

**ZILKER NEIGHBORHOOD ASSOCIATION COMMENTS (12 SEP 2019)
TO THE CITY COUNCIL ON 211 SOUTH LAMAR PUD REZONING**

ZNA opposed the original zoning change to PUD in 2012 when 1) the 10-acre minimum size requirement for PUDs was ignored and allowed to be only 0.933 acres and 2) the maximum height was increased from the 60 feet allowed in the base CS/CS-V zoning to the 96 feet requested in the zoning change. To be clear, ZNA still opposes the proposed PUD project on these same grounds. However, the new project is inferior to the original project for the following reasons:

- 1) The original project had a maximum height of 96 feet for building block one and 78 feet for building block two; the new project is even higher with building block one remaining at 96 feet but building block two increasing by eight feet to 86 feet.
- 2) The exterior surface of the original residential project consisted largely of natural building materials even though the code did not require this for residential buildings; the exterior surface of the new project is almost entirely glass and is in violation of code § 25-2-723(E)(3) which requires the exterior surface of a non-residential building to be constructed of natural building materials.
- 3) The original project had a daily traffic volume of 2,006 vehicle trips per day (vtpd) based on the 12 Dec 2012 TIA worksheet; the daily traffic volume of the new project has increased by 878 vtpd to 3,198 vtpd based on our calculations (see the detailed traffic discussion later in these comments). This new project will increase traffic at this already congested location by 3,198 vtpd since there is no use currently active at this site.
- 4) The original project, although larger than what ZNA would have wanted, at least provided 175 needed residential units in the neighborhood; the new project provides only 27, assuming that they even get built. The 27 residential units is a maximum. There is no requirement in the zoning ordinance that they be built at all.

Waiving the 10-acre requirement for the one-acre Taco PUD was an extraordinary departure from City Code. But some members of the 2013 City Council, like Chris Riley, believed that waiving this requirement was justified to create more residential units in the urban core. This was a controversial position. So to ensure that the project would be used for residences, the City Council imposed many restrictions on what could be developed at that location, one of which was a prohibition on building a hotel. These prohibitions are an integral part of the existing PUD. It would be unconscionable for the current City Council to treat the hotel prohibition as a severable term. Removing the prohibition on a hotel would dishonor the compromises reached for this unusually small PUD area, and it would reward the applicant's incremental approach to diminishing the requirement to provide housing at this site. The 2013 City Council clearly would not have approved a one-acre PUD for a hotel. We encourage the current City Council not to do so either.

In addition to the preceding comments demonstrating how ZNA believes the proposed PUD is inferior to the existing PUD, we have the following additional issues:

BUILDING HEIGHT

In theory, the original project had a maximum height of 96 feet for building block one and 78 feet for building block two; the new project is even higher with building block one remaining at 96 feet but building block two increasing by eight feet to 86 feet. Thus, this proposed project is inferior to the original project because it is even taller. This building will dominate the view along Butler Shores and the southern view from the Pfluger Pedestrian Bridge as one crosses Lady Bird Lake (see Exhibit 1). It will loom over the Butler Pitch and Putt Golf Course where the view still feels like a park setting, but it will not feel like a park setting when a 96-foot glass building looms over the northern end of the course (see current view from Butler Pitch and Putt in Exhibit 2).

Although the original and proposed ordinance allows an overall maximum height of 96 feet (Part 12.E), other provisions within the ordinance further limits this overall maximum height with language related to the building blocks. However, the language in the ordinance with respect to the maximum height of the two building blocks does not seem to make sense. The following is the language in the ordinance with respect to the height:

PART 4.H.1.b.

“(i) The first building block will have a maximum height of 96 feet and will be situated (A) along the entire length of the Project's South Lamar Boulevard edge; (B) along the entire length of the Project's Riverside Drive edge; and (C) along the Project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than 56 feet (excluding balconies) from the Project's southern property line along Lee Barton Drive”

(ii) The second building block will have a maximum height of 78 feet and will be (A) on the exterior side of the "U"; (B) situated along a portion of the Project's Riverside Drive edge (it will not extend all the way to the Project's South Lamar Boulevard edge), wrapping the Project's Riverside Drive/Lee Barton Drive corner, and extending along the Project's Lee Barton Drive edge to a point no closer to the southern property line of the Property than the terminus of the first building block described in subpart (i) above;

Presumably the reference to “Project’s southern property line along Lee Barton Drive” refers to east-west property line between the hotel project and the Paggi House which is more or less perpendicular to Lee Barton Drive (rather than “along” it). The language seems to propose two building blocks, but the second building block (86' in height) appears to be completely contained within the first building block (96' in height) as shown in Exhibit 3, so it is unclear whether there will even be a second building block. The entire project could be 96' high as we read the building block language, essentially negating the maximum height limits of the individual building blocks.

WATERFRONT OVERLAY DESIGN STANDARDS

Natural Building Materials

Land Development Code § 25-2-723(E) for the Butler Shores Subdistrict of the Waterfront Overlay applies to a nonresidential use in a building adjacent to park land adjoining Town Lake. § 25-2-723(E)(3) states the following: “Except for transparent glass required by this subsection,

natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.” As a hotel (a nonresidential use) visible from the park land adjacent to Lady Bird Lake, the exterior surface of this proposed building must be constructed of natural building materials (except for the first floor which is required to have transparent glass). As the artist’s rendering of this building provided by the applicant shows, the exterior surfaces are not made of natural building materials. The external surfaces are primarily glass with non-natural framing. This does not meet the design requirements of the Waterfront Overlay and is inferior to the original project. The exterior surfaces of the original project as shown in an artist’s rendering consisted of mostly natural building materials (see Exhibit 4 for a comparison), even though it was not required to do so because of its residential use. This proposed project should not be rezoned to allow hotel use since it is not conforming to § 25-2-723(E)(3) and is inferior to the original project.

Building Top

Land Development Code § 25-2-721(E)(2) states that “a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes.” There does not appear to be a distinctive building top based on the artist renderings submitted by the developer. It appears simply to be a flat roof. This proposed project should not be rezoned to allow hotel use since it is not conforming to § 25-2-723(E)(2).

Glare Producing Glass

Part 4.H.1.d(iii) of the proposed ordinance states that “The portion of the wall identified in subpart (i) above, shall have a light reflective surface.” It is not clear how this meets LDC § 25-2-721(e)(1) which prohibits exterior mirrored glass and glare producing glass surface building materials unless “a light reflective surface” means “a surface with a reflectivity index less than 20%.” If this is what is meant, then the ordinance should so state so that there is no ambiguity.

Setback

The edge of the building will be only 230 feet from Lady Bird Lake, 100 feet from park land to the north, and 50 feet from park land to the east. This will be the closest building to the lake between South First and MoPac on either side of Lady Bird Lake. While the proposed building is outside the secondary setback for the Butler Shores Waterfront Overlay District, the setback requirement for the Butler Shores Waterfront Overlay was based on adjacent zoning that required buildings to be a maximum of 60 feet in height. A PUD that is being granted an increase in height over the base zoning district should be required to meet superior setback requirements. The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. Allowing a 96-foot high building without increased setbacks violates this principle.

TRAFFIC

Increased Traffic from Project

The applicant has stated a number of times that the traffic generated by this project will be less than that generated by the original project. This is simply not true. The PUD ordinance for the original project that was adopted by the City Council did have a provision that stated “development of the PUD is limited to 3,335 vehicle trips per day, unless a Traffic Impact

Analysis is conducted.” This number was not a projection of the number of trips that would be generated by the proposed multi-residential project but was rather a theoretical number that would trigger a Traffic Impact Analysis (TIA). It was derived from taking the number of trips generated by the then existing restaurant use in the 12 Dec 2012 TIA (1,335 vtpd) and adding the number of trips that would trigger a TIA (2,000 vtpd). This 3,335 vtpd had nothing to do with the actual traffic that would be generated by the multi-residential project (2,006 vtpd).

As stated above, the last TIA worksheet for the original multi-residential use (dated 12 Dec 2012) projected 2,006 vtpd (see Exhibit 5). The latest TIA Determination Memorandum (dated 16 Jul 2019) from the Austin Transportation Department (ATD) projects 2,320 vtpd (see Exhibit 6). Going from 2,006 vtpd to 2,320 vtpd is an increase, not a reduction, largely related to an increase in retail space from 4,200 sq ft to 10,000 sq ft and an increase in restaurant space from 5,000 sq ft to 8,000 sq ft. Furthermore, ZNA believes that the final 2,320 vtpd calculated by the applicant for this new project and approved by ATD is too low based on a faulty decision related to the calculation of the trips generated from retail uses (see detailed technical discussion which follows).

Calculation of Retail Use Trip Generation

In calculating the traffic to be generated by the retail (or shopping center) use portion of the project, the applicant’s consultant Wantman Group, Inc. (WGI) with the approval of ATD chose to use an Average Rate methodology as opposed to the Fitted Curve Methodology. ATD said the Average Rate methodology was chosen because the size of this development falls below the reasonable range of results produced via the Fitted Curve methodology. We disagree. Referring to Exhibit 7, the predicted trip generation for the "shopping center" portion of the project is skewed downward by using an average rate line instead of a fitted curve. The average rate line, from which the project's trip count was derived by WGI/ATD, is lower than any data point in the range of interest. The red lines on the graph show the size of the 211 South Lamar project. The average rate line used by WGI/ATD has been lowered by projecting it through data points derived from retail centers which are so large that those points do not appear on the graph in Exhibit 7 (see Exhibit 8). The number of daily trips calculated from the fitted curve is 1,256 vtpd, compared to the trips calculated from the average line, which is 378 vtpd. The discrepancy is 878 vtpd, which we feel should be added to the trips generated by the other components of the project. That total number would then be 3,198 vtpd rather than 2,320 vtpd.

Traffic Impact Analysis Required

Regardless of whether you use the 2,320 vtpd from the “average rate” methodology or the 3,198 vtpd from the “fitted curve” methodology, the traffic is well over the 2,000 trips which triggers the requirement for a TIA. The Pollo Tropical restaurant has been closed since April 2017, almost two and one-half years, so there are no existing vehicle trips to subtract from the site, and all traffic will be additional. ATD has argued that the South Lamar Corridor Study negates the need to conduct a TIA. ZNA disagrees. Even if we agreed that the South Lamar Corridor Study incorporated projects like this in its projected traffic increases, which we do not, the South Lamar Corridor Study did not address traffic flow on West Riverside Drive and Lee Barton Drive. This hotel will dramatically change the traffic flow on West Riverside Drive, South Lamar Boulevard, and Lee Barton Drive. There will be more traffic on West Riverside through the middle of the park and more traffic on Lee Barton Drive adjacent to the Butler Pitch and Putt. The mix of vehicles will also change as more trucks deliver services and supplies to the hotel,

restaurant, and retail establishments. We believe a Traffic Impact Analysis is imperative to determine the traffic impacts on these streets, the Riverside/Lamar intersection, and the parks, especially since the new Daugherty Art Center location may also utilize West Riverside Drive.

Cost Offsets

The \$120,375 offered as street improvements to offset the cost of \$4.6 million improvements for the South Lamar Blvd/West Riverside Dr intersection and the South Lamar Blvd/Barton Springs Rd intersection from the South Lamar Corridor Project in no way begins to compensate for the additional traffic that will be generated in one of the most congested areas in Austin and would have been required even under the original project.

LAND USE

Any project that is constructed on this site would be required to upgrade sidewalks and streetscapes, so the suggestion that this is a superior item, as has often been represented by the applicant, is not true.

The land at 211 S should be used for housing at a scale that fits into the requirements of the Butler Shores Overlay Zone, the Town Lake Master Plan, the forthcoming new Dougherty Arts Center, and the general feel of an area that is the gateway to our lakefront parks where commercial intensity and traffic generation is explicitly discouraged.

Just because the applicant has proposed this re-zoning for a hotel/condo project, it may not be the project that is ultimately built should financing or other circumstances change its viability. The proposed PUD ordinance could allow an entirely different project than is currently being proposed. For example, should the project not go forward, there does not seem to be anything that would prevent the hotel from becoming an office building. Before the City Council passes this ordinance for re-zoning, it should consider the ramifications of the wording in the ordinance if the proposed project should fall through.

AFFORDABILITY

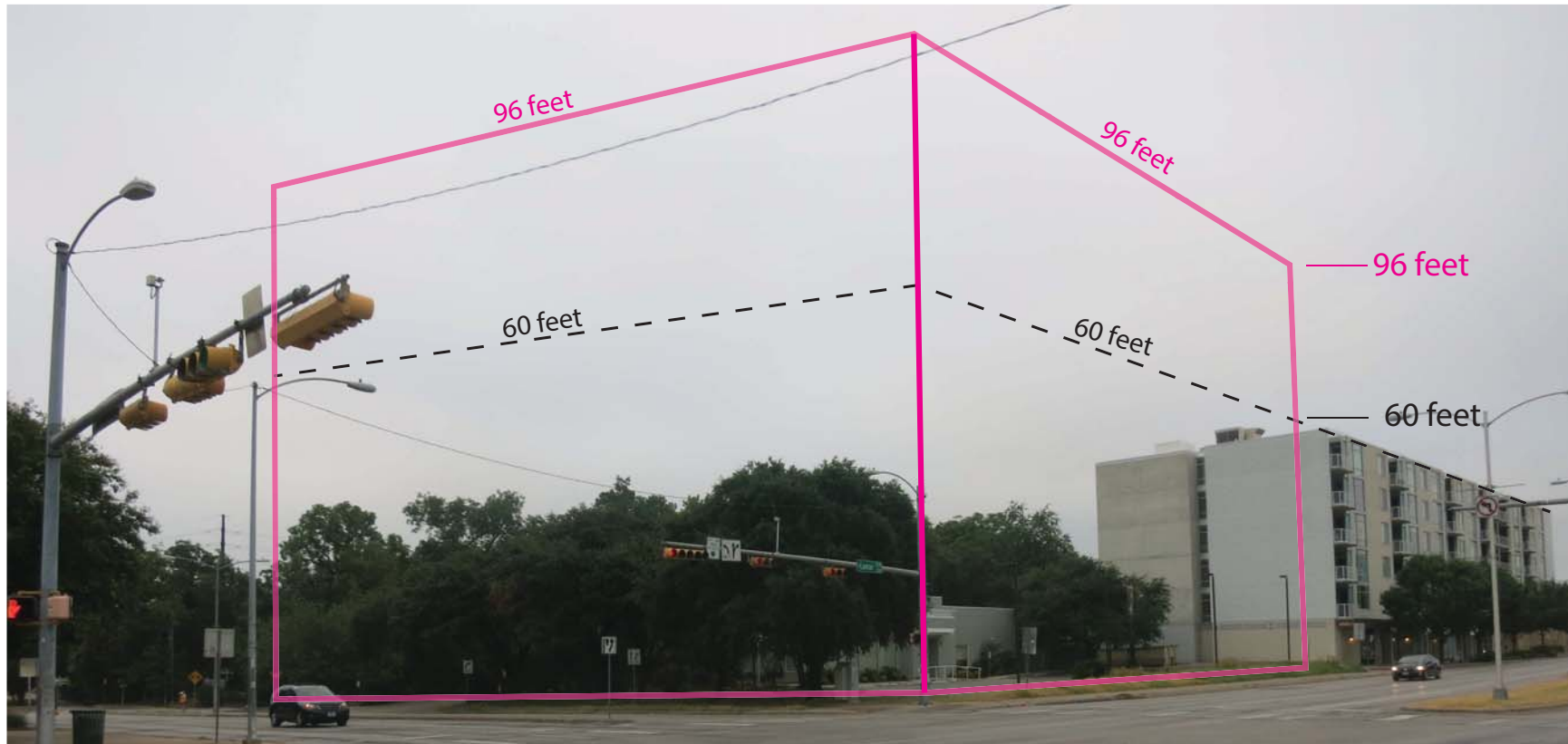
The proposed ordinance as it is now written proposes a \$1,200,000 fee-in-lieu payment to satisfy the requirement for affordable options. This fee-in-lieu is not dedicated to providing any affordable housing in the Zilker neighborhood and is insufficient to justify the impacts to the neighborhood caused by the increased traffic and the failure to protect the views in our parks.

The applicant has made representations that it will donate land at 1508 South Lamar Blvd (which it currently has under contract with the owner and values at \$2,500,000) to Foundation Communities for the construction of affordable housing. ZNA believes that if donating this land for affordable housing units is going to be used to help justify the PUD hotel project, it should be specified in the ordinance or required by some other legal mechanism to ensure performance. Otherwise, if this project should fail to proceed, we may be stuck with a zoning ordinance that would allow a subsequent project to proceed at this site without fulfilling these representations. Further, there is no guarantee that Foundation Communities will actually build the affordable housing project at 1508 South Lamar Blvd if they cannot obtain the additional funding necessary to build it.

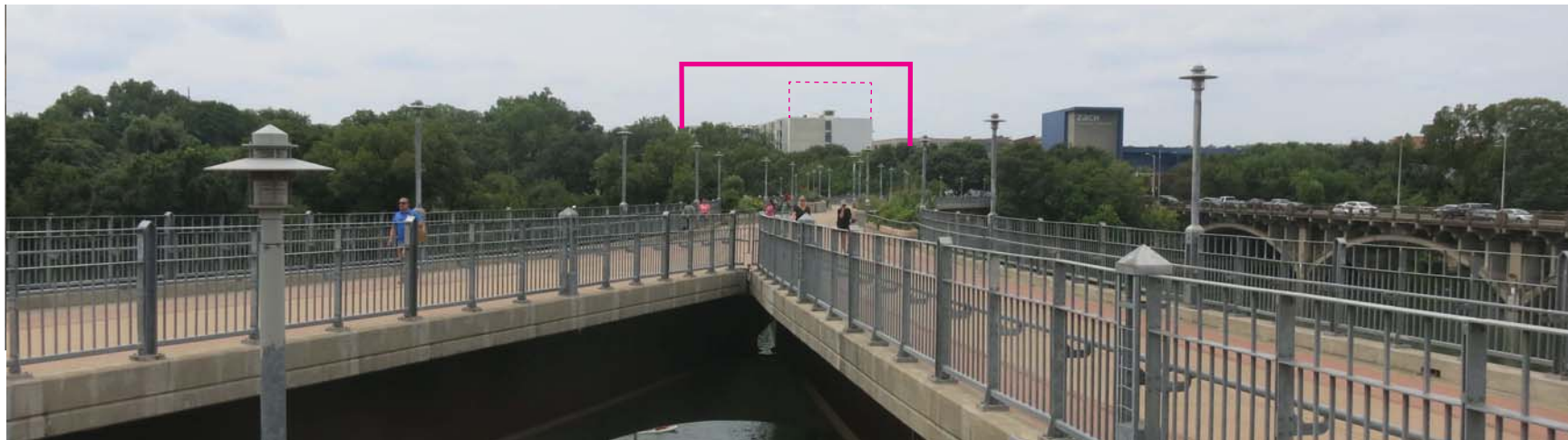
SUMMARY

ZNA believes that the City Council erred in allowing this site to be rezoned to PUD in the first place by essentially eliminating the 10-acre minimum size required for PUDs by the code. If this project is allowed to go forward as designed, the City Council will also be eviscerating some of the Waterfront Overlay Design Standards. Please don't compound the original error by changing the zoning to allow a project that produces more traffic and is more out of place with the park setting than the original PUD.

EXHIBIT 1



View from Butler Shores at northwest corner of South Lamar Blvd and West Riverside Dr



View from Pfluger Pedestrian Bridge

(dashed red line shows 96' height at edge of The Bridges; solid red line shows approximate location/height of hotel along W Riverside)

EXHIBIT 2



Current View from the North End of Butler Pitch and Putt (looking west)
Much of the sky between the red lines behind the trees along Lee Barton Dr in this photo will be replaced by a view of the hotel

EXHIBIT 3



- Property Lines
- Ordinance Description of Location 96' Maximum Height for First Building Block
- Ordinance Description of Location 86' Maximum Height for Second Building Block (dashed line indicates the location is indeterminate)

EXHIBIT 4
TACO PUD COMPARISON



Apartments (original approved project)



Hotel (new proposed project)

EXHIBIT 4 (continued)
TACO PUD COMPARISON



Apartments (original approved project)



Hotel (new proposed project)

EXHIBIT 5

Watershed Protection and Development Review Department
CITY OF AUSTIN
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: 211 S. Lamar Mixed Use Development
LOCATION: Southeast corner of Lamar Boulevard and Riverside Drive in Austin, Texas
APPLICANT: Leslie Pollack, P.E., PTOE, HDR Engineering, Inc. TELEPHONE NO.: (512) 904-3700
Fax: (512) 904-3773

APPLICATION STATUS: ☐ DEVELOPMENT ASSESSMENT ☒ ZONING ☐ SITE PLAN

EXISTING:				FOR OFFICE USE ONLY			
TRACT NO.	TRACT ACRES	BUILDING SQ. FT.	ZONING	LAND USE	I.T.E. CODE	TRIP RATE	TRIPS PER DAY
1	0.933	2,691	CS, CS-V	Fast-Food Restaurant with Drive-Thru			1335
							1335

PROPOSED:				FOR OFFICE USE ONLY			
TRACT NO.	TRACT ACRES	BUILDING SQ. FT.	ZONING	LAND USE	I.T.E. CODE	TRIP RATE	TRIPS PER DAY
1	0.933	175 DU	PUD	Apartments			1184
		5,000	PUD	High Turnover (Sit-Down) Restaurant			630
		4,200	PUD	Specialty Retail Center			126
							2006

ABUTTING ROADWAYS		FOR OFFICE USE ONLY	
STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
S. Lamar Boulevard	Yes		
Riverside Drive	No		
Lee Barton Drive	Yes		

FOR OFFICE USE ONLY

☐ A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

☒ A traffic impact analysis is NOT required. The traffic generated by the proposal does not meet or exceed the thresholds established in the Land Development Code. **THE DEVELOPMENT DOES NOT EXCEED THE THRESHOLD OVER THE EXISTING TRAFFIC GENERATED BY THE CURRENT LAND USES.**

☐ The traffic impact analysis has been waived because the applicant has agreed to limit the intensity to 2,000 vehicle trips per day.

☐ A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: [Signature] DATE: 12/12/12
DISTRIBUTION: FILE CAP. METRO Travis Co./Williamson Co. TxDOT TPSP COPIES:

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application to Planning; therefore, this completed and reviewed form must accompany any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

EXHIBIT 6



MEMORANDUM

Date: July 16, 2019
To: Wendy Rhoades, Zoning Case Manager
CC: Dan Hennessey, P.E., Big Red Dog/WGI
Eric Bollich, P.E., PTOE, Austin Transportation Department
Upal Barua, P.E., P. Eng., PTOE, Austin Transportation Department
Reference: 211 S Lamar Blvd (PUD Amendment) – Transpiration Mitigation Memo
C814-2012-0160.01

Traffic Impact Analysis:

The Austin Transportation Department has reviewed the June 12, 2019 (received February 12, 2019) "211 South Lamar Boulevard Development Transportation Memorandum", prepared by Wantman Group, Inc. (WGI). The memo identifies additional transportation mitigation to account for the PUD amendment land use changes.

Trip Generation:

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 2,320 unadjusted average daily vehicles trips (ADT) upon build out. The table below shows the trip generation by land uses for the proposed development.

Table 1: Unadjusted Trip Generation						
Proposed Land Use	Size	24-Hour Two Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Multifamily Housing (Mid-Rise) (211)	26 DU	140	2	8	7	4
Hotel (310)	107 rooms	895	30	20	33	31
Shopping Center (820)	10 ksf	378	6	3	18	20
General Office (710)	1.008 ksf	10	1	0	0	1
Hight Turnover Restaurant (932)	8 ksf	897	44	36	48	30
Total		2,320	83	67	106	86

EXHIBIT 6 (continued)

Assumptions:

1. No reductions were assumed in the trip generation. However, based on the land use and access to transit and other modes, the proposed vehicle trip generation is conservatively high.

Significant Results:

The letter identifies improvements listed in the South Lamar Boulevard Corridor Improvements Plan. A pro-rata share of the cost of the improvements for the intersections of Lamar Blvd. at Barton Springs Road and Riverside Drive was determined based on the developments site trips; results are shown in table 2.

Staff Recommendations:

1. The Applicant shall design and construct 100% of the following improvements as part of their first site development application. No temporary certificate of occupancy (TCO) or certificate of occupancy (CO) shall be issued until the construction of the identified improvements is complete. Note: Cost estimates **should not** be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.
 - a. Corridor Bond Improvement on South Lamar and Riverside Dr. along the development's frontage and behind the curb. Constructed to the corridor bond standards.
2. Fee in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2, totaling \$120,375.00, before third reading.

Table 2: Recommended Improvements					
Location	Improvement	Cost	Pro-Rata Share %	Pro-Rata Share \$	Developers Requirement
South Lamar Blvd. & Riverside Dr.	Corridor Bond Improvements	\$2,400,000.00	3.22%	\$77,188.00	Fee In-lieu
South Lamar Blvd. & Barton Springs Rd.	Corridor Bond Improvements	\$2,200,000.00	1.96%	\$43,187.00	Fee In-lieu
Developments Frontage	Corridor Bond Improvements	N/A	N/A	N/A	Construction
Total		\$4,600,000.00	N/A	\$120,375.00	Fee In-lieu

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



Austin Jones, P.E.
Austin Transportation Department

