

**City Council Questions and Answers for
Thursday, April 14, 2016**

These questions and answers are related to the
Austin City Council meeting that will convene at 10:00 AM on
Thursday, April 14, 2016 at Austin City Hall
301 W. Second Street, Austin, TX



Mayor Steve Adler
Mayor Pro Tem Kathie Tovo, District 9
Council Member Ora Houston, District 1
Council Member Delia Garza, District 2
Council Member Sabino "Pio" Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Don Zimmerman, District 6
Council Member Leslie Pool, District 7
Council Member Ellen Troxclair, District 8
Council Member Sheri Gallo, District 10

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

1. Agenda Item # 16: C14-2014-0198 - One Two East - District 1 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1109, 1105, and 1107 North IH 35 Service Road Northbound (Waller Creek Watershed) from general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning to general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning for Tract 1, and from commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning to commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning for Tract 2. Staff Recommendation: To grant general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning, to change a condition of zoning for Tract 1, and commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, to change a condition of zoning for Tract 2. Planning Commission Recommendation: To grant general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning, to change a condition of zoning for Tract 1, and commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, to change a condition of zoning for Tract 2. Owner: JH West 12th Street Partners, Ltd. (Haythem Dawlett). Agent: Drenner Group (Jewels Watson). City Staff: Heather Chaffin, 512-974-2122.
 - a. QUESTION: 1) How many residential units are proposed for each of the towers and how many townhomes are proposed along the Branch Street edge of this site? 2) The tracts that compose this site fall within Sub District 3 of the East 11th Street Neighborhood Conservation Combining District (NCCD) and are zoned commercially (CS and CS-1). The NCCD does not include regulations for residential density for this sub district. How does the Land Development Code regulate residential density for commercially zoned property? How was it determined that the proposed range of residential units for this site is permitted and on what basis was it determined? 3) What are the

current proposed retail uses for the site and how many square feet of building space will each use occupy? 4) Please provide a detailed breakdown of how the proposed increase in F.A.R. (~166,000 square feet, per the Applicant) will be utilized—grocery, pharmacy, residential unit type, hallways, and specific amenities in each tower, e.g.—dining hall, fitness center, etc. 5) Does the proposed pharmacy include a drive-thru? If yes, where is the drive-thru to be located and where are the drives that access it? Does the NCCD, the Central East Austin Neighborhood Plan or the CEANP FLUM speak to any limitation on drive-thru use on this site? 6) Staff back-up references “numerous employment opportunities” associated with this redevelopment, and the applicant project packet states that 100 permanent retail jobs will be created. How was that number calculated? Is that number still operative given reduction in retail square footage? 7) What is the current capacity of water, wastewater and storm water infrastructure that serves the site? What capacities are required to serve the project as proposed, what is the cost of any improvements required to that demand, and what party will be financially responsible for their installation? 8) The project packet states that there will be a chilled water plant on site. Where will the plant be located? What are the approximate dimensions and capacity of the proposed plant? How much plant capacity is required for the proposed project? What party is responsible for installation and maintenance of the plant, and what are the respective upfront and annual costs? 9) Where will project transformers be located and what does City code, including Subchapter E, require in terms of placement and screening given the uses adjacent to this site? 10) Where will utility lines—electric, telecommunications—that serve this site be located? Will they be overhead or underground? 11) The project proposes to widen a small portion of Branch Street to 25 feet from Catalpa Street to Juniper Street. Is that width sufficient to allow for two lanes of traffic and parking on both sides of the street? How many public parking spaces are currently available on Branch Street? 12) How many parking spaces are required for each proposed use—grocery, pharmacy, senior tower, multifamily tower and townhomes? How many community parking spaces will the project provide? 13) Proposed traffic improvements include “relocation” of the East 11th Street gateway arch. Please provide a site plan showing where the arch is proposed to be relocated. 14) Proposed traffic improvements include additional pavement on the northbound frontage road of IH-35, north of East 12th Street. Please provide a site plan to demonstrate where additional pavement is proposed, including how far north of East 12th Street it is proposed and how far east of current pavement. 15) Please provide a complete site plan that shows all proposed traffic improvements from East 11th Street to East 12th Street, Branch Street to IH-35, including proposed dedicated right turn lane (East 11th), all street widening and the sidewalk network. 16) Please provide most recent updated exhibits to the approved Traffic Impact Analysis. 17) Samuel Huston College, Austin’s first chartered college, occupied these tracts from 1900-1952. In 2008, the City amended the East 11th Street NCCD to remove a requirement for a qualified archeologist to be on-site during excavation, identify and document significant artifacts which are discovered and provide a report on the findings to the Historic Landmark Commission. What was the rationale for Staff

recommendation to release relevant parties from these obligations? 18) Please provide the plan to minimize negative impact to adjacent and nearby residents during demolition, excavation and construction. 19) Please provide the plan to protect heritage oaks on Branch Street during demolition, excavation and construction. 20) How many daily trips to and from the site does the approved Traffic Impact Analysis estimate for each drive on Branch Street? 21) Please provide accurate elevations of the project, including topography from Branch Street to East 12th Street to the IH-35 access road. What is the baseline elevation from which the maximum permitted height and final height of construction will be measured? 22) What does City code, including Subchapter E, require to minimize impact of exterior lighting, including signage, on adjacent and nearby residences? COUNCIL MEMBER HOUSTON'S OFFICE

b. ANSWER: See attachment.


2. Agenda Item # 26. Conduct a public hearing and consider an ordinance amending City Code Title 25 and Title 30 of the Land Development Code to change the staff review time for development applications from calendar days to the equivalent number of business days, define review times in administrative rules, modify the life of a site plan or subdivision application from 180 days with an available 180 day extension to one year with no extension provision, establish a stop-clock provision for development application life for related applications that require a public hearing, and establish expiration dates for subdivision vacation and subdivision construction plan applications consistent with other development permit applications.


a. QUESTION: Under current code 25-1-88 interested parties must be notified of an extension and may appeal the director's decision to the Land Use Commission. This change would seem to eliminate both the notification and appeal. Is this understanding accurate? MAYOR PRO TEM TOVO'S OFFICE

b. ANSWER: Yes. The proposed amendment defines application life as one year with no extensions rather than 180 days with a 180 day extension. The 180 day extension is currently a decision by staff that is appealable to commission. However, staff searched the agenda of every Planning and Zoning and Platting Commission meeting from 2012 through March 2016, and found only seven (7) appeals of a 180-day review time extension. Of those seven, only one appeal was granted by commission. In the appeal that was granted, the site plan application was submitted with the incorrect zoning, and the application for rezoning had not been submitted at the time of appeal. The appeal was approved based on a determination that the project was not following the City's order of process and a zoning change could not be processed within 180 days. The other six appeals were denied. The very nature of the appeal requires that the Commission evaluate the merits of staff's approval of the extension, and not the merits of the application. Denying an extension requires the applicant to withdraw and resubmit the application

which does not impact code compliance of the project yet creates significant delays and additional permitting costs for the applicant. Furthermore, a case that is withdrawn and resubmitted requires that any interested parties watch for the subsequent notification, re-register as interested parties, and along with our partner departments, track a new case number. This can result in significant confusion for all stakeholders. This amendment is proposed to ensure more consistent treatment of development applications and to make the process clearer and more understandable. This proposed change was also recommended by Zucker Systems.

END OF REPORT - ATTACHMENTS TO FOLLOW

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance, please call 512-974-2210 or TTY users route through 711.*



Council Question and Answer

Related To	Item #16	Meeting Date	April 14, 2016
Additional Answer Information			

QUESTIONS FROM COUNCIL MEMBER HOUSTON'S OFFICE AND RESPONSES:

1) How many residential units are proposed for each of the towers and how many townhomes are proposed along the Branch Street edge of this site?

RESPONSE FROM APPLICANT:

Senior Tower (185') - 230 units

Market Rate Tower – 265 units

Townhomes – 4 townhouses along Branch Street

2) The tracts that compose this site fall within Sub District 3 of the East 11th Street Neighborhood Conservation Combing District (NCCD) and are zoned commercially (CS and CS-1). The NCCD does not include regulations for residential density for this sub district. How does the Land Development Code regulate residential density for commercially zoned property? How was it determined that the proposed range of residential units for this site is permitted and on what basis was it determined?

RESPONSE FROM STAFF:

The original NCCD ordinance was modified in 2008 (Ordinances 20080508-084 and 20080508-085) to allow residential uses on both the CS and CS-1 portions of the subject tract.

City Code uses various methods to regulate density of residential units. Properties with a residential-base zoning district (SF-3, for example) generally use a "maximum # of dwelling units per acre", while commercial-base districts (CS-MU, for example) are regulated by a combination of zoning-based site development standards and other technical criteria. Site development standards regulate the envelope that a building can be constructed within by setting setbacks, coverage, floor-to-area ratio (FAR) and height limits. For the subject property, transportation and traffic issues were evaluated at the zoning stage, in order to determine if the density was permitted. Other technical review areas are evaluated at the time of site plan review (ranging from water/wastewater to fire/EMS) and may also affect development potential. A detailed site plan must be prepared in order to evaluate the project fully; zoning review establishes parameters within which the site plan review can take place.

3) What are the current proposed retail uses for the site and how many square feet of building space will each use occupy?

RESPONSE FROM APPLICANT:

Grocery: 30,000 SF

Pharmacy: 6,500 SF

Service/Support for Above: 3,500 SF

4) Please provide a detailed breakdown of how the proposed increase in F.A.R. (~166,000 square feet, per the Applicant) will be utilized- grocery, pharmacy, residential unit type, hallways, and specific amenities in each tower, e.g. – dining hall, fitness center, etc.

RESPONSE FROM APPLICANT:

NOTE: The difference between 3.75:1 and 5.0:1 FAR for this site is 154,466 SF based on 123,573 SF of Land Area.

Breakdown of 154,466 as follows:

Grocery: 30,000 SF

Pharmacy: 6,500 SF

Service/Support for Above: 3,500 SF

Additional Senior Tower Units: 22,000 SF

Senior Tower Amenity Space: 16,000 SF

Senior Tower Increased Avg Unit Size: 23,000

Additional MF Tower Units: 8,000 SF

Additional Vertical Circulation Space (divided between two towers): 9,500 SF

Additional Corridor Space (divided between two towers): 10,500 SF

Additional Lobby/Mailroom/Office Area (divided between the two towers): 4,500 SF

Additional Mechanical Space (divided between the two towers): 7,500 SF

Reserve/Unallocated: 12,500 SF

5) Does the proposed pharmacy include a drive-thru? If yes, where is the drive-thru to be located and where are the drives that access it? Does the NCCD, the Central East Austin Neighborhood Plan or the CEANP FLUM speak to any limitation on drive-thru on this site?

RESPONSE FROM APPLICANT:

The initial planning model was using a much larger combo grocery store / pharmacy anticipated planning for a drive thru, but the newer concept of 30,000 sf Grocery will utilize a pneumatic tube from a parking stall on P1 or not have a drive thru at all.

RESPONSE FROM STAFF:

Drive-thru services are not prohibited in Subdistrict 3 of the NCCD, where the property is located. The FLUM also does not prohibit drive-thru services in this area.

6) Staff back-up references “numerous employment opportunities” associated with this development, and the applicant project packet states that 100 permanent retail jobs will be created. How was that number calculated? Is that number still operative given reduction in retail square footage?

RESPONSE FROM APPLICANT:

Our initial response from the Grocery Store has indicated that they hire around 130 new employees per store, that there is always turn over initially. Employee population usually levels out to about 30 full time and 70 part time.

RESPONSE FROM STAFF:

In addition to the Grocery Store, Staff presumes the pharmacy, senior residential and other residential will also generate on-site employment.

7) What is the current capacity of water, wastewater and storm water infrastructure that serves the site? What capacities are required to serve the project as proposed, what is the cost of any improvements required to that demand, and what party will be financially responsible for their installation?

RESPONSE FROM STAFF:

Water and wastewater infrastructure and capacity is available in the area. Additional analysis will be required at the time of site plan review since engineered drawings are not part of the zoning review. Regarding storm water infrastructure, the property is located within the Waller Creek watershed. Additional analysis will be required at the time of site plan review since engineered drawings are not part of the zoning review.

8) The project packet states that there will be chilled water plant on site. Where will the plant be located? What are the approximate dimensions and capacity of the proposed plant? How much plant capacity is required for the proposed project? What party is responsible for installation and maintenance of the plant, and what are the respective upfront and annual costs?

RESPONSE FROM APPLICANT:

The plan is to use Austin Energy chilled water on the site. The plant will be located within the parking garage area. The plant is planned to occupy the top level of the parking structure of the South Tower. The current plan anticipates 1800 tons. We have stopped short of final design until zoning is approved. It is anticipated that: AE will provide directions for the design, Owner's Contractors will install system per approved documents, and the plant will be maintained by AE. Final agreements with AE have not been completed nor submitted for approval by Austin City Council. The Owner also is planning to excavate and provide an area for Austin Energy to store chilled water for use elsewhere.

9) Where will the project transformers be located and what does City code, including Subchapter E, require in terms of placement and screening given the uses adjacent to this site?

RESPONSE FROM APPLICANT:

If the project is approved and built as contemplated now the transformers will be in the garage

10) Where will utility lines-electric, telecommunications-that serve this site be located? Will they be overhead or underground?

RESPONSE FROM APPLICANT:

All overhead utilities adjacent to the site will be lowered to underground.

11) The project proposes to widen a small portion of Branch Street to 25 feet from Catalpa Street to Juniper Street. Is that width sufficient to allow for two lanes of traffic and parking on both sides of the street? How many public parking spaces are currently available on Branch Street?

RESPONSE FROM APPLICANT:

We are widening the road from 18' feet at its narrowest pinch to 24'. Part of Branch now is signed no parking. There is no striping for parking, but parking does occur. The reconstruction of Branch will allow two-way traffic but not parking on either side in the constrained section.

12) How many parking spaces are required for each proposed use – grocery, pharmacy, senior tower, multifamily tower and townhomes? How many community parking spaces will the project provide?

RESPONSE FROM APPLICANT:

Grocery: 109 spaces

Pharmacy: 24 spaces

Senior Tower: 306 spaces

MF Tower: 348 spaces

Townhomes: 8 spaces

The above quantities include visitor spaces.

13) Proposed traffic improvements include “relocation” of the East 11th Street gateway arch. Please provide a site plan showing where the arch is proposed to be relocated.

RESPONSE FROM STAFF:

COA staff (including arts) is to address the arch location separately. As part of the zoning review, Staff has asked the applicant to fund the turn lane. A site plan has not been developed yet for the relocation of the archway.

14) Proposed traffic improvements include additional pavement on the northbound frontage road of IH-35, north of East 12th Street. Please provide a site plan to demonstrate where additional pavement is proposed, including how far north of East 12th Street it is proposed how far east of current pavement.

RESPONSE FROM APPLICANT:

Please see attached site plan. The dark gray area indicates the additional pavement. ATTACHMENT A

15) Please provide a complete site plan that shows all proposed traffic improvements from East 11th Street to East 12th Street, Branch Street to IH-35, including proposed dedicated right turn lane (East 11th), all street widening and the sidewalk network.

RESPONSE FROM APPLICANT:

The site plan attached for number 14 above shows all proposed traffic improvements as well.

16) Please provide most recent updated exhibits to the approved Traffic Impact Analysis.

RESPONSE FROM STAFF:

Please find attached revised exhibits which reflect the revised driveway trip assignments. These numbers reflect peak hour trip estimates. ATTACHMENT B

17) Samuel Huston College, Austin’s first chartered college, occupied these tracts from 1900-1952. In 2008, the City amended the East 11th Street NCCD to remove a requirement for a qualified archeologist to be on-site during excavation, identify and document significant artifacts which are discovered and provide a report on the findings to the Historic Landmark Commission. What was the rationale for Staff recommendation to release relevant parties from these obligations?

RESPONSE FROM STAFF:

Samuel Huston College was at the southeast corner of 12th Street and East Avenue (I-35) from the turn of the century until 1952, when it merged with Tillotson College at 11th and Chicon Streets. The archeological survey that was done in 2008 was for the Robertson Hill apartments in accordance with the 11th Street NCCD. The archeologist’s report was delivered directly to the Texas Historical Commission with a finding that there were no significant artifacts in the area due to the disturbances stemming from the construction of I-35 in the 1950s. The Historic Landmark Commission was notified of the results of the archeological survey. It was determined that no further archeological surveys would be necessary, because of the 2008 report.

18) Please provide the plan to minimize negative impact to adjacent and nearby residents during demolition, excavation and construction.

RESPONSE FROM APPLICANT:

Austin Commercial will include the attached 'No Parking Map' diagram in our subcontractor's subcontract agreements, therefore allowing us to enforce towing of any subcontractor vehicle in violation. In addition, Austin Commercial will look to provide offsite parking areas that workers can be bused from. These areas will need to be identified closer to the construction start dates. This is typical for all their high density projects with little to no adjacent parking. ATTACHMENT C

19) Please provide the plan to protect heritage oaks on Branch Street during demolition, excavation and construction.

RESPONSE FROM APPLICANT:

This is a site plan issue, but we will comply with City code and the City arborist's instructions and requirements. We have already engaged an arborist acceptable to the City.

20) How many daily trips to and from the site does the approved Traffic Impact Analysis estimate for each drive on Branch Street?

RESPONSE FROM STAFF:

The estimated daily trips (using ITE generation rates) are reflected in the attached table. Please note the 24 hour trip estimate includes all site trips, not just those occurring during peak hours of travel (defined by the City of Austin as between 7 am – 9 am and 4 pm – 6 pm). The removal of a third point of access on Branch Street resulted in increased volume for the remaining two driveways. However, the overall number of site generated trips using Branch Street is reduced by 28.5%. Attached is a table prepared by the Applicant's traffic engineer which summarizes the shift in trips along Branch Street. ATTACHMENT D

21) Please provide accurate elevations of the project, including topography from Branch Street to East 12th Street to the IH-35 access road. What is the baseline elevation from which the maximum permitted height and final height of construction will be measured?

RESPONSE FROM APPLICANT:

Baseline Elevation = 513.25 MSL (per NCCD documents) (Branch St near the intersection of 12th St is at this elevation)

Top of Podium at Senior Tower = 541.17 FT MSL

Top of Podium at Market Tower = 519.0 FT MSL

Top of Senior Tower = 698.25 FT MSL

Top of Market Tower = 663.25 FT MSL

(MSL = Mean Sea Level)

22) What does City code, including Subchapter E, require to minimize impact of exterior lighting, including signage, on adjacent and nearby residences?

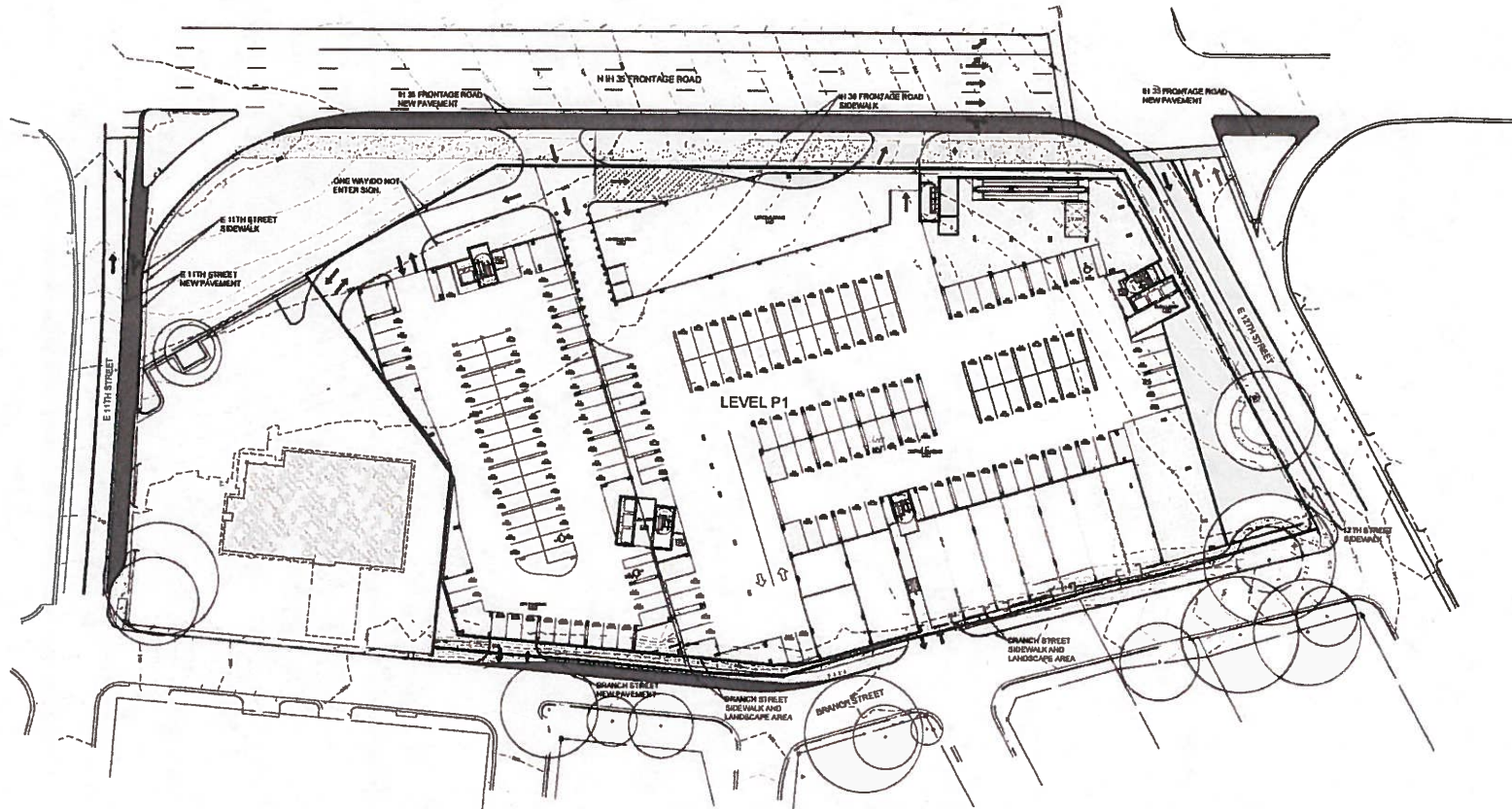
RESPONSE FROM STAFF:

The NCCD design standards supersede Subchapter E requirements. However, the NCCD includes design standards that include landscape requirements, streetscape requirements, lighting, and signage requirements. The NCCD also includes Compatibility Standards that are nearly identical to those required by current code. A few examples include:

- Screening of parking, mechanical equipment, and refuse collection areas
- Hooded/shielded lighting
- 70 decibel noise limit at the property line for mechanical equipment
- No reflective materials

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SCALE: 1"=30'
DATE: 4/11/2016
FILENAME: 1511-001
DRAWN BY: JOW



NOTE: BASE ELEVATION FOR MAXIMUM PERMITTED HEIGHT AND FINAL CONSTRUCTION IS 533.25' PER NCCD.

ONE TWO EAST
AUSTIN, TEXAS

LEGEND

ADDITIONAL PAVEMENT

Consort, Inc.
1646 E. Cesar Chavez
Austin, TX 78702
(512) 469-0500
T.B.P.E. Firm Registration No. F-859

ATTACHMENT A

1 2 East

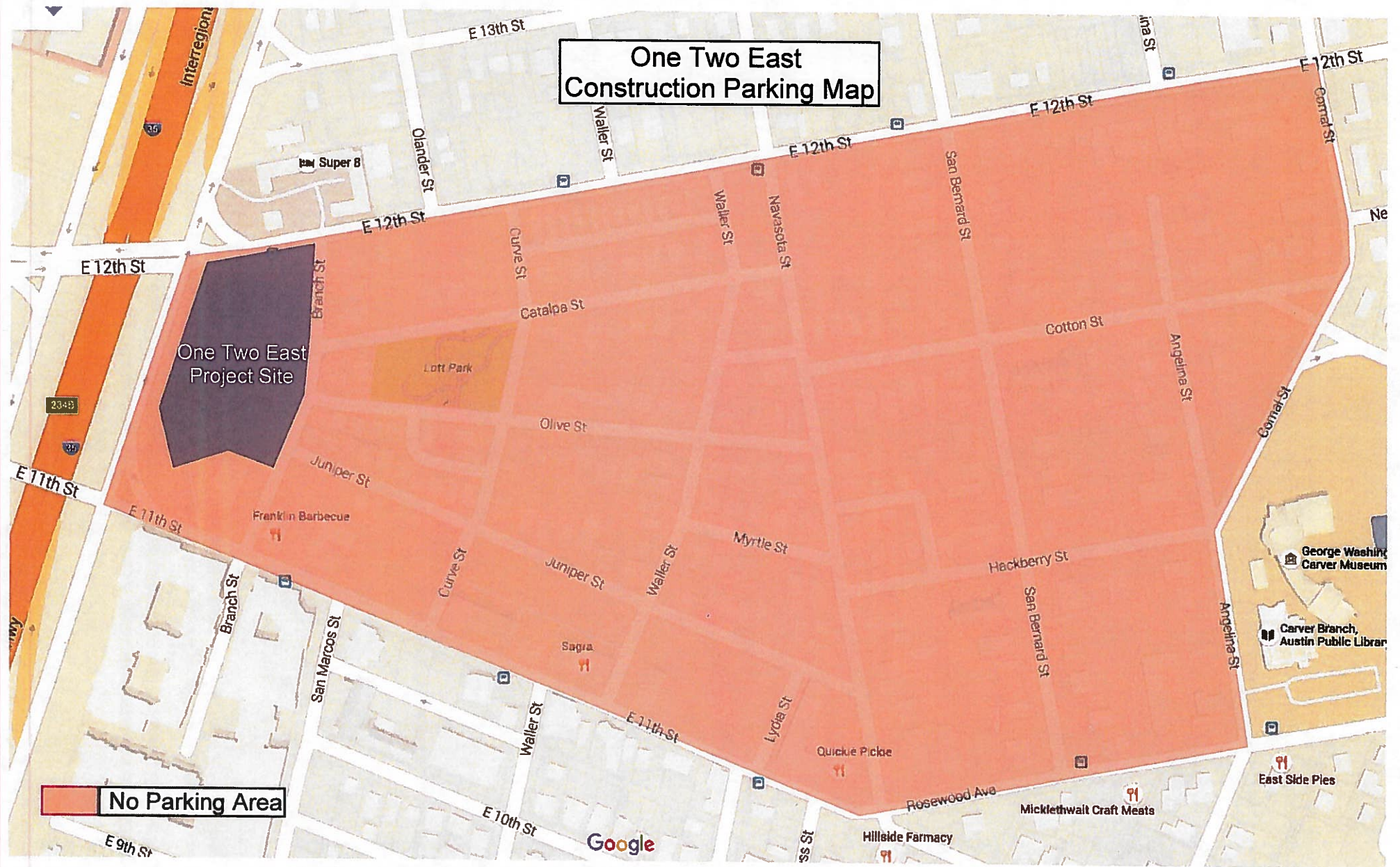
Projected 24-Hour Traffic Volumes

		24-Hour Volumes**		
<u>Driveway Label</u>	<u>Driveway Location</u>	<u>February 2016</u>	<u>April 2016</u>	<u>% change</u>
A	Exit-Only Driveway on IH 35 FR	732	540	-26.3%
B	Enter-Only Driveway on IH 35 FR	1,683	1,349	-19.8%
C*	North Driveway on Branch Street	3,219	-	
D	Middle Driveway on Branch Street, aligned w/Catalpa Street	585	2,536	333.3%
E	South Driveway on Branch Street, aligned w/Juniper Street	1,098	971	-11.5%
		7,317	5,396	-26.3%
	net reduction to proposed Branch Avenue site traffic	4,902	3,507	-28.5%

*Removed is latest revision

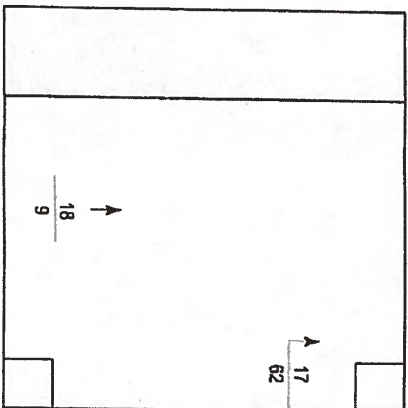
** Accounts for City-approved rates for internal capture and transit reduction

ATTACHMENT B

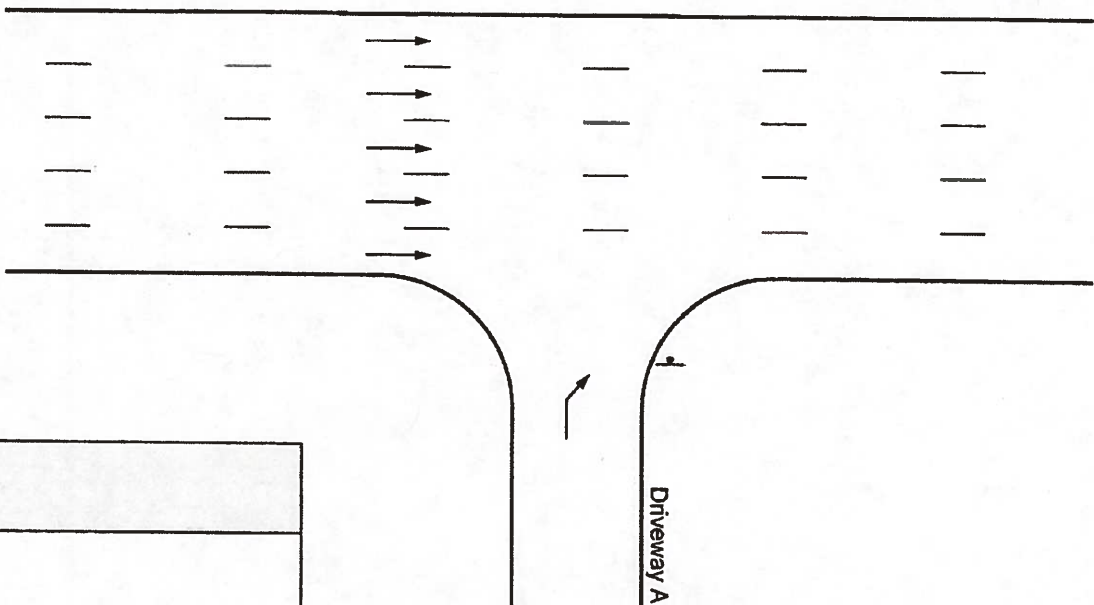


ATTACHMENT C

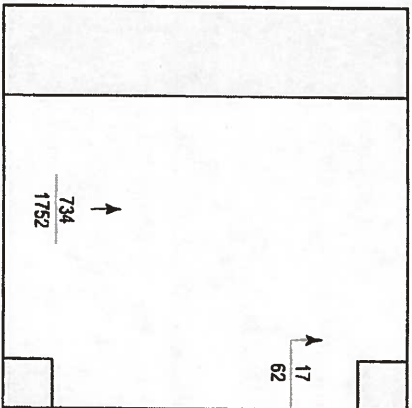
Traffic Volumes: 2018 Site



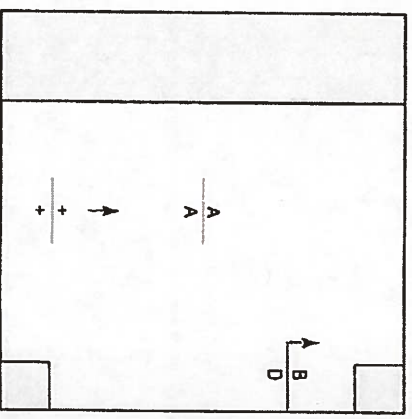
IH 35 NB Frontage Rd.



Traffic Volumes: 2018 Site Plus Forecasted



Service Measures: 2018 Site Plus Forecasted

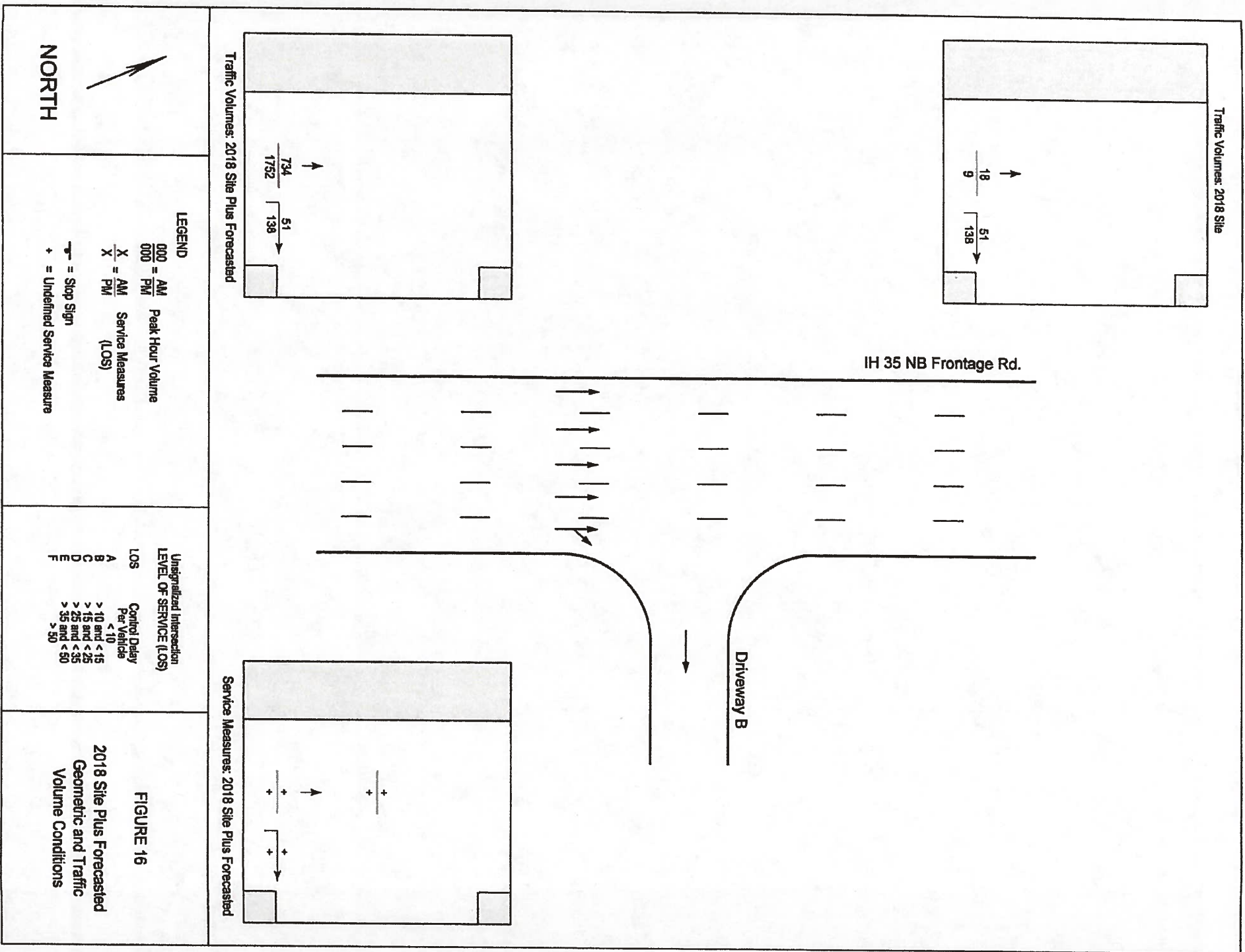


NORTH

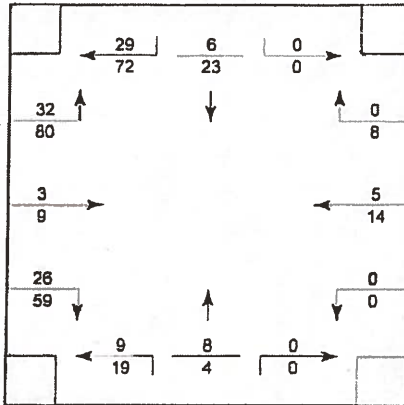
LEGEND
000 = AM Peak Hour Volume
000 = PM
 $\frac{X}{X} = \frac{AM}{PM}$ Service Measures (LOS)
+ = Undefined Service Measure

Unsignalized Intersection
LEVEL OF SERVICE (LOS)
A B C D E F
Control Delay
Per Vehicle
< 10
> 10 and < 15
> 15 and < 25
> 25 and < 35
> 35 and < 50
> 50

FIGURE 15
2018 Site Plus Forecasted
Geometric and Traffic
Volume Conditions



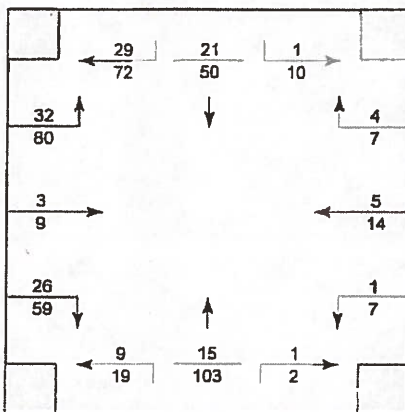
Traffic Volumes: 2018 Site



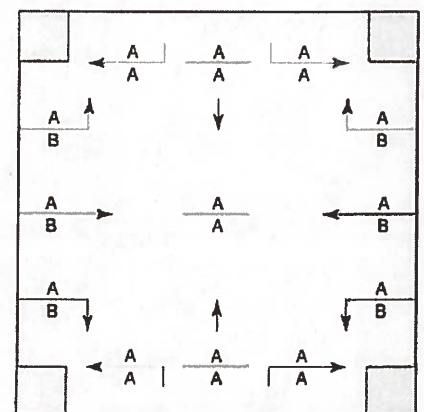
Branch St.

Driveway D

Catalpa St.



Traffic Volumes: 2018 Site Plus Forecasted



Service Measures: 2018 Site Plus Forecasted



NORTH

LEGEND

000 = AM Peak Hour Volume

000 = PM

X/X = AM Service Measures (LOS)

X/X = PM

— = Stop Sign

+ = Undefined Service Measure

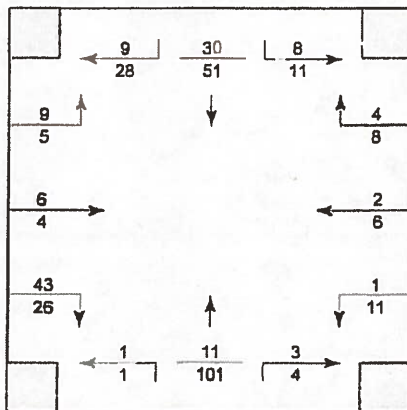
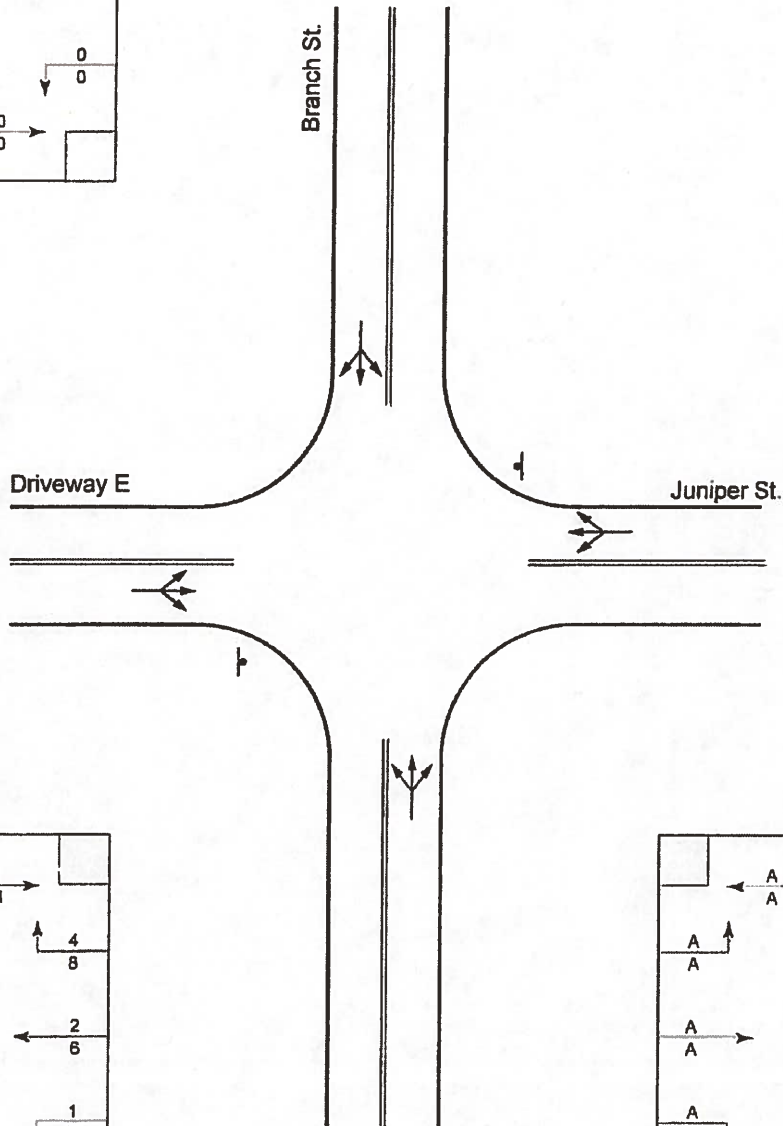
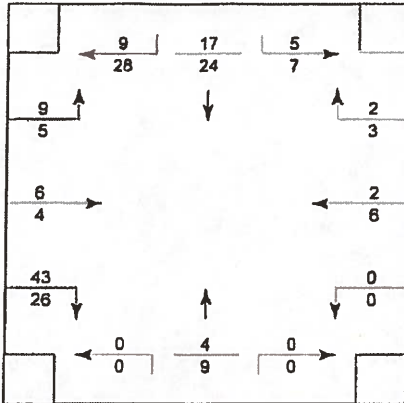
Unsignalized Intersection
LEVEL OF SERVICE (LOS)

LOS	Control Delay Per Vehicle
A	< 10
B	> 10 and < 15
C	> 15 and < 25
D	> 25 and < 35
E	> 35 and < 50
F	> 50

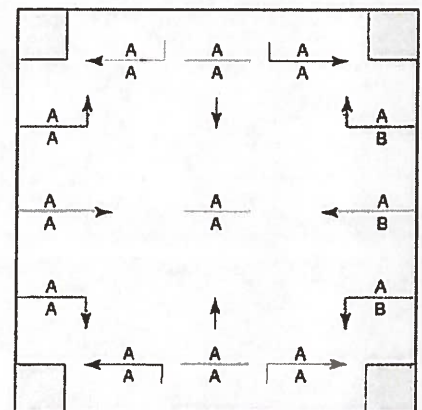
FIGURE 17

2018 Site Plus Forecasted
Geometric and Traffic
Volume Conditions

Traffic Volumes: 2018 Site



Traffic Volumes: 2018 Site Plus Forecasted



Service Measures: 2018 Site Plus Forecasted



LEGEND

- 000 = AM Peak Hour Volume
- 000 = PM Peak Hour Volume
- X/X = AM Service Measures (LOS)
- X/X = PM Service Measures (LOS)
- = Stop Sign
- + = Undefined Service Measure

Unsignalized Intersection LEVEL OF SERVICE (LOS)

LOS	Control Delay Per Vehicle
A	< 10
B	> 10 and < 15
C	> 15 and < 25
D	> 25 and < 35
E	> 35 and < 50
F	> 50

FIGURE 18
2018 Site Plus Forecasted
Geometric and Traffic
Volume Conditions