SECOND AND THIRD READING SUMMARY SHEET

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

DISTRICT: 5

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 218 South Lamar Boulevard Southbound (Lady Bird Lake Watershed). Applicant Request: From general commercial services-vertical mixed use building (CS-V) to planned unit development (PUD). First reading approved September 17, 2020. Vote 7-4. Alter, Kitchen, Pool, and Tovo- Nay. Owner/Applicant: Michael Pfluger, William Reid Pfluger & the Pfluger Spousal Irrevocable Trust (Reid Pfluger). Agent: Drenner Group PC (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: Based on additional Staff review, the open space and public plaza area calculations have been revised to exclude an area that also serves as a loading area. As a result, open space calculations have decreased from 40% to 38% and the public plaza is reduced to 5,000 square feet.

OWNER/APPLICANT: Michael Pfluger, William Reid Pfluger & the Pfluger Spousal Irrevocable Trust (Reid Pfluger)

AGENT: Drenner Group PC (Amanda Swor)

DATE OF FIRST READING: First reading approved on September 17, 2020.

CITY COUNCIL HEARING DATES/ACTION:
November 12, 2020:
September 17, 2020: To grant PUD zoning on 1st reading only (7-4). [Flannigan- 1st, Ellis- 2nd; Alter, Kitchen, Pool, and Tovo- Nay]
August 27, 2020: *TO GRANT POSTPONEMENT TO AUGUST 27, 2020 AS REQUESTED BY NEIGHBORHOOD, ON CONSENT.*
July 30, 2020: *TO GRANT POSTPONEMENT TO AUGUST 27, 2020 AS REQUESTED BY APPLICANT, ON CONSENT.*
June 4, 2020: *TO GRANT POSTPONEMENT TO JULY 30, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
April 23, 2020: *MEETING CANCELLED*
March 26, 2020: *TO GRANT POSTPONEMENT TO APRIL 23, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
February 6, 2020: *TO GRANT POSTPONEMENT TO MARCH 26, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
January 23, 2019: *TO GRANT POSTPONEMENT TO FEBRUARY 6, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C814-2018-0121 -- 218 South Lamar DISTRICT: 5

ZONING FROM: CS-V TO: PUD

ADDRESS: 218 South Lamar Boulevard Southbound

SITE AREA: 1.260 Acres

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

AGENT: Drenner Group, PC (Amanda Swor)

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

STAFF RECOMMENDATION:

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

ENVIRONMENTAL COMMISSION RECOMMENDATION:

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

SMALL AREA PLANNING JOINT COMMITTEE RECOMMENDATION:

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

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2020: *TO GRANT PUD ZONING AS RECOMMENDED BY STAFF WITH ADDITIONAL CONDITIONS: VEHICULAR PARKING NOT TO EXCEED 80% OF THE MAXIMUM ALLOWED BY CODE, AND OFFICE USES SHALL NOT BE COUNTED AS PEDESTRIAN ORIENTED LAND USE ON THE GROUND FLOOR.* (10-3) [Anderson- 1st, Shieh- 2nd; Llanes-Pulido, Schneider, Seeger- Nay]
March 24, 2020: *MEETING CANCELLED*
February 25, 2020: *TO GRANT POSTPONEMENT TO MARCH 24, 2020 AS REQUESTED BY NEIGHBORHOOD, ON CONSENT.*
January 28, 2020: *TO GRANT POSTPONEMENT TO JANUARY 14, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

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

CITY COUNCIL ACTION:
November 12, 2020:
September 17, 2020: To grant PUD zoning on 1st reading only (7-4). [Flannigan- 1st, Ellis- 2nd; Alter, Kitchen, Pool, and Tovo- Nay]
August 27, 2020: *TO GRANT POSTPONEMENT TO AUGUST 27, 2020 AS REQUESTED BY NEIGHBORHOOD, ON CONSENT.*
July 30, 2020: *TO GRANT POSTPONEMENT TO AUGUST 27, 2020 AS REQUESTED BY APPLICANT, ON CONSENT.*
June 4, 2020: *TO GRANT POSTPONEMENT TO JULY 30, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
April 23, 2020: *MEETING CANCELLED*
March 26, 2020: *TO GRANT POSTPONEMENT TO APRIL 23, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
February 6, 2020: *TO GRANT POSTPONEMENT TO MARCH 26, 2020 AS REQUESTED BY STAFF, ON CONSENT.*
January 23, 2019: *TO GRANT POSTPONEMENT TO FEBRUARY 6, 2020 AS REQUESTED BY STAFF, ON CONSENT.*

ORDINANCE NUMBER:

ISSUES:

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

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

CASE MANAGER COMMENTS:

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

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

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

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

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

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

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

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

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

- Increase the maximum building height from 60’ height to 96’; elevator equipment can exceed height by 20% (15% per code)
- The existing CS base zoning district requires a 10’ front and street side yard setback. The PUD requests reducing these setbacks to 5'. No change is proposed to the rear and interior yard setbacks. Different setbacks for building above ground floor to be determined.
- Administrative/business office use not to exceed 50% of ground floor uses

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

- The rooftop deck would be made available by reservation to local non-profits.
- 3-star Green Building
- Street yard landscaping will exceed minimum code requirements by 35%. Landscape area soil depth will exceed minimum code requirements by 6 inches.
- Landscaping will use native/adaptive species as identified by City staff
- Contribute a minimum of $20,000 (not to exceed $27,800) toward a planned Capital Metro bus stop upgrade adjacent to the site and $25,000 toward bike track
- Enhance supplemental zones along Lamar including 7’ planting zone, 10’ bike track, and 15’ landscape /sidewalk zone
- 42 caliper inches of trees
- Adopt an Integrated Pest Management (IPM) plan
- 5,000 square foot public plaza at street level

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

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

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

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

A. Dwelling units equal to not less 10 percent of the bonus area devoted to a residential rental use shall be leased on an ongoing basis to households earning no more than 60 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area for a period not less than 40 years from the date a final certificate of occupancy is issued for the property. The property owner shall enter into a restrictive covenant with the City of Austin enumerating these requirements as necessary to ensure compliance with this provision.

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

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

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

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

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

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

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

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

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

BASIS OF STAFF RECOMMENDATION:

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

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

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

2. Granting of the request should result in an equal treatment of similarly situated properties.
Height increases have been granted to the nearby 211 South Lamar (96'), as well as other properties that are located in other subdistricts of the Waterfront Overlay.

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

EXISTING ZONING AND LAND USES:

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

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

AREA STUDY: Town Lake Corridor Study (1985)

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

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

WATERSHED: Lady Bird Lake – Urban

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

CORE TRANSIT CORRIDORS: South Lamar Boulevard

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

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

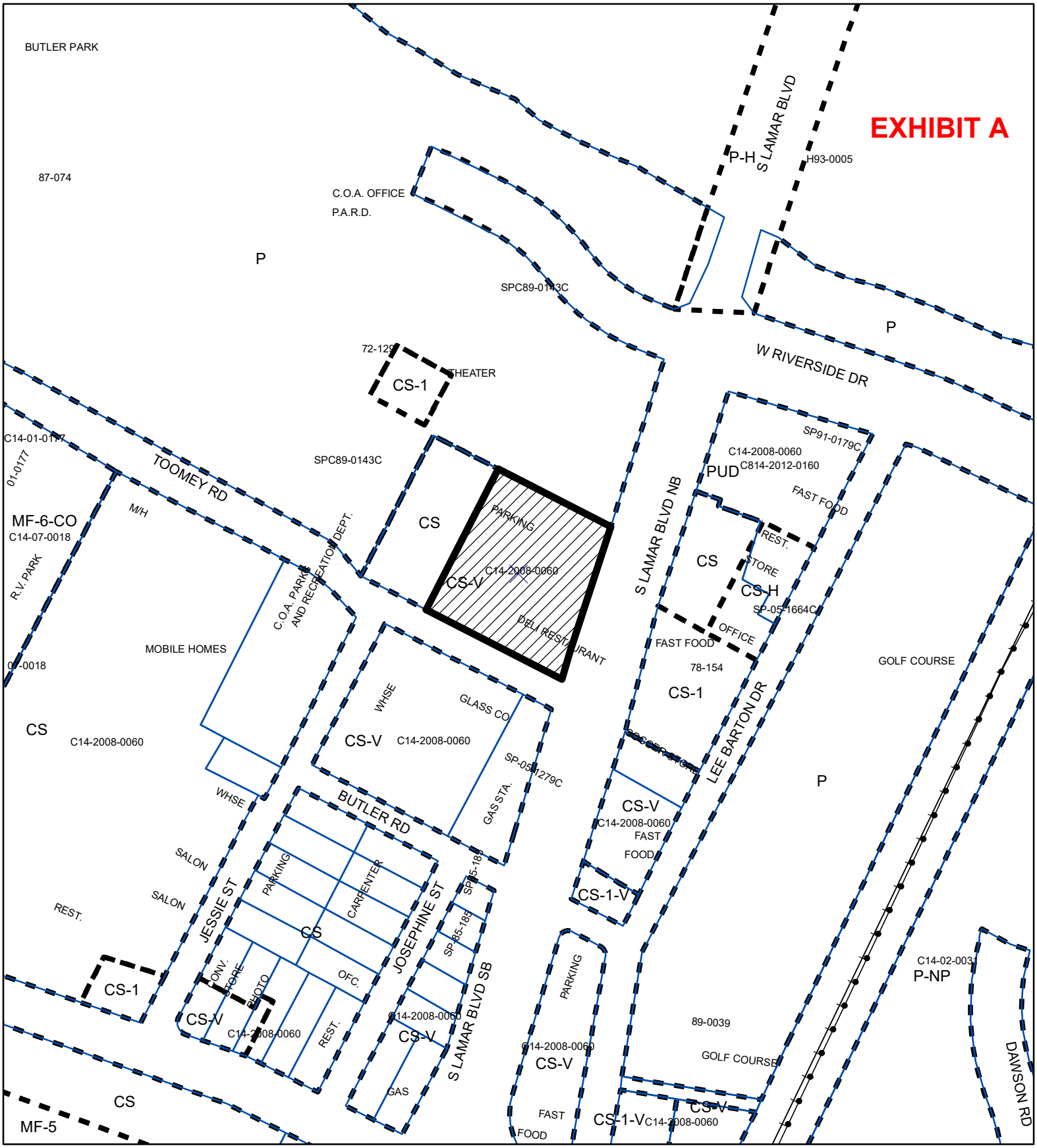
AREA CASE HISTORIES:

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

EXISTING STREET CHARACTERISTICS:

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

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



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-2018-0121

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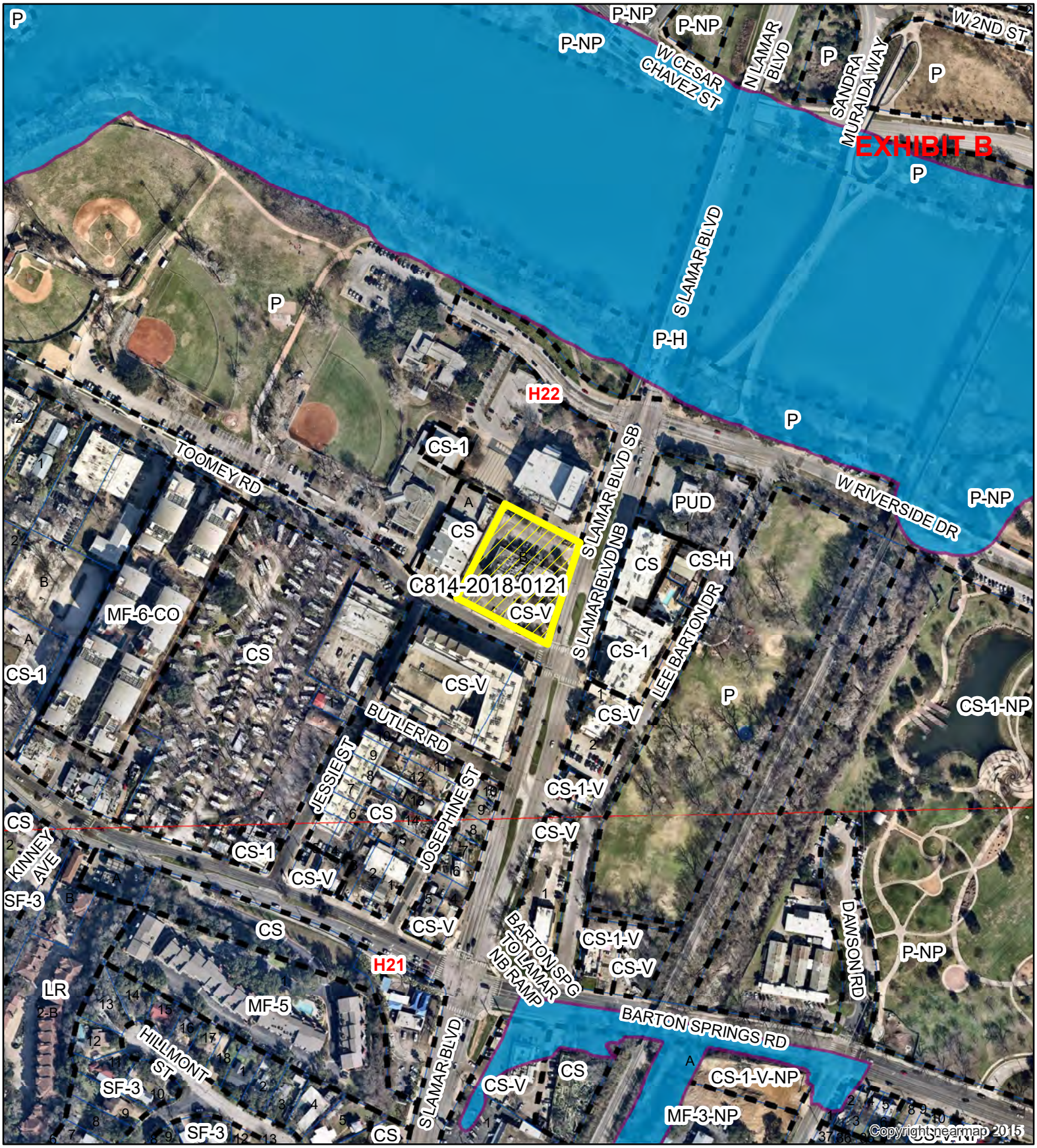

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1" = 300'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

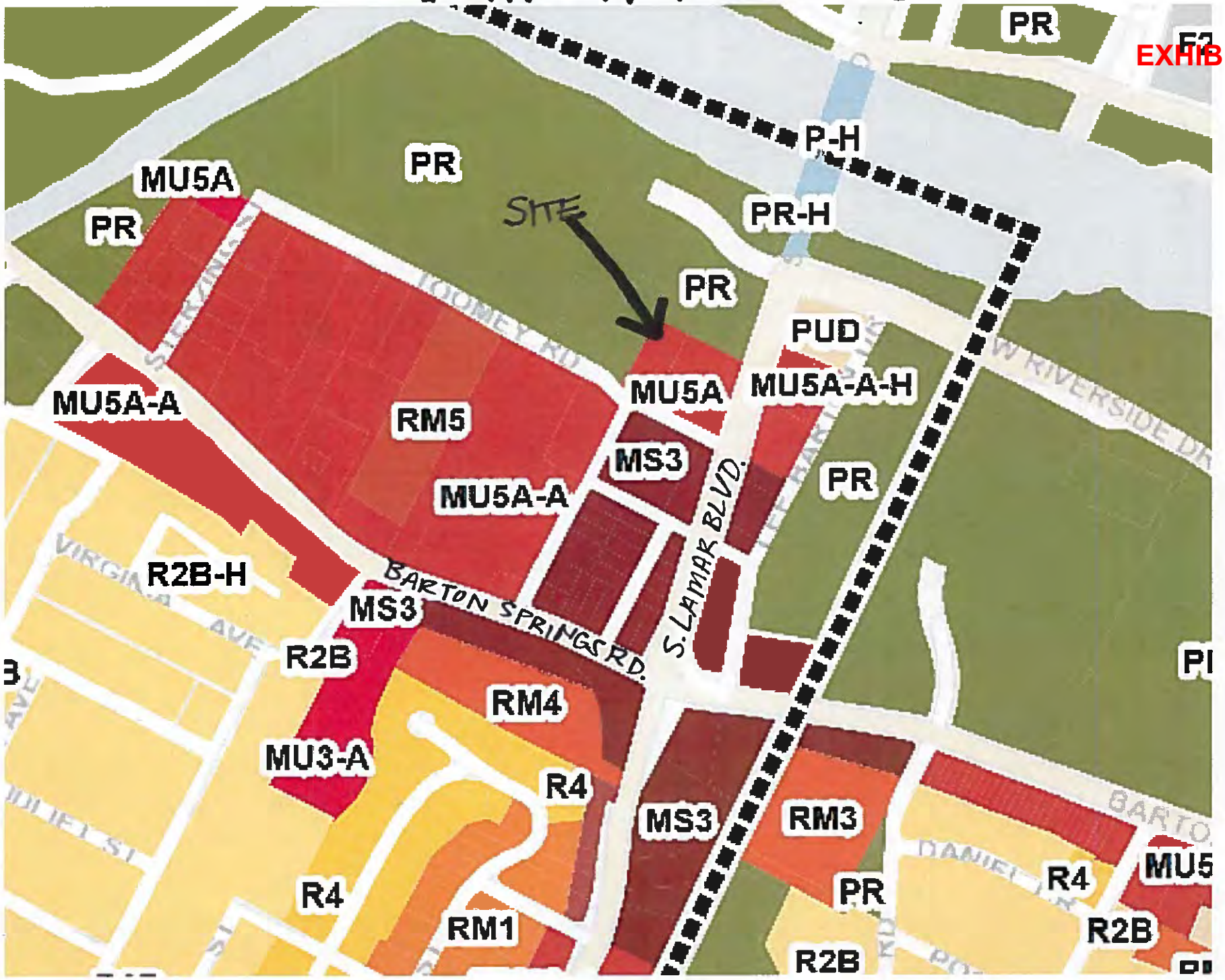
CREEK BUFFER

218 S. LAMAR

ZONING CASE#: C814-2018-0121
LOCATION: 218 S. LAMAR BLVD
SUBJECT AREA: 1.27 Acres
GRID: H22
MANAGER: Heather Chaffin

DRAFT PROPOSED LDC

EXHIBIT C



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

EXHIBIT D

(A) This section applies to the waterfront overlay (WO) district, except for a community events use.

(B) A residential use that is permitted in an MF-6 or more restrictive base district is also permitted in an NO or less restrictive base district.

(C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:

(1) art gallery;

(2) art workshop;

(3) cocktail lounge;

(4) consumer convenience services;

(5) cultural services;

(6) day care services (limited, general, or commercial);

(7) food sales;

(8) general retail sales (convenience or general);

(9) park and recreation services;

(10) residential uses;

(11) restaurant (limited or general) without drive-in service; and

(12) other uses as determined by the Land Use Commission.

(D) Pedestrian oriented uses in an MF-1 or less restrictive base district:

(1) are permitted on the ground floor of a structure; and

(2) may be permitted by the Land Use Commission above the ground floor of a structure.

(E) A determination by the Land Use Commission under Subsection (D)(1) may be appealed to the council. For the City Hall subdistrict, a determination by the Land Use Commission under Subsection (C)(11) may be appealed to council.

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

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

(A) This section applies in the Butler Shores subdistrict of the WO combining district.

(B) The primary setback lines are located:

(1) 100 feet landward from the Town Lake shoreline;

(2) 35 feet south of the southern boundary of Toomey Road;

(3) 35 feet south of the southern boundary of Barton Springs Road;

(4) 35 feet north of the northern boundary of Barton Springs Road; and

(5) 100 feet from the Barton Creek centerline.

(C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.

(D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.

(E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.

(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:

(1) 45 feet, if north of Barton Springs Road; or

(2) 35 feet, if south of Barton Springs Road.

(G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.

(H) The maximum height is:

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

(2) for structures located south of Barton Springs Road, the lower of 60 feet or the

maximum height allowed in the base zoning district.

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

(b) service station; and

(c) local utility service.

(F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.

(1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(2) Use of the area between the primary setback line and the secondary setback line is limited to:

(a) cultural services;

(b) day care services;

(c) park and recreation services;

(d) food sales; and

(e) restaurant (limited) without drive-in service.

§25-2-692-Waterfront Overlay (WO) Subdistrict Uses (exerpt)

(H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(I) Use of the Zilker Park subdistrict is limited to park-related structures.

(J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.

(K) Cocktail lounge is a conditional use within the Rainey Street subdistrict.

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

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

EXHIBIT E

October 9, 2019

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

EXHIBIT F

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT G

MEMORANDUM

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

Traffic Impact Analysis:

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

The following is a summary of review findings and recommendations:

Trip Generation:

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

Table 1: Adjusted Trip Generation

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

Assumptions:

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

Significant Results:

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

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

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

Staff Recommendations:

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

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

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

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

Justin Good, P.E.
Austin Transportation Department

EXIBIT A

INVOICE

TRANSPORTATION MITIGATION FEE IN-LIEU

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

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

Office Use only:

Check:

Received by:

City of Austin

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

EXHIBIT H

Neighborhood Housing and Community Development Department

November 25, 2019

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

TO WHOM IT MAY CONCERN:

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

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

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

Regards,

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

EXHIBIT I

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

August 8, 2018

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

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high office building near the south end of the Lamar Bridge and the Pfluger Pedestrian Bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this 1.26 acre site. In addition, any mixed use project going into this area should have a residential component, as defined by the VMU ordinance. (This PUD is an office building.)

- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs the parcel in this case. The parcel, fronting on S. Lamar with proximity to the waterfront and its adjacent public green spaces, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD and its variances rejects the VMU options.

- Finally, the objective of the PUD ordinance is to develop at least 10 acres and "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior to nearby projects.

Dave Piper

President, Zilker Neighborhood Association

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

Case Number: C814-2018-0121
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Jan 14, 2020, Planning Commission
Jan 23, 2020, City Council

Rob Parsons
Your Name (please print)

☑ **I am in favor**
☐ **I object**

Friends of Zilker Neighborhood Association
Your address(es) affected by this application

Signature — 1/6/20 *Date*

Daytime Telephone: 512-565-2321

Comments: Per a vote from the Neighborhood Association, ENWG on 11/14/19, the Friends of Zilker voted to support the PUD as proposed.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Chaffin, Heather

Subject: FW: Case Number C814-2018-0121

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

Heather,

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

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

Alan Lampert
210 Lee Barton Drive
512.550.9987

Chaffin, Heather

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

From: Kristin McCollam >
Sent: Tuesday, April 9, 2019 3:54 PM
To: 'Heather.Chaffin@austintexas.gov' <Heather.Chaffin@austintexas.gov>
Cc: 'Terrell E. Burnett' < 'Bob Clark' < 'Glenn Neal' >; 'kristin mccollam

Subject: BartonPlace HOA opposition to 218 South Lamar PUD

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

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

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

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

Thank you very much for your time and consideration,

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

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

Chaffin, Heather

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

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

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

Dear Commissioners,

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

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

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

Thank you for your service,

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

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

Case Number: C814-2018-0121
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Mar 26, 2019, Planning Commission
May 23, 2019, City Council

Herschel Vaughn + Cate Dobson (wife)
Your Name (please print)

☒ I am in favor
☐ I object

210 Lee Barton Drive # 503
Your address(es) affected by this application

Herschel Vaughn 3/18/19
Signature *Date*

Daytime Telephone: 303-370-0044

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

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Chaffin, Heather

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

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

Dear Heather,

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

The proposed zoning change:

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

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

Many thanks for your consideration on this matter.

Best,

Ryan Crossland

Chaffin, Heather

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

From: Kristin McCollam
Sent: Tuesday, December 03, 2019 5:20 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: 'Glenn Neal' 'Terrell E. Burnett' >; 'Bob Clark' 'Kristin McCollam' [redacted]
Subject: BartonPlace HOA opposition (updated) to 218 South Lamar PUD CASE: C814-2018-0121***

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

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

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

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

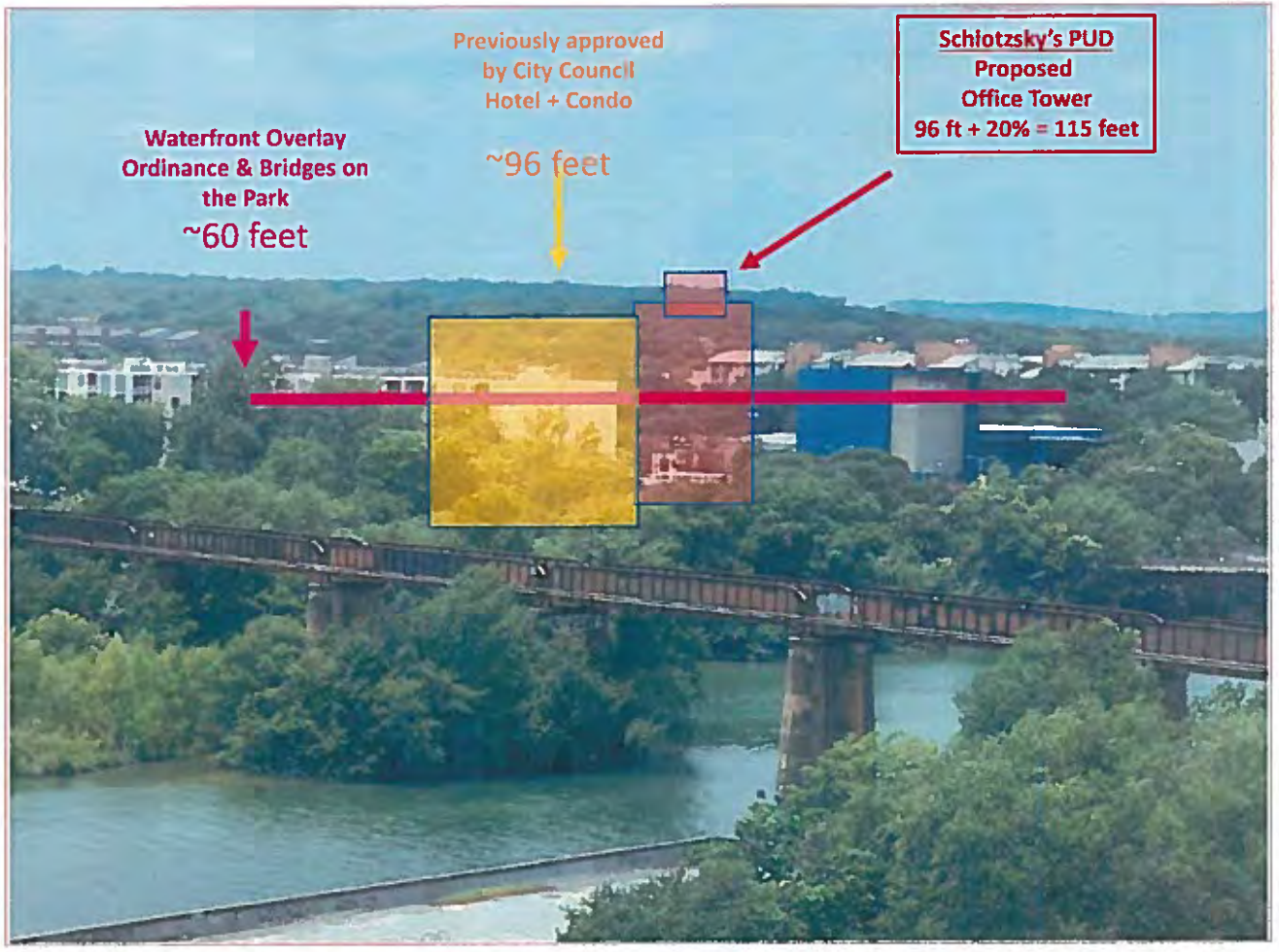
Thank you very much for your time and consideration,

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

Opposition to Schlotzsky's PUD

June 25, 2019

Attempt to provide visual comparison from Austin Public Library



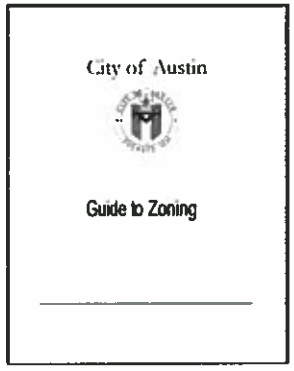
Waterfront Overlay Ordinance

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

This ordinance includes our neighborhood, Butler Shores.

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

CS-V Zoning



CS
General Commercial Services

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

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	95%	Front yard	10
ft Maximum Impervious Cover	95%	Street side yard	10

-V
Vertical Mixed Use Building Combining District

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

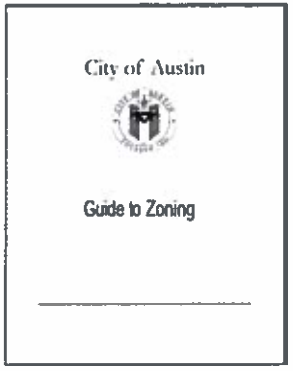
§ 25-2-733 - BUTLER SHORES SUBDISTRICT REGULATIONS.

(H) The maximum height is:

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

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

PUD Zoning



PUD
Planned Unit Development

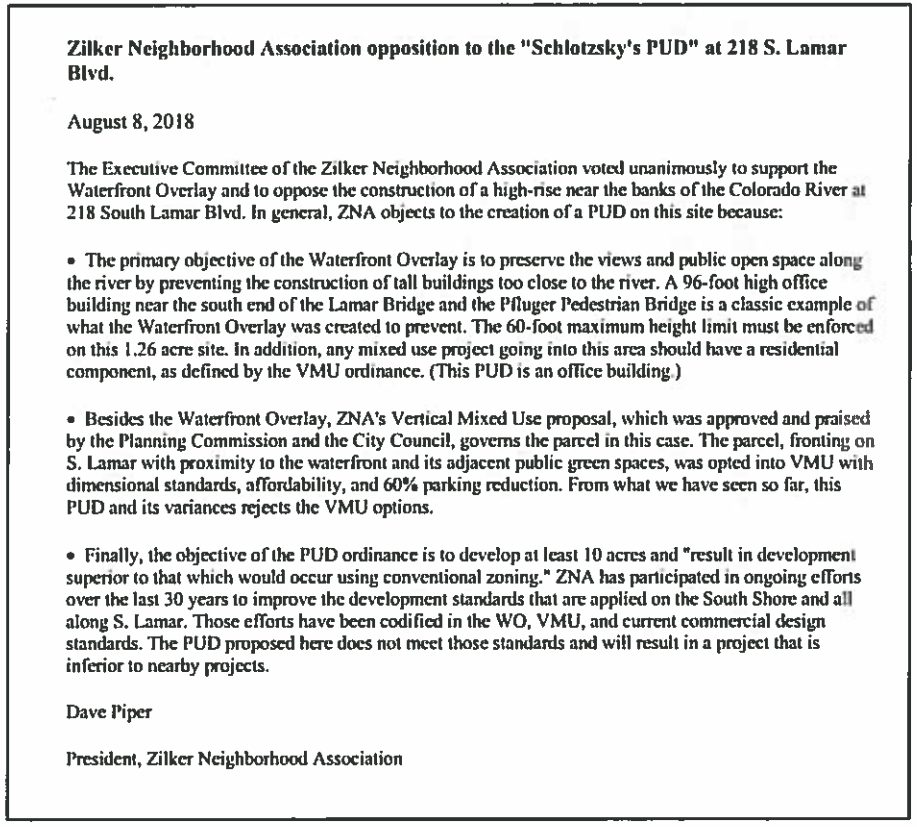
Planned Unit Development district is intended for a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control. The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and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

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

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

Zilker Neighborhood Association Opposition Letter

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



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

August 8, 2018

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

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high office building near the south end of the Lamar Bridge and the Pfluger Pedestrian Bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this 1.26 acre site. In addition, any mixed use project going into this area should have a residential component, as defined by the VMU ordinance. (This PUD is an office building.)

- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs the parcel in this case. The parcel, fronting on S. Lamar with proximity to the waterfront and its adjacent public green spaces, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD and its variances rejects the VMU options.

- Finally, the objective of the PUD ordinance is to develop at least 10 acres and "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior to nearby projects.

Dave Piper

President, Zilker Neighborhood Association

BartonPlace Homeowners opposition to Schlotzsky's PUD

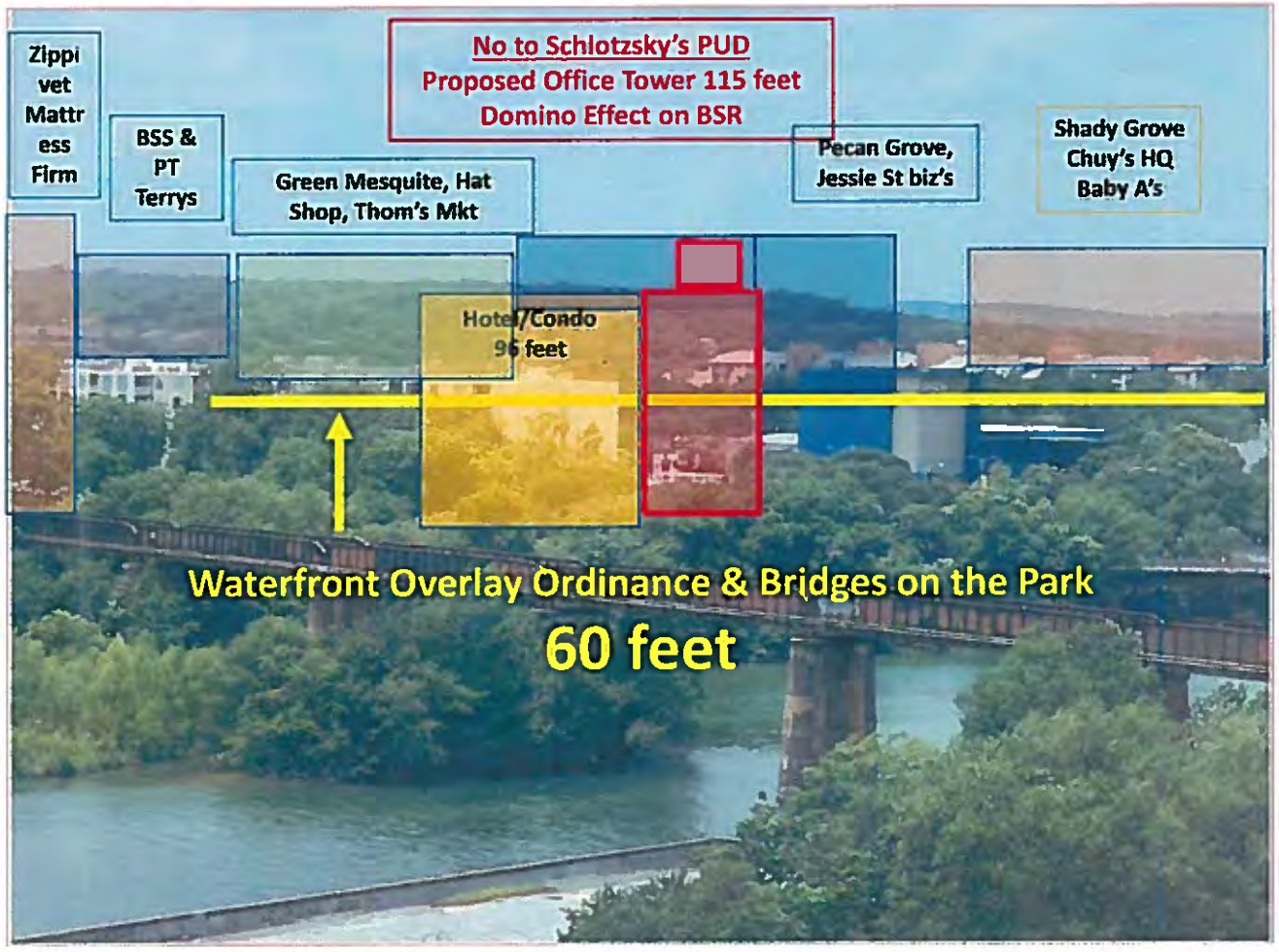
- Multi-family community of >500 residents with entry on Toomey road
- Community poll → Overwhelming opposition to proposed zoning changes
- Opposition points
  - No to an oversized office tower that exceeds the 60 ft height limit of the Waterfront Overlay Ordinance
  - No to increased traffic on Toomey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

- Butler Shores is the gateway to Zilker Park & Butler Shores Park is now a "cultural park" per Dougherty Arts Center relocation
- As comprehensive traffic, parking and development strategy for Butler Shores is needed!

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

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

Attempt to provide visual comparison from Austin Public Library



ZACH THEATRE

City of Austin
Planning & Development Review Department

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: March 12, 2013 – Planning Commission
March 28, 2013 – City Council

Dear Mr. Heckman,

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

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

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

Thank you for your time and consideration of this opposition.

Sincerely,

Elisbeth Challener

Elisbeth Challener

ZACH Managing Director

Exhibit C - 57

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

ORDINANCE NO. 20080724-082

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC PERFORMING ARTS THEATER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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

(G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*) The fly tower must be

(1) located on land owned by the City of Austin, and

(2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

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

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

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

PASSED AND APPROVED

§
§
§

July 24, 2008

Will Wynn
Mayor

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A Gentry
City Clerk

EXHIBIT J

MASTER REVIEW REPORT

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

REVISION #: 00 UPDATE: 3

PROJECT NAME: 218 S. LAMAR

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

LOCATION: 218 SOUTH LAMAR BOULEVARD

STAFF REVIEW:

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

REPORT:

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

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

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

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

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

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

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

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

Development Assessment (CD-2018-0003) Follow-up
UD1: Administrative and business offices are not a pedestrian oriented use (25-2-691(C)). Specify the proposed amount of ground floor office/co-working space. Is any outdoor space proposed for the co-working land use (recommended)?
U0: Approximately, what percent of the ground floor will be used as co-working space? How much of the street facing façade will be co-working space? How will the proposed supplemental zone activate the streetscape?
UD2: A flat rooftop would be appropriate in this area (25-2-721).
U0: A flat roof to accommodate the planting and rooftop deck is appropriate. The rest of the roof should comply with the waterfront overlay. Please see PARD comment PR1.
UD3: The list of appropriate building materials may be amended to include precast concrete, metal panels, phenolic panels, FRP. GFRC, and composite metal panes. Additional approval of materials adjacent to PARD owned panels may be required.
U0: No longer requested.
UD4: Staff recommends that not more that 40% of the required open space be located on the roof.
U0: No longer requested.
UD5: Demonstrate need for additional height for the elevator on the roof (25-2-531). Elevator structures are typically not that tall.
U0: Attached drawings do not show elevator over run. Please provide.
TIER I:
UD6: Ground floor offices are not a use that generates pedestrian activity and must be limited.
U0: Response noted.
UD7: It is not clear by the description how the design will be innovative or provide adequate public facilities.
U0: More information is needed. Please describe how you will meet the requirements in 2.3.1.B. For example, the public plaza shown at rear of building – how is this accessible to the public?
UD8: Please coordinate with corridor office. Please coordinate with CapMetro. Traffic impact mitigation and trip demand reduction may also be required.
U0: Response noted.
UD9: Core Transit Corridor standards are required.
U0: Comment cleared.
UD10: Office/admin uses are not pedestrian oriented. If a limited amount of co-working space is provided – outdoor seating should be provided. Sidewalk cafes and seating should be used to create an active urban environment.
U0: Describe or illustrate how you are creating and active urban environment.
TIER 2:
UD11: Building Design: The building design should exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E. The design of the building should incorporate the immediate streetscape character, particularly consistency of skyline and the need for punctuation and accent; the relationship of height to frontage width and building depth.
(From Subchapter E and Plaza Saltillo TOD, 5.6.2) Along the principal street, building facades greater than 100 feet in length shall: 1. Include at least one vertical change in plane

with a depth of at least 24 inches. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 100 feet.
(From Subchapter E) Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relieve of a least weight inches.
(From Plaza Saltillo TOD, 5.4.3) The façade should include at least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if not prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.
U0: The façade design should exceed the Waterfront Overlay requirements and incorporate the standards described in Section 3.3.2 of Chapter 25-2 Subchapter E and or TOD Active Edge Standards (as described above).
UPDATE #1
UD1: Administrative and business offices are not a pedestrian oriented use (25-2-691(C)). Specify the proposed amount of ground floor office/co-working space. Is any outdoor space proposed for the co-working land use (recommended)?
U0: Approximately, what percent of the ground floor will be used as co-working space? How much of the street facing façade will be co-working space? How will the proposed supplemental zone activate the streetscape?
U1: Outdoor space comment cleared; provide information about how the exhibits that have been shared can be codified or noted on Land Use Plan. See also Case Manager comments regarding land uses.
UPDATE #2
UD2: A flat rooftop would be appropriate in this area (25-2-721).
U0: A flat roof to accommodate the planting and rooftop deck is appropriate. The rest of the roof should comply with the waterfront overlay. Please see PARD comment PR1.
U1: Please provide a conceptual elevation to show how the design will meet the intent of the code.
UD3, UD:4 Cleared.
UD5: Demonstrate need for additional height for the elevator on the roof (25-2-531). Elevator structures are typically not that tall.
U0: Attached drawings do not show elevator over run. Please provide.
TIER I:
UD6: Ground floor offices are not a use that generates pedestrian activity and must be limited.
U0: Response noted.
U1: Comment cleared.
UD7: It is not clear by the description how the design will be innovative or provide adequate public facilities.
U0: More information is needed. Please describe how you will meet the requirements in

2.3.1.B. For example, the public plaza shown at rear of building – how is this accessible to the public?
U1: Comment cleared; however, staff has not determined yet if this is considered superior.
UD8: Please coordinate with corridor office. Please coordinate with CapMetro. Traffic impact mitigation and trip demand reduction may also be required.
U0: Response noted.
U1: Comment cleared.
UD9: Cleared.
UD10: Office/admin uses are not pedestrian oriented. If a limited amount of co-working space is provided – outdoor seating should be provided. Sidewalk cafes and seating should be used to create an active urban environment.
U0: Describe or illustrate how you are creating and active urban environment.
U1: Comment cleared; however, staff has not determined yet if this is considered superior.
TIER 2:
UD11: Building Design: The building design should exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E. The design of the building should incorporate the immediate streetscape character, particularly consistency of skyline and the need for punctuation and accent; the relationship of height to frontage width and building depth. (From Subchapter E and Plaza Saltillo TOD, 5.6.2) Along the principal street, building facades greater than 100 feet in length shall: 1. Include at least one vertical change in plane with a depth of at least 24 inches. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 100 feet.
(From Subchapter E) Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relieve of a least 24”.
(From Plaza Saltillo TOD, 5.4.3) The façade should include at least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if not prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.
U0: The façade design should exceed the Waterfront Overlay requirements and incorporate the standards described in Section 3.3.2 of Chapter 25-2 Subchapter E and or TOD Active Edge Standards (as described above).
U1: Comment cleared; however, staff has not determined yet if this is considered superior.
UD 1: Administrative and business offices are not a pedestrian oriented use (25-2-691(C)). Specify the proposed amount of ground floor office/co-working space. Is any outdoor space proposed for the co-working land use (recommended)?
U0: Approximately, what percent of the ground floor will be used as co-working space? How much of the street facing façade will be co-working space? How will the proposed supplemental zone activate the streetscape?
U1: Open space comment cleared.

U2: Thank you. Please also provide a minimum percent of active uses – Please see Zoning / Case Manager comment ZN 13.
UD 2: A flat rooftop would be appropriate in this area (25-2-721).
U0: A flat roof to accommodate the planting and rooftop deck is appropriate. The rest of the roof should comply with the waterfront overlay. Please see PARD comment PR1.
U1: Provide a conceptual elevation to show how the design will meet the intent of the code.
U2: Please describe how the roof will be accessible people other than the building tenants. Please add a note about the distinct roof to the notes.
UD5: Demonstrate need for additional height for the elevator on the roof (25-2-531). Elevator structures are typically not that tall.
U0: Attached drawings do not show elevator over run. Please provide.
U1: Comment cleared.
UPDATE #3
Approved as long as the conditions of the comments are met.

Environmental Review - Jonathan Garner 512-974-1665

1. FYI: The site is located in the Lady Bird Lake (Town Lake) and West Bouldin Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is not located over the Edwards Aquifer Recharge Zone, however the northern portion of the site is located over the Edwards Aquifer Recharge Verification Zone, which subjects the property to the Void and Water Flow Mitigation Rule (COA ECM 1.12.0 and COA Item No. 658S of the SSM).
2. FYI: According to floodplain maps there is no floodplain within or adjacent to the project location.
3. Standard landscaping is proposed to exceed the standard requirements in LDC 25-2 by using only native tree species selected from Appendix F of the ECM and all required tree plantings shall use Central Texas native seed stock. [Note: See Heritage Tree review comments for additional comments.] Additionally, 100% of all non-turf plant materials shall be selected from the ECM Appendix N or the Grow Green Native and Adapted Landscape Plants Guide, and will be irrigated by either storm water runoff conveyed to rain gardens or by auxiliary water sources (e.g., air conditioner condensate, rainwater harvesting).
UPDATE #1: Cleared.
4. FYI: A few trees will likely be impacted with a proposed development associated with this zoning case. Please be aware that an approved zoning status does not eliminate a proposed development’s requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. FYI: This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm. Additionally, because the site is divided by two watersheds, the applicant is advised that diversion of stormwater from one watershed to another is limited to 20% of the site based on gross site area or less than 1 acre, whichever is smaller so long as the existing drainage patterns are maintained to the extent feasible.

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

UPDATE # 0:
This project is located at 218 SLAMAR BLVD SB and is within the Town Lake and West Bouldin Creek watershed(s), which are classified as Urban Watersheds. This project located within the Edwards Aquifer Contributing Zone.
1. The 18" RCP crossing Lamar, which is undersized per the existing StormCAD model, could be increased to a 24" RCP (based on needed future improvements) if runoff from the site is diverted to this system. Consider replacing the pipe a superiority item.
2. Could the site provide detention to greenfield conditions, which would reduce runoff draining to the undersized system.
3. Is the site proposing cisterns within the building footprint? Provide any information on how rainwater harvesting or other non-potable water sources including AC condensate will be captured and reused on site as a superiority item.
4. Provide information on renewable energy generation on site and/or planned green building certifications as a superiority item.
5. Include distribution for Drainage/Water Quality Review if additional improvements /superiority items are added with Update #1.
UPDATE #1
EO 1-EO 4 Cleared.
EO 5 As part of the participation in RSMP, WPD wants the drainage from the entire site carried in a new storm drain to either the system being improved by 211 (Option 1 or extending the system to outfall directly to LBL (Option 2). This would reduce flow to the flooding problem area at the intersection of Barton Springs and South Lamar, reduce the flow that must be handled be the private system through the Zach Theater property (especially important given the implications of Atlas 14), and reduce the amount of water in Lamar Boulevard. Please add language to the PUD that describes this requirement, add map provided if necessary. (Attached to report)
UPDATE #2
EO 1-EO 4 Cleared.
EO 5 Please add agreed upon note for detention and water quality as Note #38 on Sheet 2-PUD Notes sheet.
UPDATE #3
EO 1-EO 4 Cleared.
EO 5 Please add agreed upon note for detention and water quality as Note #38 on Sheet 2-PUD Notes sheet.
1. Since the sidewalks are shown draining to Lamar with no proposed water quality, is this PUD amendment seeking a waiver from 25-8-211? When we talked on the phone it seemed that you were just suggesting that this condition would only apply to a driveway curb cut.
2. Are there raingardens in these areas that this water could be diverted to?
3. PUD note #7 says that the PUD will meet or exceed current code in regard to water quality, will you be amending this note?
Staff will not support any amendment that proposes changes to water quality that do not meet current code.

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

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HT 1: Thank you, for providing a tree survey for the Heritage tree to the north of the PUD between the northern offsite driveway and the Topher Theater. Some of the information requested in the previous comments for the development assessment have not been provided with this submittal. Please show this tree's current growing area and surrounding hardscape. Please also provide a canopy survey for the tree and include information about how much canopy the PUD would affect if the building setback lines are modified to 0 feet off the property line as proposed by the PUD.
UPDATE 1: Thank you for the canopy survey. This original request came in two parts for evaluation. You have provided a canopy survey on paper without including the information as to how much canopy the PUD would affect if the building setback lines are modified to 0 feet off the property line as proposed by the PUD. For this, the services of a third party arborist would be required. Also, the current survey does not appear to take in all of the hardscape surrounding the open area of this tree for evaluation. Comment pending.
UPDATE 2: Thank you for the additional information. Staff agrees that it is close but does not appear that the building would greatly affect the canopy of this tree. What the exhibit does not show is the limit of the underground parking garage and potential disturbance that its construction proposes that could affect the tree's canopy. Also, the initial comment requested the information based on the potential canopy the PUD would affect if the building setback lines are modified to 0 feet off the property line as proposed by the PUD. Comment still pending.
UPDATE 3: Staff has discussed in email and offline that this information be reviewed and provided by a certified arborist. Simply surveying the canopy up to the property line and not having an arborist assess the potential cuts at that location does not confirm what may be the overall required pruning, if the pruning were to need to go all the way back to the main trunk of the tree to be done correctly. Please have this assessment done by a certified arborist and respond based on the potential impacts if building setback lines are modified to 0 feet off the property line as proposed by the PUD. Comment still pending.
HT 2: UPDATE 3: Comment cleared.

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

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

Site Plan Review - Randall Rouda 512-974-3338

SP 1. Materials such as EIFS are not durable and should be used for trim/detail and for upper floors only. Please consider amending the modification of the materials list.
U0: No longer requested.
U1: Comment cleared.
SP 2. Please clarify if reflective restrictions will remain. Materials that are highly reflective are not permitted in the Waterfront Overlays.
U0: Waterfront development guidelines to apply within the proposed PUD.
U1: Comment cleared.
SP 3. "Amenitized" will need to be further clarified. As written, the variance request would permit a flat roof, which is not a distinctive building top. Please add details about what amenities would be considered on the roof, and their likely dimensions, especially height.
U0: The PUD should establish minimum standards for the proposed amenities, with a

specific focus on the items visible from waterfront and parkland areas. The specific proposal (pedestal rooftop deck with seating, planters and a shade pergola) may be appropriate but should be codified in a manner similar to the existing regulations which identify specific types of building tops that qualify as distinctive.) (Eg. “Distinctive building tops may include planters with vegetation clearly visible from waterfront and parkland areas and shade structures which are architecturally integrated into the building design while demonstrating the rooftop use and/or providing architectural interest equivalent to other approved options.)
U1: Comment cleared. Site Development Regulations Note 8 is sufficient to address this concern.
SP 4. Please note, South Lamar is a Core Transit Corridor. Sidewalk design will need to reflect those standards.
U0: Sidewalk will continue to meet CTC detains standards.
U1: Comment cleared per Transportation Reviewer comments and PUD Note 29.
General Comments
SP 5. Site plans will be required for any new development other than single-family or duplex residential.
U1: Informational comment cleared.
Waterfront Overlay
SP 6. The site is located within the Butler Shores subdistrict of the Waterfront Overlay Zone. Except as modified by the PUD, the requirements, use limitations, design requirements and review processes established by Land Use Code sections 25-2-691 et. seq. will apply.
U1: Informational comment cleared.

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

1. See attached TIA memorandum and mitigation fee-in-lieu invoice.
2. Superiority recommendations:
    a. Transit: Fee of $27,800.00 to the South Lamar Corridor project to account for a new bus stop. ATD will collect the fee and coordinate with Capital Metro.
    b. Active/Bike: Fee of $25,000.00 to the South Lamar Corridor project for cycle track improvements along Lamar. All fees can be collected by ATD.
    c. Trails: Please coordinate with Mike Schofield or Nathan Wilkes at ATD regarding any possible improvements to trails in the vicinity.
    d. Parking: ATD would consider parking superior for transportation if it is show as a measure to reduce vehicle trips beyond what is required in the LDC and the TIA. To do this would mean:
        1. Priced Parking
        2. Unbundled Parking
        3. Reduced Parking
        4. Shared Parking (case by case basis)
3. Provide a note documenting a maximum amount of parking on the site. ATD does not support excess parking being determine as superior.

UPDATE #1
ATD 1. The below have been coordinated with the interested parties concerned and would be considered superior. All fees can be collected by ATD.
1. Transit: Fee of $27,800.00 to the South Lamar Corridor project toward a new bus stop

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

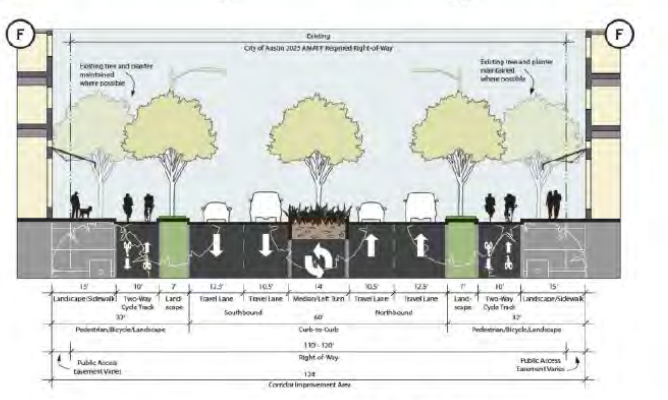
ATD 2. Parking: ATD would considered parking superior for transportation if it is show as a measure to reduce vehicle trips beyond what is required in the LDC and the TIA.

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

ATD 3. ATD is against any excess parking being determine as superior for other elements identified in the LDC, (eg public amenity).
ATD 4. See attached TIA memo and fee information.
UPDATE #2
ATD 1. Comment addressed.
ATD 2. Comment addressed.
ATD 3. Comment addressed.
ATD 4. See attached TIA memo and fee information.
UPDATE #3
Update 3: Please clarify response regarding Final Memo and Invoice issued May 8, 2019.

Transportation Planning - Jaron Hogenson - 512-974-2253

TR1. A Traffic Impact Analysis (TIA) is required and has been received and is under review. TIA comments will be issued under a separate memorandum. [LDC 25-6-113]
TR2. Include the below streetscape in the land use plan. Contact this reviewer for a more legible copy of it if necessary. This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (S Lamar). The sidewalk and bicycle facilities shall comply with the required cross-section at the time of the site plan application. The cross section that will be required is shown below. Find additional information about the Corridor Mobility Program here: https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/. Any proposed curb relocations on S Lamar requires coordination with the Corridor Planning Office and Bicycle Program. The cross section will include a 7' planting zone with street trees, a 10' two-way cycle track, and a 15' clear zone all behind curb. Additionally, a protected intersection will be required at Toomey, to be reviewed at the time of Site Plan.



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

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

Way dedication may be required.
TR4. Modify note 29 to state “Improvements along South Lamar Boulevard will be coordinated with the Corridor Program Office. South Lamar will be constructed to the below cross section or as approved by the Corridor Program Office.” (add cross section as per note above)
TR5. Bicycle facilities will be required along Toomey Road at the site plan stage. The design is below. Include the below graphic on the land use plan. If a more readable copy is required, contact this reviewer.

SUPERIORITY
TR6. For the Zach Scott Theater parking, how is this proposed to be offered? Will they be given a special affordable rate? Include a note on the land use plan indicating how this will achieve superiority.
TR7. The $20,000 amount for Capmetro will need to be reviewed and approved by CapMetro. Please indicate if you have been working with anyone from Capmetro, and provide correspondence or approval.
TR8. Staff does not agree that #7 Transportation increased bicycle racks achieves superiority. Staff recommends discussing the placement of a B-Cycle station with that firm. Alternatively, bike lockers could be proposed.
TR9. Clarify how #12 Accessibility achieves superiority. Give specific examples and include in the note.
TR10. For #12 Accessibility, add a note that an accessible route shall be provided from both Toomey Road and South Lamar.
MISCELLANEOUS
TR11. Remove note 2 and replace with “Access to adjacent streets shall be determined at the site plan stage in accordance with the LDC, TCM, and TIA requirements.”
TR12. Provide a distinctive line for the PUD boundary for readability.
TR13. From the land use plan, remove existing drives to remain. This will be determined at the site plan stage.
TR14. Remove note 1 (see above)
TR15. Recommend not showing plaza boundary on land use plan as it may need to change during site plan review.
TR16. Remove all driveways from the land use plan. Driveways, existing and proposed, will be reviewed at the site plan stage.

TR17. Indicate why existing conditions are shown on plan. These should be removed.
TR18. Modify note 19 to include "Public right of way shall not be used for maneuvering."
TR19. Provide a PDF of the updated plans to this reviewer to be distributed to other departments for review.

UPDATE #1

TIA

TR1. A Traffic Impact Analysis (TIA) is required and has been received. A zoning application is not complete until the required TIA has been received. [LDC 25-6-113]
U1: Comment remains. See attached ATD memorandum for additional information.

CORRIDOR

TR2. This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (S Lamar). The sidewalk and bicycle facilities shall comply with the required cross-section at the time of the site plan application. The cross section that will be required is shown below. Find additional information about the Corridor Mobility Program here: https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/. Any proposed curb relocations on S Lamar requires coordination with the Corridor Planning Office and Bicycle Program. Additionally, a protected intersection will be required at Toomey, to be reviewed at the time of Site Plan.
U1: Comment remains. Modify note 29 to include the protected intersection at Toomey, to be reviewed at time of site plan. Staff has sent the wording to the corridor office for review. Pending their response.
TR3. Right of way requirements for the Corridor program are currently under review. Right of Way dedication may be required.
U1: Comment remains. Update requested 4/5/19.
TR4. Modify note 29 to state "Improvements along South Lamar Boulevard will be coordinated with the Corridor Program Office. South Lamar will be constructed to the below cross section or as approved by the Corridor Program Office." (add cross section as per note above)
U1: Comment cleared. Deferring comment language to TR2.
TR5. Bicycle facilities will be required along Toomey Road at the site plan stage.
U1: Comment remains. Include a note that "Bicycle facilities along Toomey Road and South Lamar will be reviewed at the time of site plan and construction shall be required in accordance with the Bicycle Master Plan."

SUPERIORITY

TR6. For the Zach Scott Theater parking, how is this proposed to be offered? Will they be given a special affordable rate? Include a note on the land use plan indicating how this will be applied.
U1: Comment remains. Please further describe "on a paid basis." Is there an agreement for reduced rates? If the parking is just open, commercially available parking, staff would not agree that this is satisfying the intent of this section.
TR7. The $20,000 amount for Capmetro will need to be reviewed and approved by CapMetro. Please indicate if you have been working with anyone from Capmetro, and provide correspondence or approval.
U1: Comment remains. Pending verification of approval from Capmetro. Staff will also need to see a receipt of the payment once approved.
TR8. Staff does not agree that #7 Transportation increased bicycle racks achieves superiority. Staff recommends discussing the placement of a B-Cycle station with that firm. Alternatively, bike lockers could be proposed.

U1: Comment remains. B-cycle is not feasible, but staff still does not feel that the bicycle superiority is sufficient, as based on the uses shown in the TIA determination, it would only lead to 8 additional bicycle spaces (4 U racks)
TR9. Clarify how Accessibility achieves superiority. Give specific examples & include in note.
U1: Comment remains. This would be a code requirement of Subchapter E and is not sufficient for superiority.
TR10. For #12 Accessibility, add a note that an accessible route shall be provided from both Toomey Road and South Lamar.
U1: Comment cleared. Note added.
MISCELLANEOUS
TR11. Remove note 2 and replace with "Access to adjacent streets shall be determined at the site plan stage in accordance with the LDC, TCM, and TIA requirements."
U1: Comment remains. Driveways are reviewed at the time of site plan. Please detail via email or memo why the site should be entitled two driveways and the proposed locations at this stage.
TR12. Provide a distinctive line for the PUD boundary for readability.
U1: Comment cleared. Boundary revised.
TR13. From the land use plan, remove existing drives to remain. This will be determined at the site plan stage.
U1: Comment remains. See TR11.
TR14. Remove note 1 (see above)
U1: Comment remains.
TR15. Recommend not showing plaza boundary on land use plan as it may need to change during site plan review.
U1: Comment cleared. Recommendation.
TR16. Remove all driveways from the land use plan. Driveways, existing and proposed, will be reviewed at the site plan stage.
U1: Comment remains. See TR11.
TR17. Indicate why existing conditions are shown on plan. These should be removed.
U1: Comment cleared.
TR18. Modify note 19 to include "Public right of way shall not be used for maneuvering."
U1: Comment cleared. Note modified.
TR19. Provide a PDF of the updated plans to this reviewer to be distributed to other departments for review.
U1: Comment remains. Please provide a PDF, we do not have scanning capabilities for these sizes.
TR20. Add note stating that ADA accessible showering/locker room facilities will be provided for building tenants.
UPDATE #2
TR1. A Traffic Impact Analysis (TIA) is required and has been received. A zoning application is not complete until the required TIA has been received. [LDC 25-6-113]
U2: Comment cleared. Staff will defer clearing this comment to ATD.
TR2. Include the below streetscape in the land use plan. Contact this reviewer for a more legible copy of it if necessary. This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (S Lamar). The sidewalk and bicycle facilities shall comply with the

required cross-section at the time of the site plan application. The cross section that will be required is shown below. Find additional information about the Corridor Mobility Program here: https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/. Any proposed curb relocations on S Lamar requires coordination with the Corridor Planning Office and Bicycle Program. The cross section will include a 7' planting zone with street trees, a 10' two-way cycle track, and a 15' clear zone all behind curb. Additionally, a protected intersection will be required at Toomey, to be reviewed at the time of Site Plan.
U2: Comment cleared. Staff will defer clearing this comment to ATD.
TR3. Right of way requirements for the Corridor program are currently under review. Right of Way dedication may be required.
U2: Comment cleared. Staff will defer clearing this comment to ATD.
TR4. Bicycle facilities will be required along Toomey Road at the site plan stage. The design is below. Include the below graphic on the land use plan.
U2: Comment cleared. Note modified.
SUPERIORITY
TR5. For the Zach Scott Theater parking, how is this proposed to be offered? Will they be given a special affordable rate? Include a note on the land use plan.
U2: Comment cleared. Staff will defer this comment to ATD.
TR6. The $20,000 amount for Capmetro will need to be reviewed and approved by CapMetro. Please document if you have been working with anyone from Capmetro.
U2: Comment cleared. Staff will defer this comment to ATD.
TR7. Staff does not agree that #7 Transportation increased bicycle racks achieves superiority. Staff recommends discussing the placement of a B-Cycle station with that firm.
Alternatively, bike lockers could be proposed.
U2: Comment cleared. Staff will defer this comment to ATD.
TR8. Clarify how #12 Accessibility achieves superiority. Give specific examples and add note.
U1: Comment cleared. Staff will accept this superiority option.
MISCELLANEOUS
TR9. Remove note 2 and replace with "Access to adjacent streets shall be determined at the site plan stage in accordance with the LDC, TCM, and TIA requirements."
U2: Comment cleared. Staff will defer this comment to ATD.
TR10. From the land use plan, remove existing drives to remain. This will be determined at the site plan stage.
U2: Comment cleared. Staff will defer this comment to ATD.
TR11. Remove note 1 (see above)
U2: Comment cleared. Staff will defer this comment to ATD.
TR12. Remove all driveways from the land use plan. Driveways, existing and proposed, will be reviewed at the site plan stage.
U2: Comment cleared. Staff will defer this comment to ATD.
TR13. Provide a PDF of the updated plans to this reviewer to be distributed to other departments for review.
U2: Comment cleared. PDFs may be required by ATD.

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

PR1: PARD will need more information such as building elevations/renderings to approve modifications to 25-2-531 (C) (1) (additional height) and 25-2-721 (E) (2) (flat roof top as distinctive building top).
(U0) It is unclear how the proposed features will be visible and distinctive from the ground level and parkland at 96 feet on a flat rooftop.
(U1) Comment remains. The images included do not indicate how the design will meet the intent of the code. Please see Urban Design comments UD2 and Site Plan comments SP4.
(U2): Please codify the amenitized rooftop in such a way that it still requires some architectural elements to preserve the intent of the distinctive rooftop requirement. While the amenities and planting would be attractive to the deck users, it does not meet the full intent of the code due to height/visibility issues. PARD and Urban Design agree that it is possible to incorporate some of the elements given as examples in 25-2-721(E)(2). The language may read as:
"'Amenitized rooftop' shall be considered as a distinctive building top in the Waterfront Overlay. To qualify as an amenitized rooftop the roof shall contain an active area for seating, lounge and gathering with a shade structure which is architectural integrated with the building and covers a portion of the seating area. The roof shall be framed with planters containing native plants visible from City of Austin parkland and incorporate distinctive elements such as cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes."
U3: Cleared. Modification no longer sought.
PR2: FYI, 25-2-721 (E) (1) will be enforced. Please provide information that ensures that this provision will be met. (1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.
(U0) Comment cleared. "Exterior mirror glass with a 30% Ext. Reflectance or greater, and glare producing glass surface building materials will be prohibited."
(U1) Per 25-1-21 (67), "mirrored glass means glass with a reflectivity index greater than 20 percent." Please update note to 20% reflectance.
(U2): PARD cannot accept the request to modify the definition of exterior mirrored glass. While the examples given in the replies to Update 1 may use the same glass as proposed, those projects are outside of the Waterfront Overlay. As such, they were not subject to the restriction on exterior mirrored glass. Also, it may be possible to attain a 3-Star AEGB rating without modifying the reflectance. It is recommended that the architects and engineers meet with AE to discuss the scoring for AEGB ratings.
U3: Cleared. Modification no longer sought.
PR3: PARD will not likely approve the proposed modification to 25-2-733 (E) (3). Staff is willing to meet to discuss whether other building materials can be used.
(U0) Comment cleared.
PR4: Other proposed modifications to the Waterfront Overlay do not appear to affect Butler Shores. (25-2- 691 (C) and 2.7.3.D.4, as long as the roof amenity can be considered a distinctive building top.)
(U0) Comment cleared, except for the comment regarding the rooftop.
(U1) See PR 1.
(U2): Cleared.
PR5: Which part of the site will the ground floor publicly accessible plaza be located?
(U0) In order to comply with Subchapter E, the location of the publicly accessible, ground floor plaza should "be located to adjoin, extend, and enlarge" existing, City of Austin parkland, per

Article 2, § 2.7.3.B. Please contact thomas.rowlinson@austintexas.gov to set up a meeting with PARD planning staff for discussion of the ground floor plaza's access and location.
(U1) Comment cleared. Location of plaza is appropriate from ground floor layout.
PR6 (U0): Modification to § 25-2-721(E)(4) is not superior.
(U1): Please clarify that modification is no longer being requested.
(U2): Cleared.
PR7 (U0): FYI development will require its own fire lanes.
(U1) Cleared.
PR8 (U2): For Note 15, please specify that the rooftop deck access rules and regulations will be determined through a restrictive covenant jointly agreed upon by the owner and the City prior to site plan approval.
U3: Cleared.
PR9 (U2): For Note 26, please specify that the plaza will be publicly accessible through an easement prior to site plan approval.
U3: Cleared.
PR10 (U2): PARD requires additional parking for this area and asks that this development provide public parking for the relocation of the DAC, as well as the projected use of the rooftop deck and plaza. Please include a note on the plan that states a certain number of parking spots will be reserved for public use.
U3: Cleared.

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

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY, AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.
This project is located at 218 SLAMAR BLVD SB and is within the Town Lake and West Bouldin Creek watershed(s), which are classified as Urban Watersheds. This project located within the Edwards Aquifer Contributing Zone.
WQ1. Provide information on any improvements to surrounding conditions.

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

Neighborhood Housing and Community Development (NHCD) acknowledges the applicant's request for a height bonus. The applicable affordability requirements are outlined in Section 2.5 (Development Bonuses) of the Planned Unit Development regulations and will be codified in the zoning ordinance for the property, pending approval by City Council.
NHCD 1.mDwelling units equal to not less 10 percent of the bonus area devoted to a residential rental use shall be leased on an ongoing basis to households earning no more than 60 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area for a period not less than 40 years from the date a final certificate of occupancy is issued for the property. The property owner shall enter into a restrictive covenant with the City of Austin enumerating these requirements as necessary to ensure compliance with this provision.

NHCD 2. Dwelling units equal to not less than 5 percent of the bonus area devoted to a residential owner-occupied use shall be sold to income-eligible homebuyers earning no more than 80 percent of the median family income for the Austin-Round Rock Metropolitan Statistical Area. Each affordable owner-occupied unit shall be restricted by a fixed equity and resale agreement approved by NHCD for a period not less than 99 years from the date a final certificate of occupancy is issued for the property. NHCD has the right to review and include provisions related to the affordable units in a condominium declaration prior to filing.
NHCD 3. The property owner shall pay a fee-in-lieu of on-site affordable housing to NHCD not less than an amount equal to the planned unit development fee rate current at the time of site plan submittal times the bonus square footage devoted to a non-residential use.
NHCD 4. NHCD shall have the right to establish additional guidelines and processes to ensure compliance with the affordability requirements applicable to the PUD.

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

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

Electric Review - Karen Palacios - 512-322-6110

EL1. FYI: Tier requirement add Austin Energy item- Applicant is required to meet safety clearances per Utilities Criteria Manuel.
EL2. FYI: Site development regulations notes number 4 needs to add subject to required easement for electrical services and required clearance and safety requirements per the UCM.
EL3. FYI: The following notes need to be added to the Site Plan notes:

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

DAVID WAHLGREN – SUBDIVISION

SR 1. Please provide a copy of the existing approved plat for this site.
UPDATE # 1 - Comments cleared.

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

ZN 1. The property boundaries, the building setbacks, etc. are still unclear. There is one heavy line type that is used for property lines that obscures everything else. Use a different line type, gray scale, or something to make it all clearer. You have that line type listed as Zoning on the legend but it's also used on the surrounding lots.
Cleared.
ZN 2. Delete text "PUD Approval Block."
Cleared.
ZN 3. Change existing use from "Schlotsky's" to "Restaurant-Limited."
Cleared.
ZN 4. Label Jessie Street.
Cleared.
ZN 5. Label easements and provide dimensions.
Clarify if the 25' building line is an actual easement or if it is a building line from zoning. If it is an easement, it will need to be vacated.
Update #2: Cleared.
ZN 6. Show all existing and proposed easements.
Cleared.
ZN 7. Clarify that the requested building setback is 0 feet—it's not just the Zoning Boundary.
Cleared.
ZN 8. Show Aquifer zone boundary (see Environmental Review comments).
Cleared.
ZN 9. See Urban Design comments regarding elevator structure height. The height should be based on a typical elevator structure, not a percentage of building height.
Urban Design reviewer will evaluate the elevator structure. No comments from Zoning/Case Manager.
ZN 10. Correct acreage on plan to 1.263 acres.
Clarify the site acreage—the tax certificate lists the site as 1.2660 acres. Has ROW been dedicated, or is there some other reason it has changed? Update on plan if necessary.
Update # 2: Cleared; use the more recent information (May 21, 2018 survey).
ZN 11. Show all adjacent driveways.
Cleared.
ZN 12. Dimension all existing and proposed driveways.
Revise the labels on the existing driveways; do not describe as "to remain" or "to close." Just label as "existing driveway." ATD/DSD will provide comments about proposed driveway locations.
Update#2: Zoning staff will defer to ATD/DSD regarding driveway issues.
ZN 13. Per Code, "Co-working space" is not considered a pedestrian oriented use. It is considered administrative/business office. Staff does not support the proposed 60% office use with the remainder to be occupied by lobby, building support services, and pedestrian oriented uses. As proposed, the ground floor could be mostly used for office, lobby, and building services,

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

Update #1: Delete Note #7 under Site Development Regulations. Co-working space is considered Administrative/Business Office; there is no need to provide a distinction. Replace with a note stating that Administrative/Business Office land use is permitted on the ground floor. The other elements of Note #7 are addressed by Note #37 under PUD Notes.

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

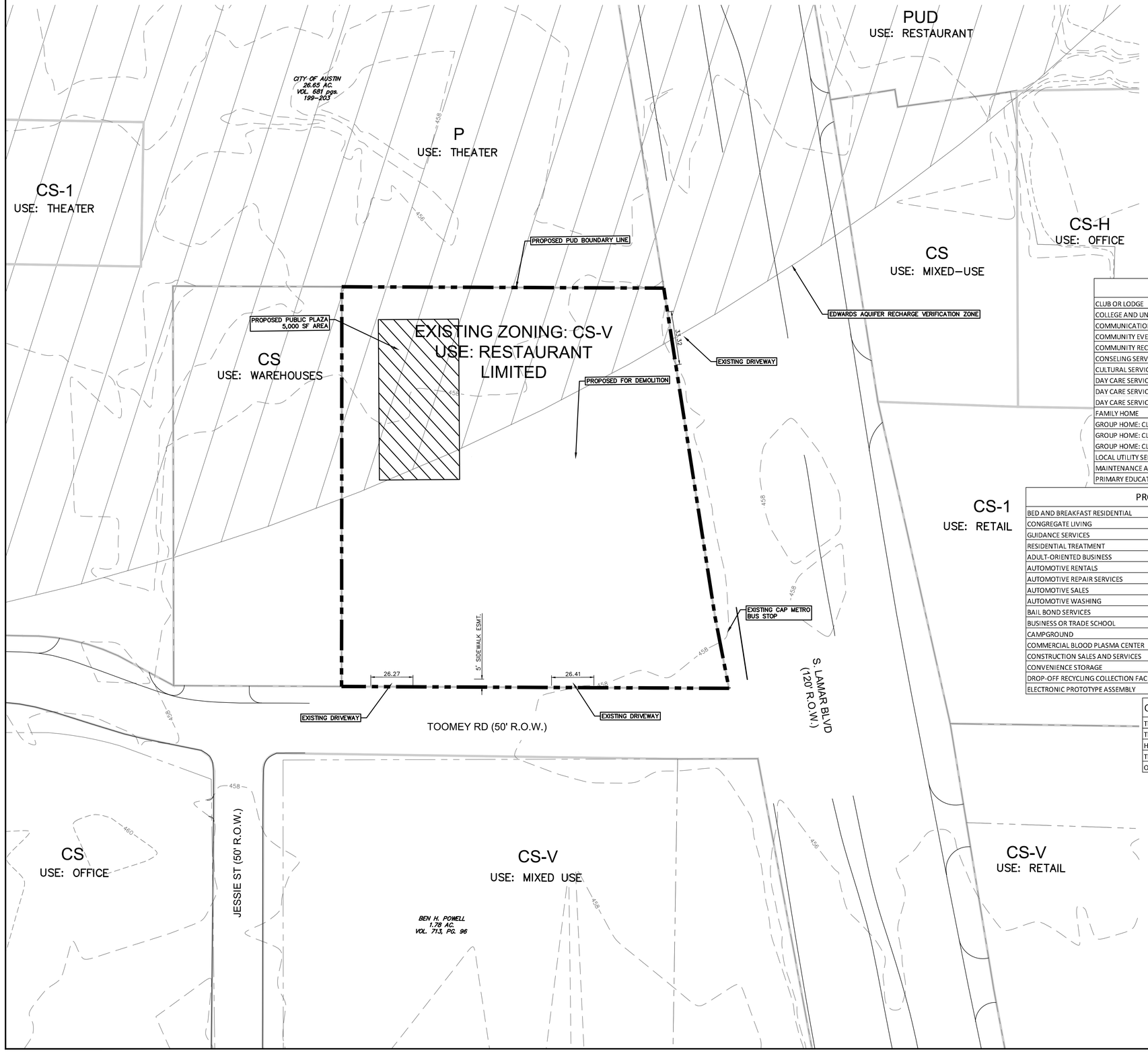
Update #2: Cleared.

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

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

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

Update #3: Cleared.



ACREAGE:

1.260

LEGAL DESCRIPTION:

LOT B OF THE G. C. SEIDERS SUBDIVISION NO. 2, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TAXES, AS RECORDED IN PLAT BOOK 80, PAGE 120 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

FLOODPLAIN INFORMATION:

NO PORTION OF THIS PROJECT IS WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 48453C0445J, DATED JANUARY 6, 2016.

THE ENTIRE PROJECT IS WITHIN THE 500 YEAR FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 48453C0445J, DATED JANUARY 6, 2016.

THIS SITE IS PARTIALLY LOCATED IN THE EDWARDS AQUIFER RECHARGE VERIFICATION ZONE.

NOTES:

1. PUD BASELINE ZONING IS CS–GENERAL COMMERCIAL SERVICES.
2. ALTHOUGH COCKTAIL LOUNGE IS NOT PERMITTED IN CS ZONING, IT IS PERMITTED DUE TO THE PROJECTS LOCATION IN THE WATERFRONT OVERLAY.

EXHIBIT K

30 0 15 30 60

1" = 30'

LEGEND

- ZONING
- PROPERTY LINE
- EXISTING BUILDING FOOTPRINT
- SETBACKS
- EDWARDS AQUIFER RECHARGE VERIFICATION ZONE

ADDITIONAL PEDESTRIAN-ORIENTED USES
ADMINISTRATIVE AND BUSINESS OFFICE

ADDITIONAL PERMITTED USES
COCKTAIL LOUNGE (NOT TO EXCEED 5,000 SF)

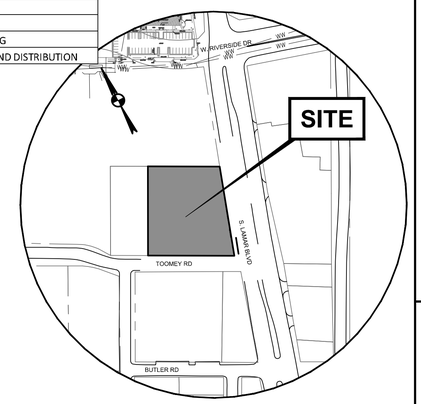
ALLOWABLE USES		
CLUB OR LODGE	PRIVATE SECONDARY EDUCATIONAL SERVICES	FINANCIAL SERVICES
COLLEGE AND UNIVERSITY FACILITIES	PUBLIC PRIMARY EDUCATIONAL SERVICES	GENERAL RETAIL SALES
COMMUNICATION SERVICE FACILITIES	PUBLIC SECONDARY EDUCATIONAL SERVICES	HOTEL/MOTEL
COMMUNITY EVENTS	RELIGIOUS ASSEMBLY	INDOOR ENTERTAINMENT
COMMUNITY RECREATION	SAFETY SERVICES	INDOOR SPORTS AND RECREATION
CONSELING SERVICES	AGRICULTURAL SALES AND SERVICES	MEDICAL OFFICES
CULTURAL SERVICES	ART GALLERY	OFF-SITE ACCESSORY PARKING
DAY CARE SERVICES (COMMERCIAL)	ART WORKSHOP	OUTDOOR SPORTS AND RECREATION
DAY CARE SERVICES (LIMITED)	BUILDING MAINTENANCE SERVICES	PERSONAL IMPROVEMENT SERVICES
DAY CARE SERVICES (GENERAL)	BUSINESS SUPPORT SERVICES	PERSONAL SERVICES
FAMILY HOME	COMMERCIAL OFF-STREET PARKING	PET SERVICES
GROUP HOME: CLASS I GENERAL	COMMUNICATIONS SERVICES	PROFESSIONAL OFFICE
GROUP HOME: CLASS I LIMITED	CONSUMER CONVENIENCE SERVICES	RESTAURANT
GROUP HOME: CLASS II	CONSUMER REPAIR SERVICES	SOFTWARE DEVELOPMENT
LOCAL UTILITY SERVICES	EMPLOYEE RECREATION	THEATER
MAINTENANCE AND SERVICE FACILITIES	FOOD PREPARATION	COMMUNITY GARDEN
PRIMARY EDUCATIONAL SERVICES	FOOD SALES	URBAN FARM

PROHIBITED USES	
BED AND BREAKFAST RESIDENTIAL	ELECTRONIC TESTING
CONGREGATE LIVING	EQUIPMENT REPAIR SERVICES
GUIDANCE SERVICES	EQUIPMENT SALES
RESIDENTIAL TREATMENT	EXTERMINATION SERVICES
ADULT-ORIENTED BUSINESS	FUNERAL SERVICES
AUTOMOTIVE RENTALS	KENNELS
AUTOMOTIVE REPAIR SERVICES	LAUNDRY SERVICES
AUTOMOTIVE SALES	MONUMENT RETAIL SALES
AUTOMOTIVE WASHING	PAWN SHOP SERVICES
BAIL BOND SERVICES	PLANT NURSERY
BUSINESS OR TRADE SCHOOL	PRINTING AND PUBLISHING SERVICES
CAMPGROUND	RESEARCH SERVICES
COMMERCIAL BLOOD PLASMA CENTER	SERVICE STATION
CONSTRUCTION SALES AND SERVICES	VEHICLE STORAGE
CONVENIENCE STORAGE	VETERINARY SERVICES
DROP-OFF RECYCLING COLLECTION FACILITIES	CUSTOM MANUFACTURING
ELECTRONIC PROTOTYPE ASSEMBLY	LIMITED WAREHOUSING AND DISTRIBUTION

CONDITIONAL USES
TELECOMMUNICATIONS TOWER
TRANSPORTATION TERMINAL
HOSPITAL SERVICES
TRANSITIONAL HOUSING
OUTDOOR ENTERTAINMENT

PUD SITE DEVELOPMENT REGULATIONS: BASE DISTRICT: CS	
MAXIMUM IMPERVIOUS COVER	95%
MAXIMUM BUILDING COVERAGE	95%
MAXIMUM HEIGHT	96 FT
MAXIMUM FLOOR TO AREA RATIO (F.A.R.)	3.55 : 1
MINIMUM SETBACKS :	
FRONT YARD	0 FT
STREET SIDE YARD	0 FT
INTERIOR SIDE YARD	0 FT
REAR YARD	0 FT
MAXIMUM NON-RESIDENTIAL	194,841 SQ FT

* 3.2:1 FAR IS CALCULATED BY TAKING INTO ACCOUNT APPLICABLE FAR REGULATIONS FOR THE "CS" ZONING CLASSIFICATION AND THE APPLICABLE REGULATIONS OUTLINED IN SECTION 25–2–174 (ADDITIONAL FLOOR AREA) OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE FOR PROPERTIES IN THE WATERFRONT OVERLAY



VICINITY MAP

N.T.S.

APPROVAL | REVISION | NO. | DATE

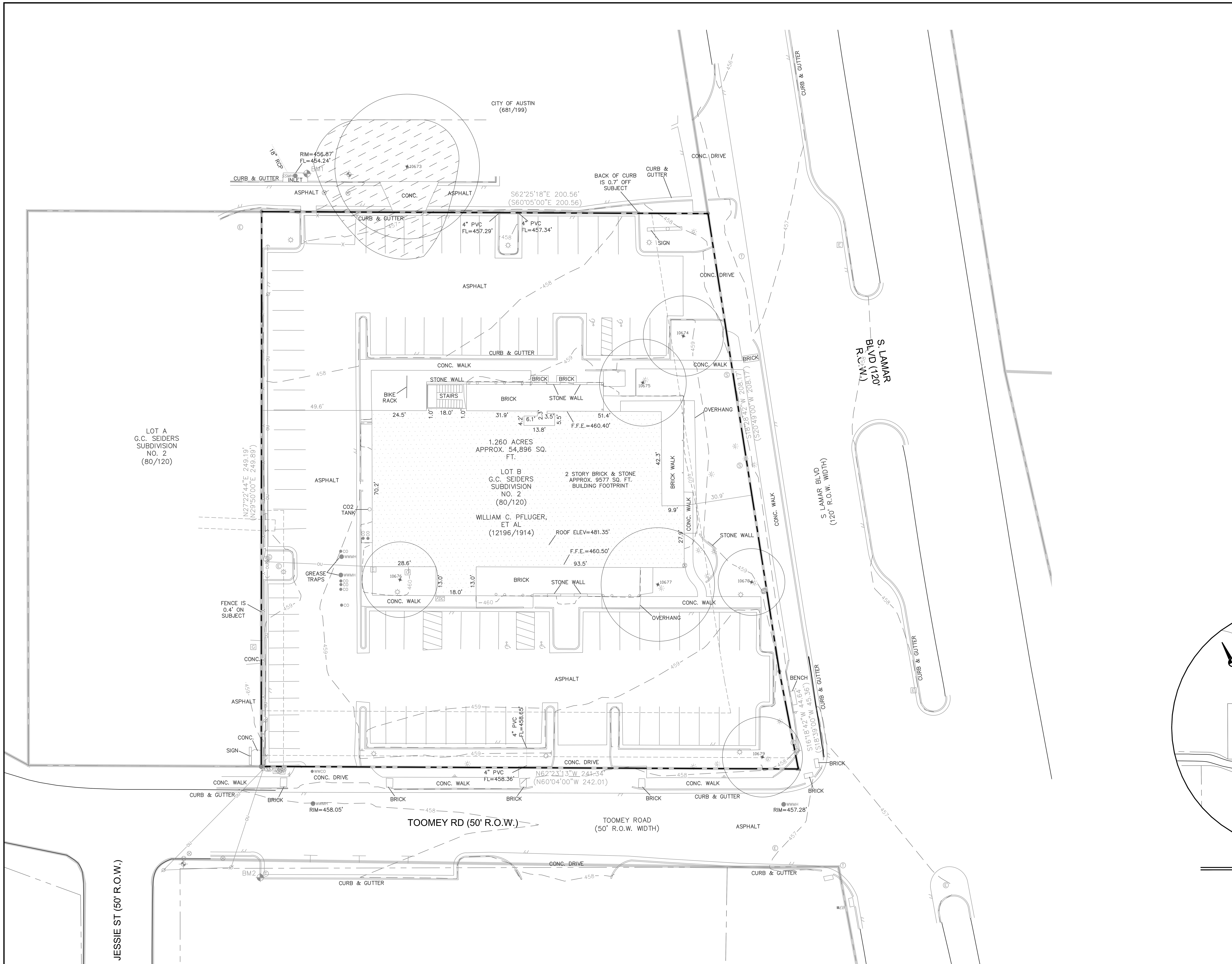
garza EMC
7708 Rialto Blvd., Suite 125
Austin, Texas 78735
Tel. (512) 288-3284 Fax (512) 288-2592
TBPE # F-14629
Garza EMC, LLC

LAND USE PLAN

218 SOUTH LAMAR BOULEVARD
AUSTIN, TX 78704

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

SHEET
1
OF 3



LEGEND

- ZONING
- PROPERTY LINE
- EXISTING BUILDING FOOTPRINT
- SETBACKS
- TREE CANOPY (APPROXIMATE)

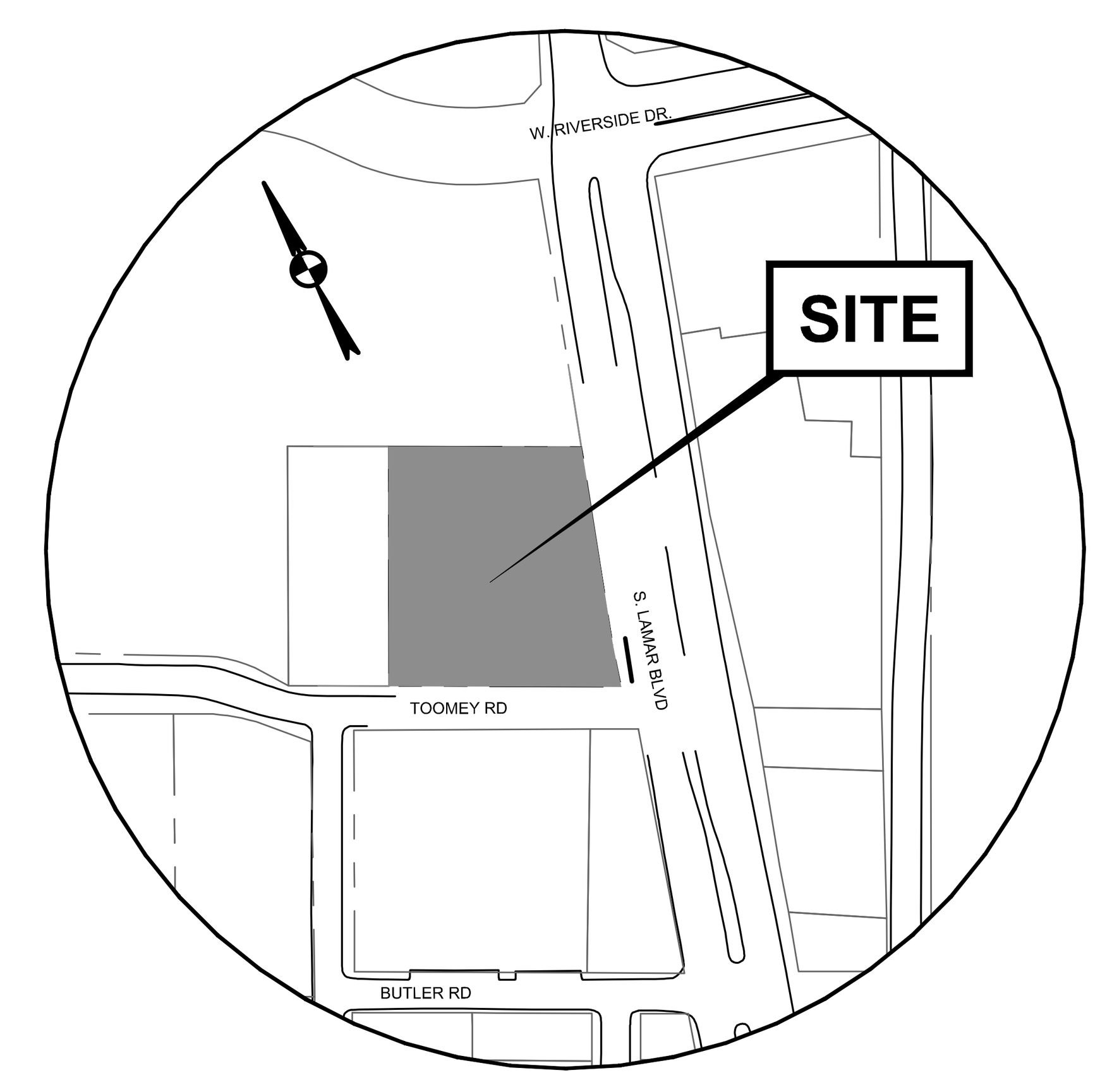
TREE INDEX

TAG NO. (514) TYPE (LO) 17 14 11 — INDICATES MULTI TRUNK; INDIVIDUAL TRUNK DIA. (IN INCHES)

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

10673	LO 24 17
10674	PINE 13 10
10675	CRM 8 6 6 6 5
10676	LO 17
10677	CRM 8 8 6 6 5 5 5
10678	PINE 15
10679	PINE 18

CRM = CRAPE MYRTLE
LO = LIVE OAK
PINE = PINE



VICINITY MAP
N.T.S.

DATE	NO.	REVISION	APPROVAL

garza emc
7708 Rialto Blvd., Suite 125
Austin, Texas 78735
Tel. (512) 298-3284 Fax (512) 298-2592
TBPE # F-14629

TREE SURVEY PLAN

218 SOUTH LAMAR BOULEVARD
AUSTIN, TX 78704

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

SHEET 3 OF 3

SITE DEVELOPMENT REGULATIONS:

1. THE PUD IS SUBJECT TO THE SITE DEVELOPMENT REGULATIONS ASSOCIATED WITH THE CS ZONING BASE DISTRICT, EXCEPT AS MODIFIED ON THE LAND USE PLAN AND ASSOCIATED NOTES.

2. THE MAXIMUM HEIGHT FOR THE PUD MAY NOT EXCEED 96 FEET IN HEIGHT. SECTION 25-2-531, HEIGHT LIMIT EXCEPTIONS, STILL APPLY TO THE PUD. SECTION 25-2-531(HEIGHT LIMIT EXCEPTIONS) IS MODIFIED SUCH THAT THE ELEVATOR CAB/MECHANICAL ROOM AND IMPROVEMENTS NECESSARY FOR PEDESTRIAN ELEVATOR ACCESS TO THE ROOFTOP DECK MAY EXCEED THE MAXIMUM HEIGHT OF THE PUD BY 19'-2".

3. THE MAXIMUM FLOOR AREA RATIO (FAR) IN THE PUD IS 3.55:1.

4. MINIMUM SETBACKS OF THE CS BASE DISTRICT ARE REDUCED TO FIVE (5) FEET FOR THE FRONT AND STREET SIDE YARDS.

5. PERMITTED, CONDITIONAL AND PROHIBITED LAND USES SHALL BE CONSISTENT WITH THE CS BASE DISTRICT WITH THE FOLLOWING MODIFICATIONS:

   a. THE FOLLOWING ARE ADDITIONAL PERMITTED USES IN THE PUD:

      COCKTAIL LOUNGE (NOT TO EXCEED 5,000 SF)

   b. THE FOLLOWING ARE PROHIBITED USES IN THE PUD:

      ADULT-ORIENTED BUSINESSES
      AUTOMOTIVE RENTALS
      AUTOMOTIVE REPAIR SERVICES
      AUTOMOTIVE SALES
      AUTOMOTIVE WASHING
      BAIL BOND SERVICES
      BED AND BREAKFAST RESIDENTIAL
      BUSINESS OR TRADE SCHOOL
      CAMPGROUND
      COMMERCIAL BLOOD PLASMA CENTER
      CONGREGATE LIVING
      CONSTRUCTION SALES AND SERVICES
      CONVENIENCE STORAGE
      CUSTOM MANUFACTURING
      DROP-OFF RECYCLING COLLECTION FACILITY
      ELECTRONIC PROTOTYPE ASSEMBLY
      ELECTRONIC TESTING
      EQUIPMENT REPAIR SERVICES
      EQUIPMENT SALES
      EXTERMINATION SERVICES
      FUNERAL SERVICES
      GUIDANCE SERVICES
      HOSPITAL SERVICES
      KENNELS
      LAUNDRY SERVICES
      LIMITED WAREHOUSING AND DISTRIBUTION
      MONUMENT RETAIL SALES
      PAWN SHOP SERVICES
      PLANT NURSERY
      PRINTING AND PUBLISHING SERVICES
      RESEARCH SERVICES
      RESIDENTIAL TREATMENT
      SERVICE STATION
      VEHICULAR STORAGE
      VETERINARY SERVICES

   c. THE FOLLOWING ARE CONDITIONAL USES IN THE PUD:

      TRANSPORTATION TERMINAL
      HOSPITAL SERVICES
      TELECOMMUNICATIONS TOWER
      TRANSITIONAL HOUSING
      OUTDOOR ENTERTAINMENT

6. ALTERNATIVE EQUIVALENT COMPLIANCE IS GRANTED TO SECTION 2.2.2.C.1 OF SUBCHAPTER E SUCH THAT A MAXIMUM OF 50% OF THE SUPPLEMENTAL ZONE MAY BE 45 FEET IN WIDTH.

7. NOTE INTENTIONALLY REMOVED.

8. NOTE INTENTIONALLY REMOVED.

9. NOTE INTENTIONALLY REMOVED.

10. NOTE INTENTIONALLY REMOVED.

PUD NOTES:

1. THE SIZE, CONFIGURATION AND LOCATION OF THE DRIVEWAYS AS SHOWN HEREON IS AN APPROXIMATION FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH THE SIZE, CONFIGURATION AND LOCATION OF DRIVEWAYS AT THE TIME OF SITE DEVELOPMENT PERMIT.

2. DRIVEWAYS ALONG TOOMEY ROAD WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, INCLUDING THE TRANSPORTATION CRITERIA MANUAL, AND APPLICABLE TIA REQUIREMENTS, UNLESS WHERE SPECIFICALLY MODIFIED WITH THE PUD. ANY WAIVERS TO THE TRANSPORTATION CRITERIA MANUAL WILL BE ADDRESSED AT THE TIME OF SITE DEVELOPMENT PERMIT. A MAXIMUM OF TWO (2) DRIVEWAYS WILL BE ALLOWED WITH THE PUD. ACCESS WILL BE ALLOWED ON BOTH SOUTH LAMAR BOULEVARD AND TOOMEY ROAD. ONE (1) DRIVEWAY ON SOUTH LAMAR SHALL PROVIDE FIRE, SERVICE AND EMERGENCY ACCESS ONLY.

3. NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD. HOWEVER, THE STRUCTURED PARKING AREA MAY BE GATED SUBJECT TO THROAT DEPTH, STACKING AND CIRCULATION STANDARDS.

4. AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE CITY OF AUSTIN GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE.

5. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING PROGRAM AT A THREE-STAR LEVEL, AT A MINIMUM.

6. THE PROJECT SHALL PROVIDE AN ART PIECE APPROVED BY THE ART IN PUBLIC PLACES PROGRAM IN A PROMINENT LOCATION, EITHER BY PROVIDING THE ART DIRECTLY OR BY MAKING A CONTRIBUTION TO THE CITY OF AUSTIN'S ART IN PUBLIC PLACES PROGRAM. SAID ART PIECE MAY BE INCORPORATED INTO ADDITIONAL ASPECTS OF THE PROJECT INCLUDING THE BUS STOP OR OTHER PUBLIC USE.

7. THE PROJECT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION.

8. THE PUD SHALL UTILIZE GREEN WATER QUALITY CONTROLS AS DESCRIBED IN THE ENVIRONMENTAL CRITERIA MANUAL TO TREAT A MINIMUM OF SEVENTY-FIVE PERCENT (75%) OF THE WATER QUALITY VOLUME REQUIRED BY CODE.

9. THE PROJECT SHALL COMPLY WITH THE DARK SKY INITIATIVE.

10. ALL REQUIRED TREE PLANTINGS SHALL UTILIZE NATIVE TREE SPECIES SELECTED FROM APPENDIX F OF THE ENVIRONMENTAL CRITERIA MANUAL APPENDIX (DESCRIPTIVE CATEGORIES OF TREE SPECIES) AND UTILIZE CENTRAL TEXAS NATIVE SEED STOCK.

11. 100% OF ALL NON-TURF PLANT MATERIALS SHALL BE SELECTED FROM THE ENVIRONMENTAL CRITERIA MANUAL APPENDIX N (CITY OF AUSTIN PREFERRED PLANT LIST) OR THE "GROW GREEN NATIVE AND ADAPTIVE LANDSCAPE PLANTS GUIDE."

12. ALL SHADE TREES SHALL BE A MINIMUM OF 3" CALIPER INCHES. THE LANDOWNER SHALL PROVIDE AT LEAST 1,000 CUBIC FEET OF SOIL VOLUME PER TREE FOR THE REQUIRED 42 CALIPER INCHES OF STREET TREES WITHIN THE 218 S. LAMAR PUD. UP TO 25 PERCENT OF THE SOIL VOLUME MAY BE SHARED WITH ADJACENT TREES IN CONTINUOUS PLANTINGS. LOAD-BEARING SOIL CELLS SHALL BE USED TO MEET THE SOIL VOLUME REQUIREMENT IF NECESSARY. THE CITY ARBORIST, HOWEVER, MAY REDUCE THE MINIMUM SOIL VOLUME REQUIREMENT IF NEEDED DUE TO UTILITY CONFLICTS OF OTHER CONTRACTIBILITY ISSUES.

13. ALL PARKING FOR THE PROJECT WILL BE LOCATED IN A BELOW-GRADE PARKING STRUCTURE. PARKING FOR TENANTS SHALL BE DECOUPLED FROM RENT.

14. THE STRUCTURED PARKING PROVIDED WITH THE PROJECT WILL BE AVAILABLE FOR PUBLIC USE. PARKING SHALL BE ON A PAID BASIS TO THE PUBLIC.

15. THE PROJECT SHALL CONTAIN A ROOFTOP AMENITY SPACE. SUCH SPACE SHALL BE AVAILABLE TO COMMUNITY GROUPS AND NON-PROFIT ORGANIZATIONS. USE OF THE SPACE SHALL BE ON A RESERVATION BASIS AND SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS SHALL BE IMPOSED BY THE OWNER OF THE PROPERTY OR ANY ASSOCIATION FOR THE PROJECT.

16. NOTE INTENTIONALLY REMOVED.

17. THE PROJECT WILL PROVIDE BICYCLE PARKING FOR PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING SPACES OR 2) 10 BICYCLE PARKING SPACES. ALL BICYCLE PARKING WILL BE LOCATED WITHIN THE STRUCTURED PARKING GARAGE, WITHIN THE PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS. A MINIMUM OF 50% OF CODE REQUIRED BICYCLE PARKING SHALL BE LOCATED IN THE PLAZA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE.

18. THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY OFFICE TENANTS AND PATRONS OF THE RETAIL LEASE SPACE.

19. LOADING AND TRASH COLLECTION FACILITIES FOR THE PUD SHALL BE LOCATED ON-SITE. MANEUVERING FOR LOADING AND TRASH FACILITIES SHALL ALSO BE LOCATED ON-SITE. PUBLIC RIGHT OF WAY SHALL NOT BE USED FOR MANEUVERING.

20. EXCEPT WHERE MODIFIED HEREIN, DEVELOPMENT WITHIN THE PUD SHALL BE SUBJECT TO THE SUBCHAPTER E REQUIREMENTS OF CITY CODE.

21. THE PROJECT WILL ACHIEVE A MINIMUM OF SIX (6) POINTS UNDER THE BUILDING DESIGN OPTIONS OF SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE).

22. THE PUD WILL COMPLY WITH SECTION 2.5.2.B.2, REQUIREMENTS FOR EXCEEDING BASELINE, OF THE PUD REGULATIONS BY PROVIDING A FEE IN THE AMOUNT ESTABLISHED UNDER SECTION 2.5.6 (IN LIEU DONATION) FOR EACH SQUARE FOOT OF BONUS SQUARE FOOTAGE ABOVE THE BASELINE TO THE AFFORDABLE HOUSING TRUST FUND TO BE USED FOR PRODUCING OR FINANCING AFFORDABLE HOUSING, AS DETERMINED BY THE DIRECTOR OF THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

23. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL EXCEED THE TIER 1 MINIMUM REQUIREMENTS. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2, SUBCHAPTER E, SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES. A MINIMUM OF 40% GROUND FLOOR SHALL BE OPEN SPACE.

24. THE PROJECT SHALL PROVIDE IMPROVEMENTS TO THE AUSTIN TRANSPORTATION DEPARTMENT FOR BUS STOP IMPROVEMENTS ON SOUTH LAMAR BOULEVARD IN AN AMOUNT NOT TO EXCEED $27,800.

25. THE PROJECT SHALL PROVIDE ADA ACCESSIBLE SHOWER FACILITIES FOR TENANTS OF THE BUILDING.

26. THE PROJECT WILL INCLUDE A GROUND-FLOOR PLAZA WITH A MINIMUM SQUARE FOOTAGE OF 8,000 SQUARE FEET. SUCH PLAZA SHALL BE PUBLICLY ACCESSIBLE. A PUBLIC ACCESS EASEMENT SHALL BE RECORDED PRIOR TO ISSUANCE OF A SITE DEVELOPMENT PERMIT FOR THE PROJECT.

27. THE PUD WILL EXCEED THE MINIMUM LANDSCAPE REQUIREMENTS OF THE CITY CODE. 100% OF ALL LANDSCAPE PLANTING ON SITE WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE OR CITY OF AUSTIN RAIN GARDEN PLANT LIST.

28. 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORM WATER RUNOFF CONVEYED TO RAIN GARDENS, COLLECTION OF AIR CONDITIONER CONDENSATE, OR THROUGH THE USE OF RAINWATER HARVESTING (OR A COMBINATION OF THE ABOVE); PROVIDED, HOWEVER, THE APPLICANT SHALL HAVE THE RIGHT TO SUPPLEMENT SUCH LANDSCAPE IRRIGATION WITH POTABLE WATER, IF NECESSARY.

29. IMPROVEMENTS ALONG SOUTH LAMAR BOULEVARD WILL BE COORDINATED WITH THE CORRIDOR PROGRAM OFFICE. SOUTH LAMAR WILL BE CONSTRUCTED SUCH THAT SIDEWALK AND BICYCLE IMPROVEMENTS ALONG SOUTH LAMAR SHALL INCLUDE A 7-FOOT PLANTING ZONE WITH TREES AND A 10-FOOT TWO-WAY CYCLE TRACT, NOT LOCATED ON THE PUD PROPERTY, AS WELL AS A 15-FOOT LANDSCAPE/SIDEWALK ZONE, UNLESS MODIFICATIONS TO THIS CROSS-SECTION ARE DIRECTED BY THE CORRIDOR PROGRAM OFFICE. TOOMEY ROAD WILL BE A PROTECTED INTERSECTION AND WILL BE REVIEWED AT THE TIME OF SITE DEVELOPMENT PERMIT.

30. AT LEAST 75% OF THE BUILDING FRONTAGE OF ALL PARKING STRUCTURES IS DESIGNATED FOR PEDESTRIAN-ORIENTED USES AS DEFINED IN SECTION 25-2-691 (C) (WATERFRONT OVERLAY DISTRICT USES) ON THE GROUND FLOOR.

31. THE PROJECT SHALL PROVIDE AN ACCESSIBLE ROUTE FROM SOUTH LAMAR BOULEVARD AND TOOMEY ROAD.

32. NOTE INTENTIONALLY REMOVED.

33. A SUPPLEMENTAL ZONE SHALL BE PROVIDED ALONG BOTH TOOMEY ROAD AND SOUTH LAMAR BOULEVARD. SUCH SUPPLEMENTAL ZONE SHALL INCLUDE OUTDOOR SEATING.

34. BICYCLE FACILITIES ALONG TOOMEY ROAD AND SOUTH LAMAR WILL BE REVIEWED AT THE TIME OF SITE PLAN AND CONSTRUCTION SHALL BE REQUIRED IN ACCORDANCE WITH THE BICYCLE MASTER PLAN.

35. APPLICANT SHALL PROVIDE FUNDS IN THE AMOUNT OF $25,000 TO THE AUSTIN TRANSPORTATION DEPARTMENT FOR CYCLE TRACK IMPROVEMENTS ALONG SOUTH LAMAR.

36. THE PUD SHALL NOT EXCEED THE CODE REQUIRED PARKING FOR THE USES AT THE TIME OF SITE DEVELOPMENT PERMIT AS DEPICTED IN APPENDIX A OF CHAPTER 25-6 OF THE LAND DEVELOPMENT CODE.

37. NOTE INTENTIONALLY REMOVED.

38. THE DEVELOPMENT SHALL PROVIDE RAINWATER HARVESTING FOR ALL ROOFTOPS AND VERTICAL STRUCTURES. RUNOFF FROM SURFACE DRIVEWAY, PLAZAS, OR PARKING SHALL BE DIRECTED TO RAINWATER CISTERNS OR ON-SITE RAINGARDENS FOR TREATMENT UNLESS DIRECTION OF RUNOFF FROM THOSE SURFACES IS INFEASIBLE DUE TO SITE CONDITIONS AND WOULD RESULT IN A DRAINAGE PATTERN LIKELY TO CAUSE NUISANCE OR STANDING WATER CONDITIONS. CISTERN OUTFLOW SHALL BE DIRECTED TOWARDS ON-SITE RAINGARDENS, LANDSCAPING, OR OTHERWISE DIRECTED TO THE NORTHWEST CORNER OF THE SITE. RAINWATER CISTERNS SHALL BE DESIGNED NOT ONLY FOR THE REQUIRED WATER QUALITY TREATMENT VOLUME PER THE ENVIRONMENTAL CRITERIA MANUAL, BUT ALSO SHALL BE OVERSIZED FOR REQUIRED STORMWATER DETENTION VOLUME PER THE DRAINAGE CRITERIA MANUAL. AN ALTERNATIVE METHOD OF STORMWATER DETENTION MAY BE ALLOWED ONLY WITH THE APPROVAL OF THE DIRECTOR OF THE WATERSHED PROTECTION DEPARTMENT. THE DETENTION COMPONENT IS REQUIRED SINCE FLOW PATTERNS ON THE SITE ARE TO BE MODIFIED SO THAT CISTERN OUTFLOWS ARE DIRECTED TO THE NORTHWEST CORNER. TREATMENT REQUIREMENTS FOR IMPERVIOUS COVER NOT TREATED BY RAINWATER CISTERNS OR ON-SITE RAINGARDENS UP TO 3000 SQUARE FEET MAY BE ALLOWED BY PAYMENT IN LIEU OF STRUCTURAL CONTROLS WITH THE APPROVAL OF THE DIRECTOR OF THE WATERSHED PROTECTION DEPARTMENT.

39. STREET YARD LANDSCAPING WILL EXCEED MINIMUM CODE REQUIREMENTS BY 35%. LANDSCAPE AREA SOIL DEPTH WILL EXCEED MINIMUM CODE REQUIREMENTS BY 6 INCHES.

40. A 1,000 SQUARE FOOT ARTIST STUDIO SHALL BE PROVIDED ON THE GROUND FLOOR.

41. PROJECT WILL BE INTERNALLY PIPED TO CONNECT TO FUTURE EXPANSION OF THE CITY OF AUSTIN RECLAIMED WATER PURPLE PIPE SYSTEM.

DATE	NO.	REVISION	APPROVAL

garza EMC
7708 Rialto Blvd., Suite 125
Austin, Texas 78735
Tel. (512) 298-3284 Fax (512) 298-2592
TBPE # F-14629

LAND USE PLAN NOTES

218 SOUTH LAMAR BOULEVARD
AUSTIN, TX 78704

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

Carbon Impact Statement

Project:

EXHIBIT L

Scoring Guide:

1-4: Business as usual

5-8: Some positive actions

9-12: Demonstrated leadership

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

Total Score: 9

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

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

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

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

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

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

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

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

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

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

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

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

The project is not meeting this item.

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

Cisterns will be included in the project parking structure.

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

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

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

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

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

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

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

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

EXHIBIT M

ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

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

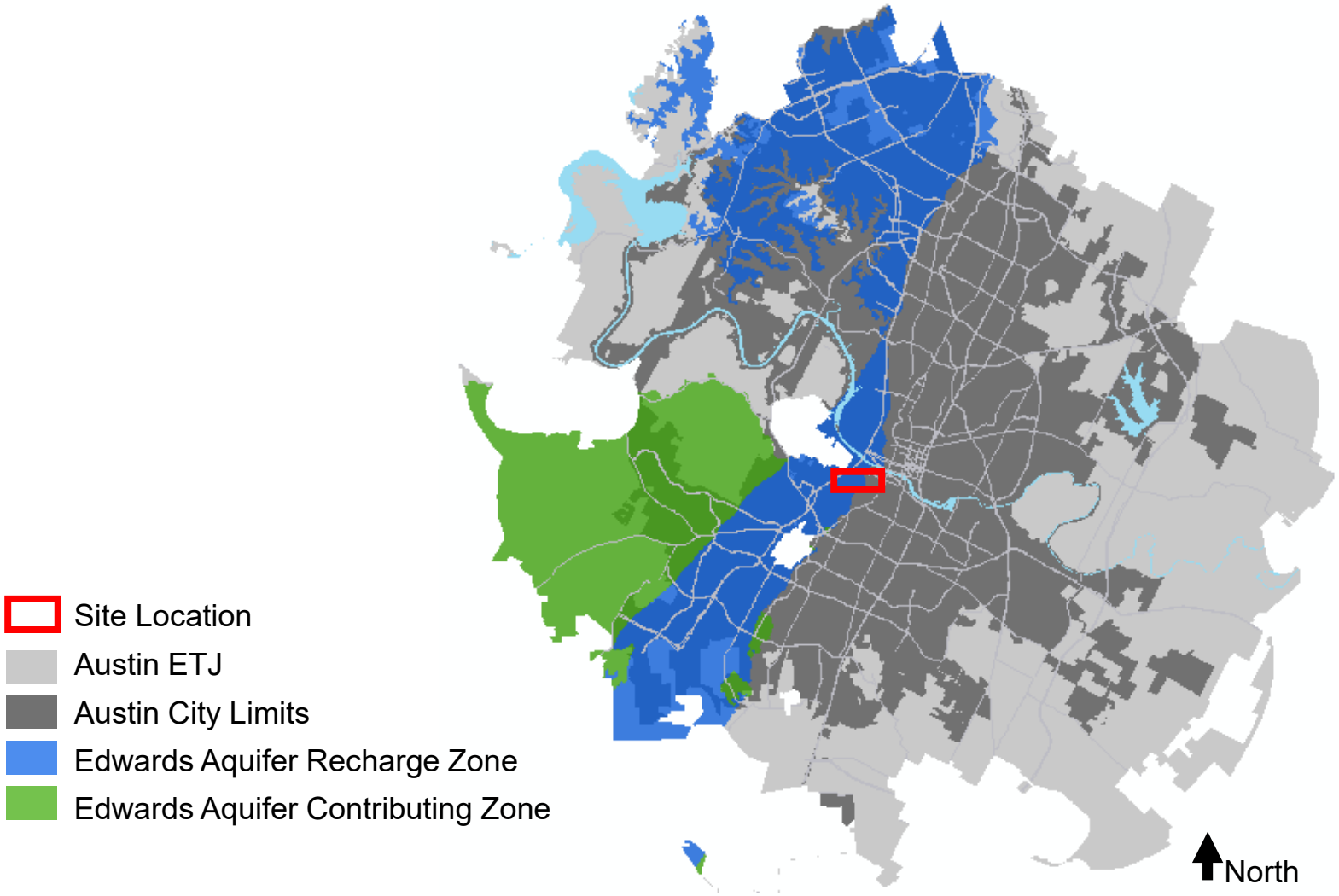
9. All street trees will be planted in continuous plating beds.
10. Project will provide dedicated public spaces for electric vehicle parking.
11. Bicycle parking will be provided above standard requirements.
12. Underground parking will be available to Zach Scott Theater for overflow parking and storage.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

218 S. Lamar PUD

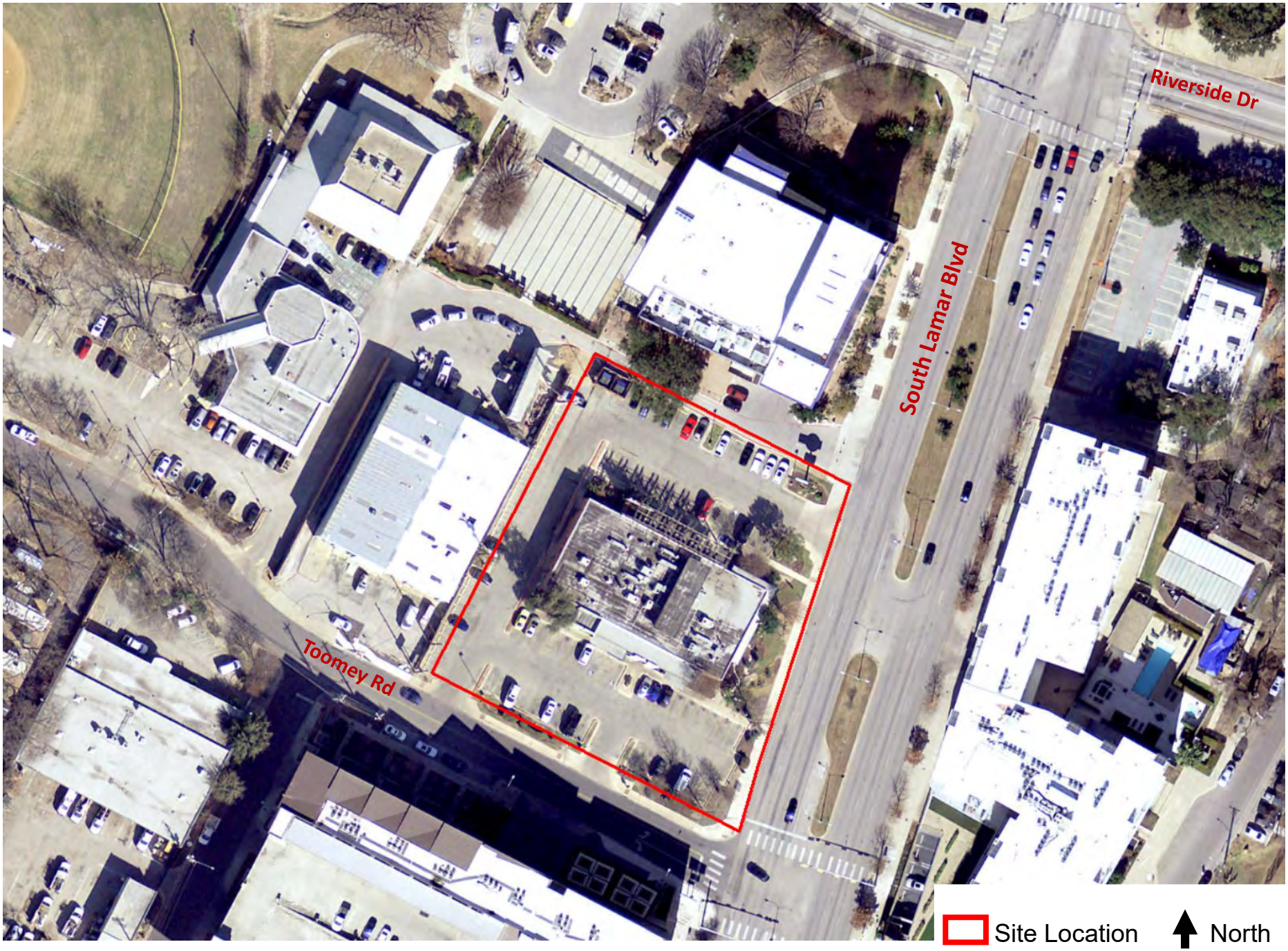
C814-2018-0121

Atha Phillips, Environmental Program Coordinator

Environmental Officer's Office


Site Location
Austin ETJ
Austin City Limits
Edwards Aquifer Recharge Zone
Edwards Aquifer Contributing Zone
North


Riverside Dr
South Lamar Blvd
Toomey Rd
Barton Springs Rd
Site Location
North


Riverside Dr
South Lamar Blvd
Toomey Rd
Site Location
North

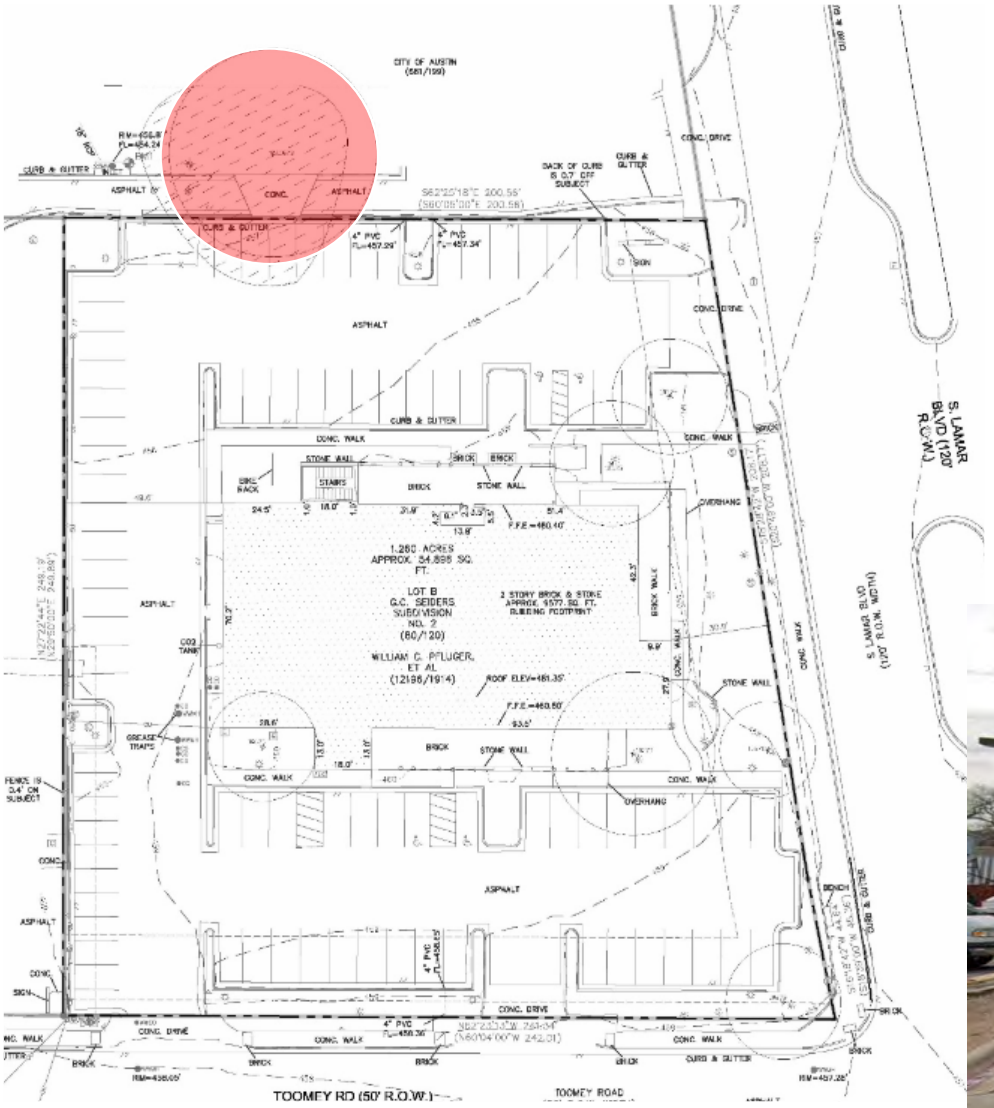
Background:

1.266 Acres

Council District 5

Lady Bird Lake & West Bouldin Creek Watershed - Urban Watersheds

Existing Trees:



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

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

Comparison:

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

Comparison:

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

Other Superiorities

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

M E M O R A N D U M

TO: **Mayor and City Council**

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

DATE: **January 15, 2020**

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

****

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

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

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

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

PETITION

Date: October 21, 2019
File Number: C814-2018-0121

Address of
Rezoning Request: 218 South Lamar

To: Austin City Council

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

The reasons for our protest are:

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

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

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

Date: October 21, 2019

Contact Name: Hoppy Goddin
Phone Number: 240-274-2972
Email : hoppy.goddin@gmail.com

Case Number:

PETITION

C814-2018-0121

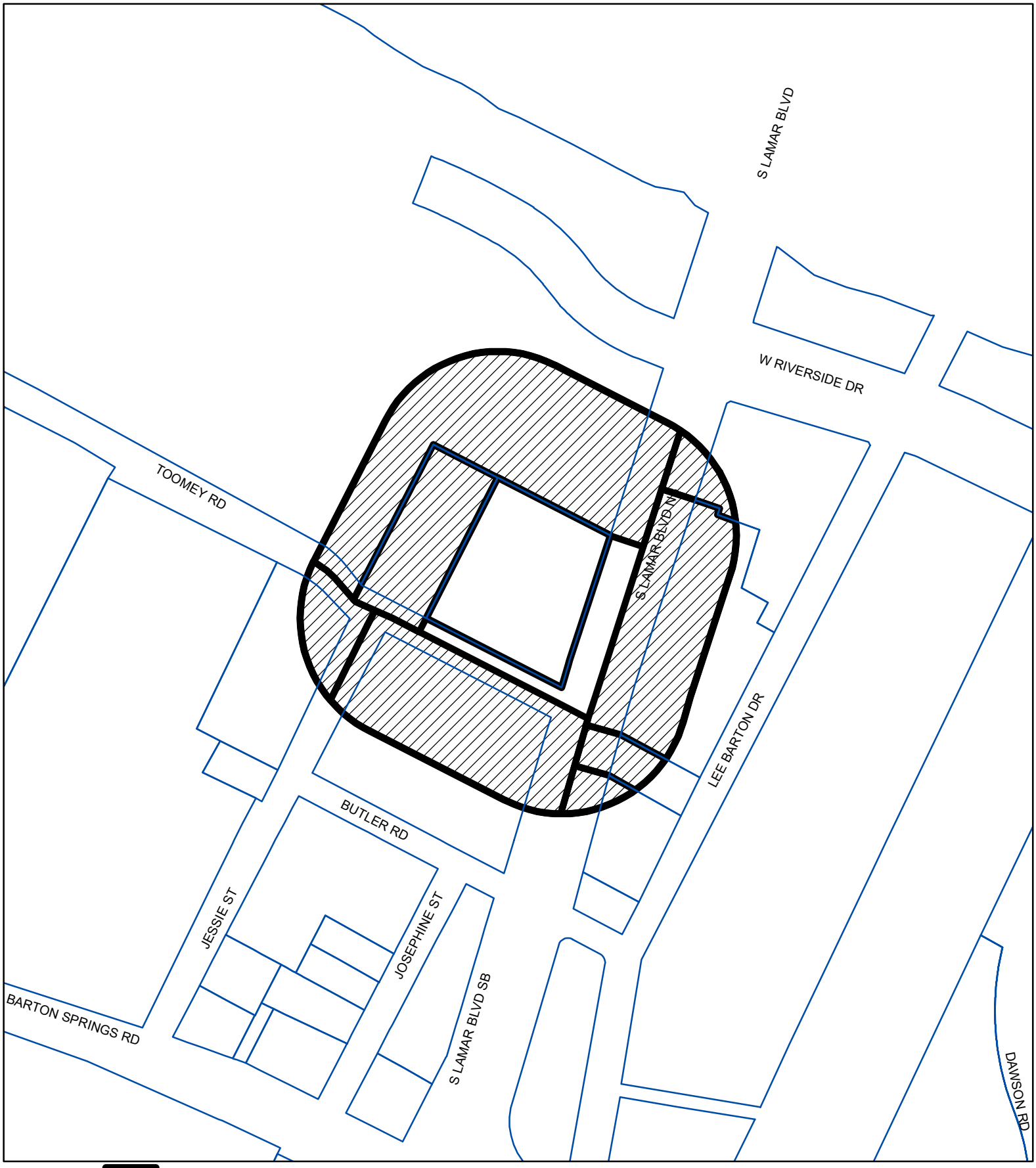
Date: 1/15/2020

Total Square Footage of Buffer: 314591.8758

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

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

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



N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C814-2018-0121

1 " = 200 '

CITY OF AUSTIN · FOUNDED 1839

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

Case Number: C814-2018-0121
Contact: Heather Chaffin, 512-974-2122
Public Hearing: May 12, 2020, Planning Commission

ROB PARSONS
Your Name (please print)

☑ **I am in favor**
☐ **I object**

FRIENDS OF ZILKER
Your address(es) affected by this application

Signature — 5/11/20 *Date*

Daytime Telephone: 512-565-2321

Comments: PER A VOTE HELD ON 11/14/19 THE FRIENDS OF ZILKER UNANIMOUSLY SUPPORTS THE PUD AS PROPOSED.

If you use this form to comment, it may be returned to:
City of Austin, Planning & Zoning Department
Heather Chaffin
P. O. Box 1088, Austin, TX 78767-8810

Or email to:
Heather.Chaffin@austintexas.gov

From: Katy Fendrich-Turner
Sent: Sunday, May 10, 2020 9:17 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Maddoux, Steven <Steven.Maddoux@austintexas.gov>; Kazi, Fayez - BC <bc-Fayez.Kazi@austintexas.gov>; Kenny, Conor - BC <BC-Conor.Kenny@austintexas.gov>; Leighton-Burwell, Don - BC <bc-Don.Leighton-Burwell@austintexas.gov>
Subject: 5/12 Planning Commission - comments opposing Schlotzsky's PUD at 218 S. Lamar Blvd

Hello. I see that City staff has recommended this Zilker development with conditions.
As a resident of the Zilker neighborhood, I am opposed to the "Schlotzsky's PUD" at 218 S. Lamar Blvd. Our Zilker Neighborhood Association voted unanimously to support the Waterfront Overlay and to oppose the construction of a high-rise near the banks of the Colorado River at 218 South Lamar Blvd. and I feel that the Planning Commission is not taking into account our neighborhood concerns.

The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high office building near the south end of the Lamar Bridge and the Pfluger Pedestrian Bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this 1.26 acre site. In addition, any mixed use project going into this area should have a residential component, as defined by the VMU ordinance. (This PUD is an office building.)

Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs the parcel in this case. The parcel, fronting on S. Lamar with proximity to the waterfront and its adjacent public green spaces, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. This PUD and its variances rejects the VMU options.

The purpose of the PUD ordinance is to develop at least 10 acres and 'result in development superior to that which would occur using conventional zoning.' Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior to nearby projects.

Please let me know that the Planning Commission has received this note. I appreciate your service to the City of Austin.

Thank you,
Katy

Katy Fendrich-Turner
1115 Kinney Avenue Unit 14
Austin, TX. 78704

From: noreply@coadigital.onbehalfof.austintexas.gov [mailto:noreply@coadigital.onbehalfof.austintexas.gov]
Sent: Monday, May 11, 2020 11:37 AM
To: DSD Help <DSDhelp@austintexas.gov>
Cc:
Subject: PUD At Lamar and Toomey

This message is from John Killough. []

We strongly object to the change in Zoning for the PUD at S. Lamar and Toomey Road:

• The change violates the purpose of the Waterfront Overlay.

• The project violates Zilker Neighborhood Association's approved Vertical Mixed Use proposal.

• Although the project proposes underground parking, there is no provision for entrance and egress from the building onto already overburdened streets.

Sincerely yours,
John and Dianne Killough
1600 Barton Springs Rd Unit 3601
Austin, TX 78704-1193

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Sent: Tuesday, May 12, 2020 8:52 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: FW: 218 South Lamar Blvd. Zoning

FYI

From: noreply@coadigital.onbehalfof.austintexas.gov <noreply@coadigital.onbehalfof.austintexas.gov>
Sent: Tuesday, May 12, 2020 8:50 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Cc:
Subject: 218 South Lamar Blvd. Zoning

This message is from Linnea Angle . []

Hi, Andrew.

I am writing to provide official notice to the Planning Commission of my support of the Zilker Neighborhood Association's (ZNA) official letter of opposition to the construction of a high-rise near the banks of the Colorado River at 218 South Lamar Blvd (the official ZNA letter is dated August 8, 2018).

As a property owner at 1600 Barton Springs Road, I purchased my home specifically to take advantage of the views and public open space along the river. The Waterfront Overlay preserves the beauty of the city of Austin and protects property owners and tax payers, like myself, and their investments in this unique slice of the Austin community. The proposed high-rise at 218 South Lamar Blvd does not.

It takes only one commute from downtown across the South Lamar Bridge to understand the beauty of our city and its people's love for the outdoors. It also takes only one commute from that same bridge to Barton Springs Road to realize that the last thing needed at this location is a non-residential occupant on this block. The street is already crowded with traffic, in what should be a more walkable district, like SoCo or Second Street, due to the presence of parks, the Zach Scott Theater and various shops and restaurants. Changing that focus by introducing large office complexes threatens to shatter the character of this neighborhood community. It threatens to add more commuters to a much walked, run, barked and biked neighborhood.

Keep high-rises downtown. Keep the rest of Austin weird, where it belongs, just south of the banks of the Colorado.

I ask that you please include my comments in the case file.

Respectfully,

Linnea Angle
25 Year Resident - and Taxpayer - of the City of Austin
Consumer of All Things Good in the City; Live Music, Good Food, Friendly People and Amazing Weather

From: DSD Help <DSDhelp@austintexas.gov>
Sent: Tuesday, May 12, 2020 10:42 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: FW: opposition to highrise office building at 218 S Lamar - ****Please include my comments in the case file!

From: noreply@coadigital.onbehalfof.austintexas.gov [mailto:noreply@coadigital.onbehalfof.austintexas.gov]
Sent: Tuesday, May 12, 2020 10:38 AM
To: DSD Help <DSDhelp@austintexas.gov>
Cc:
Subject: opposition to highrise office building at 218 S Lamar - ****Please include my comments in the case file!

This message is from Pam Boyar. []

Dear Planning Commission- I support wholeheartedly the Waterfront Overlay and I vigorously oppose construction of a high rise building near the banks of the Colorado River at 218 S Lamar. I object to the creation of a PUD on this site and other rezonings that violate the Waterfront Overlay Ordinance. I have a residence on Toomey Road. This is already a high traffic area. Besides the Waterfront Overlay, we don't need a tall building here which detracts from this neighborhood, and adding hundreds of cars on this side street would be extremely detrimental to this neighborhood. PLEASE DO NOT ALLOW a tall building to go into this site! PLEASE! Sincerely, Pam Boyar, 1600 Toomey Road, #3403, Austin, Texas

From: Andrea Mellard
Sent: Tuesday, May 12, 2020 1:10 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Sara Vanderbeek ; Amanda Swor
Subject: Letter of support for 218 S. Lamar for Planning Commission Meeting

Hello Heather,

Since community testimony is not possible at tonight's City's Planning Commission meeting, I am writing a letter of support for the redevelopment of 218 S. Lamar instead. I have been a resident of Austin since 2001 and worked with visual arts for the past sixteen years at the contemporary art museum. As the city grows, density is essential to keeping the urban core vibrant, reducing traffic, and supporting local businesses. I would also hope that the arts remain a priority for the City. My role at the art museum has been in community engagement and I'm well aware of the impact artists have on the culture of the city and with the scarcity of space to make and present their work the financial challenges creatives face as well. I understand the redevelopment plans for 218 South Lamar include dedicating high-profile pedestrian space to feature an art gallery, relocating DORF gallery downtown. DORF gallery has demonstrated excellent programming and a commitment to uniting the artistic community, which would contribute to the project and the city. The development of this property would better connect vibrant parts of the city and I am in support of it.

Thank you for your consideration,
Andrea Mellard

Big **Medium**

Tuesday, May 12, 2020

Dear Planning Commission,

I am Shea Little, Executive Director at Big Medium, a local arts organization dedicated to supporting artists and building community through the arts in Austin and across Texas. Big Medium produces the East Austin Studio Tour (EAST), the West Austin Studio Tour (WEST), the Texas Biennial, and presents innovative exhibitions throughout the year in the Big Medium Gallery. We also provide affordable studio space to artists at Canopy, and umbrella several artists and creative organizations through our Sponsored Projects program.

I'm writing in support of the proposed development at 218 South Lamar Blvd. It's vital to support space for the arts in a time of an unprecedented space crisis in our creative community. I applaud the steps the City of Austin and the developer are taking for this project to create space and resources for the local art community and economy. Council Member Ann Kitchen has requested that the developer provide a rent free 1,000 sq. ft. space for the ongoing use by the art community, which will be operated by DORF, and in addition to that ground floor space the developer will commission an outdoor public artwork in the pavilion that is shared with ZACH Theatre. This building is poised to be the heart of the next arts district in Austin and should serve as a model for future developments as a way to actively and intentionally address the art space issue in Austin.

I fully support this effort as a model that can and should be used in future developments throughout Austin to ensure that our city remains culturally vibrant. Please let me know if I can provide any further support for this initiative.

Sincerely,

Shea Little
Executive Director
Big Medium
little@bigmedium.org
512-217-2306

Annette DiMeo Carlozzi
1506 Romeria Drive
Austin, TX 78757

24 February 2020

Dear City Council and Planning Commission members:
I was delighted to learn recently from my friend and colleague Sara Vanderbeek that there is a potential opportunity for another much-needed partnership between the arts and business communities in Austin. Apparently 218 South Lamar Boulevard, a proposed development on the site of the Schlotsky's behind Zach Theatre, could include 1000 sq ft of gallery space on its ground floor, to be programmed by the dynamic artist-run space known as DORF. What a great idea!

As a lifelong curator of contemporary art—including 7 years as head curator of Laguna Gloria Art Museum (1979-86); 18 years as contemporary and then head curator at the Blanton Museum of Art (1996-2014); and the intervening years as a director and producer in Aspen, New Orleans and Atlanta, I can testify both to the success of a rich and varied creative community in attracting/developing engaged citizens, and to the importance of community partnerships in building stability in local arts communities. And stability in an arts community confers economic health and lends vibrancy and dynamism to city life.

So I write in enthusiastic support of the steps the City of Austin and these private developers are taking to carve out space and resources for the local arts economy at a time when rising rents are threatening the arts community's very existence. Everyone wins in such inspired efforts. If all goes well, this project could serve as a model for other Austin developments to come—we certainly need as many of these alliances as possible.

Please give your best efforts to providing support for this proposal. DORF is an excellent arts space—thoughtfully curated, warmly welcoming and inclusive—and I'd love to see it nested within a burgeoning arts district on the shores of Ladybird Lake. Wow, that sounds lovely…and smart!

Sincerely,
Annette DiMeo Carlozzi
Independent curator
512.689.3860

May 12, 2020

Planning Commission

Re: 218 S. Lamar

To Whom It May Concern:

The Bridges on the Park Homeowners Association has worked with the applicant and will be entering a private restrictive covenant for enforceability of the PUD items. With the execution of the restrictive covenant the Bridges on the Park Condominiums supports the proposed rezoning of the project.

If there are any questions you may have, please feel free to contact us.

Sincerely,

Travis Maese

Travis Maese
President
Bridges on the Park HOA
210 Lee Barton Dr. | Austin, TX 78704

Cc: Bridges on the Park Board of Directors

Leslie Moody Castro
Independent Curator
Mexico|USA
+1 512 696 8386
+52155 4258 6429
LeslieMoodyCastro@gmail.com

February 1, 2020

Dear City Council,

My name is Leslie Moody Castro and I am an independent curator and writer based in Austin.

I am writing in support of the proposed development at 218 South Lamar Blvd. It is an unprecedented time in our local arts communities, where we are continually fighting to maintain and save our spaces. The steps the City of Austin and Developers are taking to carve out space and resources for the local art economy positions this new development as a hub for a future arts district in Austin, one the city desperately needs. At the request of Council Member Ann Kitchen, the developer has been asked to provide 1,000 square feet of space for art at no cost. As part of this agreement, the bottom floor will be donated to DORF which will occupy part of the space.

DORF is a small not for profit arts space that has become important to the art community as spaces slowly begin to close. Founded by Sara Vanderbeek and Eric Manche, DORF was created on their property in order to fill a gap that has been rapidly widening as the city of Austin continues to grow. While growth is essential to the city and its development, it cannot come at the loss of our spaces of art and culture. As a native of the city of Austin, raised in the city, I have witnessed the urgency required to save our spaces and ensure that our artists remain in Austin and thrive in it. DORF is essential for this.

For any further questions or statements of support, please don't hesitate to contact me.

Sincerely,

Leslie Moody Castro

From: Sam Caust
Sent: Tuesday, May 26, 2020 5:44 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Adler, Steve <Steve.Adler@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>
Subject: Opposition for 218 South Lamar PUD

Good afternoon,

Below are reasons why I oppose the Planned Unit Development (PUD) office building at 218 South Lamar. Please take these into consideration and thank you for your time.

Sam

1. The project height of 96 ft exceeds the 60 ft limit of the Waterfront Overlay Ordinance, which was established to protect and enhance the waterfront while providing a framework for future development. The City should expect compliance.
2. The Transportation Impact Study for 218 South Lamar Development in Austin, which was submitted to the City in January, 2019 shows that the traffic congestion along S Lamar from Riverside to Barton Springs already operates at an unacceptable level, by City standards, during certain periods of the day; with the proposed construction at 218 S. Lamar the traffic situation will deteriorate.
3. The quality of life along s Lamar, Riverside, Toomey, and Barton Springs will be negatively impacted. The building, itself, will have pedestrian areas but that in no way is a substitute for the gridlock as traffic tries to move through this area.• Traffic backups on Toomey Road from 625-vehicle, area-wide parking garage that has one entrance/exit on Toomey Rd.
4. Mostly glass, oversized office building in an inappropriate area that is supposed to be protected by the Waterfront Overlay Ordinance.
5. No residential units as required by the Waterfront Overlay Ordinance, section 25-2-714.

From: Cathy
Sent: Wednesday, May 27, 2020 2:48 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Adler, Steve <Steve.Adler@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; gregorio.casar@austintexa.gov; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; allison.alter@austintexas.gov; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>
Subject: Schlotzky's PUD office building

Re: Rezoning Planned Unit Development office building at 218 South Lamar (Schlotzky's site)

We are current residents of Bartonplace, and individuals who will definitely be impacted by the proposed PUD rezoning of the Schlotzky site at 218 S Lamar. It is unconscionable that this rezoning should go forward without considering the major consequences on the surrounding area and the blatant disregard for the Waterfront Overlay Ordinance.

There hasn't even been a current traffic study performed. The out-of-date one that is being used doesn't account for the greater than 1500 residents that now all access their homes via Toomey Rd. Traffic backup on Toomey Road already occurs on a regular basis and especially when any event is happening at Zilker Park. An entrance/exit to an oversized office building would certainly cause intolerable traffic. Toomey Rd is actually a nice *residential* neighborhood with many walkers, joggers and bicyclists. An office building at this site makes no sense at all.

Additionally, with the advent of the Covid-19 pandemic and potential for others to follow, a high-rise office building is not a good idea in itself. It is likely that many of Austin's downtown offices will soon be vacant, as the work-at-home business model has clearly demonstrated many advantages.

Please consider all of the above as the discussion about rezoning takes place. Allowing an oversized office building in direct conflict with an ordinance that was supposed to be protective, also sets a very dangerous precedent.

Finally, if you, a friend, or a family member lived in the Toomey Rd neighborhood, would you really want this to happen?

Sincerely,

Cathy and Rodney Nairn

From: Brian Drummond
Sent: Friday, May 29, 2020 8:13 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Me BD
Subject: Schlotzsky's Planned Unit Development (PUD) office building at 218 South Lamar

This email is my objection to Schlotzsky's PUD.

I just retired after 35 years with a company in Austin and purchased and live in a Barton Place Condo.

This part of Barton Springs road is one of the last areas in downtown Austin that are truly Austin culture, architecture and vibe.

I have live closer to downtown for the past 28 years and set my sites on living even closer the the park and downtown when I retired.

This proposed office complex with be the end of this part of Austin and an erosion of our cultural heritage.

Why can't areas like Southwest parkway, Beecaves, ih35 corridor be where new offices be located? We have to keep some Austin heritage!

Here are more reasons this PUD has to be voted out.

Traffic backups on Toomey Road from 625-vehicle, area-wide parking garage that has one entrance/exit on Toomey Rd.
• Mostly glass, oversized office building in an inappropriate area that is supposed to be protected by the Waterfront Overlay Ordinance.
• No residential units as required by the Waterfront Overlay Ordinance, section 25-2-714.

Regards
Brian Drummond

From: DIANE DAHM
Sent: Sunday, May 31, 2020 2:21 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Adler, Steve <Steve.Adler@austintexas.gov>
Subject: Oppose rezoning at 218 S. Lamar

This is a copy of what I sent to the City Council.

Dear City Council,

I am writing to oppose the proposed Schlotzsky's Planned Unit Development or PUD at 218 South Lamar.

This project would exceed the height limit of the Waterfront Overaly Ordinance which was established to protect and enhance the waterfront area while allowing for future development. The building is proposed to be 96 ft and the ordinance limits height at 60 ft. The city should expect compliance with this ordinance.

As proposed this building would be an office building. Section 25-2-714 of the Waterfront Overlay Ordinance requires residential units to be built in this area.

The Transportation Impact Study for 218 South Lamar Development in Austin, which was submitted to the City in January, 2019 shows that the traffic congestion along S Lamar from Riverside to Barton Springs already operates at an unacceptable level, by City standards, during certain periods of the day; with the proposed construction at 218 S. Lamar the traffic situation will deteriorate. This building will have only one entrance/exit to their garage adding up to 625 vehicles on Toomey Rd. This road already is very congested and narrow for the condos and apartment buildings whose residents must use this road to access their homes. When adding in commercial and recreation traffic this area will be overly congested.

The waterfront area of Austin needs to be protected with appropriate development. An office building that exceeds height limits is not appropriate for this location.

Please vote against this rezoning.

Thank you,

Diane Dahm

From: Adrianne Lopez
Sent: Monday, June 01, 2020 1:58 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Adler, Steve <Steve.Adler@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>
Subject: Schlotzsky's PUD Opposition

Dear Ms. Chaffin,

My family lives at Barton Place Condos (1600 Barton Springs Rd) and we strongly oppose the rezoning PUD at 218 S Lamar Blvd.

We agree with our neighbors on a number of issues, including the following.

• Traffic backups on Toomey Road from 625-vehicle, area-wide parking garage that has one entrance/exit on Toomey Rd. The Transportation Impact Study for 218 South Lamar Development in Austin, which was submitted to the City in January, 2019 shows that the traffic congestion along S Lamar from Riverside to Barton Springs already operates at an unacceptable level, by City standards, during certain periods of the day; with the proposed construction at 218 S. Lamar the traffic situation will deteriorate.
• Mostly glass, oversized office building in an inappropriate area that is supposed to be protected by the Waterfront Overlay Ordinance. The project height of 96 ft exceeds the 60 ft limit of the Waterfront Overlay Ordinance, which was established to protect and enhance the waterfront while providing a framework for future development.
• No residential units as required by the Waterfront Overlay Ordinance, section 25-2-714.
• The quality of life along S Lamar, Riverside, Toomey, and Barton Springs will be negatively impacted.

Thank you for your consideration,

Adrianne and Anthony Piscitello

1600 Barton Springs Rd
Unit 4304
Austin, TX 78704

919-616-1226

July 29, 2020

Kevin Bice
702 Barton Blvd
Austin, Texas 78704

Michael Pfluger
William Reid Pfluger & the Pfluger Spousal Irrevocable Trust
Drenner Group PC

To whom it may concern,
I would like to offer this letter of support for the new project proposed at 218 South Lamar. As a nearby homeowner and a 47-year resident of Austin, I feel that this section of Lamar is an inevitable extension of downtown growth. The new project being primarily an office building makes much more sense than using it to erect another vertical mixed use project.

Every other such mixed-use project in the area seems to be home to empty retail or restaurant spaces as well as others that are constantly turning over tenants. They seem unable to support any ongoing business. The four to five story stick built apartments above them do not really add anything to the character of the neighborhood either.

I believe that a nicely designed office tower will place an attractive structure along the street that will better stand the test of time. My understanding of the structure's design means that there will be a unique, attractive piece of architecture along South Lamar instead of another boring square box with vacant spaces along street level. I can only assume that the tenants of the office building will bring welcome clientele to the current restaurants and retail businesses nearby. I also understand that the proposed parking would be available to the theater next door and help with event parking in the area. That would surely be another plus.

I just feel that a useful, attractive structure would bring more to the area than another mixed-use project.

Sincerely,

/Kevin Bice

Kevin Bice

218 S LAMAR BLVD (SCHLOTZSKY PUD) REZONING (C814-2018-0121)
COMMENTS FROM ZILKER NEIGHBORHOOD ASSOCIATION
(July 24, 2020)

LDC CHAPTER 25-2, SUBCHAPTER A, ARTICLE 2, § 25-2-144 (PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION)

LDC Chapter 25-2 Subchapter A § 25-2-144 provides four basic principles for designating a planned unit development district:

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

Unlike the PUD standards contained in Subchapter B that can be modified by the City Council if they choose, these four principles are required of every PUD. The proposed PUD at 218 South Lamar violates each one of these principles.

(A) The proposed development is neither large (other than the one building) nor complex.

With each small PUD, the City is ceding its ability to plan comprehensively. The Butler Shores sub-district, which contains the primary access to Zilker Park, iconic restaurants, the proposed Dougherty Arts Center, and 2000+ residents, is in dire need of a comprehensive plan. The ability to preserve the character of our parks, provide park and trail access, minimize traffic, maintain compatibility between various land uses and development projects, and provide affordable housing will suffer without a comprehensive plan. An oversize office building in a potentially prime location for residential-mixed use is questionable planning. Allowing a single building to function as its own PUD, separate from the adjacent properties, negates the whole notion of “unified control” and planning specified in the code.

(B) The proposed PUD will not preserve the natural environment and does little to encourage high quality development or ensure adequate facilities.

The height restrictions of the Butler Shores Waterfront Overlay and the associated CS zoning were intended to preserve the natural environment of the parkland and public enjoyment of it. With the requested increase in height, the building will loom over the adjacent parkland. The open space that is provided is separated from the parkland by a loading zone, preventing unimpeded connection to the parkland and the Zach Theatre Plaza.

New buildings in the Waterfront Overlay are required to be constructed of natural materials such as those in the downtown library, Palmer Events Center, and City Hall so they fit in with the natural environment. The appearance of this PUD building is overwhelmingly glass (see Exhibit F) and does not preserve the natural environment.

The project is removing 113 caliper inches of trees and replacing them with only 40 caliper inches, hardly preservation of the natural environment. In addition, because of the project design and location of the underground garage, 13% of the critical root zone of the heritage tree located on parkland (adjacent to and just north of the Schlotzsky property) will be destroyed in constructing the underground garage. While this may be allowed, it certainly does not contribute to preserving the natural environment.

Other than a small art gallery, the development is not providing any additional facilities that would not otherwise be provided using the base CS zoning.

(C) The proposed PUD is not providing significantly superior development through greater design flexibility and modification of site development regulations and is producing inferior development in several cases.

The proposed design is not significantly superior, as demonstrated in Exhibit C. In addition, goals in the Town Lake Corridor Study, which the Waterfront Overlay is intended to implement, are being ignored. For example, the Town Lake Corridor Study states that an office complex is "not appropriate" in the Butler Shores sub-district.

In trying to shoehorn a large building onto a small tract of land, the developer needs many variances, as demonstrated in Exhibits A and B, leading to an inferior development, not a superior one.

If this site and other development within Butler Shores are not coordinated, the traffic engineering analysis for Zilker Park, Barton Springs Road, and Azie Morton Road will be incomplete and lead to unintended consequences. The most recent Traffic Impact Analysis failed to include the Taco PUD hotel and the Carpenter Hotel restaurant. According to the TIA, 69% of the traffic to the site will come from north of the river. (see Exhibit D) It makes little sense to construct an office building south of the river when it's serving clientele who come from the north over an already congested Lamar bridge.

It's illogical to support elimination of residential parking requirements and the reduction of commercial parking minimums to achieve a modal shift to public transit and then support an office building in a congested area that has more parking than is required. The oversized, 625-space garage will induce traffic and is contrary to the logic of Project Connect. The best solution for this situation is to locate any excess parking capacity outside of the congested area and connect it with a circulator option so it doesn't create more congestion from people driving into it.

(D) The proposed PUD will not include at least 10 acres of land and is, in fact, significantly (87%) smaller than 10 acres.

Council's authority to approve a PUD smaller than 10 acres lies solely with a finding that the property is characterized by "special circumstances, including unique topographic constraints." "Special circumstances" are physical characteristics of the property such as topography or shape, not the protections offered by the Waterfront Overlay, as the Applicant is claiming. The property at 218 South Lamar has no legitimate special circumstances. If this PUD were to be passed on the weak rationale that its location within the Waterfront Overlay constitutes a special circumstance, the protections of the Waterfront Overlay would be greatly diminished throughout its entirety.

A Planned Unit Development is clearly intended to promote superior development on large tracts of land. It is not intended to avoid zoning regulations on small individual parcels just because the owner does not like the requirements. Continuing to approve PUDs on small tracts of land amounts to spot zoning and will lead to numerous tall buildings throughout the Butler Shores Waterfront Overlay, a situation that the Waterfront Overlay was intended to prevent.

LDC CHAPTER 25-2 SUBCHAPTER B, ARTICLE 2, DIVISION 5
(PUD GENERAL PROVISIONS AND STANDARDS)

The applicant is seeking four specifically requested variances (see Exhibit A) and six implicit variances (see Exhibit B) and is using the provisions of this division to obtain these variances to both the PUD requirements and the Waterfront Overlay requirements. ZNA views these variances as rendering the project inferior to the development that would otherwise occur in the current base zoning. Providing superiority and community benefit must be a major component in approving a PUD, but the applicant has very few true superiority items (see Exhibit C).

The Waterfront Overlay (not to mention the City Council's latest planning directives) values multifamily residential structures over office buildings. ZNA's research over the last two years has determined that redevelopment projects along South Lamar are producing an average of 80 dwelling units per acre. Therefore, a building with zero residential units and almost 100% office space does not meet even the minimum planning goals for Butler Shores or the South Lamar Corridor, and it cannot possibly be considered superior.

The 2008 PUD Ordinance gives Council the authority to override the enumerated PUD standards and Waterfront Overlay requirements if strict conditions are met, including superiority. However, the superiority items claimed for this PUD are mostly what any project would be required to do, or what most developers would do to anyway in terms of streetscapes, drainage, landscaping, 3-star building, Dark Skies, etc.

The PUD does not provide even the required Tier One 20% minimum open space, much less the Tier Two superior requirement of 30%.

In addition to exceeding the Waterfront Overlay limits for height and FAR, the affordable housing fee-in-lieu contribution of $350,000 has been calculated incorrectly and should be over $510,000. This contribution is still much smaller than what a VMU project would provide, and paltry compared to the Taco PUD's $2.5 million contribution for affordable housing.

EXHIBIT A
SPECIFICALLY REQUESTED VARIANCES

Based on the "Proposed Zoning" section on page 4 of the City's latest Zoning Change Review Sheet, the staff seems to specifically enumerate four variances that the applicant is requesting although ZNA believes there are actually more variances being requested (see Exhibit B). The four specifically requested variances are identified below with ZNA comments regarding each.

	Requested Variance	**ZNA Comment**
1	Increase the maximum building height from 60' height to 96'.	The existing code states "The maximum height is: (1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district" *[Waterfront Overlay Regulations – LDC § 25-2-733 (H)(1)]*. The maximum height limit of 96 feet in the Waterfront Overlay Regulations was intended to limit base zoning that would otherwise allow heights greater than 96 feet in the waterfront overlay. It was not intended to be used in reverse to allow heights limited to less than 96 feet in the base zoning to exceed the base zoning. In ZNA's view, allowing the height to exceed the height limitation of the base zoning violates the intent of the Waterfront Overlay and in fact makes this an inferior project to development that would otherwise occur in the current base zoning.
2	Elevator equipment can exceed height by 20%.	Elevator equipment can exceed the base zoning district height limits by a maximum of 15% *[LDC § 25-2-531 (C)(1)]* . The project is already requesting a variance to increase the maximum height to 96 feet. This elevator variance would allow increasing the height another 19 feet, to slightly over 115 feet, adding insult to injury.

3	Reduce all ground floor building setbacks to 0'. Different setbacks for building above ground floor to be determined.	The existing CS base zoning district require a 10-foot front setback in the front and street side yard *[LDC § 25-2-492 (D)]*. ZNA understands that applicant desires a zero-foot setback below ground to accommodate an underground parking garage. If it does not conflict with existing utilities, ZNA would not be opposed. However, there is no need to extend this zero-foot setback to the ground floor building, nor to the above ground floors. The City Council should not even be considering rezoning if the setbacks are "to be determined" later.
4	Administrative/business office use not to exceed 50% of ground floor uses.	The Waterfront Overlay rules for the Butler Shores Subdistrict requires not less than 50% pedestrian oriented uses on the ground floor *[LDC § 25-2-733 (H)(1)]*. The definition of pedestrian-oriented uses do not include administrative/business offices *[LDC § 25-2-733 (H)(1)]*. ZNA is puzzled by this request and concerned that the staff's phrasing is a backhanded way of allowing administrative/business office use as a pedestrian-oriented use. Otherwise, this statement has no impact or real meaning if the pedestrian-oriented uses as defined in the Waterfront Overlay are still required to be met. Administrative/business office must not be included as a pedestrian-oriented use, if that was the intent.

EXHIBIT B
IMPLICIT VARIANCES

The proposed PUD fails to comply with at least eight requirements in the Land Development Code related to Planned Unit Developments (PUDs) and the Waterfront Overlay. If the City Council approves this PUD rezoning, it is implicitly granting additional variances to the specific ones requested by the applicant (see Exhibit A).

	Requirement	**Deficiency**
1	PUD Size "A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints." *[PUD Regulations – LDC § 25-2-144 (D) and Chapter 25-2 Subchapter B § 2.3.1 (L)]*	The proposed site is 1.26 acres. This is a full 87% smaller than the minimum requirement. It isn't even close to the minimum requirement. The special circumstances exceptions were intended for physical issues related to the site such as topography or shape constraints, not zoning. The application does not have any special circumstance that would qualify it for being so much smaller. The fact that the Waterfront Overlay prohibits development from exceeding the base zoning height is not a special circumstance. This is exactly what the Waterfront Overlay was intended to do when it was enacted. The proposed building does not meet the PUD requirements.
2	Town Lake Corridor Study Goals "Decisions by the accountable official and city boards regarding implementation of this Division shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including but not limited to the following: . . . (C) Recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses as defined by the subdistrict goals of the Town Lake Corridor Study." *[Waterfront Overlay Regulations – LDC § 25-2-710 - GOALS AND POLICIES.]*	From page 35 of Part 1 of the Town Lake Corridor Study related to the area located on the south shore of Town Lake [Lady Bird Lake] and bounded by Barton Creek on the west, Barton Springs Road and Riverside Drive east of their intersection on the south, and East Bouldin Creek on the east, the study states: ***"Large office complexes, industrial uses and highway oriented commercial uses are not appropriate for this area."*** This project does not meet the goals of the Town Lake Corridor Study and hence does not meet the Waterfront Overlay requirements.
3	Screening of Loading Area "Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view." *[Waterfront Overlay Regulations – LDC § 25-2-721 (G)]*	The loading area sits right between the "plaza" of the PUD and the Zach Scott Theatre. It is not screened from public view. In fact, it appears that anything that is loaded and unloaded will have to be transported through the public plaza. The proposed building does not meet the Waterfront Overlay requirements.

4	Distinctive Building Top "Except in the City Hall subdistrict, 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. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (Heliports and Helicopter Operations), a flat roof is permitted." *[Waterfront Overlay Regulations – LDC § 25-2-721 (E)(2)]*	The proposed rooftop is flat and does not have a helipad. It may have vegetation on 30% of the rooftop area, but this is not one of the distinctive building tops included in the code. The proposed building does not meet the Waterfront Overlay requirements.
5	Building Materials "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." *[Waterfront Overlay Regulations – LDC § 25-2-733 (E)(3)]*	From the artists rendering of this building, the exterior surface has no natural building materials. It appears to be entirely glass. The proposed building does not meet the Waterfront Overlay requirements.
6	Open Space "All PUDS must provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD"*[Chapter 25-2 Subchapter B § 2.3.1 (C)]*	The area of the site is 54,890 sf and is proposed to be entirely nonresidential. Therefore, it must provide 20% open space or 10,978 sf. Page 4 of the staff report states that the applicant is providing "8,000 square foot public plaza at street level." Case manager Heather Chaffin has indicated in an email that this is the "open space". In the Comparison Table on page 83 of the staff report, it states that 5,000 sf open space will be provided on the ground floor plaza and 2,500 sf open space will be provided on the roof top for a total 7,500 sf open space or 14% of the tract. It is not clear whether 8,000 sf or 7,500 sf is correct. In either case, the project doesn't meet the minimum 20% requirement for a PUD.

7	Bonus FAR "In the WO combining district, a structure may exceed the maximum floor area permitted in the base district as provided by this section. (1) Additional floor area under Subsection (B) is limited to 60 percent of the base district maximum. (2) Additional floor area under Subsection (C), (D), (E), (F), (G), (H), or (I) is limited to 20 percent of the base district maximum. (3) Total additional floor area under this section is limited to 60 percent of the base district maximum."*[Waterfront Overlay Regulations – LDC § 25-2-714 (A)]*	Section (1) only allows additional residential FAR. Since no residential uses are being proposed, no additional FAR is allowed under Section (1). Therefore, additional FAR is allowed only under Section (2) with a limit of 20% per subsection bonus item. Based on the site plan, this project qualifies for additional floor area as follows: Subsection C (Pedestrian-Oriented Uses) = 2,612 sf Subsection E (Underground Parking) = 21,956 sf Subsection I (Impervious Cover < Max) = 7,363 sf for a total bonus area of 31,931 sf. See Exhibit E for details of these calculations The tract size is 54,890 sf. Since the base FAR ratio for CS is 2.0, the base FAR for this site is 109,780 sf. With bonus FAR included, the maximum FAR should be 141,711 sf or a maximum FAR ratio of 2.58, not the 3.55 that the applicant is requesting. The applicant is requesting 53,149 sf in excess of what is allowed by the waterfront overlay.
8	Affordable Housing Fee-in-Lieu "The director shall provide an estimate of the property's baseline entitlements in the project assessment report. If an alternate baseline is recommended by the director, the director shall include any assumptions used to make the estimate baseline entitlements." *[Chapter 25-2 Subchapter B § 1.3.3 (D)]* "Development in a PUD may exceed the baseline established under Section 1.3.3 (Baseline for Determining Development Bonuses) for maximum height, maximum floor area ratio, and maximum building coverage if . . . the developer . . . for developments with no residential units, provides the amount established under Section 2.5.6 (In Lieu Donation) for each square foot of bonus square footage above the baseline to the Affordable Housing Trust Fund" *[Chapter 25-2 Subchapter B § 2.5.2 (B)(2)]*	The director never provided an estimate of the property's baseline entitlements in a project assessment report as required by the code, so we are left to assume the baseline is the current CS-V zoning based on the applicant's requested baseline of CS zoning. The dollar amount per square foot is supposed to be recalculated by NHCD every year (but it has been stuck at $6 for a long time). The fee-in-lieu should be based on the most recent $/sf number at the time of the site plan approval, which could be several years after the PUD approval. The Director is supposed to determine how many square feet the property is entitled to develop under the current zoning. The fee-in-lieu will be paid only on the square feet above that baseline number. Based on CS zoning, the allowable FAR is 2:1. This gives the site a baseline of 109,780 sf FAR. Increasing the FAR to the requested 3.55 (194,860 sf) would result in an additional 85,080 sf, times $6, = $510,477 fee-in-lieu. Staff's fee-in-lieu estimate is $350,00, which is $160,477 short of the requirement.

EXHIBIT C
EVALUATION OF APPLICANT'S SUPERIORITY ITEMS

The first and second column in the table on the following pages is taken from the Applicant's Presentation (Slides 36, 37, and 38) in the backup information for the Planning Commission Hearing. They are the items that the Applicant claims makes the PUD superior to other projects that would be built without the change in zoning. The third column is ZNA's response to these claims of superiority.

Many of the items of supposed "superiority" should be dismissed and can be placed in one of five groups:

1. The first group consists of items that are currently being implemented in other similarly situated office buildings to be competitive in the market. It should be remembered that the superiority items in the PUD ordinance are from 2008, twelve years ago when there was a less competitive marketplace. The design choices available to a developer are not binary (i.e., only minimum or superior). There are the minimum requirements, there are typical industry-standard designs which exceed the minimum requirements, there are competitive market-driven designs which exceed the industry-standard designs, and finally there are superior designs which might include such things as LEED certification. An example of simply meeting competitive market standards is Item #2. Going from a 2-star to a 3-star is just meeting market demand created by competition and therefore is not "superior" to any other market-driven design.

2. The second group consists of items that can essentially be classified as "bait and switch." An example of this is Item #11 where the project simply increases the caliper of the trees but does not increase the required mitigation. It simply decreases the number of trees required to satisfy the required mitigation.

3. The third group consists of items that are really only one item, but have been divided up to give the illusion of being multiple "superior" items. Examples of these are Items #9, #10, and #13.

4. The fourth group of items is simply a function of the design of the building that is desired. An example is Item #18 where exceeding the required minimum 6" of soil depth was not done to purposely exceed the requirement but is a resultant of how the depth of the below grade parking garage was set; it did not drive the design. For an item to be more than what would have been necessary anyway (in this case, by setting the depth of the parking garage), the item should be a programming element that drives the resultant design, not just an afterthought characterized as an element of "superiority".

5. A final group consists of items that are ambiguous, so it is unclear what exactly is being proposed or if we are actually getting anything. An example of this is Item #14. Not only does this item appear to fit into group 3 above, it is providing no immediate benefit. To be superior, it should be an item that has value the day the building is opened.

	Applicant's Claimed Superiority	**Response**
1	40% open space: exceeds Tier 1 and 2 requirements	The site is 54,890 sf (20%=10,978 sf; 30%=16,467 sf). Page 4 of the staff report states that the applicant is providing "8,000 square foot public plaza at street level." Case manager Heather Chaffin has indicated in an email that this is the "open space". Page 83 of the Staff report says that 5,000 sf will be provided on the ground floor plaza and 2,500 sf will be provided on the roof top for a total 7,500 sf of 14% of the tract. It is not clear whether 8,000 sf or 7,500 sf is correct. In either case, it is unclear how the applicant arrived at the 40%. The project doesn't even meet the minimum 20% requirement of Tier One, much less the 30% needed to demonstrate open space as a superiority item. This is certainly not a superior item.
2	Achieve AEGB 3-star rating, at a minimum	Going from 2-star to 3-star certified as a green building is indeed a higher level than the minimum requirement in the code, but this is not really superior to what many buildings in non-PUD zoning are already doing to save energy costs. It should not be considered a superior item.
3	Dark Skies compliant	Section 2.5.2.B of the Subchapter E Design Standards already requires fully shielded or full cut-off light fixtures for all new development (including CS-V), which is the main component of Dark Skies. In the 04 Dec 2019 presentation to the Environmental Commission, the applicant even acknowledges that the "Full cut-off or shielded" lights element of the Dark Skies Initiative is already a requirement of the existing code. This is not a superior item.
4	Minimum street yard landscape requirements exceeded by 35%	The 35% number is misleading. The applicant is required to provide landscaping in 20% of the street yard landscape and is actually providing 28.9%, with 12.8% of the landscaping in the street yard existing under the building overhang. It may be a challenge to maintain native landscaping that is completely and constantly shaded. Landscaping that is not under the building overhang occupies only 16.1% of the street yard.
5	Landscaping to utilize 100% Native and adaptive plants/trees	Section 2.4.4.A already requires 90% Native and adaptive plants/trees for all projects. In addition, use of completely native and adaptive plants/trees is now good and common practice if one wants the vegetation to survive without excessive maintenance costs. It should be pointed out that requiring 100% native plants will preclude some decorative plants, even in small quantities. While 100% is slightly higher than 90%, it shouldn't be considered a superior item.

6	Construction of 10-foot two-way bicycle track along S. Lamar with a 15 -foot sidewalk/landscape zone	The bicycle track is in the City ROW and is simply the bicycle lane along South Lamar that is planned as part of the South Lamar Corridor Improvements. It will be constructed regardless of what project is developed on this site. Any project developed on this site would be required to meet requirements for a sidewalk/landscape zone as part of the South Lamar Corridor Improvements. This is not a superior item.
7	Contribution of $25,000 for cycle track improvements	This is just a restatement of Item #6 above with the cost included. Is this an unsolicited voluntary contribution above and beyond the $255,000 TIA mitigation requirement or is it part of a re-negotiation of the required mitigation fee with ATD? It does not appear to be a superior item.
8	Contribution of $27,800 for bus stop improvements	This is part of the required TIA mitigation fee. Virtually any substantial project on the site would be required to make a similar contribution as a result of the TIA. Other projects along South Lamar, including normal VMU projects, have been required to contribute mitigation fees. Some of the mitigation fees for VMU projects even exceed the mitigation fee required for this PUD. This is not a superior item.
9	Provides water quality controls above Code • Green water quality controls for at least 75% of volume • Rainwater harvesting of rooftops and vertical structures • Rainwater cisterns designed for WQ treatment and stormwater detention	Items #9, #10, #13 (Water Quality/Drainage, Landscape Irrigation, and Integrated Pest Management) are essentially the same and should just be one: 75% Green Stormwater infrastructure. Providing Green Stormwater infrastructure results in the capture and release through rainwater cisterns to irrigate the landscape (i.e., #10) and Integrated Pest Management (#13) is a City Code requirement when utilizing Green Stormawater infrastructure. Items #9, #10, and #13 are really just one item. This may be a superior item, but it is only one item and should not be separated into three distinct items. Additionally, it is not clear that minimum water quality controls are actually being provided. To quote the City Water Quality Reviewer from the 29 Jun 2020 Master Comment Report for the Site Plan, “It is unclear how the proposed cistern will meet the water quality and detention requirements for this site.”
10	100% of landscape irrigated by capturing A/C condensate, rainwater harvesting or stormwater runoff	See #9. This is not a superior item by itself but is a condition of Item #9.

11	Shade trees will be a minimum of 3” caliper trees	The minimum requirement is 1.5" but the diameter of an individual tree is not the critical factor. Planting 3" trees just means they have to plant 50% fewer trees to meet the mitigation requirements. If the builder was providing more mitigation (i.e., more total inches), then maybe one could argue this is superior. As it is, they are removing 113.5 caliber inches of existing trees according to the tree survey and replacing with only 40 inches of new trees according to the verbal staff presentation at the Planning Commission. This is hardly superior and arguably inferior to the existing tree mass. Based on even this minimal mitigation, if they planted 1.5” caliper trees, they would have to plant a total of 27 trees. There is likely not enough room to plant this many trees, so planting thirteen 3” caliper trees is simply a function of and necessitated by the limited planting space they have created with this project. This is not a superior item.
12	Shade trees will have a minimum of 1,000 cubic feet soil volume per tree soil	There is no minimum requirement for soil volume per tree in the code. Providing 1000 cubic feet of soil per tree is just good practice (and well-documented in the literature) if one wants a healthy medium-sized tree. Simply implementing good practice should not be considered a superiority item. All projects should follow good practice. In addition, as a result of excavating the entire site for the sub-surface garage, they have to import soil to place on top of it anyway. This is not a superior item.
13	Create an Integrated Pest Management plan	See #9. This is not a superior item by itself but is a condition of Item #9.
14	Connect to Reclaimed Water/Purple Pipe system when available	The applicant is claiming this as a superiority item only because the City of Austin has not completed extension of its reclaimed water system to this area, estimated to be completed in approximately six years. Any building constructed six years from now, zoned PUD or otherwise, would be required to install a reclaimed water system and connect to the City’s system. In addition, the purple pipe system is a necessary part of the planned Green Infrastructure (Item #9). It has to be installed to provide the proposed landscape irrigation and should not be considered as a separate superior item.
15	Provide a landscaped rooftop	The Waterfront Overlay requires that the rooftop be distinctive and not flat. [§25-2-721(E)(2)] According to the code, distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. Flat roofs are not allowed, and the code does not include landscaped roofs as being distinctive. While this roof is partially landscaped, it is still flat. In addition, only a small portion of the rooftop is actually being landscaped (28.6%), and the “publicly accessible” area is an even smaller portion of the rooftop and is limited to nonprofits by reservation only. The rooftop does not meet the requirements of §25-2-721(E)(2), so it cannot be a superior item.

16	Provide electric vehicle charging within the parking garage	This is not a superior item by itself but is simply one of the many components of achieving the 3-star energy rating. In addition, the use of the charging station will only be available to the public after the public pays a fee to park in the parking garage.
17	Exceed minimum street yard landscape requirements of code by 35%	This is redundant and simply restating #4. This is not a superior item.
18	Exceed street yard landscape soil depth requirements by 6 inches	Exceeding the required minimum soil depth of 6 inches by 6 inches for a minimum of one foot of soil depth is out of necessity. The additional soil depth is necessitated by the fact that the applicant is digging out all of the soil on the site to build a subsurface parking garage and must then cover the subsurface garage. Besides, the tree planting areas are required to have one foot of soil. This is not a superior item.
19	Coordination with Art in Public Places for an art piece in a prominent location on the property	This does not seem to be the free 1000 sf art gallery space promised in various presentations by the applicant but hopefully this is what is intended by this item.
20	Underground structured parking available to the public and for Zach Theater employees and patrons	The amount of parking being provided is based on §26-2 Appendix A and the minimum base requirements. In fact, the project is also taking allowable parking reductions in order to reduce the amount of parking provided. No additional parking spaces are being provided, and even if they were, ATD is against any excess parking being determined as superior according to their comment ATD3 in the Master Comment Report. The parking for the public and Zach Theater patrons is being provided as pay-to-park spaces after office hours. This is simply an operational element and business decision to provide additional income for the building owner. Any project, not just a PUD, could avail itself of this opportunity. In addition, when Zach Theater built their theater and flytower, they promised the City Council that they did not need any additional parking. Providing parking after-hours will only increase the amount of traffic in the area that was not addressed in the TIA. This is not a superior item.
21	Bicycle parking 120% of LDC requirements	The applicant is only providing 20% more bicycle parking than the minimum requirement. This is only 6 bicycle spaces. Additionally, the City Transportation Reviewer Jaron Hogeson indicated in comment TR8 of the Master Comment Report that city staff does not agree that increased bicycle racks achieves superiority. This is not a superior item.
22	Payment of fee-in-lieu for affordable housing	Any project would be required to provide a fee-in-lieu payment for affordable housing requirement if they are not providing affordable housing. The applicant originally proposed to “donate” money to the Housing Assistance Fund, which seemed to indicate something more than the required minimum. It is not clear what happened to this proposed commitment. It appears that they are only going to meet the minimum requirement. In any case, it is not anywhere close to the $2,500,000 commitment made by Taco PUD. This is not a superior item.

23	4 ADA-accessible showers provided for tenants	The applicant is installing the showers to obtain a reduction in the required parking requirements. To obtain this reduction, the standard code requires four showers (two for each sex) in a building greater than 100,000 sf. The standard code requires all installed showers to be ADA-compliant. This parking reduction would be available even if the site remained zoned as CS-V, and the associated requirements would be identical. This is not a superior item.
24	Storage space for Zach Theater	Although Zach Theater is a nonprofit, it is still a private corporation and not a public entity. This is merely an arrangement between private parties. This is not a superior item.

EXHIBIT D
TRANSPORTATION IMPACT ANALYSIS (TIA)

The TIA for this project is flawed for several reasons and should constitute grounds for disapproval of the zoning change request.

1) In addition to inclusion of the proposed project, the original TIA (August 2018) included two supplemental projects that were not included in the traffic count study that had previously been performed. These two projects were the Carpenter Hotel and the mixed-use Taco PUD project at the corner of South Lamar Boulevard and Riverside Drive. However, this TIA did not include the new Daugherty Art Center proposed for Toomey Road. To rectify this situation, the second TIA (January 2019) added the Daugherty Art Center. Unfortunately, it also removed the Taco PUD project at the same time. The reason given by Justin Good of the Austin Transportation Department was that the site plan case number (SP-2013-0290C) associated with that project had expired. Although it is true that this site plan had expired without being implemented, it was replaced by a new site plan (SP-2019-0056C) for a hotel which is currently under construction and will certainly add traffic. In addition, although both TIAs included the Carpenter Hotel rooms, neither TIA included the new Carpenter Hotel restaurant, which also generates traffic. Since the most recent TIA failed to include the Taco PUD hotel (The Loren) and the Carpenter Hotel restaurant, it significantly underestimates the traffic in the area. These two projects needed to be included in the TIA before this zoning change can be approved.

2) The City is ignoring the impact of this project on the neighborhood. The May 8, 2019 ATD memo concerning the Jan 2019 TIA discusses “Significant Results” (see Attachment 1). It notes that the average traffic delay increases from 69 seconds to 100 seconds (+59%) for the eastbound left turn at Toomey Rd and South Lamar Blvd (LOS=F) while the overall delay increases from 23 seconds to 26 seconds (+13%). This may be an acceptable level of service for the ATD, but it is not acceptable for the neighborhood residents along Toomey Road. Further, the City apparently rejected any improvements or timing changes to the Toomey Rd/South Lamar Blvd intersection to compensate for this project in order to prioritize vehicle progression along South Lamar (see Attachment 2). This project will be constructed at the expense of the existing residents and businesses along Toomey Rd.

3) Subsequent to the January 2019 TIA, the entrance/exit along South Lamar Blvd was eliminated. On January 24, 2020, a TIA update letter was prepared based on this new configuration. Unlike the January 2019 TIA, this letter failed to provide any tables showing what the delays would be for the “Mitigations” scenario. This is the most important scenario because it is the one that is planned to be implemented. Further, it is curious why the AM southbound through/right turn delay would decrease by 14% from 51.4 seconds to 44.4 seconds (see Attachment 2) when there is more traffic slowing down and turning right at this intersection as a result of the closure of the South Lamar entrance. Finally, in the January 31, 2020 ATD memo concerning the January 24, 2020 TIA update letter, ATD conveniently removes any reference to the eastbound left turn traffic delays at Toomey Rd and South Lamar Blvd in the discussion

of “Significant Results” (see Attachment 3). This obscures the impact of this project on residents and businesses along Toomey Rd.

4) The January 31, 2020 ATD memo notes that the vehicle queue is expected to extend past the proposed driveway location (and even past Jessie St) due to the additional site traffic but that most of the queuing related to site traffic would occur primarily within the site parking garage. If the vehicles in the garage should have difficulty turning left onto Toomey Road even when the Toomey Rd/South Lamar Blvd light turns green, neighborhood residents are concerned that a security officer will be used to stop eastbound traffic on Toomey Rd to allow cars to leave the garage, similar to what now happens on Barton Springs Rd between Bouldin Ave and South First St and downtown along Guadalupe St. This will further increase the delays for neighborhood residents along Toomey.

5) The TIA indicates that 69% of the traffic that enters and exits the site will come from north of the river across the South Lamar Bridge (see Attachment 4). If that distribution is correct, it makes little sense to approve construction of an office building south of the river when it is serving a workforce and its clientele that lives mostly north of the river, especially when the primary access is over an already congested bridge.

6) The projected traffic flow (see Attachment 5) is unreasonable. Even if only 8% of the trips to and from the site utilize Barton Springs Rd (west), and this seems like an extremely low number of trips, cars are very unlikely to take the path that is projected in the TIA, especially when leaving the site. Virtually no one is going to turn left onto Toomey, right onto South Lamar, and then right onto Barton Springs Rd. Instead, they will turn right onto Toomey, left onto Jessie or Sterzing, and then right onto Barton Springs, thus avoiding two signals and the South Lamar traffic.

With so many problems associated with the TIA, the zoning change should be denied.

Assumptions:

1. Transit and Active reductions of 15% for office trips and 10% for restaurant.
2. Based on TxDOT AADT volume data, a four (4) percent annual growth rate was assumed to account for the increase in background traffic.
3. Considerations were made for the following projects in the analysis:
    a. The Carpenter (SP-2016-0073C)
    b. Dougherty Arts Center (TBD)

Significant Results:

The proposed site causes minimal impact to the existing vehicle operations. One area to highlight is the eastbound left at Toomey Road and South Lamar Boulevard where the average vehicle delay increases from 69 seconds to 110 seconds. However, the overall average vehicle delay only increases from 23 second to 26 seconds. ATD has determined that this increase in delay is acceptable.

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

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

Staff Recommendations:

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

Build Conditions Operations

Table 4 shows the average vehicle delay, 95th percentile queue length, and volume-to-capacity (v/c) ratio for each movement and the overall intersection for both locations during the AM peak hour. **Table 5** shows the same information for the PM peak hour. As shown, there is minimal change as a result of the driveway elimination. The additional outbound vehicles are all right-turning vehicles at South Lamar Boulevard, which add minimal delay to the intersection.

Eastbound queues on Toomey Road specifically are expected to extend beyond Jessie Street. Mitigation options were evaluated for this intersection, which included:

- Signal timing adjustments for the (#7) South Lamar Boulevard / Toomey Road
- An additional eastbound left-turn lane on Toomey Road at South Lamar Boulevard
- The existing right-turn lane on Toomey Road could become a shared left-turn/right-turn lane

These improvements were not selected by ATD in order to prioritize vehicle progression along South Lamar Boulevard, as well as alternative modes (including transit stops and the off-street bicycle lanes). A conceptual design of the additional left-turn lane is included as **Attachment 3**. Synchro worksheets for both the 2019 and 2020 analyses are included as **Attachment 4**.

TABLE 4: TRAFFIC OPERATIONS ANALYSIS AT AFFECTED INTERSECTIONS – AM PEAK HOUR

Location / Movement	2019 Analysis				2020 Analysis			
	Delay	95th Percentile Queue (feet)	V/C Ratio	LOS	Delay	95th Percentile Queue (feet)	V/C Ratio	LOS
(#7) South Lamar Boulevard / Toomey Road								
Intersection	22.5	-	0.71	C	21.6	-	0.71	C
Eastbound Left-Turn	**68.5**	**421**	**0.81**	**E**	**68.5**	**421**	**0.81**	**E**
Eastbound Right-Turn	46.2	37	0.15	D	46.3	44	0.05	D
Northbound Left-Turn/U-Turn	4.3	9	0.13	A	4.6	9	0.14	A
Northbound Through	5.3	117	0.68	A	5.3	117	0.70	A
Southbound U-Turn	9.9	1	0.12	A	9.9	1	0.18	A
Southbound Through/Right-Turn	51.4	308	0.54	D	44.4	291	0.60	D
(#13) Toomey Road / Access Driveway								
Intersection	1.5	-	-	A	1.4	-	-	A
Eastbound Left-Turn/Through	0.8	1	0.02	A	1.2	2	0.03	A
Westbound Through/Right-Turn	0.0	-	0.16	A	0.0	-	0.53	A
Southbound Left-Turn/Right-Turn	12.6	9	0.10	B	18.6	21	0.22	C

Source: Wantman Group, Inc., 2020.

Attachment 3 (from 31 Jan 2020 ATD Memo)

Assumptions:

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

Significant Results:

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

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

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

Staff Recommendations:

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

Project Trip Assignment

Attachment 2 shows the study area for the TIA. The locations shown in **Table 3** were assumed as the gateways for Project trips. The top section of Table 3 shows the assumed path for entering traffic for each gateway and whether there would be any change with the removal of the South Lamar Boulevard driveway. The bottom half of Table 3 shows the same information for exiting traffic.

TABLE 3: TRIP DISTRIBUTION – PATH CHANGES

Location	Distribution	Assumed Path to/from Project?[1]	Change for Project Traffic?
Entering Traffic			
Lamar Boulevard (north)	10%	SLB southbound to SLB driveway	Yes
South Lamar Boulevard (south)	11%	SLB northbound to Toomey and Toomey driveway	-
West 6th Street	9%	SLB southbound to SLB driveway	Yes
West 5th Street	15%	SLB southbound to SLB driveway	Yes
West Cesar Chavez Street (east)	16%	SLB southbound to SLB driveway	Yes
West Cesar Chavez Street (west)	19%	SLB southbound to SLB driveway	Yes
West Riverside Drive (east)	3%	SLB southbound to SLB driveway	Yes
Barton Springs Road (east)	9%	SLB northbound to Toomey and Toomey driveway	-
Barton Springs Road (west)	8%	Jessie Street to Toomey and Toomey driveway	-
Exiting Traffic			
Lamar Boulevard (north)	10%	Toomey driveway to Toomey and Northbound SLB	-
South Lamar Boulevard (south)	11%	SLB driveway to SLB southbound	Yes
West 6th Street	9%	Toomey driveway to Toomey and Northbound SLB	-
West 5th Street	15%	Toomey driveway to Toomey and Northbound SLB	-
West Cesar Chavez Street (east)	16%	Toomey driveway to Toomey and Northbound SLB	-
West Cesar Chavez Street (west)	19%	Toomey driveway to Toomey and Northbound SLB	-
West Riverside Drive (east)	3%	Toomey driveway to Toomey and Northbound SLB	-
Barton Springs Road (east)	9%	SLB driveway to SLB southbound	Yes
Barton Springs Road (west)	8%	SLB driveway to SLB southbound	Yes

Notes:
1. SLB = South Lamar Boulevard
Source: Wantman Group, Inc., 2020.

Attachment 5

PROJECTED TRAFFIC FLOW FROM SCHLOTZSKY PUD ONLY (ONE ENTRANCE/EXIT)

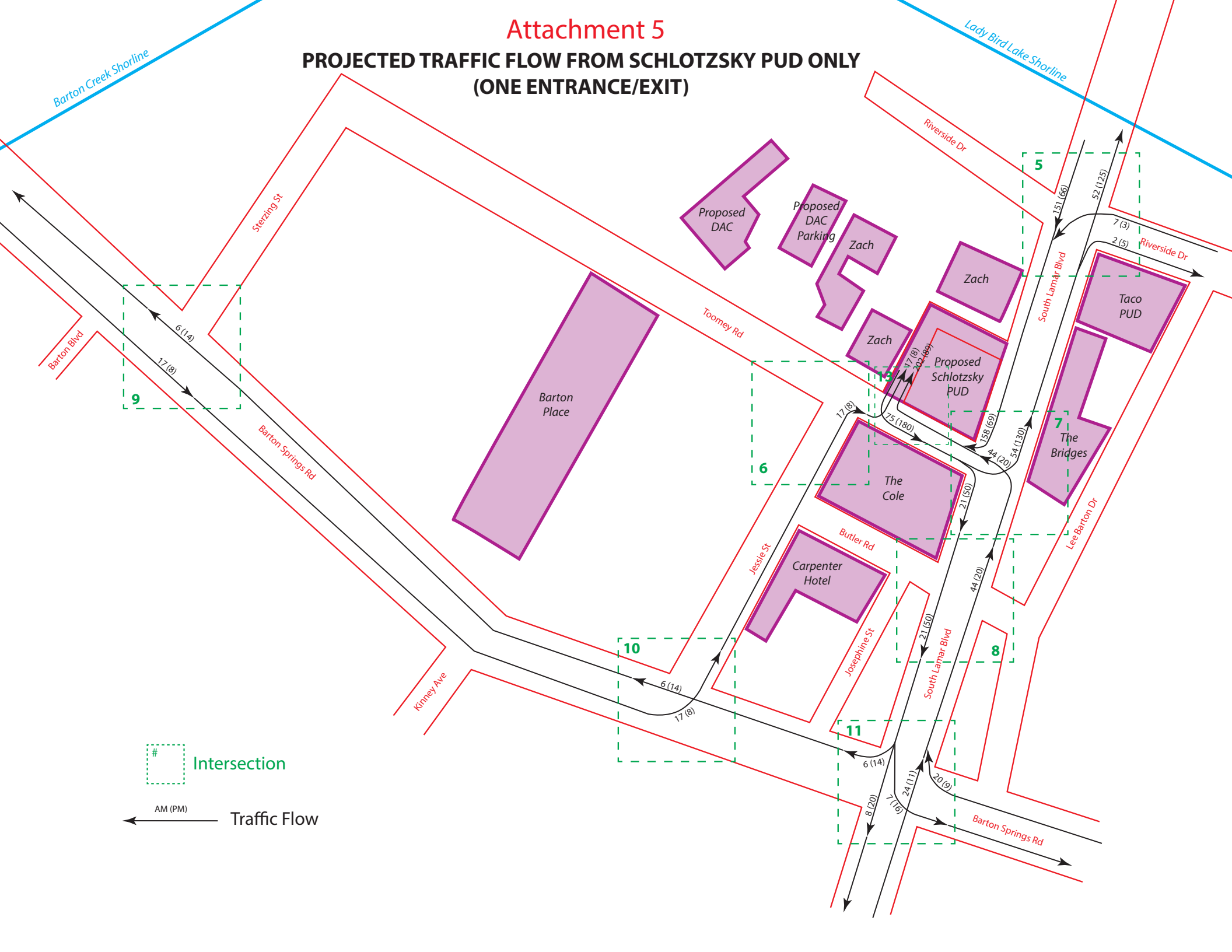


EXHIBIT E
ALLOWABLE FAR CALCULATIONS

Total site area = 54,890 sf
FAR limit for CS (2:1) = 54,890 x 2 = 109,780 sf

Summary of FAR Calculations allowed under LDC § 25-2-714
(see red-lines below for details)
A(1) 60% = 65,868 sf maximum for residential but 0 sf because there is no residential
A(2) 20% = 21,956 sf per bonus item
A(3) 60% = 65,868 sf total cap; this would equate to an overall project max of 175,648 sf, or FAR of 3.2:1, if the total of residential and all bonus items exceeded 60%
Bonus items found in submitted site plan

- B, residential use: 0 sf
- C, unimpeded pedestrian-oriented use: 2,612 sf
- D, underground parking: 21,956 sf
- E, restrictions due to trees: 0 sf
- F, dedicated public access to the water: 0 sf
- G, restricted public access to the water: 0 sf
- H, area restricted to create scenic vista: 0 sf
- I, impervious cover: 7,363 sf

Total floor area from bonus items = 31,931 sf

Total project FAR is limited to 109,780sf + 31,931 sf =141,711 sf, for a FAR of 2.58:1. However, the applicant is requesting a FAR of 3.55:1 for a total of 194,860 sf, 53,149 sf in excess of what should be allowed by the waterfront overlay.

Waterfront Overlay floor area limits
§ 25-2-714 - ADDITIONAL FLOOR AREA.

(A) In the WO combining district, a structure may exceed the maximum floor area permitted in the base district as provided by this section.

(1) Additional floor area under Subsection (B) is limited to 60 percent of the base district maximum. 60% of 109,780 sf = 65,868 sf for residential (however, 0 sf because no residential is proposed in this PUD)

(2) Additional floor area under Subsection (C), (D), (E), (F), (G), (H), or (I) is limited to 20 percent of the base district maximum. 20% of 109,780 sf = 21,956 sf per bonus item

(3) Total additional floor area under this section is limited to 60 percent of the base district maximum. 109,780 sf (base) + 65,868 sf (60% of base) = 175,648 sf total maximum allowable for the combination of Subsection (B), (C), (D), (E), (F), (G), (H), and (I). In this case, the limitation is not reached.

(B) For a structure in a neighborhood office (NO) or less restrictive base district, floor area for a residential use is permitted in addition to the maximum floor area otherwise permitted. No residential uses are proposed

(C) For a structure in a multifamily residence limited density (MF-1) or less restrictive base district, floor area for pedestrian-oriented uses is permitted in addition to the maximum floor area otherwise permitted, if the pedestrian-oriented uses are on the ground floor of the structure and have unimpeded public access from a public right-of-way or park land. The pedestrian-oriented uses required under Sections 25-2-692 (*Waterfront Overlay (WO) Subdistrict Uses*) and Subpart C (*Subdistrict Regulations*) are excluded from the additional floor area permitted under this subsection. It's not clear how much of the project's pedestrian-oriented use is unimpeded public access. However, according to the site plan,

the total ground floor area is 23,756 sf. The excluded floor area is 50% of the ground floor or 11,878 sf, and the total pedestrian-oriented uses being provided are 14,490 sf. Therefore, the project could claim 2,714 sf of additional floor area if all of the pedestrian-oriented use qualifies as unimpeded public access.

(D) Except in the North Shore Central subdistrict:

(1) an additional one-half square foot of gross floor area is permitted for each one square foot of gross floor area of a parking structure that is above grade; and

(2) an additional one square foot of gross floor area is permitted for each one square foot of a parking structure that is below grade.

The area of the underground parking is 236,940 sf in the site plan. Regardless, the maximum bonus allowed is 21,956 sf (20% of the allowable base FAR).

(E) Additional gross floor area is permitted for each existing Category A tree, as determined by the Watershed Protection and Development Review Department's tree evaluation system, that is either left undisturbed or transplanted under the supervision of the city arborist.

(1) A tree is considered undisturbed under this subsection if the area within a circle centered on the trunk with a circumference equal to the largest horizontal circumference of the tree's crown is undisturbed.

(2) A tree may be transplanted off-site if the Land Use Commission determines that the character of the site is preserved and approves the transplanting.

(3) The permitted additional gross floor area is calculated by multiplying the undisturbed area described in Subsection (E)(1) by the base district height limitation and dividing the product by 12.

No applicable tree issues

(F) Additional gross floor area is permitted for land or an easement dedicated to the City for public access to Town Lake or the Colorado River. The additional gross floor area is calculated by multiplying the square footage of the access area by the height limitation applicable to the property and dividing the product by 12. No easements dedicated for public access to the water

(G) Additional gross floor area is permitted for land that is restricted to create a side yard or restricted public access to Town Lake, the Colorado River, or a creek. The additional gross floor area is calculated by multiplying the square footage of the restricted area by the height limitation applicable to the property and dividing the product by 12. No restrictions related to public access to the water

(H) An additional one square foot of gross floor area is permitted for each one square foot of area restricted to create a scenic vista of Town Lake, the Colorado River, or a creek. No area restricted for scenic vistas

(I) For a proposal to develop less than the maximum allowable impervious cover, an additional one square foot of gross floor area is permitted for each one square foot of impervious cover less than the allowable maximum. According to the site plan, impervious cover will be 3,693 sf less than the maximum allowed. The underground parking, however, extends to the property line, and any area above an underground structure or water detention is supposed to be considered impervious cover.

Source: Section 13-2-703; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

EXHIBIT F
APPLICANT'S ARTIST'S RENDERING OF PROPOSED BUILDING

July 29, 2020

Kevin Bice
702 Barton Blvd
Austin, Texas 78704

Michael Pfluger
William Reid Pfluger & the Pfluger Spousal Irrevocable Trust
Drenner Group PC

To whom it may concern,
I would like to offer this letter of support for the new project proposed at 218 South Lamar. As a nearby homeowner and a 47-year resident of Austin, I feel that this section of Lamar is an inevitable extension of downtown growth. The new project being primarily an office building makes much more sense than using it to erect another vertical mixed use project.

Every other such mixed-use project in the area seems to be home to empty retail or restaurant spaces as well as others that are constantly turning over tenants. They seem unable to support any ongoing business. The four to five story stick built apartments above them do not really add anything to the character of the neighborhood either.

I believe that a nicely designed office tower will place an attractive structure along the street that will better stand the test of time. My understanding of the structure's design means that there will be a unique, attractive piece of architecture along South Lamar instead of another boring square box with vacant spaces along street level. I can only assume that the tenants of the office building will bring welcome clientele to the current restaurants and retail businesses nearby. I also understand that the proposed parking would be available to the theater next door and help with event parking in the area. That would surely be another plus.

I just feel that a useful, attractive structure would bring more to the area than another mixed-use project.

Sincerely,

/Kevin Bice

Kevin Bice

SRCC
SOUTH RIVER CITY CITIZENS
AUSTIN TEXAS

South River City Citizens Inc.
P O Box 40632
Austin TX 78704
www.srccatx.org

Eric Cassady, President
Dan Fredine, Vice President
Megan Spencer, Co-vice President
Oliver Caruso, Treasurer
Mary Friedman, Secretary
Carol Martin, Membership Secretary

Austin City Council
City Hall
301 W. 2nd St.
Austin, TX 78701

July 27, 2020

RE: SRCC opposition to rezoning 218 S. Lamar from CS-V to PUD, case C814-2018-0121

Dear Mayor Adler and Councilmembers,

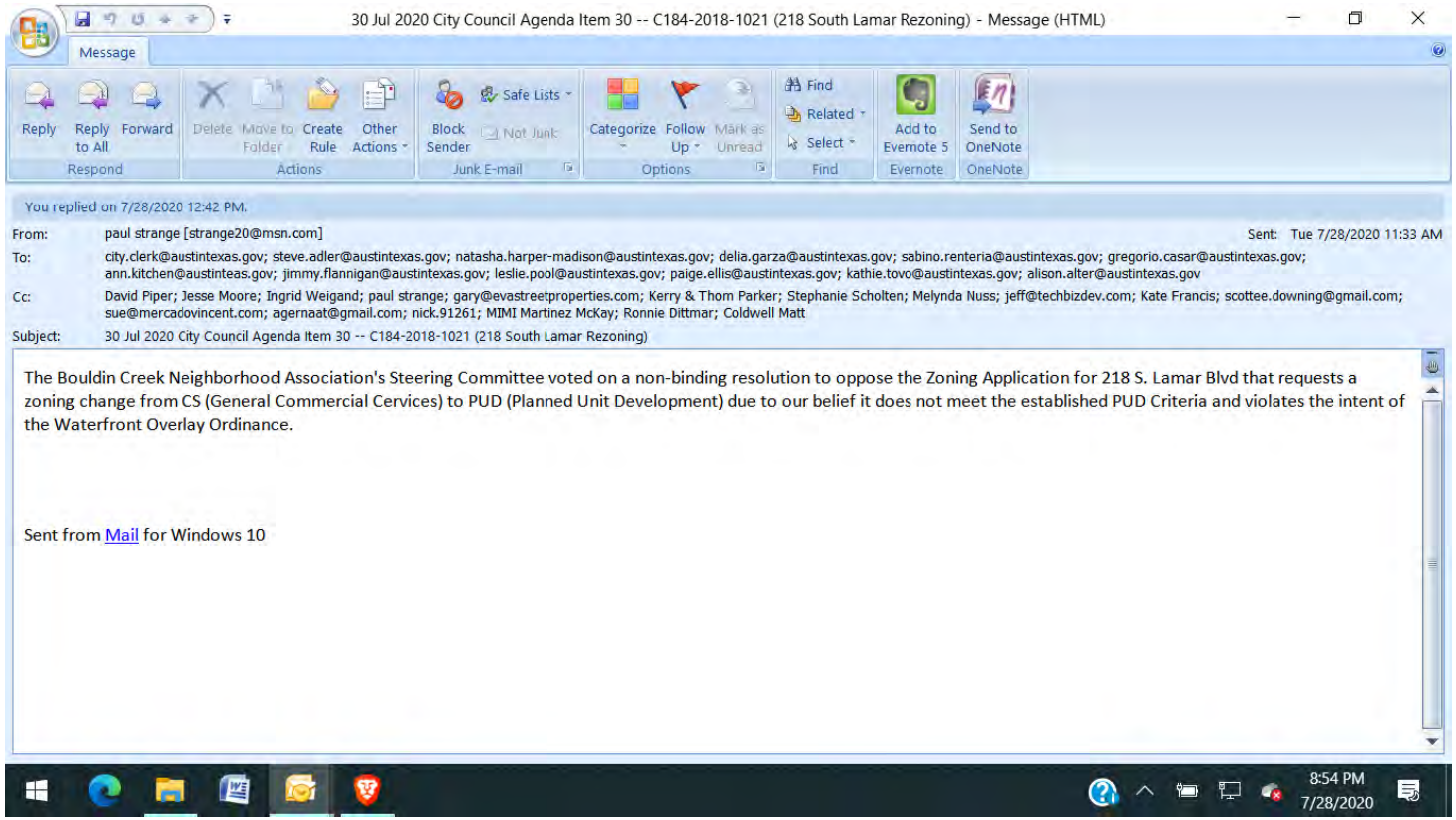
On June 16, 2020 the general membership of the South River City Citizens (SRCC) neighborhood association voted unanimously to oppose the rezoning of 218 S. Lamar Boulevard from CS-V to PUD and the proposed development of a 96-foot tall glass office building at that site. Our opposition stems from the following main issues:

- SRCC supports the Waterfront Overlay ordinance. This project does not meet the standards and requirements set by that ordinance, which is intended to preserve the views and public use of land along the river.
- The project does not meet the basic standard set by the PUD ordinance, that the property in question is greater than 10 acres in size, unless it is characterized by special circumstances. In this case, the only special circumstance cited is the Waterfront Overlay ordinance itself. Granting PUD zoning for this reason would set a bad precedent and greatly diminish the protections of the Waterfront Overlay in its entirety.
- The project is inappropriate for the site both aesthetically and in terms of its practical impacts on traffic as well as pedestrian use of the area as envisioned in the Town Lake Corridor Study.

Sincerely,

Eric Cassady
President
president@srccatx.org

CC: Heather Chaffin, City of Austin
David Piper, Zilker Neighborhood Association


30 Jul 2020 City Council Agenda Item 30 -- C184-2018-1021 (218 South Lamar Rezoning) - Message (HTML)
Message
Reply
Reply to All
Forward
Delete
Move to Folder
Create Rule
Other Actions
Respond
Actions
Block Sender
Safe Lists
Not Junk
Junk E-mail
Categorize
Follow Up
Mark as Unread
Options
Find
Related
Select
Find
Add to Evernote 5
Evernote
Send to OneNote
OneNote
You replied on 7/28/2020 12:42 PM.
From: paul strange [strange20@msn.com]
Sent: Tue 7/28/2020 11:33 AM
To: city.clerk@austintexas.gov; steve.adler@austintexas.gov; natasha.harper-madison@austintexas.gov; delia.garza@austintexas.gov; sabino.renteria@austintexas.gov; gregorio.casar@austintexas.gov; ann.kitchen@austinteas.gov; jimmy.flannigan@austintexas.gov; leslie.pool@austintexas.gov; paige.ellis@austintexas.gov; kathie.tovo@austintexas.gov; alison.alter@austintexas.gov
Cc: David Piper; Jesse Moore; Ingrid Weigand; paul strange; gary@evastreetproperties.com; Kerry & Thom Parker; Stephanie Scholten; Melynda Nuss; jeff@techbizdev.com; Kate Francis; scottee.downing@gmail.com; sue@mercadovincent.com; agernaat@gmail.com; nick.91261; MIMI Martinez McKay; Ronnie Dittmar; Coldwell Matt
Subject: 30 Jul 2020 City Council Agenda Item 30 -- C184-2018-1021 (218 South Lamar Rezoning)
The Bouldin Creek Neighborhood Association's Steering Committee voted on a non-binding resolution to oppose the Zoning Application for 218 S. Lamar Blvd that requests a zoning change from CS (General Commercial Cervices) to PUD (Planned Unit Development) due to our belief it does not meet the established PUD Criteria and violates the intent of the Waterfront Overlay Ordinance.
Sent from Mail for Windows 10
8:54 PM
7/28/2020

From: Rebecca Taylor <
Sent: Wednesday, August 26, 2020 11:52 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>
Subject: relating to August 27 meeting item #116
*** External Email - Exercise Caution ***
Dear Andrew,
please add these comments to the packet for the meeting relating to the below referenced PUD request, item #116 on the agenda. Thank you.
————
To the Austin City Council, in reference to the PUD commonly known as the "Schlotzsky's PUD" located at 218 S. Lamar Boulevard, which is on the agenda for August 27, 2020.
The Barton Place Homeowner's Association wishes to register its opposition to this project as a very close neighbor roughly 500' away from the above referenced location. Barton Place's main garage entrance for all 300 residents is located on Toomey Road and will be directly, negatively impacted by the project's current structure. Our opposition is in alignment with every neighborhood association around us plus the Austin Neighborhood Association because of the following :
• The misuse of the PUD status/zoning (it is a development planning tool for special circumstances for 10 acres or more)
• The development is attempting to identify the Watershed Overlay as a special circumstance for their project being just over an acre, rather than what the Watershed Overlay is, which is to protect the area in relation to building height and progressive environmental standards.
• Faulty traffic studies and incomplete communication between the S Lamar Corridor Improvement Project.
o 635 car garage will be exiting onto already burdened residential street, Toomey.
o Plus the addition of the Dourghty Arts Center Project garage plan of +200 parking garage onto Toomey.
o Plus the addition of the Riverside & Lamar hotel/condo building project parking garage exit into that area.
o Toomey feeds into South Lamar where the South Lamar Improvement project is reducing 6 lanes to 4 between Riverside and Barton Springs.
• The project is an office project with no residential.
Our entire residential community will be directly and negatively impacted by the inability to enter or exit Toomey Road if this project is approved as currently structured. We will be unable to access Lamar Boulevard, which is the only exit to access any roadways without being forced to make U-turns on Barton Springs Boulevard. This is unworkable and extremely unsafe.
Austin will be negatively impacted by the additional traffic directly in the flow of residents who come to the Hike and Bike Trail and the entire Zilker Park area. Heavy traffic added to what is already in the area will make it even harder for any resident of Austin to access the fitness trail, Barton Springs Pool and Zilker Park, as well as Butler Shores and golf area and the Long Center.
This area is what makes Austin unique. It is absolutely critical that it be managed according to the existing Watershed Overlay Ordinance, which comprehends the desires of the people of Austin.
Please vote against this ill-considered plan.
Kind regards,
Nina Rowan Heller, Rebecca Taylor
President, Secretary
Barton Place Homeowners Association

From: Alison Killian
Sent: Tuesday, August 25, 2020 10:48 AM
To: Adler, Steve <Steve.Adler@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; ann.kitchen@austinteas.gov; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Clerk, City <City.Clerk@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Schlotzsky's PUD hearing Thursday, August 27, City Council agenda item 116

Austin Mayor, City Council, City Clerk, and Case Manager,

I am writing because as an Austin resident in the Zilker neighborhood, I vigorously oppose the rezoning of 218 S Lamar Blvd. (Schlotzsky PUD / C814-2018-0121). I believe it violates both the requirements and intent of the Waterfront Overlay Ordinance and the PUD Ordinance and will make life satisfaction for those citizens in this area plumett.

Construction of a big, glass building squished between the Cole apartments and the Zach Theater Complex would ignore the goals in the Town Lake Corridor Study, which the Waterfront Overlay is intended to implement. The Town Lake Corridor Study states that an office complex is "not appropriate" in the Butler Shores sub-district and it is the reason it is such a great area and is attracting visitors every day.

We have seen a huge increase in traffic due to our proximity to parks, Trails and the Lamar Corridor project, not only in increased car traffic but our streets and areas in front of our houses are littered with scooters and retail/park parking. It is very hard to even find parking for guests at our houses. This would be worsened even more so, residents in or neighborhood's commutes would rise drastically since in order to get to the Toomey entrance, traffic on the already congested Lamar would significantly rise.

Thank you for hearing my comments, as well as the comments from the Zilker Neighborhood Association, Austin Neighborhood Association, SRCC Neighborhood Association, Barton Hills, Neighborhood Association and Bouldin Creek Neighborhood Association. The zoning change should be denied.

Sincerely,
Alison Killian
1706 Virginia Ave.
Austin, TX 78704

-----Original Message-----
From: Sarah D
Sent: Tuesday, August 25, 2020 11:57 PM
To: Adler, Steve <Steve.Adler@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; ann.kitchen@austinteas.gov; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Clerk, City <City.Clerk@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: 27 Aug 2020 City Council Agenda Item 116 -- C184-2018-1021 (218 South Lamar Rezoning)

*** External Email - Exercise Caution ***

To: The Austin City Council members; The Planning Commission; Case Manager, Heather Chaffin

Re: Rezoning 218 South Lamar Blvd.
I am requesting the Case Manager to include these comments in the case file (case 2018-171711 ZC; Reference file, C814-218-0121) for the Planning Commission Hearing and City Council scheduled hearing in August , 2020.
Development at prime real estate sites in an economically and environmentally attractive city, such as Austin, is welcomed but must be thoughtfully approved. As a citizen in the city, who cares as much about the progress of our city as any one of you, I want you to make planning decisions that honor existing ordinances that belong to all of us and I want you to make it a priority to value the quality of life of every community of our city.

Specifically, I am asking you, at this time, when a zoning decision is made regarding 218 South Lamar Blvd., which is at the corner of S. Lamar and Toomey Road, that you honor the Waterfront Overlay Ordinance and that you make the quality of life of the community in this part of South Austin your highest priority.
First of all, the proposed PUD, which would be the construction of a large office building and its design, violates the Waterfront Overlay Ordinance. The citizens of our city entrust you to honor the planning that is already approved for this community through this Ordinance. You should want compliance as much as we want it. There is a more appropriate location for this office building to be constructed or the design should conform to the Waterfront Overlay Ordinance. I want you to oppose the proposed PUD.
Second, is the issue of the quality of life for the community under consideration. In a small geographical area, the City has approved the construction of the Dougherty Arts Center (the site is less than a block west of 218 South Lamar) and a hotel at the corner of South Lamar and Riverside (almost across the street from 218 South Lamar). Now, under consideration, is a large office building at 218 South Lamar.
I refer you to the Transportation Impact Study for 218 South Lamar Development in Austin, which was submitted to The City of Austin, January 2019. The Study shows that the traffic congestion in the area along South Lamar from Riverside to Barton Springs Road already operates at least at LOS E during certain periods of the day. The Study shows further that, even with the planned modifications to South Lamar, that the traffic situation will only get worse as a result of this new construction. If this proposed PUD is approved it will be a decision to only make something bad even worse.
The South Lamar Blvd community includes Zilker Park, Butler Hike and Bike Trail, The Long Center, the Palmer Event Center, ZACH Theater, many popular restaurants, and parks along Riverside. It is a place for the people of Austin to relax, enjoy celebrations, and welcome people from around the world to

events unique to Austin. The proposed buildings in this area of the parks may be good for the developers but making the traffic situation worse will not be good for the people of the city who live here and gather here.
We need you to make the right decision for the quality of life in this showcase area of the city. I am asking you to ask the hard questions about the impact on the quality of life for people. I want you to oppose the proposed PUD for 218 South Lamar. I will continue to monitor your response.

Sarah Dhane
1600 Barton Springs Rd unit 1507
Austin, TX 78704
512-663-2027

-----Original Message-----
From: Dorsey Cartwright
Sent: Wednesday, August 26, 2020 1:02 PM
To: Adler, Steve <Steve.Adler@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; ann.kitchen@austinteas.gov; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Clerk, City <City.Clerk@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Dorsey Cartwright
Subject: 27 Aug 2020 City Council Agenda Item 116 -- C184-2018-1021 (218 South Lamar Rezoning)

Just discovered your deadline and while I have missed, please do not let this precedence take root in this part of Austin, let's keep and protect this precious area that is still uniquely Austin—not the "just like every city, USA" it's becoming. Thank you, Mary Cartwright—long time Zilkernite.

From: Alison Lao <>
Sent: Thursday, August 27, 2020 8:25 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Adler, Steve <Steve.Adler@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>
Subject: Re: Schlotzsky's Planned Unit Development (PUD) @ 218 South Lamar

Hello all! I am writing to reiterate that I still oppose the 218 South Lamar (Schlotzsky's PUD) and it is my understanding that there is a meeting about it today. Copied from my last email, my main concerns are:

- Traffic backups on Toomey Road from 625-vehicle, area-wide parking garage that has one entrance/exit on Toomey Rd.
- Mostly glass, oversized office building in an inappropriate area that is supposed to be protected by the Waterfront Overlay Ordinance.
- No residential units as required by the Waterfront Overlay Ordinance, section 25-2-714.

I appreciate your leadership,
Alison Lao

On Wed, May 27, 2020 at 10:42 AM Alison Lao < > wrote:
Hello,

I am writing to protest the PUD rezoning case at 218 South Lamar (Schlotzsky's PUD). My main concerns are:

- Traffic backups on Toomey Road from 625-vehicle, area-wide parking garage that has one entrance/exit on Toomey Rd.
- Mostly glass, oversized office building in an inappropriate area that is supposed to be protected by the Waterfront Overlay Ordinance.
- No residential units as required by the Waterfront Overlay Ordinance, section 25-2-714.

Thank you for your time and consideration. Stay safe,
Alison Lao

bridges
on the park

August 6, 2020

Heather Chaffin
City of Austin

RE: 218 S. Lamar Rezoning Request (C814-2018-0121)

Dear Ms. Chaffin,

As the current President and immediate past President of the Bridges on the Park Condominium Association, Inc. (BOTP) Board of Directors, we are writing to clarify our position on the 218 S. Lamar rezoning request (C814-2018-0121) currently under consideration by the City of Austin.

On October 21, 2019, a request for a valid petition was initiated (see attached). However, the petition is incorrectly attributed to the entire HOA (all property owners at 210 Lee Barton Drive) versus the individual property owner (210 Lee Barton Drive, Unit 508). We ask that this be corrected for the record.

For the past year, we have been working with the applicants to resolve our concerns. Attached for your records is the private restrictive covenant we executed last week, and demonstrates BOTP's support for the rezoning request.

Please do not hesitate to contact us if you need any additional information.

Sincerely,

Travis Maese

Travis Maese
President, BOTP Board of Directors
512.909.2555
wrmaese2009@gmail.com

Sushma Jasti Smith

Sushma Jasti Smith
Immediate Past President, Board of Directors
281.772.9618
jasti.smith@gmail.com

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Covenants, Conditions and Restrictions (this "Declaration") is entered into by and between the **PFLUGER SPOUSAL IRREVOCABLE TRUST dated June 25, 2018, MICHAEL CARL PFLUGER,** and **WILLIAM REID PFLUGER**, their successors or assigns (collectively, "Declarant"), and **BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION, INC.,** a Texas non-profit corporation, its successors or assigns ("BOTP"), as of the 10 day of July, 2020.

RECITALS

WHEREAS, Declarant currently owns the tract of land described in City of Austin Zoning Case No. C814-2018-0121 (the "Property", more particularly described on Exhibit "A");

WHEREAS, Declarant intends to redevelop the Property, and, in order to do so, is seeking a "Planned Unit Development (PUD)" zoning on the Property from the City of Austin in Zoning Case No. C814-2018-0121(the "Zoning Case");

WHEREAS, Declarant intends to redevelop the Property utilizing zoning entitlements and site development regulations available upon approval of the Zoning Case, which zoning entitlements and site development regulations in some cases exceed existing zoning entitlements and site development regulations available under the current CS-V zoning classification (the "Project")

WHEREAS, upon the effective date of the rezoning of the Property to PUD zoning classification by the City of Austin and subject to all of the terms and conditions of this Declaration, Declarant has voluntarily agreed to establish certain restrictive covenants, which are described herein, in connection with the development of the Project; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to all of the terms and conditions of this Declaration, Declarant agrees to hold, sell and convey the Property subject to the following covenants, conditions and restrictions, which are impressed upon the Property by this Declaration.

I. DECLARATIONS

1.1 Building Setbacks. The following building setbacks shall be applicable to the Project:

a) Below Grade: To allow for underground parking, setbacks shall be zero (0) feet from the property line below grade;

b) Ground Floor: The building setback for the ground floor shall comply with the setbacks as listed below and depicted on Exhibit "B" Ground Floor Setbacks; and

i. Toomey Road, Building to Property Line: 6' 11 1/8"– 47' 7 3/8"

Executed the date first set forth above.

DECLARANT:

PFLUGER SPOUSAL IRREVOCABLE TRUST,
an irrevocable trust dated June 25, 2018

By: _____
William Reid Pfluger, Trustee

_____
Michael Carl Pfluger, individually

_____
William Reid Pfluger, individually

on a rent-free basis for 10 years.

1.8 Roof Space. The 7th floor roof deck of the Project may be an occupied roof deck. Should the Project provide an occupiable rooftop, the following shall apply:

a) Rooftop lighting shall be compliant with the Dark Skies Initiative;

b) Hours of operation shall be limited to 8am to 10pm; and

c) Project shall comply with City of Austin noise regulations.

1.9 Building Materials. Project shall comply with the glazing requirements established by the City of Austin Code of Ordinances in effect as of the date of this Declaration. Glass in the Project shall not exceed a reflectance of 20 percent without written permission from the BOTP.

1.10 Payment of Fees. Declarant will pay the actual fees incurred by BOTP for legal services associated with the review and negotiation of the Declaration. This amount shall be paid upon execution of this Declaration.

1.11 Terms of Support. All items listed in Sections 1.1 through 1.10 above are enforceable by BOTP only under the condition that the Board of BOTP positively supports the Zoning Case during the Planning Commission and Austin City Council meetings in which the vote for the Zoning Case takes place or is discussed. This support may be in the form of a letter to the City of Austin Mayor and City Council, or by a public statement by an authorized representative of the Board of BOTP during such meetings or, in the alternative, this Declaration, once executed shall be prima facie evidence of such support and may be offered to the City of Austin Mayor and City Council as evidence of support.

II. DEFAULT AND REMEDIES

2.1 Remedies. In the event of a breach or threatened breach of this Declaration, only Declarant, including its successors and assigns, or BOTP shall be entitled to institute proceedings for full and adequate relief from the consequences of said breach or threatened breach. If either party to this Declaration (a ***"Defaulting Party"***) shall fail to comply with any term, provision or covenant of this Declaration and shall not cure such failure within sixty (60) days after receipt of written notice (or if the default is of such character as to require more than sixty (60) days to cure and the Defaulting Party shall fail to commence to cure the same within such period or shall fail to use reasonable diligence in curing such default thereafter) from an entity with the right hereunder to seek relief for such breach (a ***"Non-Defaulting Party"***) to the Defaulting Party of such failure, the Non-Defaulting Party shall have the option of pursuing any remedy it may have at law or in equity, including, without limitation, specific performance, injunctive relief, or direct monetary damages from a court of competent jurisdiction; provided, however, except as provided in Sections 1.10 and 3.4 herein, neither party to this Declaration shall be liable to the other for consequential or punitive monetary damages.

III. GENERAL PROVISIONS

ii. Toomey Road, Building to Curb: 16' 11 5/8" – 57' 0 3/4"

iii. South Lamar Boulevard, Building to Property Line: 5' 7 1/8", 40' 5/8", 51' 3 5/8"

iv. South Lamar Boulevard, Building to Curb: 18' 11 7/8", 53' 5 ½", 64' 8 ½"

c) Floors 2 through 7: The building setbacks for all above ground floors above the ground level, i.e., levels 2 through 7, shall comply with the setbacks as listed below and depicted in Exhibit "C" Setbacks for Floors 2 through 7.

i. Toomey Road, Building to Property Line: 5' 0"

ii. Toomey Road, Building to Curb: 14' 5 1/8"

iii. South Lamar Boulevard, Building to Property Line: 10' 11 1/8", 17' 1 7/8", 5' 8 1/8", 41' 1 5/8"

iv. South Lamar Boulevard, Building to Curb: 24' 7/8", 30' 11 7/8", 19' 7/8", 54' 6 ½"

1.2 Height. The maximum height for a structure on the property shall be ninety-six (96) feet measured in accordance with the City of Austin Code of Ordinances except as modified herein:

a) Section §25-2-531 (Height Limit Exceptions) shall still apply to the Project;

b) The elevator cab and associated mechanical roof necessary to allow accessible access to the rooftop may exceed the maximum height of the project by 19'-2 3/8". This additional height is allowed in the area generally depicted in Exhibit "D" Elevator Overrun.

1.3 Ground Floor Open Space. The Project shall provide a minimum of 40 percent of the ground floor as open space.

1.4 Public Plaza. A public plaza shall be provided on the ground floor. Such plaza shall be a minimum of 8,000 square feet and generally located at the northwest corner of the Property (the "Public Plaza").

1.5 Parking. All parking for the Project shall be located below grade. At least 20 percent of the parking spaces within the Project shall be accessible to the public on a paid basis (in amounts reasonably determined by Declarant) 24 hours a day, seven days a week, subject, however, to Declarant's rights to close the parking to restore or make restorations to the parking facilities or to prevent imminent harm to persons or damage to property. The parking available to the public shall be on a first come, first-served basis, and shall be located within areas of the parking facilities within the Project within the discretion of Declarant. Further, the parking within the Project shall be subject to reasonable and customary parking rules and regulations established by Declarant from time to time.

1.6 Driveway Access. Access to the below grade parking shall only be allowed on Toomey Road. No access to the site, other than the required fire lane, shall be permitted from South Lamar Boulevard.

1.7 Art Space. The Project shall provide an art space that is open to the public in an area adjacent to the Public Plaza to be managed by a local art-related non-profit entity. The art space must be a minimum of 1,000 gross square feet and available

3.1 No Third-Party Beneficiary. The provisions of this Declaration are for the exclusive benefit of the parties hereto, and their successors and assigns, and not for the benefit of any third person, nor shall this Declaration be deemed to have conferred any rights, express or implied, upon any third person or the public, except as contemplated in Section 1.10 above.

3.2 No Dedication. No provision of this Declaration shall ever be construed to grant or create any rights whatsoever in or to any portion of the Property other than the covenants, conditions and restrictions specifically set forth herein. Nothing in this Declaration shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the public any right whatsoever.

3.3 Notice. All notices required or permitted to be given hereunder, or given in regard to this Declaration, shall be in writing and the same shall be given and be deemed to have been served, given and received (a) one (1) business day after being placed in a prepaid package with a national, reputable overnight courier addressed to the other party at the address hereinafter specified; or (b) if mailed, three (3) business days following the date placed in the United States mail, postage prepaid, by certified mail, return receipt requested, addressed to the party at the address hereinafter specified. Declarant, Purchaser and BOTP may change their respective addresses for notices by giving five (5) days' advance written notice to the other parties in the manner provided for herein. Until changed in the manner provided herein, Declarant, Purchaser and BOTP's address for notice is as follows:

Declarant:

Timothy Horan, Jr.
3208 Greenlee Drive
Austin, Texas 78703

with a copy to:

Michael Carl Pfluger
4605 Wild Cow Cove
Spicewood, Texas 78669

William Reid Pfluger
2133 Office Park Drive
San Angelo, Texas 76904

Drenner Group
200 Lee Barton Drive
Suite 100
Austin, TX 78704
Attn: Stephen O. Drenner
Telecopy: (512) 807-2917
Telephone: (512) 807-2901

BOTP:

Bridges on the Park Condominium Association, Inc.
210 Lee Barton Drive
Austin, Texas 78704
Attn: President, Bridges on the Park Condominium Association, Inc.
Telecopy: (512) 499-3905
Telephone: (512) 499-8742

With a copy to:

Thompson & Knight, LLP
98 San Jacinto, Suite 1900
Austin, Texas 78701
Attn: James E. Cousar
Telecopy: (512) 469-6180
Telephone: (512) 469-6112

3.4 Attorneys' Fees. The unsuccessful party in any action brought to enforce this Declaration shall pay to the prevailing parties a reasonable sum for costs incurred by the prevailing parties in enforcing this Declaration, including reasonable attorneys' fees and court costs.

3.5 Entire Declaration. This Declaration constitutes the entire agreement between the parties hereto regarding the matters set forth herein. The parties do not rely upon any statement, promise or representation with respect to the matters set forth herein that is not herein expressed, and this Declaration once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by this document.

3.6 Severability. If any provision of this Declaration shall be declared invalid, illegal or unenforceable in any respect under any applicable law by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby. It is the further intention of the parties that in lieu of each covenant, provision or agreement of this Declaration that is held invalid, illegal or unenforceable, that be added as a part hereof a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may possible and be legal, valid and enforceable.

3.7 Rights of Successors; Interpretation of Terms. The restrictions, benefits and obligations hereunder shall create benefits and servitudes running with the land. Subject to the other provisions hereto, this Declaration shall bind and inure to the benefit of the parties and their respective successors and assigns. Reference to ***"Declarant"*** includes the future owners of their respective portions of the Property, including any portions of the Property that may in the future be created as separate tracts pursuant to a resubdivision of any portion of the Property. The singular number includes the plural and the masculine gender includes the feminine and neuter.

3.8 Estoppel Certificates. Any party (or any mortgagee holding a first lien security interest in any portion of the Property) may, at any time and from time to time, in connection with the leasing, sale or transfer of its tract, or in connection with the financing or refinancing of its tract by any bona fide mortgage, deed of trust or sale-leaseback made in good faith and for value, deliver a written notice to the other parties requesting that such parties execute a certificate, in a form reasonably acceptable to such parties, certifying that, to such party's then current actual (not constructive) knowledge, (a) the other party is not in default in the performance of its obligations to or affecting such party under this Declaration, or, if in default, describing the nature and amount or degree of such default, and (b) such other information regarding the status of the obligations under this Declaration as may be reasonably requested. A party shall execute and return such certificate within twenty (20) days following its receipt of a request therefor.

3.9 Counterparts; Multiple Originals. This Declaration may be executed simultaneously in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

3.10 Exculpation. Any person or entity acquiring fee or leasehold title to any portion of the Property shall be bound by this Declaration only as to the portion acquired by such person or entity and such person or entity shall not be liable for violations occurring on any portion of the Property which it does not own. Such person or entity shall be bound by this Declaration only during the period such person or entity is the fee or leasehold owner of such portion, except as to obligations, liabilities or responsibilities that accrue during said period. Although persons or entities may be released, the covenants, conditions and restrictions in this Declaration shall continue to be benefits and servitudes upon the Property running with the land.

3.11 Conflict with Ordinance. To the extent that any of the covenants, conditions and restrictions contained within this Declaration conflict with terms or conditions addressed in the zoning ordinance issued by the City of Austin in connection with the Zoning Case, or any supporting materials, for purposes of this Declaration the terms and conditions of this Declaration shall control.

3.12 Approval of the City Applications. Notwithstanding any other provision of this Declaration to the contrary, the agreements of Declarant reflected herein are conditioned upon final approval (i.e., third reading) of the Zoning Case by the City of Austin City Council, with no subsequent appeal, and in a form acceptable to Declarant. If (a) the Property is not rezoned pursuant to the Zoning Case in a form acceptable to Declarant, or (b) Declarant redevelops the Property with a project not exceeding sixty (60) feet in height, the covenants, conditions and restrictions contained within this Declaration shall not be applicable. If the Property is rezoned pursuant to the Zoning Case in the form applied for by Declarant, or in a form accepted by Declarant at the City Council meeting (on third reading), the rezoning shall be considered acceptable to Declarant for purposes of this Section 3.12 and Section 3.13 below.

3.13 Effective Date. This Declaration shall become effective upon the final effective date of the rezoning of the Property to establish PUD zoning by the City of Austin

pursuant to C814-2018-0121 in a form acceptable to Declarant. If the Property is not rezoned to PUD zoning in a form acceptable to Declarant, then, consistent with Section 3.12 above, this Declaration shall be void and of no effect. Declarant's action in obtaining any building permit based on the approved PUD zoning shall mean that the PUD zoning is in a form acceptable to Declarant, as that term is used in the foregoing 3.12 of this Declaration.

Exhibits

"A" Property Description

"B" Ground Floor Setbacks

"C" Setbacks Floors 2 through 7

"D" Elevator Overrun

STATE OF TEXAS §
§
COUNTY OF TOM GREEN §

Before me, the undersigned notary, on this day personally appeared William Reid Pfluger, individually and as Trustee of the Pfluger Spousal Irrevocable Trust, an irrevocable trust dated June 25, 2018, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on July 10 2020.

[Seal] KARYL JOHNSON
ID #3444614
My Commission Expires
September 05, 2020

Karyl Johnson
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Michael Carl Pfluger, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on 14 July 2020.

[Seal]

Notary Public, State of Texas

HARRY RUSSELL CACCAMISI
Notary Public, State of Texas
Comm. Expires 08-22-2022
Notary ID 125811665

BOTP:

BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION, INC., a Texas nonprofit corporation

By: _____
Name: Travis Maese
Title: President

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Travis Maese the President of Bridges on the Park Condominium Association, Inc., a Texas nonprofit corporation, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledgement to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument

Given under my hand and seal of office on July 29, 2020.

_____
Notary Public, State of Texas

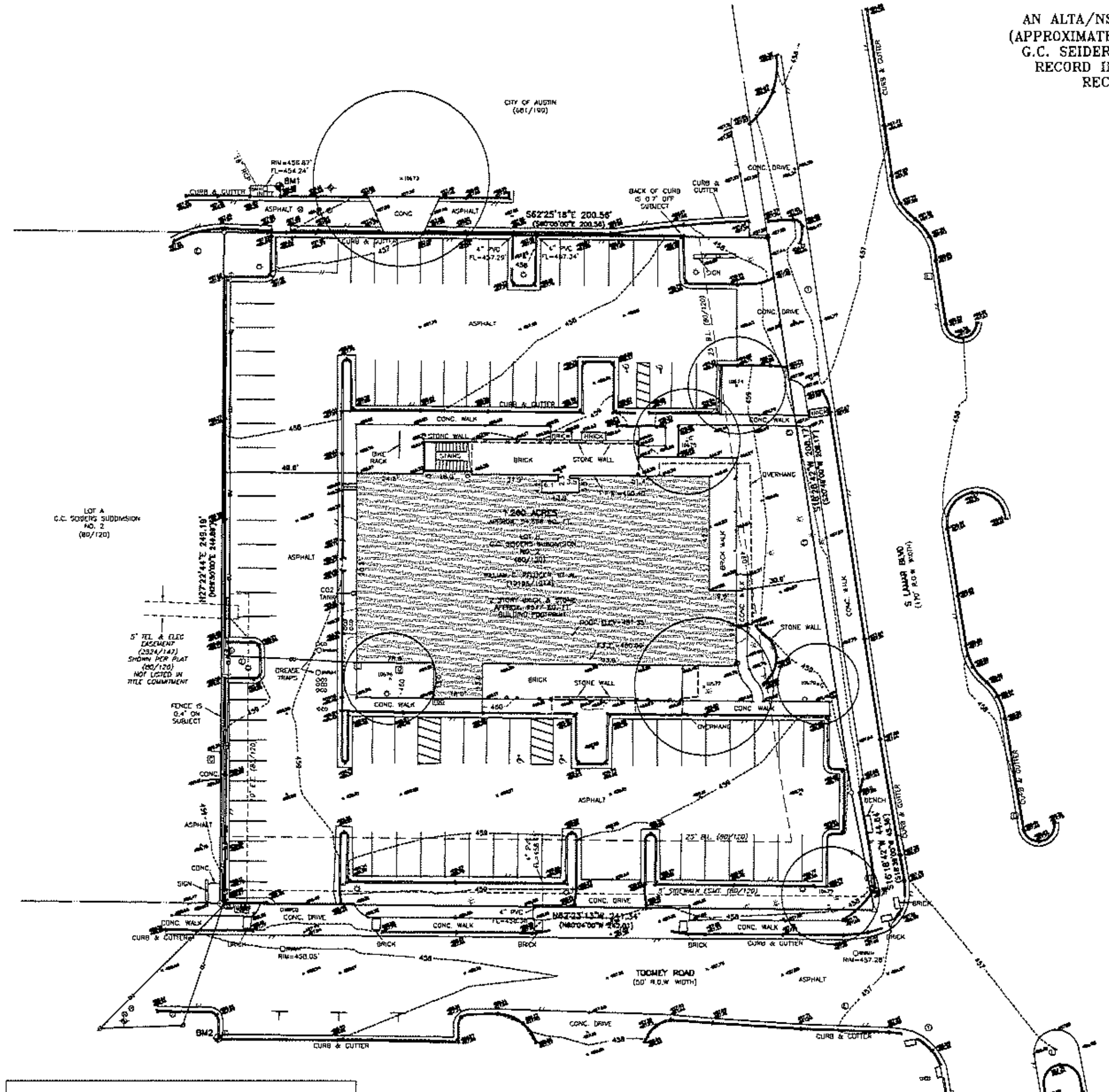
KIMBERLY TUCKER
Notary Public, State of Texas
Comm. Expires 06-28-2021
Notary ID 131189532

Exhibit "A"

Property Description

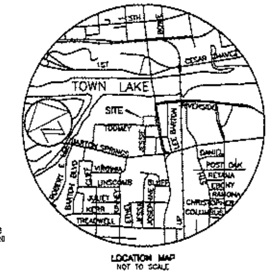
[See Attached]

AN ALTA/NSPS LAND TITLE SURVEY OF 1.260 ACRES (APPROXIMATELY 54,896 SQ. FT.), BEING ALL OF LOT B, G.C. SEIDERS SUBDIVISION NO. 2, A SUBDIVISION OF RECORD IN VOLUME 80, PAGE 120, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
⊙	1/2" IRON PIPE FOUND
△	MAG NAIL WITH "CHAPARRAL" WASHER SET
	CONTROL POINT/BENCHMARK LOCATION
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	SPRINKLER CONTROL VALVE
	UTILITY POLE
	GUY WIRE
—OU—	OVERHEAD UTILITIES
	ELECTRIC UTILITY
	ELECTRIC MANHOLE
	ELECTRIC PULL BOX
	LIGHT POLE
	GROUND LIGHT
	TRAFFIC SIGNAL POLE
	TELEPHONE MANHOLE
	GAS UTILITY
	CLEANOUT
	WASTEWATER CLEANOUT
	WASTEWATER MANHOLE
	HANDICAP PARKING SPACE
	SIGN
	EDGE OF PAVEMENT
—x—	BARB WIRE FENCE
	WROUGHT IRON FENCE
	WOOD FENCE
B.L.	BUILDING SETBACK LINE
E.E.	ELECTRIC EASEMENT
( )	RECORD INFORMATION

SCALE: 1" = 20'
GRAPHIC SCALE
20 10 0 20



LOCATION MAP
NOT TO SCALE

TREE INDEX

TAG NO. TYPE INDICATES MULTI TRUNK
(514) (LO) 17 14 (11)
INDIVIDUAL TRUNK DIA. (IN INCHES)

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

10673	LO 24 17
10674	PINE 13 10
10675	CRM 8 6 6 8 5
10676	LO 17
10677	CRM 8 8 6 8 5 5 5
10678	PINE 15
10679	PINE 18

CRM = CRAPE MYRTLE
LO = LIVE OAK
PINE = PINE

THIS IS A SURFACE DRAWING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT "P470".

4" ALUMINUM DISK SET IN CONCRETE

SURFACE COORDINATES:
N 10068464.35
E 3109758.00

TEXAS STATE PLANE COORDINATES:
N 10067927.30
E 3109502.07

ELEVATION = 451.93'
VERTICAL DATUM: NAVD 88 (GEOID 09)

COMBINED SCALE FACTOR = 0.99994664
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.00005336285
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0,0
THETA ANGLE: 1°19'33"

BENCHMARK INFORMATION:

BM #1: SQUARE CUT ON STORMSEWER INLET ON NORTH SIDE OF ASPHALT DRIVEWAY, NORTH OF THE SUBJECT PROPERTY, APPROX. 200 FEET WEST OF S. LAMAR BLVD.

ELEVATION = 456.80'
VERTICAL DATUM: NAVD 88 (GEOID 09)

BM #2: SQUARE CUT ON TOP OF CURB ON SOUTH SIDE OF TOOMEY ROAD, APPROX. 205 FEET WEST OF S. LAMAR BLVD.

ELEVATION = 458.70'
VERTICAL DATUM: NAVD 88 (GEOID 09)

TITLE COMMITMENT NOTE:

COMMITMENT FOR TITLE INSURANCE PREPARED BY:

First American Title Insurance Company

G.F. No.: 201702102 Effective Date: 02/08/18 Issued: 02/14/18

The surveyor has relied upon the referenced Commitment for Title regarding easements, restrictions, and other matters affecting this property. No additional research was done for the purpose of this survey. Items listed are worded according to the commitment, followed by surveyor's notes and/or observations.

Schedule "B" items contained therein and re-listed below were considered:

1) Restrictive Covenants:

Volume 80, Page 120 of the Plat Records of Travis County, Texas.

(But omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons)

10a) A sidewalk easement 5 feet in width along the southwest property line, as shown by the Plat recorded in Volume 80, Page 120 of the Plat Records of Travis County, Texas. -- Subject to, as shown

10b) An electric easement 10 feet by 115 feet in width along a portion of the northwest property line, as shown by the Plat recorded in Volume 80, Page 120 of the Plat Records of Travis County, Texas. -- Subject to, as shown

10c) Building setback 25 feet in width along the southwest and southeast property lines, as shown by the Plat recorded in Volume 80, Page 120 of the Plat Records of Travis County, Texas. -- Subject to, as shown

10d) The terms, conditions and stipulations of that certain Lease Agreement dated May 24, 1994, executed by and between William C. Pfluger, Karen O'Brien Pfluger, William C. Pfluger, Trustee of the William Carl Pfluger Children's Trust Created under the Will of Carl R. Pfluger, as Tenants in Common, as Lessor, and Schlotzsky's Restaurants, Inc., as Lessee, evidenced by Memorandum of Lease recorded in Volume 12214, Page 1981 of the Real Property Records of Travis County, Texas, as affected by Affidavit of Assignment recorded under Document Nos. 2006225204 and 2006225206 of the Official Public Records of Travis County, Texas.

10e) Any and all leases, recorded or unrecorded, with rights of tenants in possession.

10f) Easements, or claims of easements, which are not recorded in the public records.

10g) Rights of parties in possession (Owner Policy Only)

10h) The terms, conditions and stipulations of that certain Lease Agreement dated ____________, executed by and between William C. Pfluger, Karen O'Brien Pfluger, San Angelo Area Foundation, Michael Carl Pfluger and William Reid Pfluger, as Lessor, and Generational Commercial Properties Co., a Texas corporation, as Lessee, evidenced by Memorandum of Lease recorded under Document No. ____________ of the Official Public Records of Travis County, Texas.

FLOOD-PLAIN NOTE:

The tract shown hereon lies within Zone "X" (other flood areas, areas of 0.2% annual chance flood; areas of 1% annual chance of flood with average depths of less than 1 foot or with drainage areas less than 1 square mile) as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48453C0445J, dated January 6, 2016, for Travis County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

Generational Commercial Properties Co., a Texas corporation
William C. Pfluger, Karen O'Brien Pfluger, San Angelo Area Foundation, Michael Carl Pfluger and William Reid Pfluger
First American Title Insurance Company
Heritage Title Company of Austin, Inc.

PROPERTY ADDRESS: 218 S. Lamar Boulevard

DATE OF SURVEY: 05/17/18

ATTACHMENTS: None

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 7a, 7b1, 8, 9, 14 & 20 of Table A thereof.

The field work was completed on May 17, 2018.

Robert C. Watts, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 4995
robert@chapsurvey.com

5.21.18

STATE OF TEXAS
REGISTERED
ROBERT C. WATTS, JR.
4995
PROFESSIONAL
LAND SURVEYOR

Robert C. Watts, Jr.
R.P.L.S. No. 4995

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.: 1372-002
DRAWING NO.: 1372-002-BASE
PLOT DATE: 05/21/18
PLOT SCALE: 1"=20'
DRAWN BY: EBO
SHEET 01 OF 01

Exhibit "B"

Ground Floor Setbacks

[See Attached]


B


A

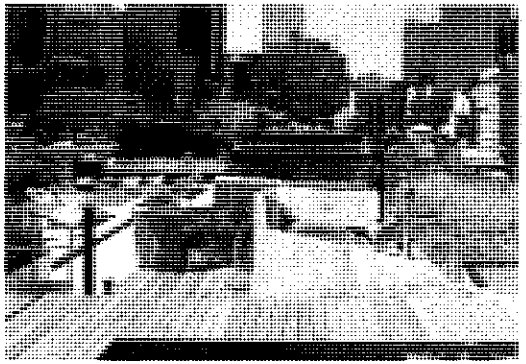
Exhibit "C"

Setbacks Floors 2 to 7

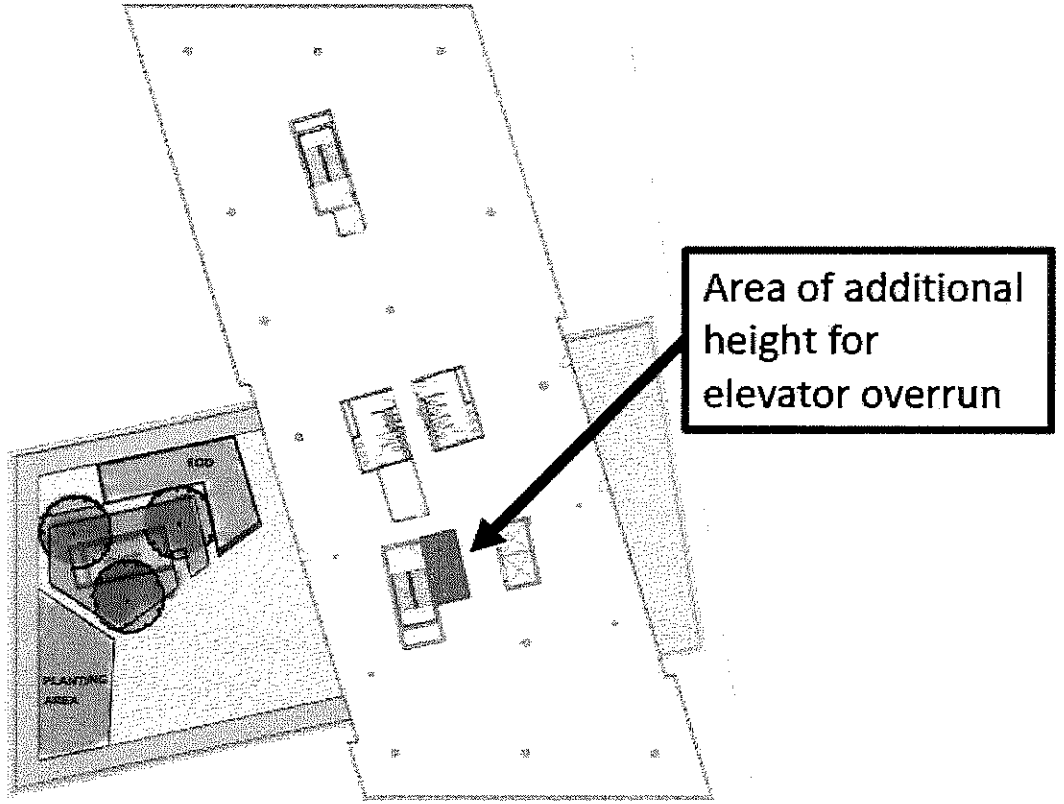
LINE

Exhibit "D"

Elevator Overrun



CONCEPTUAL DESIGN-
7TH FLOOR



Please return original to:
James E. Cousar
Thompson & Knight, LLP
98 San Jacinto, Suite 1900
Austin, Texas 78701