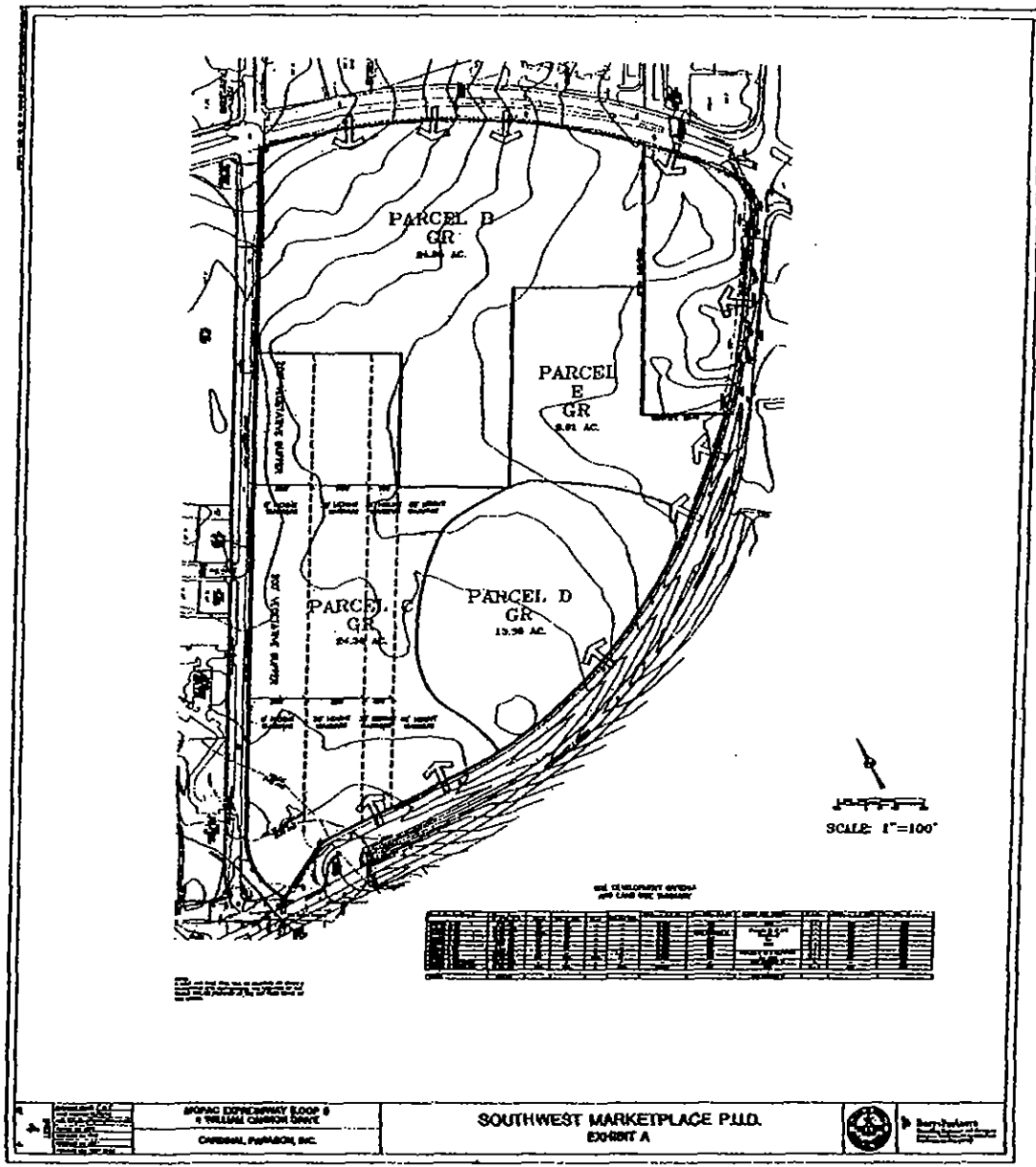
**Exhibit A**

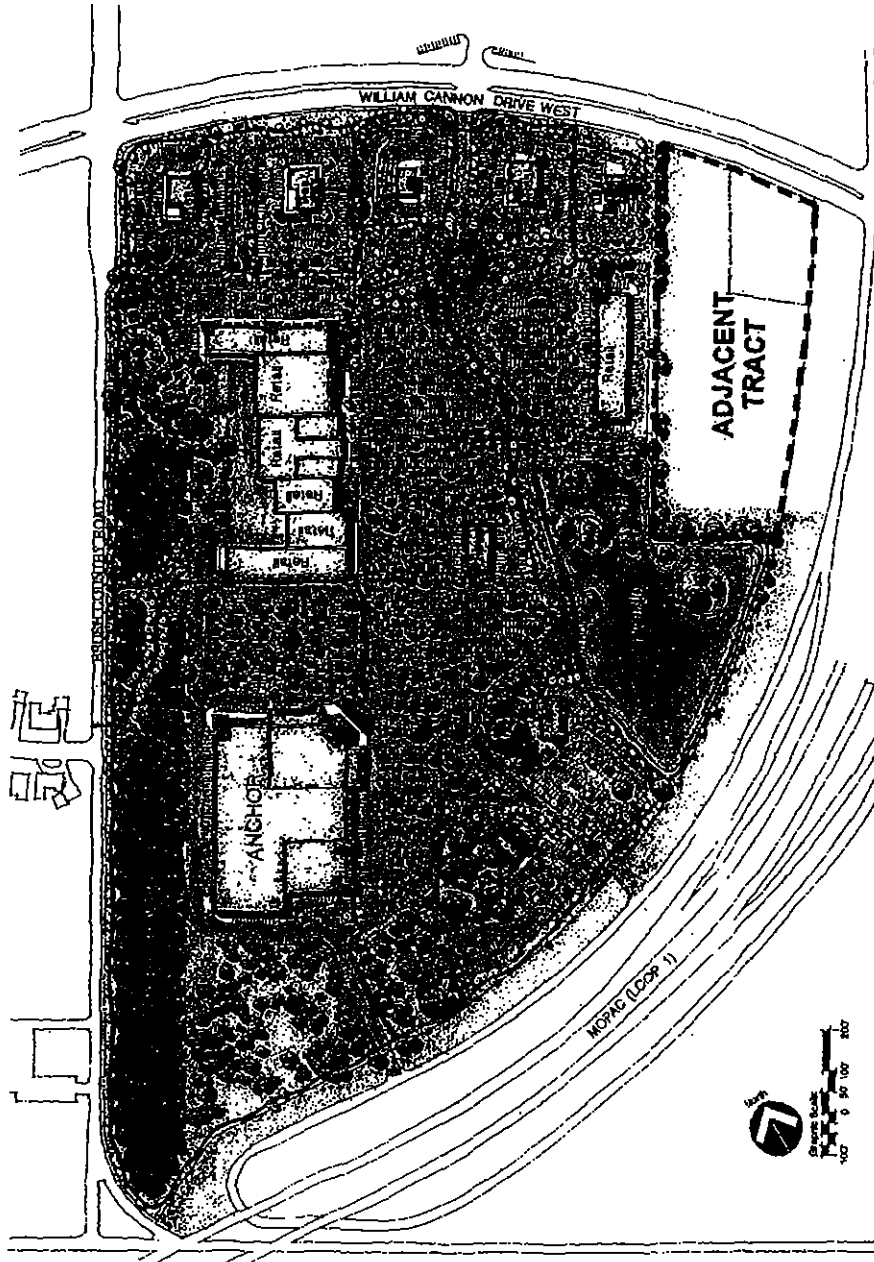
**List of Applications**

- 1) PUD zoning application
- 2) Preliminary Plan application
- 3) Final Plat application(s)
- 4) Site Plan application(s)
- 5) Building Permit applications(s)
- 6) U.S. Fish and Wildlife application(s)
- 7) TCEQ application(s)

# Exhibit B

## New PUD Land Use Plan





**EXHIBIT C - CONCEPTUAL SITE PLAN**

*Southwest Marketplace*

AIDN

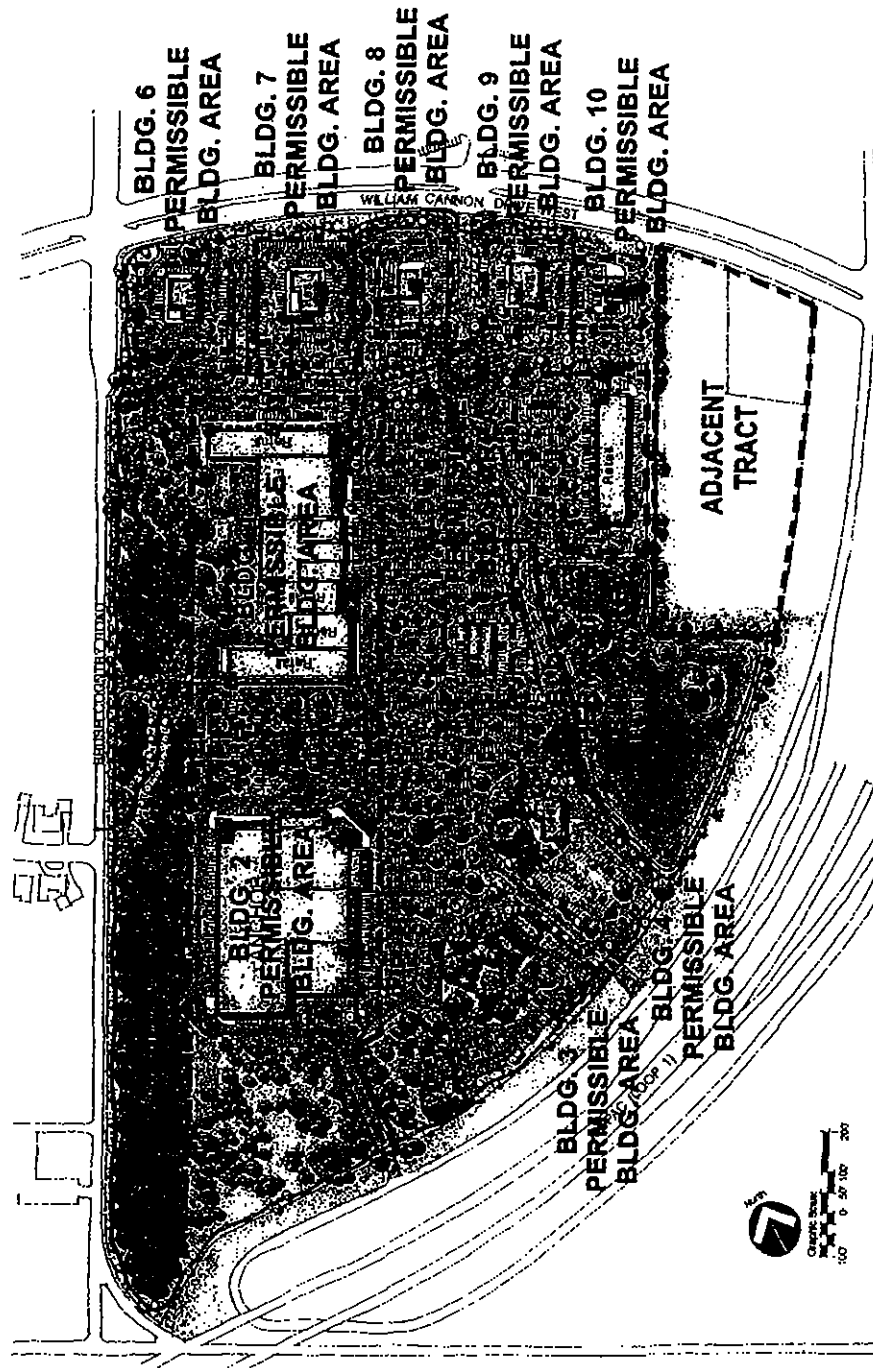
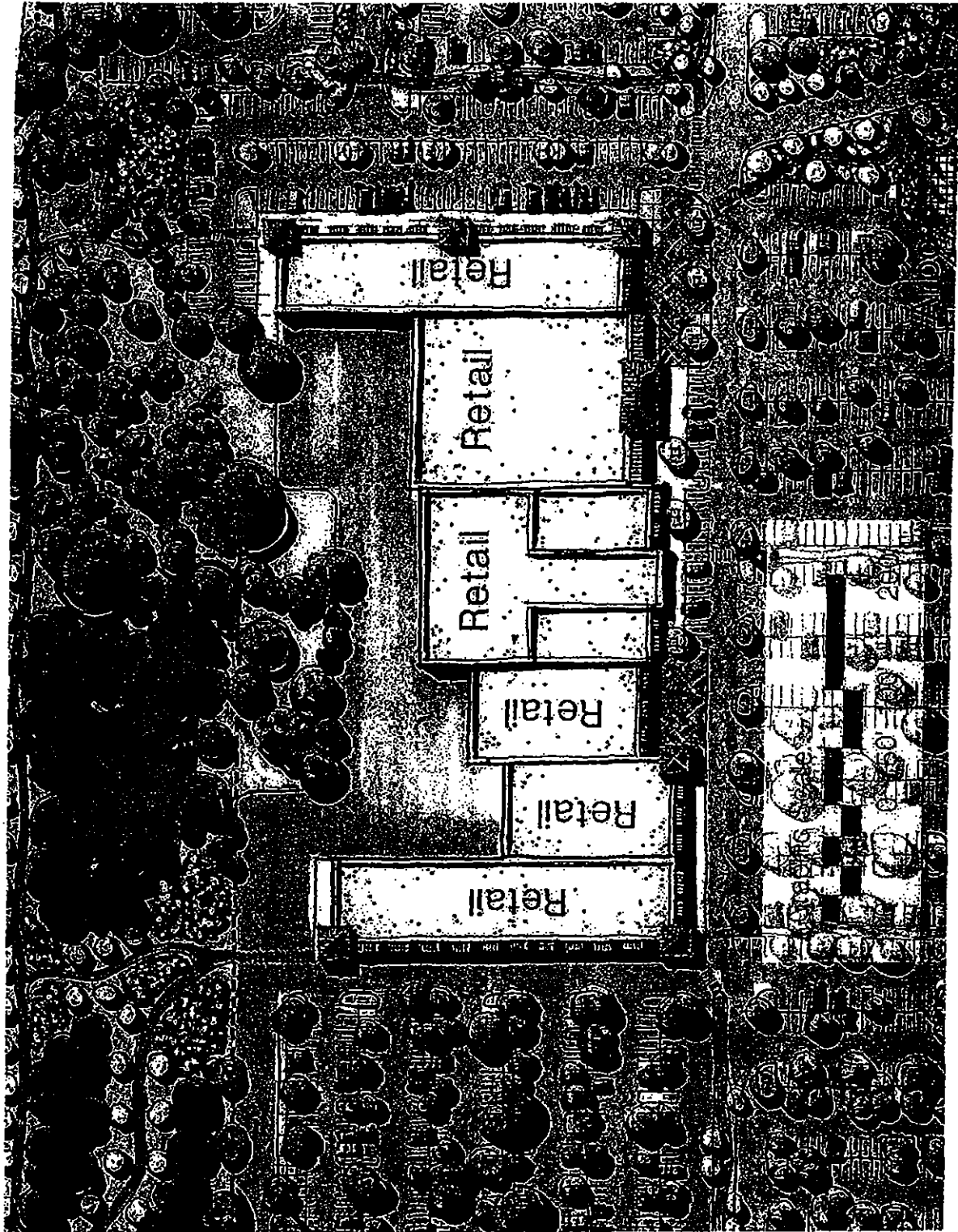


Exhibit D - Building Envelope Exhibit

*Southwest Marketplace*





# Westcreek Neighborhood Association

April 20, 2004

Ms. Wendy Walsh  
City of Austin  
Neighborhood Planning and Zoning Department

Re: File Number C814-98-0001.01  
Proposed Zoning Change of Former Forum PUD

Dear Ms. Walsh:

By unanimous vote, the Westcreek Neighborhood Association hereby supports the above referenced proposed zoning change. Please include a copy of this letter in your files and provide a copy to the members of the board to consider when voting on the request for zoning change.

Mr. William Chaffe of Cardinal Paragon, Inc. and Mr. Steve Drenner and his staff at Drenner Stuart Wolff Metcalfe von Kreisler are to be commended for their outstanding and ongoing efforts to address The Westcreek Neighborhood Association's issues and concerns with the proposed zoning change of the former Forum PUD.

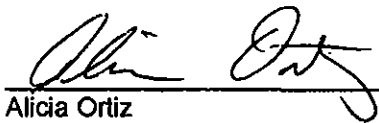
The new development, Southwest Marketplace, should be a model for future developments within the City and its ETJ. Great consideration has been given to environmental protection, traffic and safety issues and the overwhelming need for the stores and restaurants it will bring.

The Westcreek Neighborhood Association's Executive Committee looks forward to your vote to approve the proposed zoning change. Please do not hesitate to call any of our Executive Committee members should you have any questions or comments.

Sincerely,



Kim Sherman  
President  
Westcreek Neighborhood Association  
512.891.7131



Alicia Ortiz  
Vice President  
Westcreek Neighborhood Association  
512.892.2731

---

## EXECUTIVE COMMITTEE

President  
Kim Sherman

Vice President  
Alicia Ortiz

Secretary  
Barry Kalda

Treasurer  
Jan Boswell

Immediate Past President  
Vacant

CAMPO Representative  
Vacant

At-Large  
Karen Gregory

OHAN Representative  
Sandra Baldrige

---

# *Creek Ridge Homeowner's Association*

---

June 10, 2004

Mr. Steve Drenner  
Drenner Stuart Wolfe Metcalfe von Kreisler, LLP  
301 Congress Avenue, Suite 1200  
Austin, TX 78701

Mr. Willaim Chaffe  
Cardinal Paragon, Inc.  
8214 Westchester Drive, 9<sup>th</sup> Floor  
Dallas, TX 75225

RE: Letter of support for the proposed development, Southwest Marketplace.

Dear Mr. Drenner and Mr. Chaffe:

On behalf of the Creek Ridge Homeowner's Association it is with great pleasure to inform you that by unanimous vote at the annual meeting of members, held the evening of June 8, 2004, that the association hereby supports the proposed development presented to us as Southwest Marketplace. This includes full support for the proposed zoning modifications to the Forum PUD.

I would like to add that we greatly appreciate the time and effort Mr. Chaffe as well as Mr. Drenner and his staff have put into this project to ensure the development will be a neighborhood friendly addition to the area. We look forward to working with you in any way we can to ensure Southwest Marketplace is a success.

Regards,



Mark Bartelt  
President  
Creek Ridge Homeowner's Association  
mark@creekridge.org  
512-297-1018

---

***Board of Directors:***

Mark Bartelt  
President

Brian Steward  
Vice President

Kathleen Foley  
Secretary/Treasurer



WHEREAS the developers of the project have worked diligently with the adjacent neighborhoods to address their concerns and;

WHEREAS the architectural design is aesthetically pleasing, incorporating pedestrian and bike paths and preserving of as many trees as possible and;

WHEREAS the project is designed to incorporate bus transit and;

WHEREAS the tenant mix hopes to bring more retail and dining establishments to south Austin and;

WHEREAS the cornerstone tenant has a proven reputation of being neighborhood friendly and;

WHEREAS the developer is encouraging local businesses, not franchise retailers, to lease sites and;

WHEREAS the developer is proposing a site which will have less impervious cover than has already been granted under the original Forum PUD agreement and;

WHEREAS the developer has incorporated low impact lighting, meeting or exceeding current standards and;

WHEREAS the developer is continuing to work with neighborhoods to minimize the traffic impacts on residential streets and;

WHEREAS the developer is working with City of Austin staff in addressing major traffic concerns on William Cannon;

**NOW THEREFORE BE IT RESOLVED** that the Oak Hill Association of Neighborhoods supports the construction project known as The Southwest Market Place to be built on the southwest corner of Loop 1 and William Cannon, by Cardinal Paragon of Dallas, Texas.

From

Mr. Johnnie Wells  
7202 Rolling Meadows  
Austin, Tx 78749

512-892-1967

April 13, 2004

Ms. Wendy Walsh  
Neighborhood Planning and Zoning Dept.  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

VIA REGULAR AND/OR ELECTRONIC MAIL

RE: **Southwest Marketplace - City File Number C814-98-0001.01**  
Amendment of the Forum PUD

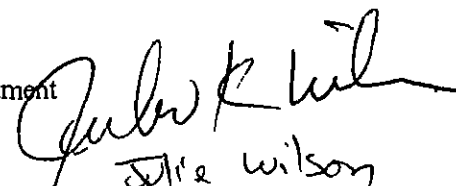
Dear Ms. Walsh:

I'm writing to you to express my support for the proposed Amendment to the Forum PUD zoning. The main reason I support the proposed Amendment is to allow the construction of a retail center that provides much needed services for my neighborhood! We have been waiting for years for services. Presently, we drive at least six miles across the aquifer to get to retail services. Furthermore, I support the proposed Amendment for the following reasons:

- 1) The proposed Amendment is not a "variance"; it is allowed within the PUD zoning category;
- 2) The PUD zoning regulations are different than typical zoning, because they allow customized regulations that create a superior project for our neighborhood;
- 3) The proposed PUD Amendment is better for the neighborhoods, environment and local retailers;
- 4) The Forum PUD is exempt from the No Big Box Ordinance;
- 5) Even though it is exempt, the proposed PUD Amendment is consistent with the recently passed No Big Box Ordinance because it significantly reduces the number of possible big boxes within the project, and
- 6) On our behalf, the Board of the Western Oaks Property Owners Association has spent countless hours negotiating with the owner and developer of the tract of land to create this very well conceived proposal.

**Please help us make this project a reality. We look forward to your support.**

cc: Mayor Will Wynn, Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez  
Council Member Betty Dunkerly, Council Member Brewster McCracken, Council Member Daryl Slusher, Council Member Danny Thomas  
Toby Futrell, City Manager  
Lisa Gordon, Assistant City Manager  
Alice Glasco, Neighborhood Planning and Zoning Department  
Pat Murphy, Watershed Protection and Development Review Department

  
Julie Wilson  
6903 Treaty Oak Cir

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|----|---------------------|------|---------------------|
| 1  | Ann L. Jones        | 7202 | Squirrel Oak Circle |
| 2  | Nancy R. Jones      | "    | "                   |
| 3  | Mary Ann Patterson  | 7203 | Squirrel Oak Circle |
| 4  | Dorothy B. Jones    | "    | "                   |
| 5  | Paul R. Jones       | 7209 | Squirrel Oak Cr.    |
| 6  | Ann Miller          | 7103 | Squirrel Oak Cr.    |
| 7  | Oliver B. Altman    | 7101 | Squirrel Oak Cr.    |
| 8  | Anna J. Altman      | 7101 | Squirrel Oak Circle |
| 9  | Irvin Williams      | 7201 | Squirrel Oak Circle |
| 10 | Silla Z. Burkhalter | 6905 | Oak Oak Rd.         |
| 11 | Edith               | 6905 | Oak Oak Rd.         |
| 12 | Walter B. Kuper     | 7002 | Hanging Oak         |
| 13 | Edith               | 7009 | Fence Line Dr.      |
| 14 | Nancy L. Jones      | 7009 | Fence Line Dr.      |
| 15 | Spencer H. Jones    | 7007 | Fence Line Dr.      |
| 16 | Edith               | 7007 | Fence Line Dr.      |
| 17 | Paul R. Jones       | 4810 | Woodcreek Road      |
| 18 | James C. Jones      | 7002 | Bent Oak Circle     |
| 19 | John M. Jones       | 7004 | Bent Oak Circle     |
| 20 | Key M. Jones        | 7010 | " " "               |
| 21 | Mary M. Jones       | 7011 | Bent Oak Circle     |
| 22 | John M. Jones       | 7011 | Bent Oak Circle     |
| 23 | Cathy Wilson        | 7008 | Bent Oak Circle     |
| 24 | Robert M. Jones     | 4900 | Woodcreek Rd.       |
| 25 | John M. Jones       | 5000 | Woodcreek Rd.       |
| 26 | John M. Jones       | 5000 | Woodcreek Rd.       |
| 27 | Melissa A. Hayes    | 7216 | Wheeler Branch Tr.  |
| 28 | Joseph A. Hayes     | 7216 | Wheeler Branch Tr.  |
| 29 | Robert Jones        | 5308 | Beckett Circle      |
| 30 | Don Jones           | 5100 | Wagon Hitch Cove    |
| 31 | John Jones          | 5118 | Woodcreek Rd.       |
| 32 | John Jones          | 5115 | Woodcreek Rd.       |
| 33 | Barbara B. Jones    | 5113 | Woodcreek Rd.       |
| 34 | John J. Jones       | 7004 | Hanging Oak         |
| 35 | Mary W. Jones       | "    | "                   |
| 36 | John Jones          | 5012 | Desert Oak Circle   |
| 37 | Sherry Prather      | 5012 | Desert Oak Circle   |
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| 1  | Mary F. Rist      | 5004 | Flaming Oak Cove      | Austin | 78749 |
| 2  | ARDE J. SCHNEIDER | 5001 | FLAMING OAK COVE      | AUSTIN | 78749 |
| 3  | Jimmy Moehring    | 4917 | FLAMING OAK COVE      | "      | "     |
| 4  | Joan Karley       | 4913 | Flaming Oak Cove      | "      | "     |
| 5  | Donna K.          | 5014 | Flaming Oak Ck.       | "      | "     |
| 6  | St. Xuan          | 5010 | FLAMING OAK           | "      | 78749 |
| 7  | Linda Champion    | 5020 | Flaming Oak Cv.       | Austin | 78749 |
| 8  | Michael M. Yahn   | 5021 | Flaming Oak Cove      | Austin | 78749 |
| 9  | Gary Griggs       | 5017 | Flaming Oak Cove      | Austin | 78749 |
| 10 | James J. Horn     | 5013 | FLAMING OAK COVE      | AUSTIN | 78749 |
| 11 | Linda Fritts      | 5005 | Flaming Oak Cv        | Austin | 78749 |
| 12 | Norma Freeman     | 5009 | Flaming Oak Cv Austin |        | 78749 |
| 13 | Charles J. Smith  | 5209 | CROOKED OAK CV        | Austin | 78749 |
| 14 | David M. Smith    | 5213 | CROOKED OAK CV        | AUSTIN | 78749 |
| 15 | DAVID MCGARAH     | 5210 | CROOKED OAK CV        | AUSTIN | 78749 |
| 16 | Aimee Killen      | 5217 | CROOKED OAK CV        | AUSTIN | 78749 |
| 17 | Norma Cagle       | 5221 | Crooked Oak Cv        | Austin | 78749 |
| 18 | MICHAEL KASAN     | 4920 | FLAMING OAK COVE      | AUSTIN | 78749 |
| 19 | Robert Burton     | 5000 | Flaming Oak Cove      | AUSTIN | 78749 |
| 20 | Donna J.          | 5000 | Flaming Oak Cove      | Austin | 78749 |
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| 1  | <del>John P. Welch</del> | 6807 One Oak       |
| 2  | Mary P. Welch            | "                  |
| 3  | Violet J. Welch          | 6805 One Oak       |
| 4  | Laura Bunch              | 6803 One Oak       |
| 5  | Tom Bunch                | " " "              |
| 6  | Wm. Warr                 | 6801 One Oak       |
| 7  | Randy Warner             | 6801 One Oak       |
| 8  | Chas. Warner             | 6703 One Oak       |
| 9  | George Warner            | 6700 One Oak       |
| 10 | Jeff. Warner             | 6807 ONE OAK       |
| 11 | Edw. E. Eubank           | 6809 One Oak Cont. |
| 12 | Wm. Warner               | 6806 One Oak Rd.   |
| 13 | Nancy Warner             | 6806 One Oak Rd.   |
| 14 | Keith E. Krause          | 6900 One Oak Rd.   |
| 15 | Mary Krause              | 6900 One Oak Rd.   |
| 16 | Arthur Q. Conley         | 6903 One Oak Rd.   |
| 17 | Joe Conley               | 6909 " " "         |
| 18 | Bobbie Hays              | 6909 One Oak Rd.   |
| 19 | Becky Hays               | 7001 One Oak Rd.   |
| 20 | Felix Schauf             | 7005 One Oak Rd.   |
| 21 | Cynthia Schauf           | 7005 One Oak Rd.   |
| 22 | Wm. Schauf               | 7007 One Oak Rd.   |
| 23 | John Schauf              | 7004 One Oak Rd.   |
| 24 | Harriet Schauf           | 7004 One Oak Rd.   |
| 25 | Joe Schauf               | 7000 ONE OAK       |
| 26 | Barbara Evans            | 7000 One Oak       |
| 27 | Jack Richison            | 6906 One Oak       |
| 28 | James R. Richison        | 6906 One Oak       |
| 29 | Nam Hatcher              | 7006 One Oak       |
| 30 | Bea Hatcher              | 7006 One Oak       |
| 31 | Wm. Longacre             | 6904 One Oak Rd.   |
| 32 | Philip Evans             | 6902 One Oak Rd.   |
| 33 | Nancy Evans              | 6902 One Oak Rd.   |
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- 1 Mr. & Mrs. W. E. Slunk
- 2 Octavia L. Smith
- 3 Judy Schaaf
- 4 Jerry Schaaf
- 5 Robert B. Jant
- 6 Jessica B. Jant
- 7 James F. Bradley
- 8 Claire Bradley
- 9 Bill Rynce
- 10 Jewell Lampe
- 11 Annemarie Ruedtke
- 12 Jill Powell
- 13 Joe Krueger
- 14 Dennis Rynce & Geraldine
- 15 George Smith
- 16 Gary Jant
- 17 Julia Willis
- 18 Barry Willis
- 19 Rachel Jant
- 20 Paul Jant
- 21 Danni Brown
- 22 Connie + Dave Carley
- 23 Amy Rynce
- 24 Barbara Rynce
- 25 ~~Chad Watson~~
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| 1  | Judith S. Ward |                      |
| 2  | Malcolm Ward   |                      |
| 3  | Don Johnson    |                      |
| 4  | Carl Robinson  |                      |
| 5  | Carol Kaellner |                      |
| 6  | Ray Hill       |                      |
| 7  | Sally Ray      |                      |
| 8  | Laura LeFave   |                      |
| 9  | Gina LeFave    |                      |
| 10 | Erin H. Hudson |                      |
| 11 | Johnnie Wells  | 7202 Rolling Meadows |
| 12 | Lane Wells     | " " "                |
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| 1  | Ronald Shue         | 7102 HANGING OAKS.      |
| 2  | Ann Hallam          | 7104 Hanging Oak Circle |
| 3  | Ginda Jesterman     | 7001 Ivory Oak          |
| 4  | Gleason Brunson     | 7101 Hanging Oak Circle |
| 5  | <del>John</del>     | 7003 Hanging Oak Circle |
| 6  | <del>John</del>     | 7003 Hanging Oak Circle |
| 7  | OLIN C Dean         | 7001 HANGING OAK CIRCLE |
| 8  | To Anne DEARIN      | 7001 HANGING OAK CIRCLE |
| 9  | Dave Sprengle Meyer | 7000 Hanging Oak Cir    |
| 10 | C. Spengelmeyer     | " " "                   |
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| 1  | LeAnna Jenkins    | 6903 Range Oak         |
| 2  | Samuel H. Jenkins | " "                    |
| 3  | Franklin Jenkins  | 6901 Range Oak         |
| 4  | Phil Fagan        | 7000 Treach Oak Circle |
| 5  | Kathy B. Brien    | 6901 Treach Oak Circle |
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| 1  | Rocky Nancy Hines - 7208 Wheeler Br. Tr.         |
| 2  | Bob, Edna Hanger - 7104 Wheeler Br. Tr.          |
| 3  | Glenwood Jackson 5300 Wheeler Br. Trail          |
| 4  | Jacky Reynolds - 5304 Wheeler Branch Tr.         |
| 5  | Sharon Saunders - 5303 Wheeler Branch Circle     |
| 6  | Wm. W. W. W. 5301 WHEELER BRANCH CIRCLE          |
| 7  | Wm. W. W. 5207 Wheeler Branch Cir                |
| 8  | M. P. O. 7010 Wheeler Branch Tr.                 |
| 9  | Ray, Bro. & David 7008 Wheeler Br. Tr.           |
| 10 | Shelia, Jaeger - 7006 Wheeler Branch Tr.         |
| 11 | Shelia, Jaeger - 7006 Wheeler Branch Tr.         |
| 12 | Shelia, Jaeger - 7007 Wheeler Branch Tr.         |
| 13 | Shelia, Jaeger - 7011 Wheeler Branch Trail       |
| 14 | Shelia, Jaeger - 7013 Wheeler Branch Trail       |
| 15 | Shelia, Jaeger - 7105 Wheeler Branch Tr.         |
| 16 | Shelia, Jaeger - 7109 Wheeler Branch Trail       |
| 17 | Lynn & Carl Zappfe 7212 Wheeler Branch Tr. 70749 |
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April 11, 2004

Ms. Wendy Walsh  
Neighborhood Planning and Zoning Dept.  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

RE: Southwest Marketplace - City File Number C814-98-0001.01  
Amendment of the Forum PUD

Dear Ms. Walsh:

I am writing to you to express my support for the proposed amendment to the Forum PUD zoning. The main reason I support it is that I believe it is better for the environment and at the same time better for the neighborhoods directly affected.

I live at 7006 One Oak Road. This is at the corner of One Oak and Brush Country. I have lived here for 23 years. There is no house closer to the development than mine. Likewise, there is no homeowner more directly affected than myself.

I have stayed informed about the negotiations on the subject property all along and my support is carefully considered. Following are aspects of the proposed amendment which are beneficial:

1. Fewer number of "big boxes"
2. Less impermeable ground cover
3. More desirable traffic patterns

I see these several advantages, and I see no disadvantages. I am not troubled by the size of the proposed Costco. I am aware of the No Big Box Ordinance and the recent controversy over the Wal-Mart proposed for the Slaughter/MoPac intersection. However, I consider the proposed amendment to be consistent with these concerns and want to point out that the Forum PUD is exempt from the No Big Box ordinance. Additionally, the Board of Directors of the Western Oaks Property Owners Association has spent countless hours negotiating with the owner and developer of the tract. These negotiations have resulted in a plan worthy of everyone's support.

**Please help all of us in South Austin by working for the passage of this amendment.**  
I look forward to your support.

Sincerely,

A handwritten signature in black ink that reads "Bill Hatcher". The signature is written in a cursive, flowing style with a large, prominent "B" and "H".

Bill Hatcher

April 13, 2004

Ms. Wendy Walsh  
Neighborhood Planning and Zoning Dept.  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

VIA REGULAR AND/OR ELECTRONIC MAIL

RE: **Southwest Marketplace - City File Number C814-98-0001.01**  
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- 1) The proposed Amendment is not a "variance"; it is allowed within the PUD zoning category;
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**Please help us make this project a reality. We look forward to your support.**

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Toby Futrell, City Manager  
Lisa Gordon, Assistant City Manager  
Alice Glasco, Neighborhood Planning and Zoning Department  
Pat Murphy, Watershed Protection and Development Review Department

*Connie Carley*

April 13, 2004

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City of Austin  
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Alice Glasco, Neighborhood Planning and Zoning Department  
Pat Murphy, Watershed Protection and Development Review Department

*Dave Carley*



April 13, 2004

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Neighborhood Planning and Zoning Dept.  
City of Austin  
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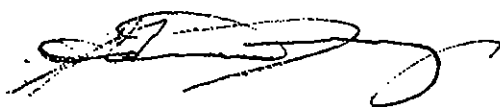
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Lisa Gordon, Assistant City Manager  
Alice Glasco, Neighborhood Planning and Zoning Department  
Pat Murphy, Watershed Protection and Development Review Department



SUMMER F. MCINERNEY 899-3803



BRENDAN K. MCINERNEY

1 ~~Let~~ Georgia Wood  
2 Jan & Wylie Haas  
3 Steve & Mary Mary  
4 David & Joyce Boca  
5 Signa Carayor Weems  
6 Martha O'Meara  
7 Teresa Evans  
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CAF# 4918

Subject: Costco development in SW AUSTIN

Dear Council Members:

Hello. I write to day to urge you to maintain current zoning for the above-referenced office space development. I understand that there is an apparent requirement of a "regional draw" store for the success of a development, but that needs to be <sup>recognized</sup> reconciled with the neighborhood's needs to reduce area traffic loads, as well as with the obvious impact on the gutter, with the increased impervious area and traffic.

I thank you for your concern with this matter.

Sincerely,

John T. Taylor

Box 684664

City 78768

# S.O.S.



## SAVE OUR SPRINGS ALLIANCE

Zoning and Platting Commission  
City of Austin  
Care of: Dora Anguiano  
P.O. Box 1088  
Austin, TX 78704

Via Fax: 974-1860

Re: Proposed Zoning Change for Forum PUD

Dear Zoning and Platting Commissioners:

Save Our Springs Alliance makes the following requests regarding the proposed zoning change for the Forum PUD.

This property is subject to an agreement with the City of Austin which limits the largest retail tenant to no more than 100,000 square feet. The Austin City Council last year codified this prohibition on "big box" retailers over the Barton Springs watershed by adopting an ordinance limiting retailers in this area to no more than 50,000 square feet with an exception for grocery stores up to 100,000 sq. feet.

The Forum PUD was approved five years ago and nothing has been built on it yet. This is due, in large part, to the size cap on retail tenants. The Austin Business Journal wrote in July 11, 2003 about the size cap: "trying to fill the space with 30,000- to 40,000-square foot stores without a larger anchor isn't likely to work because small stores prefer locating near a larger retailer that generates daily traffic." Over the last five years, the size cap has effectively kept impervious cover on this site at 0%.

While the current proposal to allow the developers to go over the 100,000 square foot cap includes a reduction in allowable impervious cover, in reality, removing the provision against "big box" retail enables retail development to take place on the tract that otherwise would not. Therefore, we request that you deny the proposed zoning change.

Further, by requesting to drastically alter the development agreement, the new proposal constitutes a new project, which should trigger compliance with current codes and ordinances, which would mean no more than 15% impervious cover on this site. If the Zoning and Platting Commission sees it fit to grant a variance from the No Big Box ordinance, we ask that you apply the Save Our Springs Ordinance on this property.

Sincerely,

