

ZONING CHANGE REVIEW SHEET

CASE: C814-89-0003.02 – 305 S. Congress PUD DISTRICT: 9

ZONING FROM: PUD-NP

TO: PUD-NP, to change conditions of zoning

ADDRESSES: 305 S. Congress

SITE AREA: 18.86 acres

PROPERTY OWNER:

Richard T. Suttle Jr. (Trustee)

AGENT:

Armbrust & Brown PLLC (Richard Suttle)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends rezoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning to amend the planned unit development to modify the permitted land uses and site development regulations.

PARKS AND RECREATION BOARD ACTION/RECOMMENDATION:

September 28, 2021: Voted to not recommend the PUD amendment as superior and directed staff to continue working with the applicant to negotiate unresolved superiority items and Board concerns. Vote: 6-1. [Board Member Cottam Sajbel – 1st, Chair Lewis – 2nd; Board Member Rinaldi voted nay; Board Member Taylor abstained; Board Member Hugman was absent; two vacancies].

ENVIRONMENTAL COMMISSION ACTION/RECOMMENDATION:

October 6, 2021: Voted to not recommend the PUD amendment in its current state. The Commission did recommend staff continue to work with the applicant to negotiate unresolved superiority items, Environmental Commission concerns and staff concerns. Vote: 9-0. [Commissioner Ramberg – 1st, Commissioner Brimer – 2nd; Vice Chair Coyne recused themselves; one vacancy].

SOUTH CENTRAL WATERFRONT ADVISORY BOARD ACTION/RECOMMENDATION:

October 18, 2021 **The South Central Waterfront Advisory Board found the 305 South Congress PUD to be generally in conformance with the spirit and intent of the South Central Waterfront Vision Plan and recommended the project move forward to both the Planning Commission and the City Council with conditions. Vote: 5-0. [Chair Franco – 1st, Board Member Thompson – 2nd; Board Member Anderson recused themselves; Board Member Groce abstained; and Board Members Seiden and Kurth were absent].**

SMALL AREA PLANNING JOINT COMMITTEE ACTION/RECOMMENDATION:

December 8, 2021 **Voted to support the Parks and Recreation Board, Environmental Commission and South Central Waterfront Advisory Board actions in asking staff and the applicant to continue discussing unresolved superiority items, especially pertaining to implementing measures to reduce bird strikes against the buildings. Vote: 4-0. [Committee Member Thompson – 1st, Committee Member King – 2nd; Committee Members Howard, Mushtaler and Acosta were absent].**

October 25, 2021 Meeting was canceled due to a lack of quorum

PLANNING COMMISSION ACTION/RECOMMENDATION:

December 14, 2021 **Scheduled for Planning Commission.**

October 27, 2020 Approved an indefinite postponement request by staff. Vote: 11-0. [Vice Chair Hempel – 1st, Commissioner Azhar – 2nd; Commissioner Shieh was absent; one vacancy].

May 26, 2020 Approved an indefinite postponement request by staff on the consent agenda. Vote: 12-0. [Vice Chair Hempel – 1st, Commissioner Schneider – 2nd; Commissioner Llanes Pulido was off the dais].

December 17, 2019 Approved an indefinite postponement request by staff on the consent agenda. Vote: 10-0. [Commissioner Howard – 1st, Commissioner Flores – 2nd; Commissioners Anderson, Llanes Pulido and Chair Shaw were off the dais].

CITY COUNCIL ACTION:

To be Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

On August 24, 2021 the applicant invoked Section 25-2-282(E) of the Land Development Code (LDC) asking to be put on the next available Planning Commission meeting agenda that meets notification requirements. Per the LDC, because this is a Planned Unit Development (PUD) and located within the Waterfront Overlay, prior to the Planning Commission hearing this case it must be reviewed by the Environmental Commission and Small Area Planning Joint Committee.

Staff has received communication in favor of and in opposition to the rezoning case. Two neighborhood groups, South River City Citizens (SRCC) and South Central Coalition (SCC), have provided resolutions in opposition to the case. These resolutions and all written or emailed communications related to this rezoning case can be found in *Correspondence Received*.

CASE MANAGER COMMENTS:

On December 8, 2021 this rezoning case was heard by the Small Area Planning Joint Committee (SAPJC). Committee Members expressed concerns about how pedestrians would access the waterfront park, specially speaking to losing the existing direct access from the S. Congress bridge. Another concern raised was with the future cross-section for the Barton Springs Road extension. Committee Members asked staff to continue working with the applicant on the cross-section to balance pedestrian/bike safety and vehicular movement. Other concerns raised included how the amphitheater (lawn steps) were to be used, development in the waterfront overlay primary and secondary setbacks and proposed affordable housing.

On October 18, 2021 this rezoning case was heard by the South Central Waterfront Advisory Board (SCWAB). Board Members raised questions about the differences (proposed infrastructure, program, amenities, etc.) between the South Central Vision Framework Plan and the proposed redevelopment project, and asked the applicant to continue working on the conditions set forth by the Environmental Commission, and Parks and Recreation Board actions. For a full list of recommendations and action on this rezoning case, please see *Exhibit D: Boards and Commission Actions*.

On October 6, 2021 this rezoning case was heard by the Environmental Commission. Commission members expressed concerns about balancing the loss of trees with the benefits of proposed environmental and park amenities as well the potential to further increase erosion along the riverbank and impervious cover amounts within the critical water quality zone. For a full list of recommendations and action on this rezoning case, please see *Exhibit D: Boards and Commission Actions*.

On September 28, 2021 this rezoning case was heard by the Parks and Recreation Board. Board Members expressed concerns about the number of remaining details left to be finalized regarding park superiority. They asked staff to continue working with the applicant on unresolved superiority items. For a full list of recommendations and action on this rezoning case, please see *Exhibit D: Boards and Commission Actions*.

This property is located on the east side of S. Congress Avenue, adjacent to and south of Lady Bird Lake. It is approximately 18.86 acres and is currently zoned PUD-NP. To the west across S. Congress Avenue are tracts zoned LI-PDA-NP, CS-1-V-NP, L-NP and PUD-NP. South of the property are tracts zoned LI-NP, CS-1-V-NP, CS-V-NP, CS-NP and PUD-NP. To the east and north of this property is Lady Bird Lake and is not zoned, please see *Exhibit A1: Existing Zoning Map* and *Exhibit A2: Aerial Map*. This property is also located within the Greater South River City Combined Neighborhood Planning Area (South River City Neighborhood), the South Shore Sub-District of the Waterfront Overlay and the South Central Waterfront (SCW) district. The Future Land Use Map (FLUM) of the South River City Neighborhood designates this property as “industrial” and therefore requires a neighborhood plan amendment (NPA) to be considered with this rezoning case, see NPA case number: NPA-2019-0022.02.

A traffic impact analysis (TIA) is being conducted in conjunction with the rezoning and NPA cases. Currently the TIA is still under reviewed by the Austin Transportation Department (ATD).

The SCW district can be identified as the area between S. First Street on the west, Blunn Creek to the east, Lady Bird Lake to the north, and Riverside Drive and East Bouldin Creek to the south, see *Exhibit A3: SCW Planning Area*. To view the most current version of the Vision Framework Plan, please go the South Central Waterfront Initiative website at: <https://www.austintexas.gov/department/south-central-waterfront-initiative>. When the PUD amendment was submitted, the Council adopted Vision Framework Plan was in place but the Regulating Plan had not been completed. At the time the application was filed, the applicant told staff it was their goal to follow the intent behind the physical framework components laid out in the Vision Framework Plan.

Project Description

The applicant is requesting to amend the existing PUD zoning to allow for a mixed-use development to include up to 1,378 residential dwelling units, a 275-key hotel, 1,500,000 square feet of office space and 150,000 square feet of commercial space. They are requesting a maximum building height ranging from 250 to 525 feet. Most of the parking for this development will be achieved through a below grade parking structure. This proposed development will also include approximately 11.84 acres of public realm improvements (Barton Springs Road extension, internal private street network, and parkland and plaza/landscaped areas, please see *Exhibit B1: Applicant Summary Letter*, *Exhibit C1: PUD Exhibits* and *Exhibit C2: Sub Area Height Map*.

The SCW Vision Framework Plan “*strives to be a model for how a district-wide green infrastructure system paired with quality urban design and an interconnected network of public spaces, streets, lakeside trails and parks can provide a framework for redevelopment. A district approach can also coordinate public and private investments to leverage maximum impact and provide for district-wide value capture to fund affordable housing and other community benefits.*” The plan utilizes a holistic approach for redevelopment within the district in that it identifies district-wide goals while acknowledging certain parcels may carry more weight in a particular category to further those goals. The plan provides specific recommendations for creating an

interconnected expansion of open spaces, trails and green streets, and for achieving up to 20% of new affordable housing units.

The following table illustrates a comparison between the SCW Vision Framework Plan and the proposed PUD amendment.

	2016 SCW Vision Framework Plan	Proposed PUD
Program	Total: 2,142,900 SF Office: 812,900 SF Residential: 963,500 SF / 962 DU Retail: 112,000 SF Hotel: 254,500 SF	Total: 3,515,000 SF Office: 1,500,000 SF Residential: 1,645,000 SF/1,378 DU Retail: 150,000 SF Hotel: 220,000 SF / 275 key
Affordable Housing	4.16% Approximately 40 units	4% Approximately 55 units
Streets	2.53 acres total 0.82 acres (Barton Springs Road) 1.71 acres (private drives)	3.69 acres total* 1.92 acres (Barton Springs Road) 1.77 acres (private drives) *as of December 1, 2021
Parking	68% structured (podium) parking 32% underground parking	5% surface parking 95% underground parking
Building Height	90 feet to 400 feet, <i>See Exhibit A4: SCW Building Height</i>	250 feet to 525 feet, <i>See Exhibit C2: Sub Area Height Map</i>
Open Space (Parkland and Plaza Areas)	9.6 acres* (Waterfront Park) *as of the 2016 Vision Framework Plan, no updates have been approved since this plan.	8.12 acres total* 6.55 acres (deed parkland) 1.59 acres (access easement) *as of December 1, 2021

	2016 SCW Vision Framework Plan	Proposed PUD
Open Space Features	<u>To be built with SCW District Funds (public and private funding)</u> Bat Viewing Pier Amphitheater Entry Plaza with Interpretive features Overlook Cafe Terrace Pontoon Bridge Landing Pier Natural Beach and Kayak Launch Pavilion Deck and Beer Garden Kayak and Bike Rentals	<u>To be built as a part of the PUD</u> Great Steps Water Quality Ponds Reconstructing 1700' liner feet of the hike and bike trail to "best practice standards" from The Trail Foundation's <i>Safety and Mobility Study</i> <u>To be built with SCW District Funds (public and private funding)</u> Bat Viewing Area and Pier Great Lawn Water Steps Boardwalk Play Area

Affordable Housing Review

Staff acknowledges that the applicant's affordable housing proposal aligns with the SCW Framework Vision Plan which has been a guiding planning document for the overall PUD proposal. This plan established a goal of 20% of residential units constructed within the planning area be set aside for affordable housing. It specifies that not every tract is expected to provide 20% of units as affordable; rather that different tracts will contribute to the plan's different goals including affordable housing depending on their unique characteristics. The Framework Vision Plan provides estimates of affordable housing contributions by tract, with this tract estimated as providing 4% of on-site units as affordable. Based on this, staff supports the applicant dedicating at least 4% of the total rental units developed in the PUD to income eligible households at 80% MFI for 40 years from the date a final certificate of occupancy is issued, subject to the maximum rent rates set by the department. In addition, for ownership units the applicant will pay \$450,000, per condo unit on at least 4% of the condo units built as a fee-in-lieu payable pro rata after every 25 units are sold. Based on unit estimates provided by the applicant, 4% of the PUD residential units would be 55 units.

The current expectation of staff and the applicant is that the PUD will be mixed use and provide residential units on-site. In the event though that the project is developed without any residential uses, staff would support the applicant paying a fee-in-lieu of on-site affordable housing to the Housing Trust Fund of not less than an amount equal to the PUD fee rate current at the time of site plan submittal times the bonus square footage dedicated to non-residential use.

BASIS OF RECOMMENDATION

General Information to Planned Unit Developments (PUD)

Per the LDC the PUD zoning district was established to implement goals of preserving the natural environment, encouraging high quality development and innovative design, affordable housing, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce a development that achieves these goals to a greater degree and thus is superior to development which could occur under conventional zoning.

To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier 1 which all PUDs must meet, and Tier 2 which provides criteria in 13 categories in which a PUD may exceed code requirements and therefore demonstrate superiority. A PUD does not need to address all criteria listed under Tier 2, and there is no minimum number of categories or individual items required. Whether a proposed PUD is deemed to be superior or not is determined through a balance of community benefits received from the proposed development and the code modifications the applicant is requesting to build their project.

Project Superiority

As more fully detailed within *Exhibit B2: Tier 1 & Tier 2 Superiority Table*, the proposed PUD amendment meets all Tier 1 requirements and offers elements of superiority in many of the Tier 2 categories for Public Art, Community Amenities, Environmental Design, and Transportation and Parking. Staff supports the proposed PUD amendment based on the following key superiority items:

Public Art:

- The proposed redevelopment will participate in the city's *Art in Public Places* program and incorporate a minimum of two art pieces into their development.

Community Amenities:

- Dedicating by deed a minimum of 6.53-acres of land adjacent to Lady Bird Lake as well as additional area through public access easements to access the waterfront.
- Reconstructing approximately 1,700 linear feet of the Hike and Bike Trail to 'best practice' standards detailed in the "*Safety & Mobility Study*" commissioned by The Trail Foundation.
- Creating a minimum of five ADA access points to the Hike and Bike trail within their proposed project.
- Providing a larger and enhanced bat viewing area that will include signage and educational elements.

Environmental Design:

- Treating 100% of the onsite water quality volume through green stormwater infrastructure.
- Constructing some of the water quality systems underground to allow for a larger and enhanced bat viewing area near the S. Congress bridge.
- Protecting 100% of the heritage trees unless the tree is dead, fatally diseased or poses an imminent hazard and 75% of the of trees overall onsite.

Transportation and Parking:

- Constructing 95% of required parking within a below grade structure(s) instead of above ground structures.
- Dedicating all required right-of-way for the Barton Springs Road extension on their property.
- Dedicating space for the future ProjectConnect transit line and/or station.

When this rezoning case started the Boards and Commission process, while staff recommended the proposed PUD amendment overall, some departments did not find it superior. Since that time multiple conversations have occurred between city staff and the applicant. Below are departmental specific recommendations that were being asked to be included in the PUD amendment to obtain superiority and their status.

Parks and Recreation Department (PARD)

Below is the original list of additional items PARD staff requested from the applicant to achieve superiority in respect to Parkland. Several conversations have occurred between the applicant and PARD staff since the Parks and Recreation Board meeting. Please see the memorandum from PARD dated November 24, 2021 in *Exhibit E: Boards and Commission Actions* for a full explanation of these items. Based on and inclusive of the memorandum list, PARD staff finds the proposed PUD amendment to be superior with regards to Parkland.

1. Land Dedication:
 - A. Dedicate by deed a minimum of 6.53 acres of public parkland along Lady Bird Lake.
 - B. Remove from deed any conditions regarding park programming.
 - C. Dedicate by park easement a minimum of 1.59 acres through plazas and connections for public access; this number may have to increase to include additional park easement areas along ROW and street connections.
2. Park Development
 - A. Include language in the amended PUD ordinance for investment of at least \$100 per unit beyond current code (not expressed as a fixed amount).
 - B. Within the amended PUD ordinance, include a park plan that commits to specific improvements.
 - Specified improvements would be committed even if they are beyond investment amount stated in 2A above.
 - Improvements would be tied to and triggered by a phase of development.
3. Parkland Dedication and Improvement Triggers
 - A. Set trigger points for full dedication of park segments.
 - B. Set trigger points for each development stage, in the first half of each phase.
4. Circulation

- A. Provide pedestrian access from S. Congress Avenue to existing trail and bat viewing area that is fully public, direct and ADA accessible.
- 5. Water Quality Pond Design
 - A. Remove water quality pond from bat viewing area.
 - B. Demonstrate an amenitized design for water quality ponds and rain gardens within parkland.
 - C. Within the amended PUD ordinance, include a cap on square footage for water quality ponds within the parkland.
- 6. Land Uses
 - A. Remove the following permitted land uses in parkland: Personal Services, Personal Improvement Services and Pet Services.

Environmental Review

The following is a list of items provided by the environmental staff to the applicant for the proposed PUD amendment to obtain superiority from a water quality/natural area protection standpoint. This list has been modified since it was originally shared in September 2021 to reflect ongoing conversations between environmental staff and the applicant.

Items agreed to between the applicant and environmental staff:

1. Dedicate by deed the area of approximately 6.53 acres as public parkland located along the Lady Bird Lake frontage; and 1.59 acres of parkland easements. The parkland and easements shall not be restricted.
2. Provide public equitable access from S. Congress right-of-way to the Hike and Bike trail that does not force visitors through the development.
3. Provide \$100 over what is required by current code to build park amenities.
4. Complete a Parkland Improvement Agreement that includes maintenance for the water quality ponds located within the parkland.
5. Relocate the trail where feasible to increase the distance between the shoreline and the trail except at approved shoreline access points and restore the area between the shoreline and trail with riparian or wetland vegetation. Protect the shoreline and vegetation with a split rail fence. WPD staff have agreed to accept an alternative proposal from the applicant that will move the trail further from the shoreline than exists currently but falls short of the original 25' request from WPD staff.
6. Eliminate redundant paths or trails within the critical water quality zone and reduce proposed impervious cover within the CWQZ to 5%, this number will include proposed concrete sidewalks.
7. Preserve or transplant 100% of all Heritage trees and preserve 75% of trees overall on-site.

8. Provide 1000 cubic feet of soil for street trees, can be shared by a maximum of two trees.
9. Proposed trees and shrubs shall be native or adaptive to Central Texas.
10. Provide water quality for all phases of the PUD project.
 - a) The project shall capture the maximum amount of stormwater within the project through cisterns, use this water within the building per Water Forward goals and rain gardens located along the extension of Barton Springs Road to treat ROW.
 - b) Water quality located within the CWQZ will utilize rain gardens that are integrated with the Hike and Bike trail.
11. Connect to and use Austin Water Utility reclaimed water for all non-potable water use within the project.
12. Enhance City of Austin Dark Sky regulations by adding the following requirements:
 - a) Require warm light: Low Kelvin rated lights (3000 Kelvin or less) are warm and emit less harmful blue-violet light than high Kelvin rated.
 - b) Shielding: outdoor lighting shall be shielded so that the luminous elements of the fixture are not visible from any other property. Outdoor lighting fixtures are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements.
 - c) Set a Total Outdoor Light Output: maximum lumens allowed per net acre:
 - Nonresidential property: 100,000 lumens/net acre
 - Residential property: 25,000 lumens/net acre
 - d) Prevent light trespass: Focus light on activity and use activity appropriate lighting.

Items still being discussed between the applicant and environmental staff:

13. Except for items listed in the amended ordinance, the PUD will be subject to the code at the time of site plan application.
14. Move and narrow the proposed pier to a location that does not impact existing trees.
15. Demonstrate that the building design will reduce the potential for bird/building collisions by using glass with a reflectivity of 15% or less. WPD staff would accept alternative specifications to achieve a reduction of bird strikes.

Code Modifications

Code modifications are requested by the applicant as a part of the PUD review process in exchange for providing community benefits with the proposed redevelopment. Not all code modifications have to be cleared or agreed upon by staff for a project to move forward. Ultimately the code modifications approved by the City Council will become part of the amended PUD ordinance.

The list below contains all the code modifications requested by the applicant from their latest submittal and staff's recommendation to their request. Code modifications not recommended by staff are in **bold**.

General Requirements and Procedures

- Section 25-1-21(105) (*Definitions, Site*) is modified to allow a site to cross a public street or right-of-way.
 - a. Recommended by staff.
- Chapter 25-1, Article 14 (*Parkland Dedication*) is modified such that parkland dedication shall be satisfied in accordance with the Open Space Plan.
 - a. Recommended by staff, based on and inclusive of the memorandum by PARD dated November 24, 2021 found in Exhibit E: Boards and Commission Actions.

Zoning

- Section 25-2-491(C) (*Permitted, Conditional and Prohibited Uses*) is modified to allow the uses provided in Note 6 of the Data Table and Notes sheet as permitted uses within Area 2 of the Property.
 - a. Recommended by staff.
- Section 25-2-491(C) (*Permitted, Conditional and Prohibited Uses*) is modified to allow the uses provided in Note 4 of the Data Table and Notes sheet as conditional uses within Area 2 of the Property.
 - a. Recommended by staff.
- Section 25-2-517(A) (*Requirements for Amphitheaters*) is modified to allow a site plan to be approved administratively that is for the construction of an amphitheater that is associated with a commercial, civic, or residential use.
 - a. Recommended by staff.
- Section 25-2-691(C) (*Waterfront Overlay (WO) District Uses*) is modified to allow the uses provided on Note 5 of the Data Table and Notes Sheet as additional pedestrian oriented uses.
 - a. Recommended by staff.
- Section 25-2-691(D)(2) (*Waterfront Overlay (WO) District Uses*) is modified such that pedestrian oriented uses are permitted above the ground floor of a structure.
 - a. Recommended by staff.
- Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*) is modified to read: “Not less than 50 percent of the net usable space on the ground level within 50 feet of the exterior wall of a structure directly adjacent to and facing Lady Bird Lake must contain pedestrian oriented uses.”
 - a. Recommended by staff.
- Section 25-2-721(B)(2) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow uses within Area 1, identified on the Setback and Land Use Map, to be consistent with the current allowable uses in the Public Zoning District.
 - a. Recommended by staff.

- Section 25-2-721(C)(1) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow the following additional uses within the secondary setback area: charging stations, bike/scooter repair facilities, shared bicycle facilities, restrooms facilities with or without showers, food and beverage vendors, bike valet, music vendors, retail vendors, boat rentals, bicycle rentals, performance and special events facilities, exercise courses, sports equipment rentals, storm water facilities, and child playscapes/activities.
 - a. Recommended by staff.
- Section 25-2-721 (C)(2) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow a maximum of 60 percent impervious cover within the secondary setback area.
 - a. Recommended by staff.
- **Section 25-2-721(E) (*Waterfront Overlay (WO) Combining District Regulations*) is waived, however all building glazing systems shall have a 35 percent maximum reflectivity.**
 - a. **Not recommend by staff, staff recommends a maximum reflectivity of 15% or other alternative specifications that will reduce the incidence of bird strikes.**
- Section 25-2-721(G) (*Waterfront Overlay (WO) Combining District Regulations*) is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from public view. Loading and unloading locations on private internal driveways are subject to TCM spacing and dimensional requirements subject to ATD approval.
 - a. Recommended by staff.
- Sections 25-2-742(B)(1) (*South Shore Central Subdistrict Regulations*) is modified to reduce the primary setback line to 90 feet landward from the shoreline as shown on the Land Use Plan.
 - a. Recommended by staff.
- Section 25-2-742(C)(1) (*South Shore Central Subdistrict Regulations*) is modified to read “50 feet landward from the primary setback line”.
 - a. Recommended by staff.
- Section 25-2-742(D)(1) (*South Shore Central Subdistrict Regulations*) is modified to read “For a ground level wall that is visible from park land or public right-of-way that adjoins park land, at least 60 percent (exclusive of service areas, loading docks, and parking ramps) of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass.”
 - a. Recommended by staff.
- Section 25-2-742(D)(3) (*South Shore Central Subdistrict Regulations*) is modified to allow exposed architectural concrete as a natural building material.

- a. Recommended by staff.
- Section 25-2-742(G)(3) and (4) (*South Shore Central Subdistrict Regulations*) does not apply to the Property.
 - a. Recommended by staff.
- Section 25-2-1176(A)(1) (*Site Development Regulations for Docks, Marinas and Other Lakefront Uses*) is modified to allow the construction of a pier and boardwalk to extend up to a maximum of 70 feet from the shoreline.
 - a. Recommended by staff.
- **Section 25-2-1176(A)(4) (*Site Development Regulations for Docks, Marinas and Other Lakefront Uses*) is modified to allow for construction of the elements and dimensions shown on the Conceptual Open Space Map. The boardwalk is not to exceed 675 linear feet of shoreline frontage.**
 - a. **Not recommended by staff, staff does not recommend allowing more than 20% of the shoreline frontage to be developed.**

Subchapter E (Design Standards and Mixed Use)

- Barton Springs Road extension shall be considered an Urban Roadway for the purposes of complying with Chapter 25-2, Subchapter E – Design Standards and Mixed Use, and will be designed in accordance with the PUD street sections located on Sheet 4.
 - a. Recommended by staff.
- Development of the Property shall not be subject to Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.2, Article 2.3, and Article 2.4.
 - a. Recommended by staff, proposed design standards and elements within the applicant's *Tier 1 & Tier 2 Superiority Table* match or exceed Subchapter E.
- Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.6 is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from Congress Avenue or Barton Springs Road.
 - a. Recommended by staff as long as all loading/unloading is internal and not visible.
- Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.7 is modified so that compliance with Private Common Open Space and Pedestrian Amenity standards are satisfied based on the amount of public open space and parkland provided by the PUD.
 - a. Recommended by staff.
- Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.8 is modified so that the area designated as a drop-off zone is excluded from the 50% calculation when determining the shaded sidewalk requirement.
 - a. Recommended by staff.

- Development of the Property is exempt from Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 3.2.2.E.
 - a. Recommended by staff, proposed design standards and elements within the applicant's *Tier 1 & Tier 2 Superiority Table* match or exceed Subchapter E.

Subdivision

- Section 25-4-51 (*Preliminary Plan Requirement*) is modified such that a preliminary plan is not required for the extension of Barton Springs Road.
 - a. Recommend by staff; The Barton Springs Road extension must be dedicated before any certificates of occupancies may be issued for the development, per the TIA.
- Section 25-4-171(A) (*Access to Lots*) is modified to allow a lot or parcel not to abut a dedicated public right of way so long as the corresponding lot fronts on a private street or driveway
 - a. Recommend by staff

Site Plan

- Section 25-5-81(B) (*Site Plan Expiration*) is modified such that a site plan expires eight (8) years after the date of its approval, unless Section 25-5-81 subsections (C), (D), or (E) are met.
 - a. Recommended by staff

Transportation

- Section 25-6-381 (*Minimum Frontage for Access*) is modified to allow access to Congress Avenue which is classified as a major roadway.
 - a. Recommended by staff on the condition that only one single lane right-out only vehicle egress is permitted for the entirety of the S. Congress Avenue frontage.
- Section 25-6-477 (*Bicycle Parking*), 25-6-478 (*Motor Vehicle Reductions General*), 25-6-532 (*Off-Street Loading Standards*), and Appendix A (*Tables of Off-Street Parking and Loading Requirements*) are modified such that the minimum off-street parking, bicycle parking, and loading requirements shall be determined by the director subject to a Transportation Demand Management Plan approved as part of the PUD.
 - a. Recommended by staff if the TIA final memo is memorialized as a public restrictive covenant.
- Section 25-6-532 (*Off-Street Loading Standards*) is modified to allow shared loading and unloading spaces for the various uses within the PUD regardless of where the use or loading and unloading is located within the PUD.
 - a. Recommended by staff.

- TCM Section 1.3.2 (*Classification Design Criteria*) is modified to allow the construction of Barton Springs Road to adhere to the street cross-sections within the PUD.
 - a. Recommended by staff; the following language has been agreed to by the applicant and ATD to be included in the amended PUD ordinance:

The Director agrees to the proposed general alignment of Barton Springs Road as shown in the TIA dated TBD (date to be added once TIA is completed) and represented on the PUD exhibits. At time of site plan review, the Director agrees to administratively modify current TCM sections 1.3.1(B) and 1.3.1(D)(2), or the equivalent sections in an updated TCM, to accommodate the proposed alignment of Barton Springs Road.

If a Temporary Use of Right of Way permit (“TURP”) is required for development of the Property located adjacent to Barton Springs Road extension, the city agrees to waive the right of way rental fees for a TURP during construction of any project associated with the Property.

- **TCM Table 5-2 (*Type II Commercial Driveway Criteria*) is modified to allow the construction of the driveways to adhere to the cross-sections within the PUD.**
 - a. **Not recommended by staff.**

Environment

- Section 25-8-63(C)(11) (*Impervious Cover Calculations*) is modified so that a parking structure can be excluded from impervious cover calculations if it is below the finished grade of the land after it is constructed and is covered by soil with a minimum depth of two feet and an average depth of not less than four feet and at the time of site plan the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property. Furthermore, the parking structure may exceed 15% of the site
 - a. Recommended by staff
- **Section 25-8-261 (*Critical Water Quality Zone Development*) and the ECM is modified to allow development within the Critical Water Quality Zone that is in accordance with the PUD Land Use Plan and Open Space Plan. This includes vegetation filter strips, rain gardens, underground rain cisterns, bio-filtration ponds, stormwater outfall structures, park improvements including hard surface trails, bicycle trails, picnic facilities, playscapes, concessions including food and beverage vendors, bicycle rentals, sports equipment rentals, boat rentals, dining facilities, performance and special event facilities, boardwalks, sidewalks, pavilions, gazeboes, restrooms, exercise equipment and courses, water steps, boat landings, piers, rail station, stream bank stabilization to the proposed steps. Construction of such facilities within the CWQZ shall not exceed a maximum of 5% impervious cover.**

- a. **Not recommended by staff; staff does not feel this code modification is necessary to achieve the proposed amenities within the CWQZ shown on the land use plan.**
- **Section 25-8-261(H)(4) (*Critical Water Quality Zone Development*) is modified to allow green stormwater quality controls (as defined by ECM) within the 100-year floodplain.**
 - a. **Not recommended by staff; staff does not feel this code modification is needed with current conceptual plan. WPD will consider alternative language to allow the applicant to achieve some design flexibility for the raingardens with a maximum amount of area allowed to encroach into the floodplain if the applicant provides the maximum amount they will need to achieve desired flexibility.**
- Section 25-8-367 (*Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam*) is modified to allow relocation of earthen material for the steps on Lady Bird Lake below the 435-foot contour.
 - a. Recommended by staff.
- Environmental Criteria Manual Section 1.13.5(B)(3) (*Recommended Guidance for Appropriate Method for Shoreline Stabilization and Modification*) is modified to allow structural modification of the shoreline and associated steps as shown in the Conceptual Open Space Map. The dimension of the water steps and bulkhead are not to exceed 30 linear feet of shoreline frontage and not to exceed 30 feet inland. Steps going into the water are allowed if in compliance with Section 25-2-1174 and the Environmental Criteria Manual 1.13 and LDC 25-8-368.
 - a. Recommended by staff.

Sign Regulations

- All signage on the Property shall comply with the requirements of Section 25-10-129 (*Downtown Sign District Regulations*).
 - a. Recommended by staff.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	PUD-NP	Industrial
North	Not Zoned	Lady Bird Lake
South	LI-NP, CS-1-V-NP, CS-V-NP, CS-NP and PUD-NP	Automotive repair services; administrative and business offices; and personal services.
East	Not Zoned	Lady Bird Lake

	Zoning	Land Uses
West	LI-PDA-NP, CS-1-V-NP, L-NP and PUD-NP	Administrative and business offices; general retail sales (general); hotel-motel; and restaurant (general).

NEIGHBORHOOD PLANNING AREA: Greater South River City Neighborhood Plan (South River City).

TIA: A traffic impact analysis was required for this rezoning case and is still under review.

WATERSHED: Lady Bird Lake

OVERLAYS: ADU Approximate Area Reduced Parking, Capitol View Corridors (South Congress at east Live Oak), Residential Design Standards, Scenic Roadways Overlay (Barton Springs Road), Waterfront Setbacks Overlay (South Shore Central).

SCHOOLS: Travis Heights Elementary, Lively Middle and Travis High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Homeless Neighborhood Association
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Bike Austin	Preservation Austin
Bouldin Creek Neighborhood Association	SELTexas
Bouldin Creek Neighborhood Planning Team	Sierra Club, Austin Regional Group
City of Austin Downtown Commission	South Central Coalition
Downtown Austin Alliance	South River City Citizens Association
Downtown Austin Neighborhood Assn. (DANA)	Waterloo Greenway
Friends of Austin Neighborhoods	Zoning Committee of South River City Citizens
Greater South River City Combined Neighborhood Plan Contact Team	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0026 Area Wide Plan	To add Garage Placement provisions to Bouldin Creek Neighborhood Area Plan	Recommended adding placement too planning area	Case was indefinitely postponed by staff; Council did not act.

Number	Request	Commission	City Council
C814-2017-0001 425 W. Riverside Drive PUD	CS-1-V-NP to PUD-NP for Mixed Uses with associated improvements	Recommended staff recommendation with additional direction provided by 1) the Environmental Commission, 2) the Small Area Planning Joint Committee, and 3) the South Central Waterfront Advisory Board Working Group	Approved PUD-NP with additional direction to staff and revisions to the ordinance (5/10/2018)
C814-2012-0071 422 W. Riverside	LI-NP to PUD-NP	Recommended PUD-NP	Approved PUD-NP (10/18/2012)
C814-2008-0165 222 E. Riverside Drive PUD	L-V-NP and L-NP to PUD-NP	Recommended PUD-NP	Approved PUD-NP (10/16/2008)
C14-2007-0224 C14-2007-0220 Area Wide Plan	To add VMU to various tracts in the Greater South River City and the Bouldin NP Areas	Recommended adding V to zoning districts.	Approved adding VMU to tracts (12/13/2007)
C814-06-0106 C814-06-0106.01 C814-06-0106.02 208 Barton Springs PUD	CS-1-NP and L-NP to PUD-NP Amendments were to add additional permitted uses within PUD.	Recommended PUD-NP with conditions. Recommended both amendments.	Approved PUD-NP (2/15/2007) Approved both amendments (9/26/2013 and 8/7/2014)
C14-99-0069 200 S. Congress	LI to LI-PDA	Recommended LI-PDA.	Approved LI-PDA (10/26/2000)
C14-73-041	C2 and D to C	-	Approved C (2/14/1974)

RELATED CASES:

NPA-2019-0022.02: This is the neighborhood plan amendment being considered in conjunction with this rezoning case.

C14-05-0139: This was the creation of the *Greater South River City Neighborhood Plan* which included the South River City and St. Edwards neighborhood areas. This property is located within the boundaries of the South River City neighborhood (ordinance no. 20050929-Z003).

C814-89-0003.01: Amended the site plan (Phases 2 through 4) originally submitted with the PUD and added three new sheets to the plan set (ordinance no. 931202-H).

C814-89-0003: This was the creation of the original PUD for this property (ordinance no. 890720-E). PUD regulations included a list of permitted and prohibited land uses, site development regulations, roadway improvements and phasing plan.

C14-72-161: This case involved rezoning an area of 52.6 acres on the south side of the river from C (commercial) and D (industrial) to L (lake district).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Congress Avenue (North of Barton Springs)	~60'	116'	61'	3	Yes	Yes	Yes
Congress Avenue (South of Barton Springs)	~131'	130'	87'	3	Yes	Yes	Yes
New Bridge Over Lady Bird Lake	N/A	120'	N/A	3	Yes	Yes	Yes

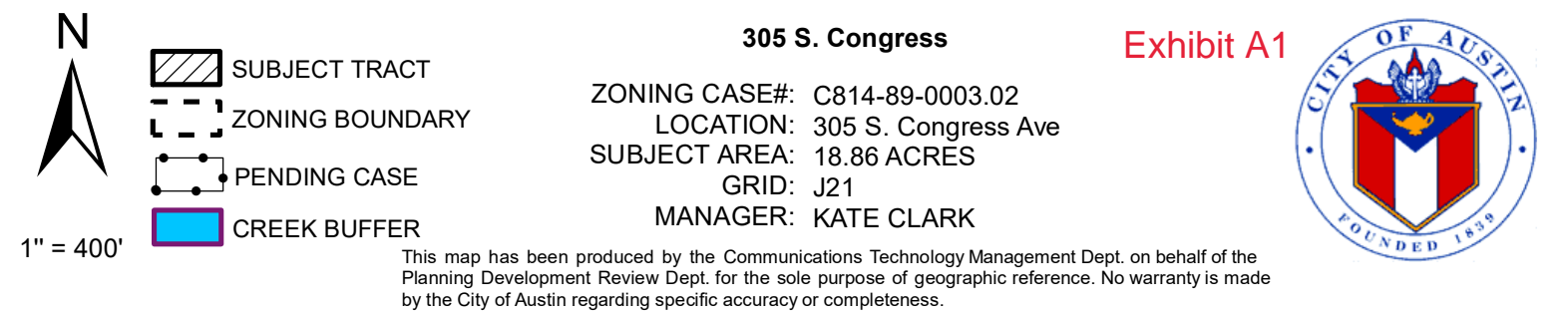
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
S. Central Waterfront Local Street 1	N/A	60'	N/A	1	Yes	Yes	Yes
S. Central Waterfront Local Street 2	N/A	60'	N/A	1	Yes	Yes	Yes
S. Central Waterfront Local Street 3	N/A	60'	N/A	1	Yes	Yes	Yes
Barton Springs Road (extension)	N/A	92'	N/A	2	Yes	Yes	Yes

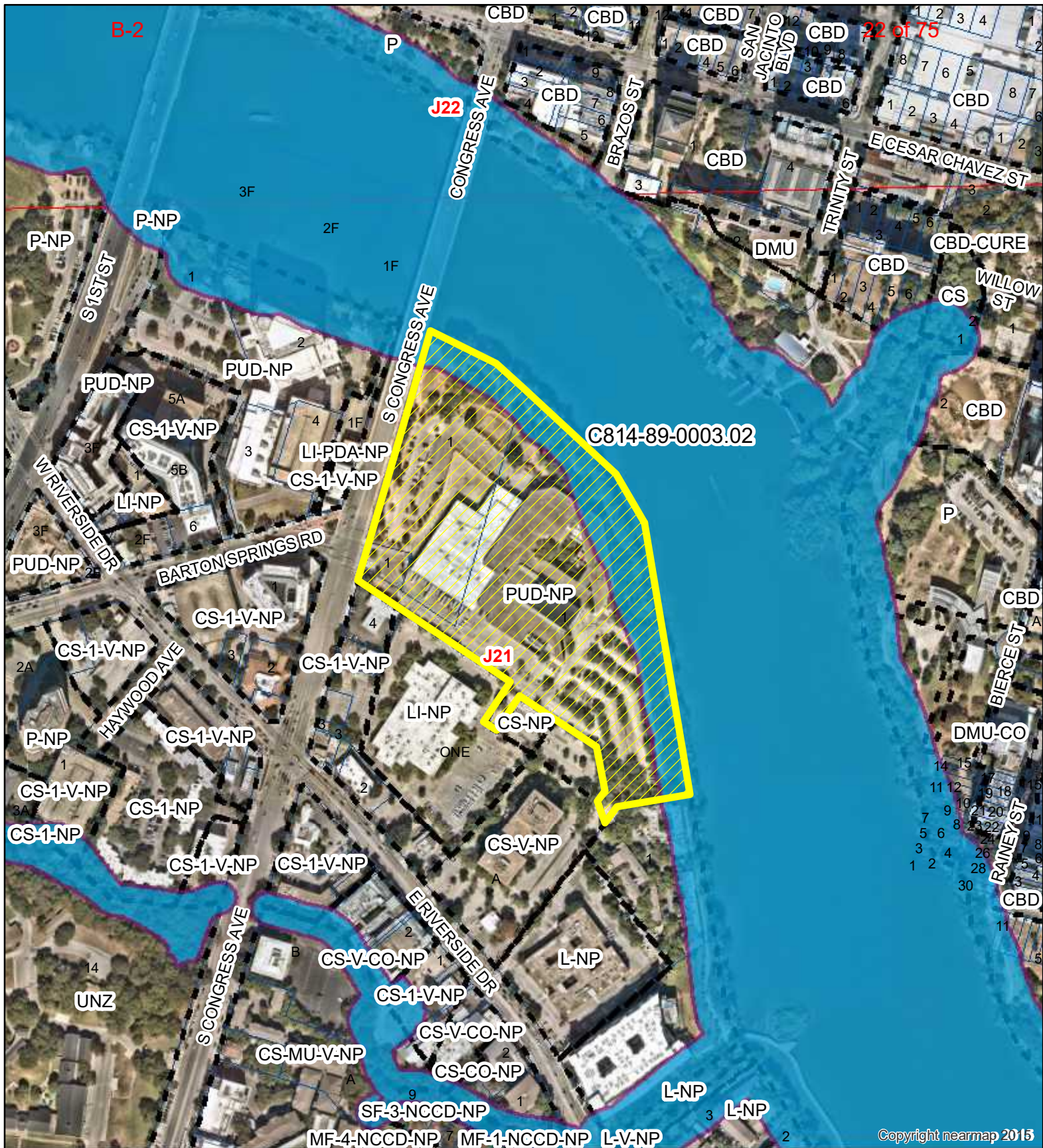
INDEX OF EXHIBITS TO FOLLOW AFTER STAFF REPORT

- Exhibit A1. Existing Zoning Map
- Exhibit A2. Aerial Map
- Exhibit A3. SCW Planning Area
- Exhibit A4. SCW Building Height
- Exhibit B1. Applicant's Summary Letter (Submitted July 25, 2019)
- Exhibit B2. Tier 1 & Tier 2 Superiority Table (Updated on December 7, 2021)
- Exhibit C1. PUD Exhibits (Updated on December 7, 2021)
- Exhibit C2. Sub Area Height Map
- Exhibit D. Boards and Commission Actions

INDEX OF ATTACHMENTS TO FOLLOW EXHIBITS

- Educational Impact Statement from AISD
- Carbon Impact Statement
- Correspondence Received





N



1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

305 S. Congress

ZONING CASE#: C814-89-0003.02

LOCATION: 305 S. Congress Ave

SUBJECT AREA: 18.86 ACRES

GRID: J21

MANAGER: KATE CLARK

Exhibit A2



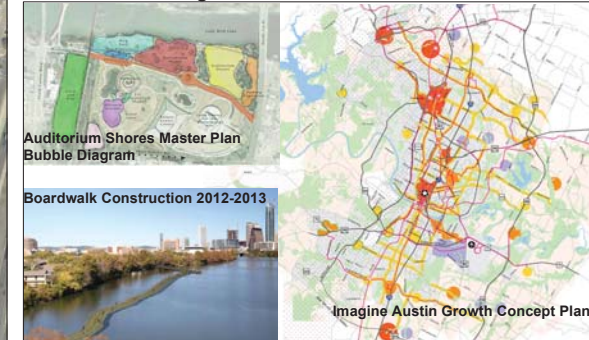
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

South Central 23 of 75 Exhibit A3

Waterfront Area Plan

- Boardwalk
- Creeks
- Principal Streets
- South Central Waterfront
- Norwood tract, city-owned

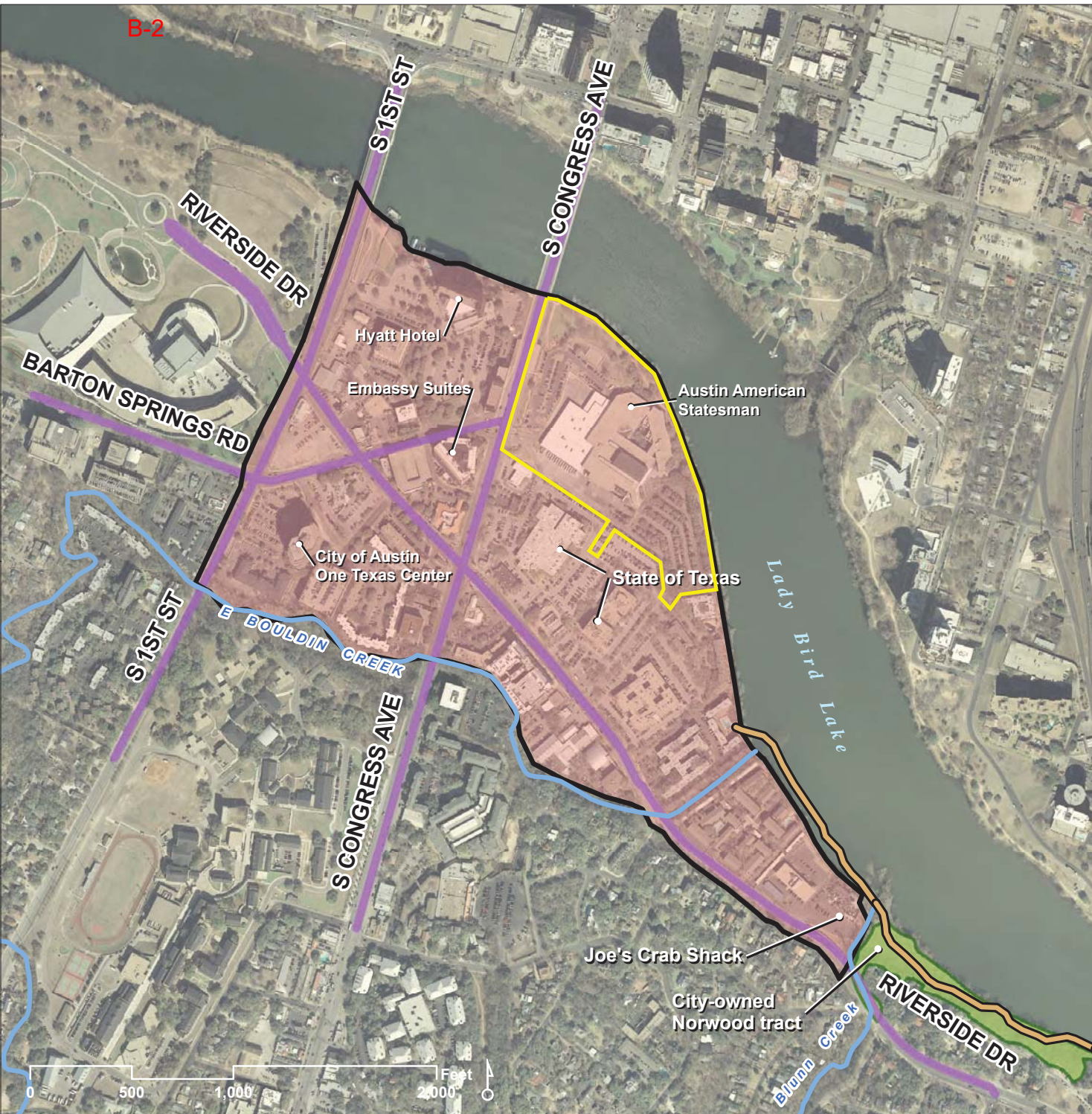
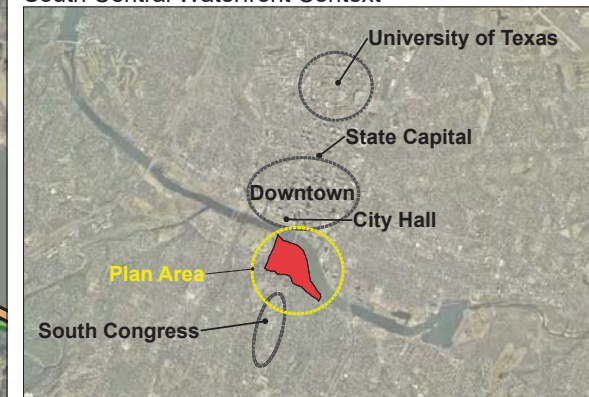
Related Planning Efforts



Neighborhood Planning Areas



South Central Waterfront Context



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. It has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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Richard T. Suttle, Jr.
(512) 435-2300
rsuttle@abaustin.com

July 24, 2019

VIA HAND DELIVERYJerry Rusthoven
Assistant Director
City of Austin
Planning and Zoning Department
505 Barton Springs Road, 5th floor
Austin, TX 78704Re: PUD Amendment Application for 305 S. Congress (C814-89-0003) (the
"Application")

Dear Mr. Rusthoven:

This Application is submitted to amend Ordinance No. 890720-E, associated with zoning case C814-89-0003, for property located at 305 S. Congress Avenue (the "Property"). The Property is located within the boundaries of the South Central Waterfront Vision Framework Plan ("SCWP"), adopted by City Council on June 16th 2016. The SCWP provides a framework for future redevelopment of property within its boundaries. The project is designed to follow the guiding principles of the SCWP, with deviations to the maximum height and density to allow the proposed project to build upon and enhance the objectives of the SCWP.

The amendment includes: (i) replacing Exhibit B – PUD Planned United Development General Land Plan Sheets 1 – 10, (ii) modify the conditional and prohibited uses, and (iii) revise the development intensity proposed for the site.

The Property comprises 18.86 acres of land, and is divided into three legal lots known as: (i) Lot 1, Block A, Waterford Subdivision, (ii) Lot 1, Waterford II Subdivision, and (iii) Lot 1, Miller Subdivision. The Property was formally used as a printing and publishing facility and is currently used as a newspaper office which consists of a 3-story building totaling 333,931 square

feet, with surface parking and related facilities. Current entitlements allow a total buildout of 660,000 square feet with a maximum building height of 96 feet.

Current improvements encroach into the Critical Water Quality Zone ("CWQZ"), and the Waterfront Overlay primary and secondary setbacks. It should be noted that this PUD amendment proposes to remove existing building, surface parking areas and other impervious improvements from the CWQZ and the primary and secondary setbacks.

The proposed project will include development superior than what currently exists on the Property. The project will consist of a mixed-use development of approximately 1,500,000 square feet of office, 1,378 residential dwelling units (totaling 1,645,000 square feet), a 275 key hotel (totaling 220,000 square feet.), and 150,000 square feet of retail for a total of 3.5 million square feet of gross floor area (the "Project"). The majority of the parking for the Project will be achieved through a below grade parking structure. The Project will include 11.96 acres of public realm improvements, which include the extension of Barton Springs Road, an internal loop road, public parkland, plazas, and a boardwalk extending over the shoreline that will connect to a landing which could serve as a future connection point to a proposed pedestrian bridge identified by the Waller Creek Conservancy. The new parkland area will enhance the shoreline of Lady Bird Lake and expand upon the existing Anne and Roy Butler Hike-and-Bike Trail to create a state of the art waterfront park that embodies the vision of the SCWP. This expansion will create an attractive and lively pedestrian environment that will enrich the connection to and along the waterfront.

As recommended in the SCWP, the extension of Barton Springs Road will provide access and connectivity to the surrounding area and waterfront. The SCWP contemplates that the extension of Barton Springs Road would be constructed partially on the Property and the adjoining tract to the south. However, due to timing issues the property owner to the south has elected not to participate with the roadway improvement. Because of this, the developer plans to accommodate the improvements associated with the extension entirely on its site.

The Project will deviate from the development assumptions in the SCWP in two ways – maximum height and density. The SCWP calls for a maximum building height of 400 feet, while the Project proposes a maximum building height of 525 feet. It should be noted that the Property will be limited to the north by the waterfront park and to the south by the extension of Barton Springs Road. This will leave approximately 6.25 acres of developable area. The test scenario included in the Appendices of the SCWP assumes a density of 2,142,900 square feet of gross floor area with the majority of the parking contained within above grade podium parking structures. The Project proposes approximately 3.5 million square feet of gross floor area with below grade parking and an option to add some above grade parking. As a result, the overall incremental increase in density proposed is 1,357,100 square feet. We will be coordinating with your staff on a review for the justification of the incremental increase from the SCWP.

Below is a list of the information that has been provided to assist with your review. A Superiority Table is included with the Application that outlines all of the PUD Tier One and Tier Two requirements in order to show how the Project meets or exceeds city code. In order to achieve the objectives of the SCWP, Exhibit "A" includes a list of code modifications that are necessary for the Project. These code modifications may not be exhaustive and may be modified

after consultation with your staff. It is our intent to modify all necessary code and rule sections to facilitate the development of the Project.

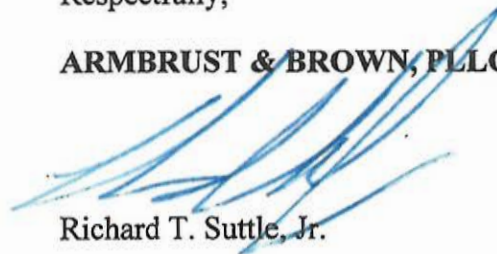
Attached are the following:

1. Zoning Application.
2. Neighborhood Plan Amendment Application.
3. Survey showing existing conditions.
4. Tax plat and tax certificates.
5. Twenty-four copies of the following:
 - a) Exhibit 1 – Existing Zoning Map
 - b) Exhibit 2 – Property Boundary Map
 - c) Exhibit 3 – Development Parcel Map
 - d) Exhibit 4 – Open Space Map
 - e) Exhibit 5 – Right-of-Way Map
 - f) Exhibit 6 – Street Section – Barton Springs Extension
 - g) Exhibit 7 – Street Section – South Congress Edge Condition
 - h) Exhibit 8 – Land Use Data Table
 - i) Superiority Table

Please feel free to contact me at 512-435-2310 or Amanda Morrow at 512-435-2368 with any questions. We request a meeting at your convenience to discuss the Application.

Respectfully,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Mark Rosenbaum
Anne Lofye
Andy Pastor
Kirk Rudy
Bryce Miller
Jamil Alam
Amanda Morrow

Exhibit B2

305 S. Congress PUD Tier 1 & Tier 2 Superiority Table

	Tier One Requirement		Superior
	Meet the objectives of the City Code		The PUD meets the objectives of City Code and the SCWP.
	Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (General Intent) than development under the regulations in the Land Development Code. Section 1.1 states that "[t]his division provides the procedures and minimum requirements for a planned unit development zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services.		The PUD creates a framework of development blocks linked by pedestrian oriented streets and pedestrian connections, and a thoughtful integration with the context set by the South Congress Avenue Bridge and Lady Bird Lake. A new publically accessible park will be created, advancing the vision of the SCWP. The PUD includes multiple development phases, various buildings situated on top of below grade parking structures with numerous areas that link to public spaces. With a holistic and integrated approach to the visually connected ground floor and the adjacent public realm, specific building and public space design will respond with activation, flexibility, individuality, sustainability, creativity, and architectural expression.
Open Space	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, except that: 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 characteristics that make open space infeasible if other community benefits are provided.		The PUD will include a variety of open space that will achieve the intent of the SCWP. The PUD will expand the existing open space areas whereby creating great public spaces by establishing publicly accessible lakefront park and links to the larger Hike-and-Bike Trail system. This park has been inspired by the SCWP and encompasses a series of open space rooms and unique park portals along the lakefront. This will include spaces with civic/cultural, neighborhood, nature/play and active recreation.
Green Building	Comply with the City's Planned Unit Development Green Building Program		The PUD will achieve a 2-Star AEGB rating.
Neighborhood Plans, Historic Areas, Compatibility	Be consistent with applicable neighborhood plans, neighborhood combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses		There are no applicable neighborhood combining district regulations, historic areas, or landmark regulations for the Property. However the Property is located in the Greater South River City neighborhood planning area, which designates this site as "industry" on the FLUM. It should be noted that when the FLUM was adopted in 2005, there was little discussion as to the future use of the Property. Since its adoption, City Council has enacted the South Central Waterfront Vision Framework Plan which encourages mixed use development of the Property consisting of: shops, restaurants, residential, office and hotel uses. The PUD is designed to comply with the SCWP. The PUD is also compatible with the adjacent properties and land uses.
Environmental Preservation	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		The PUD proposes to remove existing buildings, surface parking areas and other impervious improvements from the Critical Water Quality Zone, Waterfront Overlay primary and secondary setbacks. The PUD proposes to create a lively, attractive pedestrian environment by expanding open space and creating great public places, enhancing connections to and along the waterfront and acting as a catalyst for implementing a new district at the entrance to downtown. The PUD also includes recommendations for enhancing habitat for birds, mammals, amphibians, insects and fish within the context of new public open space. In addition, coordination will continue with the Bat Conservation International to preserve the bat colony and enhance the viewing areas as well as provide for habit education. All of which will enhance the ecological conditions along the shoreline and aid in the restoration and water quality of Lady Bird Lake.
Public Facilities	Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities.		<div>The PUD proposes to include the following public facilities:</div> <div><div><div>• Extension of Barton Springs Road through the site. Modifications to the street cross-section are proposed in order to allow implementation within the Property and enhancements to the specific street section design while maintaining the functionality goals.</div><div>• The PUD will achieve access and connectivity to the surrounding area by establishing a lively, attractive pedestrian environment; expanding open space and creating great public places, enhancing connections to and along the waterfront and implementing a new mixed-use district at the entrance to downtown.</div><div>• The PUD achieves the SCWP vision of a physical framework with a connected network of streets, pedestrian connections, and open spaces that make for a great public realm.</div></div></div>
Landscaping	Exceed the minimum landscaping requirements of the City Code.		The PUD will exceed the minimum landscape requirements of the Code and require the utilization of native and adapted species and non-invasive plants per the 2018 Grow Green Program. As currently contemplated, the PUD scores a 0.42 using the Draft COA Functional Green Scoring System. This score is approximately 35% greater than the Goal Target Score as defined by the Austin LDC Code Functional Green Overview - Draft 3 from February 2018
Transportation, Connectivity	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.		<div>The PUD will provide for the following:</div> <div><div><div>• Future mass transit connections, including the potential for a future Capital Metro rail station, which may include the possibility of a transit connection across Lady Bird Lake.</div><div>• Adverse cumulative transportation impacts will be mitigated with sidewalks, new pedestrian connections from Congress Avenue, new and enhanced trails through the public open space areas along the lake, providing a landing area onsite for a future pedestrian and bicycle bridge across Lady Bird Lake, and a new network of roadways including the extension of Barton Springs Road and a network of internal drives within the site that will work well with adjacent SCW properties once they are ready for redevelopment.</div><div>• Incorporate physical and programmatic measures to reduce parking demand and auto trips to mitigate impact. Shared Parking strategies will take advantage of the complementary parking demands of different types of users to achieve an 18% +/- reduction in parking demand compared to unshared parking. A comprehensive Transportation Demand Management (TDM) program will achieve a further 25% +/- reduction compared to shared parking.</div><div>• A majority of parking needs will be met with below-grade parking.</div></div></div>
Prohibit Gated Roadways	Prohibit gated roadways		The PUD will not include any gated public right-of-ways.
Historical Preservation	Protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance		The PUD includes the incorporation of new public open space areas designed to enhance the use of waterfront trails which are of cultural significance. The PUD will also enhance areas next to S. Congress Avenue bridge by creating large civic gathering spaces and careful consideration of the placement of nearby buildings within the PUD to respond to the cultural significance of the bat colony and seasonal bat watching.
PUD Size	Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints		The PUD exceeds the 10 acre minimum requirement.

Commercial Design Standards	Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use)		The PUD will comply with Subchapter E of the City's Land Development Code, except as modified by the PUD.
	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., (Core Transit Corridors: Sidewalks And Building Placement)		Street sections have been enhanced and modified to meet the objectives of the SCWP.
	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.		The PUD will comply with pedestrian-oriented uses on the first floor of a multi-story commercial or mixed use building.

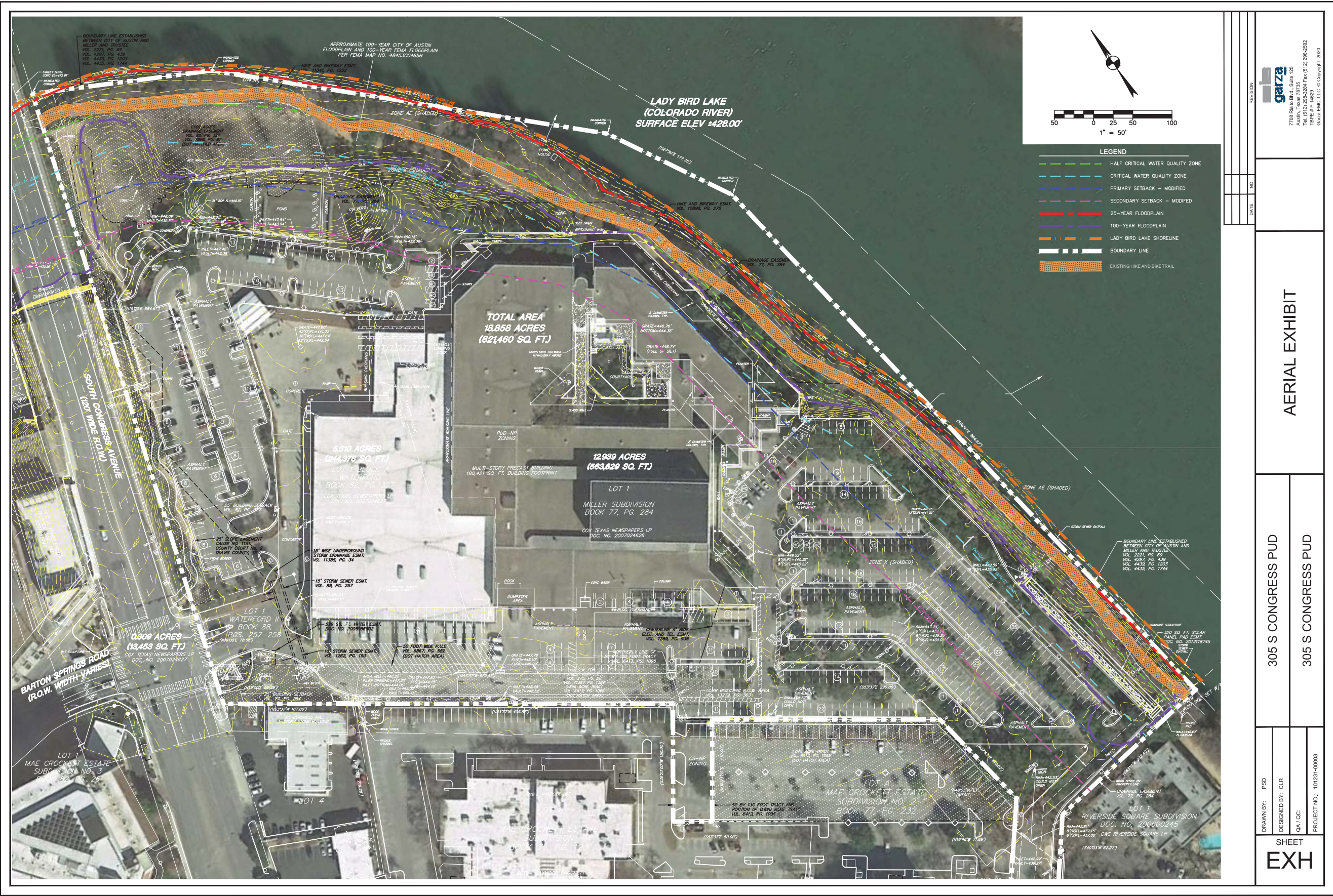
	Tier Two Requirement		Superior
Open Space	<p>Provides open space at least 10% above the requirements of Section 2.3.1.A. (Minimum Requirements). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.</p> <p>Required: 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</p>		<p>The PUD will meet the objectives of the SCWP by including a minimum of 6.53 acres of parkland, which includes the inundated land, that will be connected by plazas and landscape areas of no less than 1.59 acres. This represents a minimum of 8.12 acres of land. Some of the key components that make up this area may include, but are not be limited to:</p> <ul style="list-style-type: none">• The Great Lawn.• The Great Steps – a new public plaza that transitions from Congress Avenue to the proposed park.• A Boardwalk along the shoreline.• A Pier for bat viewing.• The potential Waller Creek pedestrian bridge landing.• Enhanced Hike & Bike trail.• Water steps. <p>This park commitment is made regardless of the mix of uses once the development is complete. For instance, if the site is only developed with office uses, where no parkland is required, because of the commitment made during this process, the city and community will receive a minimum of 8.12 acres of parkland/open space.</p>
Environment/Drainage	Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.		Except as modified by the PUD, the PUD shall comply with city code.
	Provides water quality controls superior to those otherwise required by code.		100% of the required onsite water quality volume will be treated with green stormwater infrastructure including, but not limited to, underground rainwater cistern, rain gardens, and filter strips. Upon redevelopment of the Property, onsite green stormwater quality controls will be provided in the park area to treat a minimum of 86,600 cubic feet of stormwater volume.
	Uses 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.		The PUD will implement green stormwater quality controls as described in Section 1.6.7 (Green Stormwater Infrastructure) of the ECM to treat 100% of the capture volume as mentioned above. Future water quality controls may include underground rainwater cistern, rain gardens, vegetative filter strips, pervious pavers, porous pavement, non required vegetation.
	Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.		Subject to approval by the City of Austin and adequate conveyance, the PUD will strive to provide water quality treatment for up to 1.4 acres of off-site developed area.
	Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.		The existing PUD allows for a maximum impervious cover of 73%. The PUD proposes a maximum impervious cover of 68% which is a 5% reduction.
	Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.		Not applicable. There are no unclassified waterways on the property.
	Provides volumetric flood detention as described in the Drainage Criteria Manual.		Detention is not proposed due to the proximity to Lady Bird Lake and the overall reduction in impervious cover.
	Provides 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.		
	Proposes no modifications to the existing 100-year floodplain.		
	Uses natural channel design techniques as described in the Drainage Criteria Manual.		Not applicable. Proposed drainage will be captured and conveyed via storm pipes. No channels are proposed onsite.

	Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.		<p>Informal access to the water's edge is a problem on the site and around Lady Bird Lake. To address this, several strategies will be put in place to direct the user experience away from sensitive vegetation and create an overall better user experience, this includes at least 800 linear feet of protection using a combination of split rail fence, cable fence, boulders, and/or equivalent elements adjacent to the trail and access points.</p> <p>Restoration of 1 acre of riparian woodland forest between the trail and the lake based on principles and practices outlined in the Butler Trail at Lady Bird Lake: Urban Forestry and Natural Area Management Guidelines. Restoration includes the invasive species removal (Ligustrum, Nandina, Chinaberry, Chinese tallow, Arundo, Japanese honeysuckle, lacebark elm, tree of heaven, English Ivy, Asian Jasmine, Vitex, and poison ivy along with other invasive will occupy no more to less than 5% vegetative cover), temporary irrigation, soil amendments where needed (up to 3" of native compost gently raked into upper surface), planting 500 native herbaceous and ground cover plants (1 gallon) planted in clumps 18" on center, as well as seeding 28 pounds of native riparian seed.</p> <p>Restoration of 1,000 square feet of wetland fringe will entail the removal of invasive species, and the establishment of wetland plants were feasible with a total planting of at least 15 obligated and facultative wetland species, planting at least 200 one gallon containers in up to 10 clumps.</p> <p>Restoration of at least 800 square feet of herbaceous riparian vegetation will be planted adjacent to Congress Avenue bridge between the trail and the lake to keep the area open for the bats and to add plant diversity. The planting will include at least 300 plants (1 gallon) planted in clumps 18" on center to reduce weeds. Preparation of the area will include woody species removal, invasive species removal, soil amendments as necessary, and temporary irrigation instillation.</p> <p>Inclusion of at least 30 native pollinator and prairie species (both planted and seeded) in the green stormwater infrastructure (partially located in the CWQZ) that covers at least 0.75 acre of site area.</p> <p>A long- term management plan with appropriate entities that could include the Trail Foundation, bat conservation organizations, or other similar organizations to address the health of the riparian area and repair areas degraded by informal access. At a minimum, the management plan will include bi-annual management of invasive species, increases in diversity through planting and seeding, ensuring native vegetative cover, and annual monitoring.</p> <p>As a result of riparian improvement, the functional floodplain assessment score between the trail and the lakeshore shall be restored and/or managed to a minimum of good with an aspiration to have all areas at Good or Excellent. Where feasible facultative wetland and obligate wetland native species will be used.</p>
	Removes existing impervious cover from the Critical Water Quality Zone.		The PUD will remove impervious cover from the CWQZ which consists of surface parking, stormwater facilities and buildings. Currently there is 14.44% existing impervious cover located within the CWQZ. The PUD proposes to allow a maximum of 5% impervious cover within the CWQZ. This is a 9.44% reduction.
	Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches.		<ul style="list-style-type: none">• 100% Heritage Tree Preservation, unless the tree is dead, fatally diseased or poses an imminent hazard.• The PUD will preserve 75% of the caliper inches associated with native protected size trees and preserves 75% of all native caliper inches (using the City of Austin's Appendix F to define native).• Tree rootzone enhanced conditions: removal of hardscape in half critical rootzones of existing impacted trees that will be preserved in place, unless certain specific conditions seek alternative compliance with the City Arborist due to contextual unique conditions.
	Tree plantings use Central Texas seed stock native and with adequate soil volume.		All plant material for streetscapes and parkland will be sourced from nurseries within 300 miles of the site and trees will be selected from the ECM Descriptive Categories for Tree Species. All other plant material will be selected from Appendix N (City of Austin Preferred Plant List).
	Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.		
	Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.		The PUD proposes to remove existing (and permitted) impervious cover within the CWQZ, and the primary and secondary setbacks, but will add improvements within these areas to implement the SCWP. The improvements proposed within the these areas will be designed to minimize the environmental impacts.
	Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.		
	Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.		Crushed granite, or similar soft application, will be used for the majority of the Hike & Bike Trail.
	Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.		Landowner may use raw water from Lady Bird Lake through an existing contract with LCRA to serve as the primary water source for all landscape irrigation within the PUD. Alternative water sources (AC condensate, foundation drain water, rainwater, stormwater or reclaimed water) shall be used as the primary backup supply if the primary raw water source is depleted or unavailable. Reclaimed water shall not be used for irrigation within water quality controls or other prohibited areas. The project will also incorporate an underground rainwater cistern that will be used to irrigate the park.
	Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.		The site will direct stormwater runoff from impervious areas to landscaped areas at least equal to the total required landscape area. The project's stormwater goes directly to landscaped areas, underground rainwater cistern, and rain gardens minimizing onsite gray infrastructure.

	Employs other creative or innovative measures to provide environmental protection.		<p>A pest management plan will be developed and implemented following the guidelines developed by the Grow Green Program in order to limit pesticides onsite.</p> <p>The owner may use raw water from an existing contract with LCRA to serve as the primary water source for all landscape irrigation within the 305 S. Congress PUD. Alternative water sources (AC condensate, foundation drain water, rainwater, stormwater or reclaimed water) shall be used as the primary backup supply if the primary raw water source is depleted or unavailable. Reclaimed water shall not be used for irrigation within water quality controls or other prohibited areas. A completed version of Austin Water's most current Water Balance Calculator tool must be submitted with any site development permit application for development within the PUD to assess non-potable water demands and alternative water supplies for the development.</p> <p>The owner shall extend a 24" reclaimed water main across the Riverside – Barton Springs Intersection (point of connection to existing reclaimed system under construction), build an off-site reclaimed main from Riverside/Barton Springs to the development, and build internal distribution reclaimed mains to serve buildings within the 305 S. Congress PUD and to facilitate looping of distribution reclaimed mains to the south. Any site development permit application within the 305 S. Congress PUD will comply with the City's mandatory connection requirements for commercial developments located in proximity to a reclaimed water distribution line.</p> <p>The PUD will provide a 2,000 square foot vertical green wall to reduce the urban heat island effect, increase habitat and overall experience of the site. This will be located within the public realm in an area that receives greater than 4 hours of sunlight and will either be a vine and mesh or living wall system.</p> <p>Areas designated as floodplain forest and wetland fringe in the proposed conditions exhibit will be managed as an "enhanced" grow zone. Riparian edge and floodplain forest will be managed to increase biodiversity, create an incredible user experience in highly utilized area, and have ecological health as a primary driver of long-term management of the site.</p> <p>A soil management plan will direct amendments for specific management areas throughout the site associated with soil components, texture and flora to optimize conditions. At a minimum this will apply to: the streetscape, rain gardens, floodplain forest, herbaceous riparian, lawn and wetland fringe.</p> <p>For all perennial planting areas, the design will be comprised of enhanced pollinator and habitat for birds, bees, hummingbirds and other. Over 50% of the perennial landscape will be comprised of rain gardens used as pocket prairies and pollinator gardens (comprising approximately 1 acre). Plantings will include species from the COA "609S Native Seeding and Planting for Restoration" list, and include at least 30+ species appropriate for site conditions recommended by the Xerces Society or equivalent entity for pollinator and/or bird habitat.</p>
Austin Energy Green Building	Provides an Austin Energy Green Building Rating of three stars or above.		
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.		The PUD will participate in the Art in Public Places Program by incorporating 2 art pieces into the project.
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).		The PUD is designed to embody the characteristics of the SCWP. This includes enhanced sidewalks and street cross sections to accommodate multi-modal transportation throughout the site.
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.		The PUD will enhance areas next to Congress Avenue bridge by creating large civic gathering spaces and careful consideration of nearby buildings within the PUD to respond to the cultural significance of the bat colony and seasonal bat watching.
	Provides publicly accessible multi-use trail and greenway along creek or waterway.		The PUD includes a commitment to include the recommendations of the SCWP by enhancing its shoreline and the Hike-and-Bike Trail system to create a publically accessible park. Taking the recommendations of the SCWP, the PUD has evolved the system of trails and pedestrian and bicycle connections through the park area. This also includes land area for a future bridge connection over Lady Bird Lake.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.		The PUD creates a high-quality street and sidewalk environment through the application and enhancement of street-design guidelines included in the SCWP. This includes pedestrian, bicycle, parking, transit and travel lanes and landscape areas within street sections tailored to their function. This addresses the extension of Barton Springs Road east of Congress Avenue to Riverside Drive, internal circulation drives and an internal "pedestrian" walkway. Pedestrian and bicycle connections also link to the Hike-and-Bike Trail system. The PUD also anticipates future connections, such as a pedestrian bridge and a potential transit link across Lady Bird Lake. Furthermore, bicycle parking for employees and residents will be placed within buildings or below grade parking structures. Personal shower and changing facilities may be incorporated into the project as a public amenity. This PUD also proposes to provide the ability to incorporate bicycle repair facilities.
Building Design	Exceeds 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).		
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent 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.		The PUD proposes to place the majority of vehicle parking in below grade structures. The PUD includes a mix of office, residential, retail, restaurants, and hotel activities joining new public realm and open spaces. Pedestrian activities will be placed at the ground floor, along with office, hotel and residential uses.
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.		<p>The PUD will commit to dedicating 4% of total rental units developed in the PUD to households earning no more than 80% MFI for a period not less than 40 years from the date a final certificate of occupancy is issued. At the owner's election, the owner will fulfill one of the below options to satisfy the affordable housing requirements on for-sale condo units:</p> <p>1. Pay \$450,000 per condo unit on 4% of the condo units built as a fee-in-lieu payable pro rata after every 25 units are sold. For example, if the condo building being constructed was 100 condo units, we would owe \$450,000 every 25 condo sale closings. After 100 condos are sold, the city will have received a total of \$450,000 x 4 units = \$1,800,000, or</p> <p>2. The owner will provide 4% of the total ownership units in the form of an equivalent number of deed restricted for-rent multifamily units within the South Central Waterfront District at 80% MFI for a period not less than 40 years from the date of the first certificate of occupancy for the condo development.</p>
Historic Preservation			

Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.		The PUD proposes 5 ADA accessible access points to the park.
Local Small Business	Provides space at affordable rates to <i>one</i> or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.		
Project Specific Superiority Items - Sustainability: Carton Impact Statement Pilot			The PUD will participate in the City's Carbon Impact Statement pilot project and commits to demonstrating leadership by achieving a minimum of 9 points. The carbon impact statement and supporting documentation is included in the PUD update package.
Project Specific Superiority Items - Transportation Demand Management (TDM)			The PUD will comply with a TDM plan.
Project Specific Superiority Items -Trees			<p>The PUD commits to providing all street trees with at least 1,000cf of soil volume per tree. Up to 25% of the soil volume may be shared with adjacent trees in continuous plantings. Where necessary, load bearing soil cells shall be used to meet the soil volume requirement. The city may reduce the minimum soil volume requirement if needed due to utility conflicts or other constructability issues. In this case, the project will still meet the standards in the ECM.</p> <p>At a minimum, street trees will change species at every block length and have a minimum of five (5) street tree species on site and will be from COA Appendix F approved "Street Trees" and "Significant Shade Providers".</p> <p>The plan will direct amendments and conditioning for specific management areas throughout the site associated with soil components, texture, and flora and to optimize those conditions for: streetscape, rain gardens, floodplain forest, herbaceous riparian, lawn, and wetland fringe.</p>
			100% of the street trees will be from both the ECM Appendix F "SS – Significant Shade Provider and SE – Streetscape List". The City Arborist may allow for alternative species on a case by case basis, and may suggest alternative species based on current availability and site and climate condition. The street trees will be a minimum of 3" caliper measured 6" above grade, and the sizing will comply with the standards for nursery stock (ANSI Z60. 1-2014). In addition, no more than 25% of the planted street trees will be from the same species. This commitment is above and beyond the city standard 60% requirement from Appendix F, 1.5" caliper minimum per tree, and 50% maximum being from the species.
			<p>All plant material for streetscapes and parkland will be sourced from nurseries within 300 miles of the site and trees will be selected from the ECM Descriptive Categories for Tree Species. All other plant material will be selected from Appendix N.</p> <p>With reference from Urban Forest Plan, deliberate measures including design for preservation, relocation of a range of tree sizing and species for forest succession, and a complex phasing plan make for the preservation of 75% of the native caliper inches.</p> <p>The PUD commits to providing all street trees with at least 1,000cf of soil volume per tree. Up to 25% of the soil volume may be shared with adjacent trees in continuous plantings. Where necessary, load bearing soil cells shall be used to meet the soil volume requirement. The city may reduce the minimum soil volume requirement if needed due to utility conflicts or other constructability issues. In this case, the project will still meet the standards in the ECM.</p> <p>At a minimum, street trees will change species at every block length and have a minimum of five (5) street tree species on site and will be from COA Appendix F approved "Street Trees" and "Significant Shade Providers".</p> <p>A soil management plan will direct amendments for specific management areas throughout the site associated with soil components, texture and flora to optimize conditions. At a minimum this will apply to: the streetscape, rain gardens, floodplain forest, herbaceous riparian, lawn and wetland fringe.</p>
Project Specific Superiority Items - Bat Conservation, Dark Sky, and Education			<p>For all areas within 75' of the shoreline, the PUD proposes dark sky compliant lighting and low/down-lit fixtures to not disturb bat colony as well as optimize bat viewing opportunities.</p> <p>This includes:</p> <ul style="list-style-type: none">•Use of low Kelvin rated lights (3000 Kelvin or less) for outdoor lighting.•Outdoor lighting shall be shielded so that neither the light fixture's light source nor the lens may be visible from a distance less than the mounting height of the fixture.•Focus light on activity appropriate lighting.
			The open area directly east of the Congress bridge between the trail and the shoreline will offer the opportunity to have a herbaceous riparian strip, including eastern gamma grass, switch grass, bushy bluestem, and lindheimer muhly, and be complimented by a combination of pollinator and prairie plants. The area will be treated like floodplain forest with regards to invasive species and soil preparation.
			The riparian/shoreline trees, 8" or greater, are largely being preserved with the exception of invasive to ensure a safe navigation route for bat arrival and departure to their colony under the Congress Avenue Bridge. The shoreline trees impacted are shown on the Conceptual Open Space Map.
			Cameras will be mounted and placed onsite for virtual bat viewing and education.
			Open areas will be provided in front of Congress Avenue Bridge and shoreline for bats to congregate, and for bats to enter and exit the bridge without disruption.
			The applicant will work with Merlin Tuttle Bat Conservation, Bat Conservation International and/or Austin Bat Refuge including throughout the design and construction process to ensure best practices for protection and enhancement of habitat.

Project Specific Superiority Items - Trail Design and Construction			The PUD is committed to reconstructing the approximately 1,700 linear feet of the Ann and Roy Butler Hike and Bike Trail to the 'best practice' standards put out in the Final Report of the "Safety & Mobility Study" commissioned by The Trail Foundation: https://thetrailfoundation.org/wp-content/uploads/2021/03/BUTLER-TRAIL-Safety-Mobility-Study.pdf (reference Chapter 7 specifically).
Project Specific Superiority Items - Water Access			A major threat to environmental superiority of the site is the regular degradation of areas due to heavy use of the property by the public to view the bats and access the water. To accommodate additional park users, reduce trampling of restored areas, create additional bat viewing areas, and improve the views of Lady Bird Lake and the downtown Austin skyline, this project proposes to construct a pier, a boardwalk, and one hardened water access point. By directing users to these landscape features, other parts of the open space can be protected, restored, and maintained to create an environmentally superior site.
Project Specific Superiority Items - Environmental Education Signage and Wayfinding			The PUD requires an active, vibrant public realm that will be welcoming to all. With this desirable location at the nexus of our city and nature. The PUD is committed to environmental signage and wayfinding that communicates the values of the City of Austin with regard to connection to nature, environmental resilience and sustainability. The PUD will include signage for the following environmental superior elements: Bat Conservation, Water Quality and Riparian Restoration, Tree Preservation and Relocation, and Pollinator Plants.
Project Specific Superiority Items - Long Term Public Partnership with a Conservancy Management Strategy			The PUD applicant is committed to a management plan with the entity that will be maintaining the park system, whether that is the economic development corporation, The Trail Foundation or a combination of above for both proactive maintenance and as maintenance needs/issues arise. The PUD applicant and entity (to be determined) will also be creating an operations and management plan that ensures an enhanced user experience that coincides with ecological functionality.
Project Specific Superiority Items - Parks			<ul style="list-style-type: none">•The PUD applicant commits to provide \$100 more per unit for the Park Development Fee than current code requires to build park amenities.•Educational signage shall be used to described the ecosystem benefits of the rain gardens located in the park.•Each rain garden located in the park will have one bench located along the perimeter.•Exclusive of the underground rainwater cistern, rain gardens located in the park will be limited to a maximum of 0.9 surface acres.•All rain gardens in the park will include 30+ speciefies of native pollinator plans and will be managed to ≤5% invasive species.



Existing Zoning Map

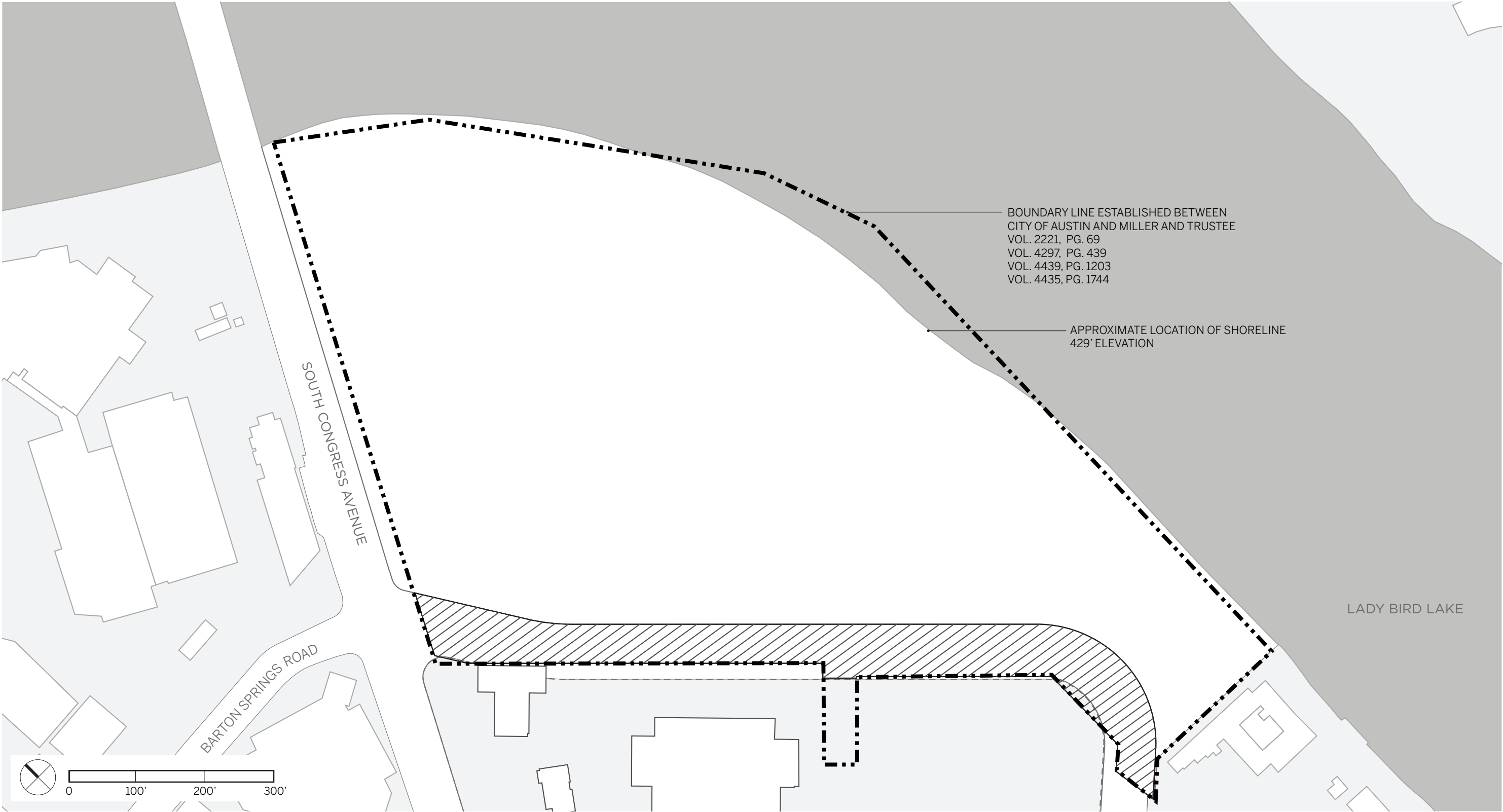


Site Boundary (821,517 sf/18.86 acre)

Submitted: July 24, 2019
Updated: June 26, 2020
Updated: October 12, 2020
Updated: April 14, 2021
Updated: July 9, 2021
Updated: December 7, 2021

305 S. CONGRESS PUD

Property Boundary and Right of Way Map



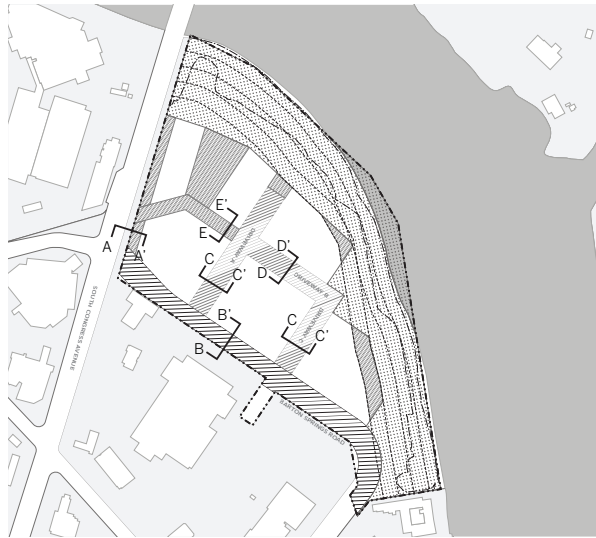
- Site Boundary (821,517 sf/18.86 acre)
- Area 2: Future Barton Springs R.O.W. (83,815 sf/1.92 acre)

Submitted: July 24, 2019
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Updated: July 9, 2021
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B-2

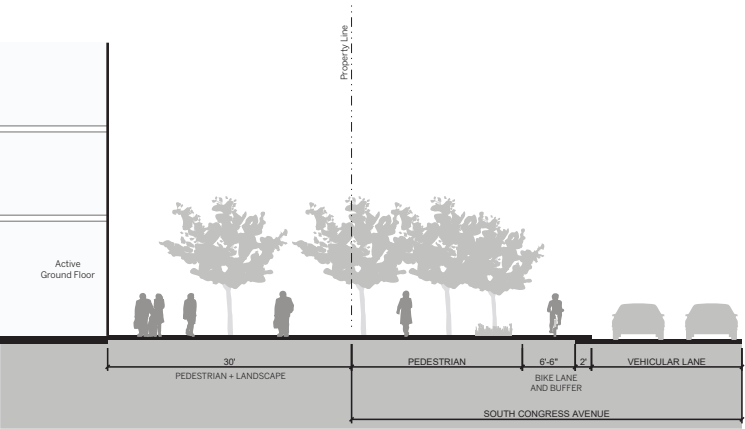
305 S. CONGRESS PUD

Street Sections and Internal Private Driveway Typical Sections

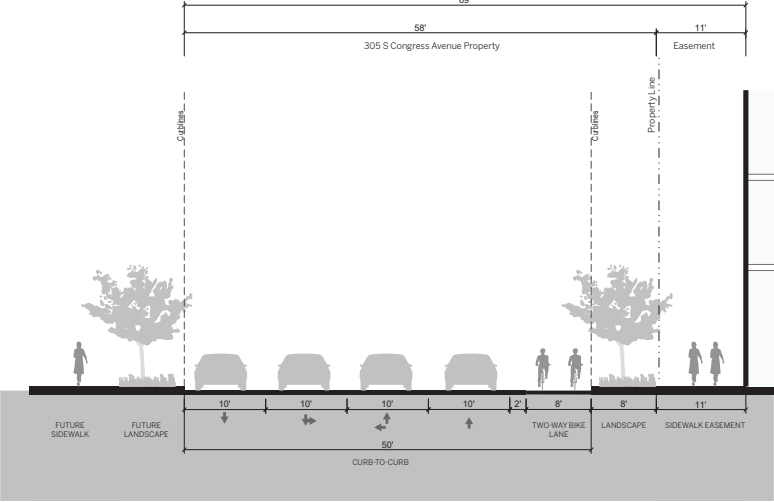


STREET SECTION A-A'
SOUTH CONGRESS AVENUE EDGE CONDITION

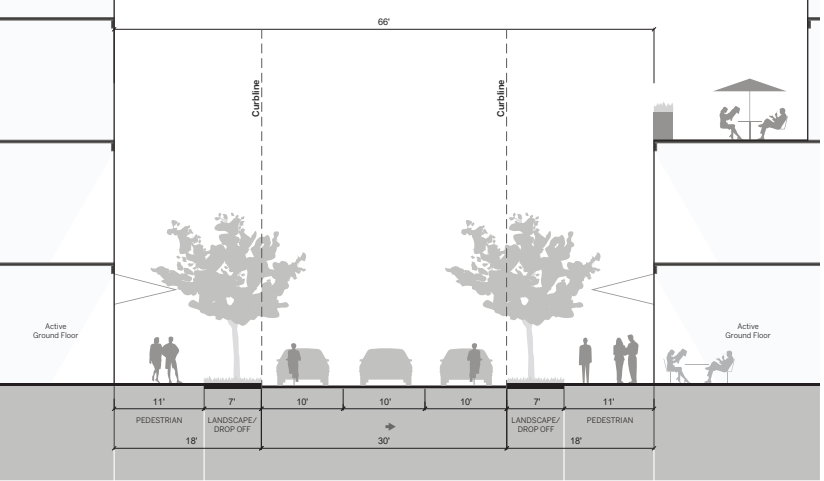
Note: Congress Avenue section represents the condition where the finished floor of the new development aligns with the adjacent elevation of Congress Avenue.



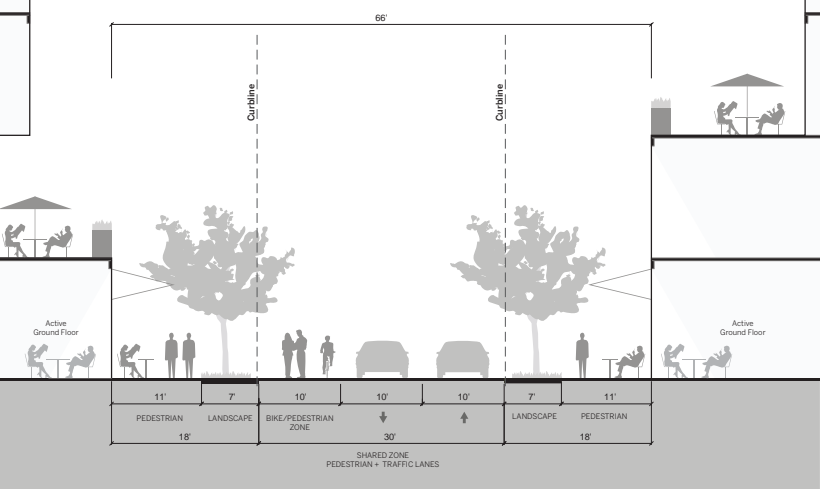
STREET SECTION B-B'
BARTON SPRINGS AVENUE TYPICAL SECTION 58' WIDE



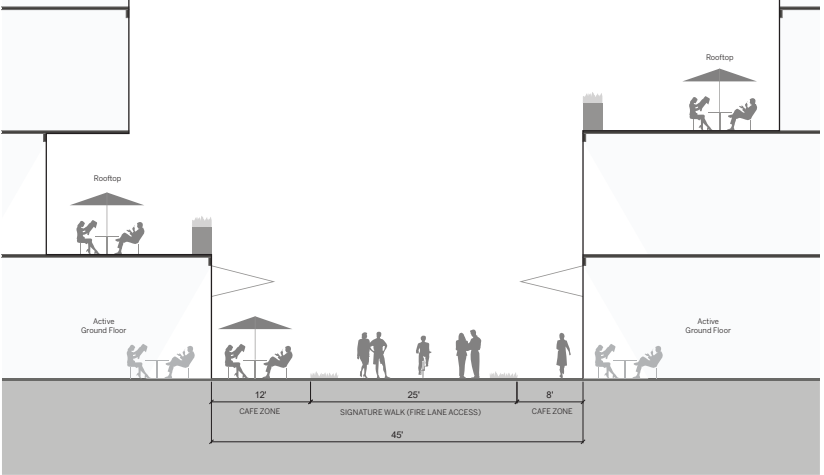
INTERNAL PVT DRIVEWAY SECTION C-C'
ENTRY STREET TYPICAL SECTION 66' WIDE



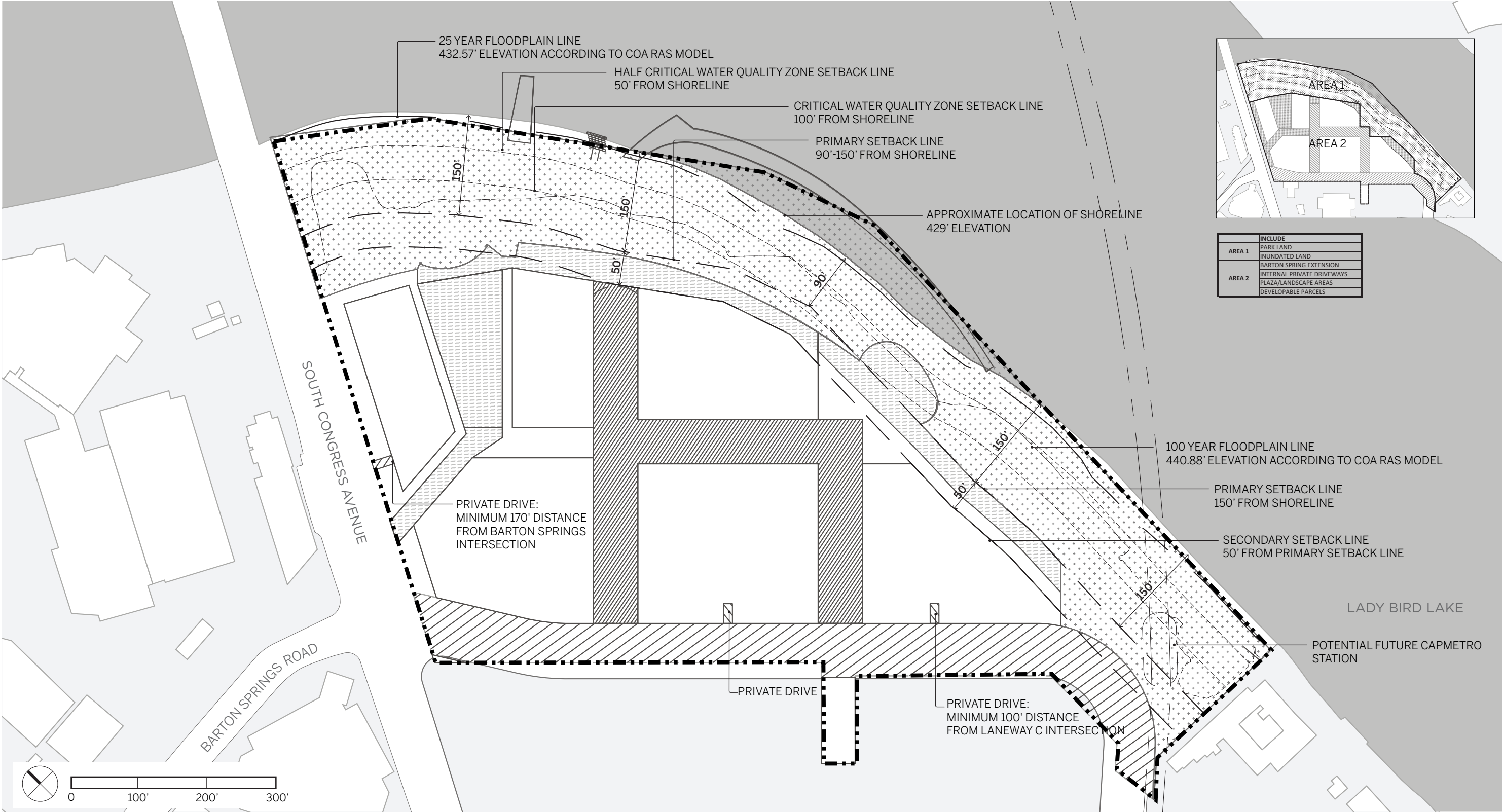
INTERNAL PVT DRIVEWAY SECTION D-D'
SHARED STREET TYPICAL SECTION 66' WIDE



PEDESTRIAN WALKWAY TYPICAL SECTION E-E' 45' WIDE



Setbacks and Land Use Map



- Site Boundary (821,517 sf/18.86 acre)
- Area 1: Park Land (285,366 sf/6.55 acre, which includes the inundated land.)
- Area 1: Inundated Land (24,342 sf / 0.56 acres)

- Area 2: Future Barton Springs R.O.W. (83,815 sf/1.92 acre)
- Area 2: Internal Private Driveway (77,078 sf/1.77 acre)
- Area 2: Plaza/Landscape Area (69,233 sf/1.59 acre)

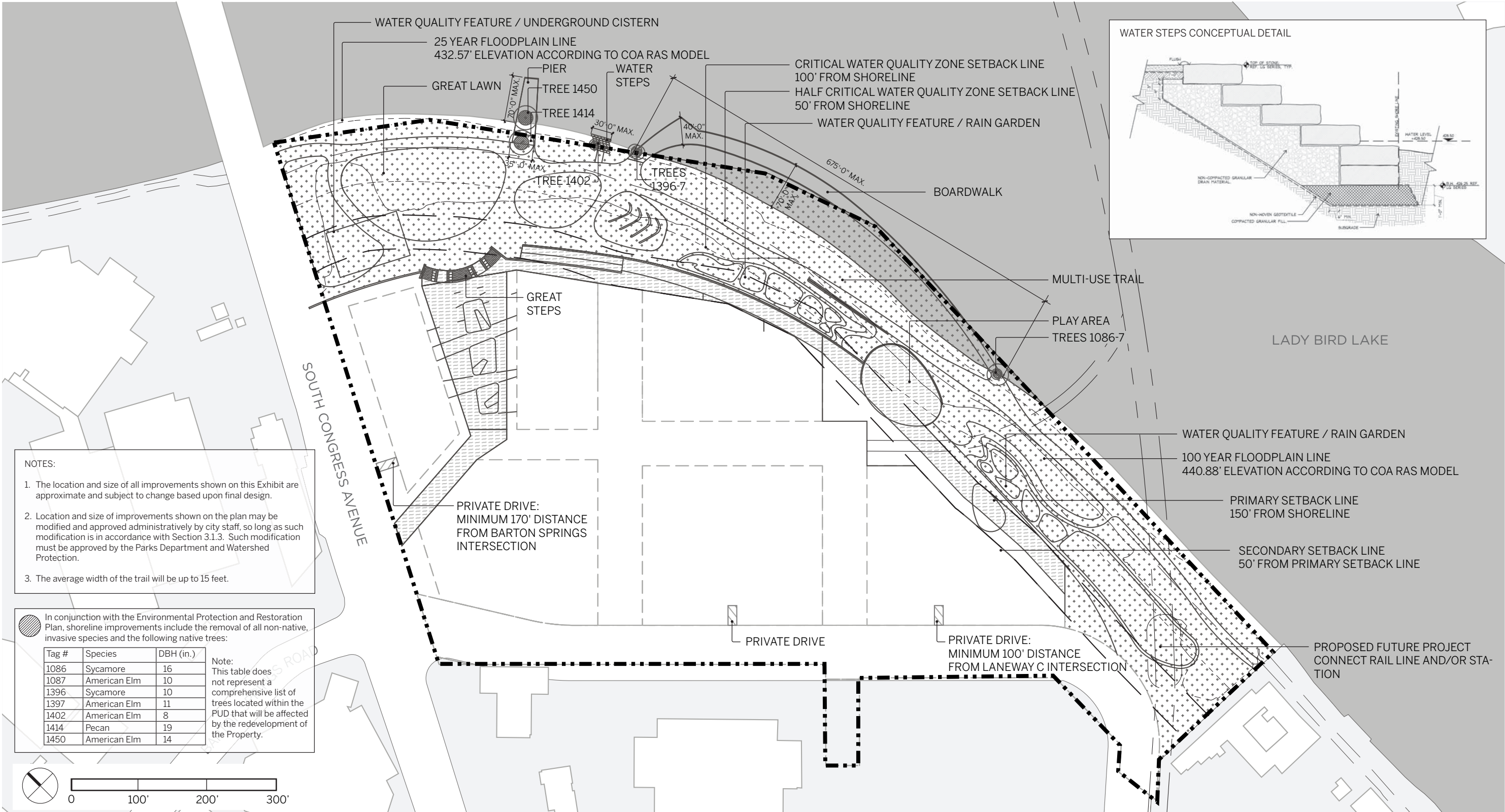
- Area 2: Developable Parcel (306,025 sf/7.03 acre)

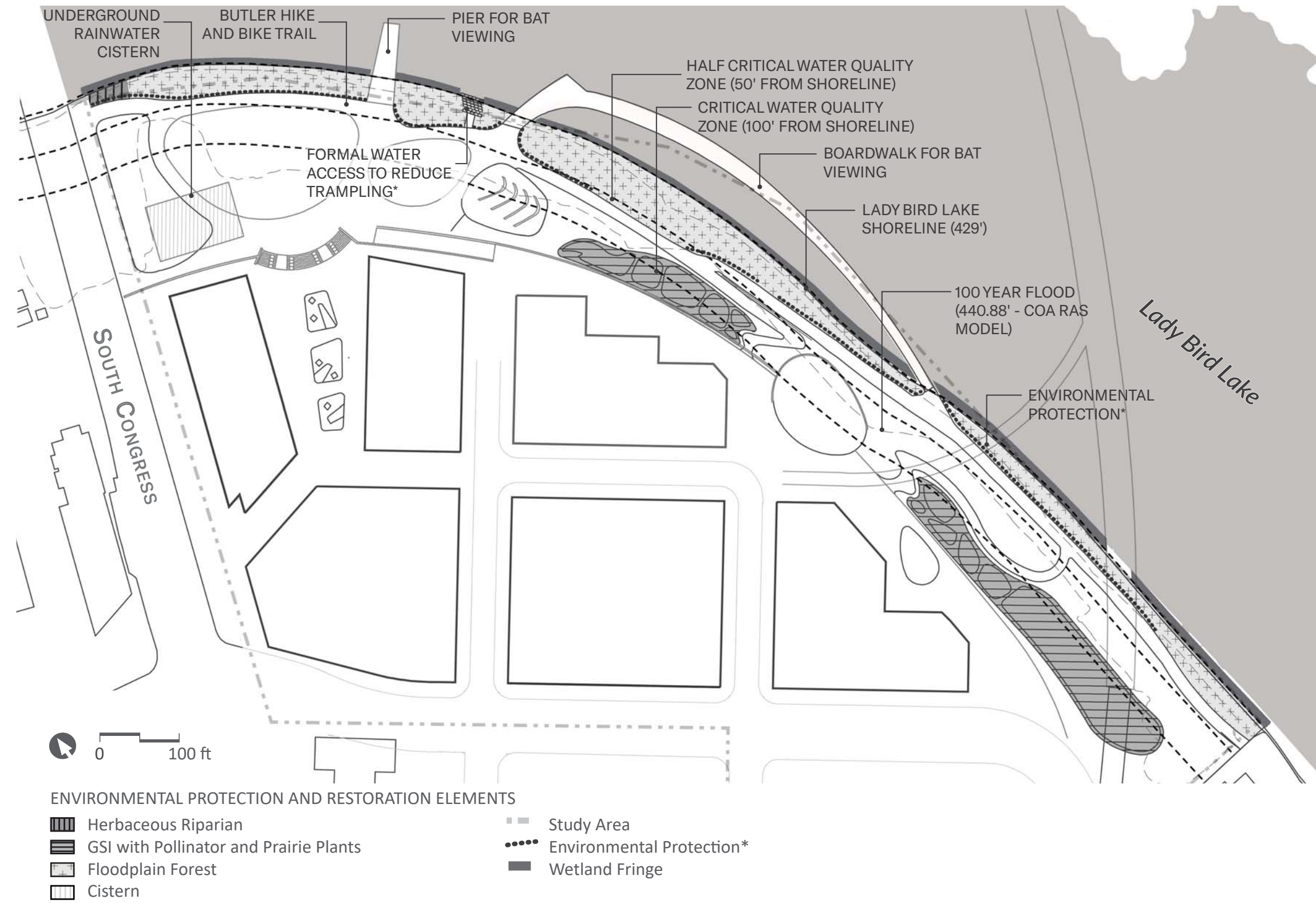
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B-2

305 S. CONGRESS PUD

Conceptual Open Space Map





* final location determined during site plan process

- Notes:**
- 1. Environmental protection and enhanced cultural experience:**
A major threat to environmental superiority of the site is the regular degradation of areas due to heavy use of the property by the public to view the bats and access the water. To accommodate additional park users, reduce trampling of restored areas, create additional bat viewing areas, and improve the views of Lady Bird Lake and the downtown Austin skyline, this project proposes to construct a pier; a boardwalk, and one hardened water access point. By directing users to these landscape features, other parts of the open space can be protected, restored, and maintained to create an environmentally superior site. Please refer to the Open Space Map for maximum shoreline amenity dimensions.
- 2. Bat conservation:**
The project will protect the Austin Bat Colony by using dark sky compliant lighting (as defined in Note 62 on Sheet 8) within 75' of the shoreline, creating safe vantages for bat viewing that do not disturb bat behavior, maintaining the bald cypress fringe along the shoreline critical for bat navigation, and maintaining an area free of trees directly east of the Congress Avenue Bridge at the lakeshore for bats to congregate before flight. The applicant will also continue to coordinate with local bat conservation groups for best practices during the design and construction phases of the project.
- 3. Protect critical environmental features, floodplain forest, and wetland plantings:**
A combination of split rail fence, cable fence, boulders, and/or equivalent will be used to protect the wetland fringe and floodplain forest adjacent to the trail and will include at least 800 linear feet of protection.
- 4. Restore floodplain forest:**
Restore at least 1 acre of riparian woodland forest between the water edge and the trail. Restoration includes the invasive species removal (Ligustrum, Nandina, Chinaberry, Chinese tallow, Arundo, Japanese honeysuckle, lacebark elm, tree of heaven, English Ivy, Asian Jasmine, Vitex, and poison ivy along with other invasives will occupy no more to less than 5% vegetative cover), temporary irrigation, soil amendments where needed (up to 3" of native compost gently raked into upper surface), planting 500 native herbaceous and ground cover plants (1 gallon) planted in clumps 18" on center, as well as seeding 28 pounds of native riparian seed.
- 5. Restore and enhance the wetland fringe:**
The wetland fringe is shaded out by invasive understory and is trampled in numerous areas. Restoration of the 1,000 square feet of wetland fringe will entail the removal of invasive species as described above in note 4 and begin the establishment of wetland plants where feasible with a total planting of at least 15 obligate and facultative wetland species, planting at least 200 one gallon containers in up to 10 clumps.
- 6. Restore riparian herbaceous vegetation:**
At least 800 square feet of herbaceous riparian vegetation will be planted adjacent to Congress Avenue Bridge between the trail and the lake to keep the area open for the bats and to add plant diversity. The planting will include at least 300 plants (1 gallon) planted in clumps 18" on center to reduce weeds and will include physical barriers to help minimize trampling. Preparation of the area will include woody species removal, invasive species removal, soil amendments as necessary, and temporary irrigation installation.
- 7. Pollinator plants:**
The project will include at least 30 native pollinator and prairie species (both planted and seeded) in green stormwater infrastructure that covers at least 0.75 acre of the site.
- 8. Sustainable management plan:**
The applicant is committed to creating a sustainable land management plan for the site in coordination with appropriate entities that could include the Trail Foundation, bat conservation organizations, South Central Waterfront entities, and others. The plan will use an adaptive management framework that focuses on an enhanced user experience and ecological functionality that results in long-term, sustainable management of the site. At a minimum, the land management plan will include bi-annual management of invasive species (as listed above), increases in diversity through planting and seeding, ensuring native vegetative cover, and annual monitoring.

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B-2

305 S. CONGRESS PUD

Data Table and Notes

Total Site Area		821,517 sf / 18.858 acres
Minimum Lot Size		5,750 sf
Minimum Lot Width		50 feet
Maximum Height		525 feet
Maximum Impervious Cover *		68%
Maximum Building Coverage		55%
Maximum Floor Area Ratio *		4.3 : 1
Minimum Setbacks	Front Yard	0 feet
	Street Side Yard	0 feet
	Interior Side Yard	0 feet
	Rear Yard	0 feet

* Impervious cover, building coverage, and floor-to-area is based on gross site area of all of the land within the PUD.
* Impervious cover and building coverage will be higher on a parcel by parcel calculation.

		Breakdown	Total Acres	Total GSF	Percentage
Public Realm	R.O.W.	Future Barton Springs Road Extension	1.92	83,815	10.2%
		Internal Private Driveways	1.77	77,078	9.4%
	Open Space	Park Land **	6.55	285,366	34.7%
		Plaza / Landscape Area	1.59	69,233	8.4%
	Total Public Realm Area		11.83	515,492	62.7%
Developable Land	Development Parcel		7.03	306,025	37.3%
	Total Developable Area		7.03	306,025	37.3%
Total Land Area			18.86	821,517	100%

** Park Land includes inundated land totaling 0.56 acres / 24,342 sf

NOTES:

1.

The maximum height of any structure within Area 2 shall not exceed 525 feet from finished grade. Exceptions from the maximum height limit under 25-2-531 shall apply.
2.

The maximum height of any structure within Area 1 shall not exceed 35 feet from finished grade. Exceptions from the maximum height limit under 25-2-531 shall apply.
3.

The uses allowed within Area 1 shall be consistent with the current allowable uses in the Public Zoning ("P") District.
4.

The following uses are conditional uses within Area 2:
 - General Warehousing and Distribution
 - Light Manufacturing
 - Limited Warehousing and Distribution
5.

In addition to the uses described in Section 25-2-691, the following are additional pedestrian oriented uses allowed in Area 2:
 - Administrative and Business Offices
 - Automotive Sales
 - Automotive Rentals
 - Automotive Repair Services
 - Financial Services
 - Hotel – Motel
 - Indoor Entertainment
 - Indoor Sports/Recreation
 - Medical Offices – exceeding 5,000 sq. ft. gross floor area
 - Medical Office – not exceeding 5,000 sq. ft. gross floor area
 - Personal Improvement Services
 - Personal Services
 - Pet Services
 - Professional Office
 - Recreation and Equipment Sales
 - Theater
 - Transportation Terminal
 - Temporary Uses Described in Section 25-2-921
 - Veterinary Service
6.

The following uses are permitted uses within Area 2:
 - Bed & Breakfast (Group 1)
 - Bed & Breakfast (Group 2)
 - Condominium Residential
 - Multifamily Residential
 - Townhouse Residential
 - Short-Term Rental (Types 1 and 3)
 - Administrative and Business Office
 - Art Gallery
 - Art Work Shop
 - Automotive Sales
 - Automotive Rentals
 - Automotive Repair Services
 - Business or Trade School
 - Business Support Services
 - Cocktail Lounge
 - Commercial Off-Street Parking
 - Communications Services
 - Consumer Convenience Services
 - Consumer Repair Services
 - Convenience Storage
 - Electronic Prototype Assembly
 - Electronic Testing
 - Financial Services
 - Food Preparation
 - Food Sales
 - General Retail Sales (Convenience)
 - General Retail Sales (General)
 - Hotel-Motel
 - Indoor Entertainment
 - Indoor Sports and Recreation
 - Kennels
 - Laundry Services
 - Liquor Sales
 - Marina
 - Medical Offices – exceeding 5,000 sq. ft. gross floor area
- Medical Office – not exceeding 5,000 sq. ft. gross floor area
 - Off-Site Accessory Parking
 - Outdoor Entertainment
 - Outdoor Sports and Recreation
 - Pedicab Storage and Dispatch
 - Personal Improvements Services
 - Personal Services
 - Pet Services
 - Plant Nursery
 - Professional Office
 - Recreational Equipment Maint. & Stor.
 - Recreational Equipment Sales
 - Research Assembly Services
 - Research Services
 - Restaurant (General)
 - Restaurant (Limited)
 - Service Station
 - Stables
 - Software Development
 - Theater
 - Vehicle Storage
 - Veterinary Services
 - Custom Manufacturing
 - Community Garden
 - Indoor Crop Production
 - Urban Farm
 - Administrative Services
 - Camp
 - Club or Lodge
 - College and University Facilities
 - Communication Service Facilities
 - Community Events
 - Community Recreation (Private)
 - Community Recreation (Public)
 - Congregate Living
 - Convalescent Services
 - Counseling Services
 - Cultural Services
 - Day Care Services (Commercial)
 - Day Care Services (General)
 - Day Care Services (Limited)
 - Family Home
 - Group Home, Class I (General)
 - Group Home, Class I (Limited)
 - Group Home, Class II
 - Hospital Services (General)
 - Hospital Services (Limited)
 - Local Utility Services
 - Maintenance and Service Facilities
 - Park and Recreation Services (General)
 - Park and Recreation Services (Special)
 - Private Primary Educational Facilities
 - Private Secondary Educational Facilities
 - Public Primary Educational Facilities
 - Public Secondary Educational Facilities
 - Religious Assembly
 - Safety Services
 - Telecommunication Tower 7
 - Transportation Terminal
7.

Parkland dedication shall be satisfied in accordance with the Open Space Map.

8.

The total buildable square footage is 4.3:1 FAR and will consist of the uses included in Notes 3, 4, 5, and 6.

9.

A site can cross a public street or right-of-way.

10.

A site plan for the construction of an amphitheater that is associated with a commercial, civic or residential use may be approved administratively.

11.

Pedestrian oriented uses are permitted above the ground floor of a structure.

12.

Section 25-2-692(F) is modified to read: "Not less than 50 percent of the net usable space on the ground level within 50 feet of the exterior wall of a structure directly adjacent to and facing Lady Bird Lake must contain

pedestrian oriented uses."

13.

Section 25-2-721 is modified to allow a maximum of 60% impervious cover within the secondary setback area.

14.

Section 25-2-721(E) is waived; however, all building glazing systems shall have a 35 percent maximum reflectivity.

15.

The primary setback line is reduced to 90 feet landward from the shoreline as shown on the Land Use Plan.

16.

Section 25-2-742(D)(1) is modified to read "For a ground level wall that is visible from parkland or public right-of-way that adjoins parkland, at least 60 percent (exclusive of service areas, loading docks, and parking ramps) of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass.

17.

Section 25-2-742 is modified to allow exposed architectural concrete to be approved as a natural building material.

18.

Section 25-2-742(G)(3) and (4) does not apply to the Property.

19.

Section 25-2-1176(A)(1) is modified to allow the construction of a pier and boardwalk to extend up to a maximum of 70 feet from the shoreline. The boardwalk is not to exceed 675 linear feet of shoreline frontage. Section 25-2-1176(A)(4) is modified to allow for construction of the elements and dimensions shown on the Conceptual Open Space Map. Environmental Criteria Manual Section 1.13.5(B)(3) (Recommended Guidance for Appropriate Method for Shoreline Stabilization and Modification) is modified to allow structural modification of the shoreline and associated steps as shown in the Conceptual Open Space Map. The dimension of the water steps and bulkhead are not to exceed 40 linear feet of shoreline frontage and not to exceed 30 feet inland. Steps going into the water are allowed if in compliance with Section 25-2-1174 and the Environmental Criteria Manual 1.13 and LDC 25-8-368.

20.

A site plan expires 8 years after the date of its approval, unless Section 25-5-81(B) subsections (C), (D), or (E) are met.

21.

The minimum off-street parking, bicycle parking, and loading requirements shall be determined by the director subject to a Transportation Demand Management Plan approved as part of the PUD.

22.

Impervious cover calculations exclude: (i) multi-use trails, open to the public and located on public land or in a public easement, (ii) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base, (iii) porous pavement designed in accordance with the ECM, and (iv) sidewalks in a public right-of-way or public easement.

23.

Development is allowed within the Critical Water Quality Zone that is in accordance with the PUD Land Use Plan and Conceptual Open Space Map. This includes vegetative filter strips, rain gardens, underground rain cisterns, bio-filtration ponds, stormwater outfall structures, park improvements including hard surface trails, bicycle trails, picnic facilities, playscapes, concessions including food and beverage vendors, bicycle rentals, sports equipment rentals, boat rentals, dining facilities, performance and special event facilities, boardwalks, sidewalks, pavilions, gazebos, restrooms, exercise equipment and courses, water steps, boat landings, piers, rail station, and stream bank stabilization relative to the proposed steps. Construction of such facilities within the CWQZ shall not exceed a maximum of 5% impervious cover.

24.

The construction of the water steps shall not be considered placement of fill within Lady Bird Lake.

25.

All signage on the Property shall comply with the requirements of Section 25-10-129 (Downtown Sign District Regulations).

26.

The project will participate in the Art in Public Places Program by incorporating 2 art pieces onsite.

27.

Reclaimed water will not be used for outdoor irrigation within the Critical Water Quality Zone and 100-year floodplain areas.

28.

The PUD proposes to reserve an area, as generally shown on the Land Use Plan and Open Space Map, for the development of a pedestrian and/or transit bridge and rail station, which will be constructed by others. This reservation will expire 15 years after the PUD approval date.

29.

Typical spacing of street trees will be 30 feet on center. This is subject to constructability

due to location of utilities, loading docks, and entrances into the parking garage.

30.

Water quality will meet or exceed requirements for each corresponding phase for the development within the respective phase, provided that the existing sedimentation filtration pond may be used to achieve compliance temporarily until the permanent water quality controls for any phase are constructed and that all new controls added for any phase will be green stormwater controls. Upon completion of the development 100% of the water quality controls shall be green infrastructure as defined by the ECM.

31.

Barton Springs Road extension shall be considered an Urban Roadway for purposes of complying with Chapter 25-2, Subchapter E – Design Standards and Mixed Use, and will be designed in accordance with the PUD street sections located on Sheet 4.

32.

New site controls will be constructed to meet or exceed current requirements for the limits of construction of each phase and the impervious cover within the respective phase.

33.

Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.6 is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from Congress Avenue and Barton Springs Road.

34.

Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.7 is modified so that compliance with Private Common Open Space and Pedestrian Amenity standards are satisfied based on the amount of public open space and parkland provided by the PUD.

35.

Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.8 is modified so that the area designated as a drop-off zone is excluded from the 50% calculation when determining the shaded sidewalk requirements.

36.

Development of the Property is exempt from Chapter 25-2, Subchapter E – Design standards and Mixed Use, Article 2.2, Article 2.3, and Article 2.4.

37.

If a license agreement is required for the stormwater quality controls in the right-of-way (Barton Springs Road or Congress Avenue) the city shall waive the annual fee associated with this improvement.

38.

25-6-381 is modified to allow access to Congress Avenue which is classified as a major roadway.

39.

Section 25-6-451 is modified to allow joint use driveways between lots with recorded access easements that do not have frontage on a public right-of-way.

40.

Section 25-6-532 is modified to allow shared loading and unloading spaces for the various uses within the PUD regardless of where the use or loading and unloading is located within the PUD.

41.

The Director agrees to the proposed general alignment of Barton Springs Road as shown in the TIA dated ____, and represented on the PUD exhibits. At time of site plan review, the Director agrees to administratively modify current TCM sections 1.3.1(B) and 1.3.1(D)(2), or the equivalent sections in an updated TCM, to accommodate the proposed alignment of Barton Springs Road

42.

If a Temporary Use of Right of Way permit ("TURP") is required for development of the Property located adjacent to Barton Springs Road extension, the city agrees to waive the right of way rental fees for a TURP during construction of any project associated with the Property.

43.

TCM 1.3.2 is modified to allow the construction of Barton Springs Road to adhere to the street cross-section within the PUD.

44.

TCM Table 5-2 is modified to allow the construction of the driveways to adhere to the cross-sections within the PUD.

45.

Section 25-8-63(C)(11) is modified so that a parking structure can be excluded from impervious cover calculations if it is below the finished grade of the land after it is constructed and is covered by soil with a minimum depth of two feet and an average depth of not less than four feet and at the time of site plan the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property. Furthermore the parking structure may exceed 15% of the site.

46.

Section 25-2-721(G) is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from public view. Loading and unloading

locations on private internal driveways are subject to TCM spacing and dimensional requirements subject to ATD approval.

47.

Section 25-4-51 is modified such that a preliminary plan is not required for the extension of Barton Springs Road.

48.

Section 25-8-261(H)(4) is modified to allow green stormwater quality controls (as defined by ECM) within the 100-year floodplain.

49.

If feasible, the landowner will use raw water from Lady Bird Lake through a water contract with Lower Colorado River Authority as the source for all landscape irrigation. Potable or other sources shall only be used as backup supply if the primary sources are depleted.

50.

Electrical easements shall be required for all developments. Their location and size on-site will be mutually determined at the subdivision plat/site plan submittal and may require more space than minimum building setback.

51.

Bollards, or another similar type of barrier, will be used to close the Pedestrian Walkway, shown on Sheet 4 as Section E-E, from vehicular traffic.

52.

Gated public right-of-way is prohibited.

53.

100% of the required on-site water quality volume will be treated with green stormwater infrastructure including, but not limited to, rain gardens, biofiltration ponds, and filter strips. Upon redevelopment of the Property, on-site green stormwater controls will be provided in the park to treat a minimum of 86,800 cubic feet of stormwater volume.

54.

Section 25-8-367 is modified to allow relocation of earthen material for the water steps on Lady Bird Lake below the 435 foot contour without City Council approval.

55.

Riparian restoration, including removal of invasive species, is allowed as long as it does not destabilize the shoreline and is done as part of a restoration plan submitted for review and approved by the Watershed Protection Department.

56.

In addition to the uses described in Section 25-2-721(C)(1) the following are additional uses that are permitted within the secondary setback area: charging stations, bike/scooter repair facilities, shared bicycle facilities, restrooms facilities with or without showers, food and beverage vendors, bike valet, music vendors, retail vendors, boat rentals, bicycle rentals, performance and special events facilities, exercise courses, sports equipment rentals, storm water facilities, and child playscapes / activities.

57.

Section 25-4-171 is modified to allow a lot in a subdivision not to abut a dedicated public street so long as the corresponding lot adjoins a private street or driveway.

58.

A minimum of 5 public ADA access points to the park shall be provided.

59.

Educational signage shall be used to describe the ecosystem benefits of the rain gardens located in the park.

60.

Each rain garden located in the park will have one bench located along the perimeter.

61.

Excluding the underground rainwater cistern, rain gardens located in the park will be limited to a maximum of 0.9 surface acres.

62.

The PUD proposed to comply with the following City of Austin Dark Sky regulations:
 - Use of low Kelvin rated lights (3000 Kelvin or less) for outdoor lighting.
 - Outdoor lighting shall be shielded so that neither the light fixture's light source nor the lens may be visible from a distance less than the mounting height of the fixture.
 - Focus light on activity appropriate lighting.

63.

Subject to approval by the city and adequate conveyance, the PUD commits to provide water quality treatment for up to 1.4 acres of off-site developed area.

Submitted: July 24, 2019

Updated: June 26, 2020

Updated: October 12, 2020

Updated: April 14, 2021

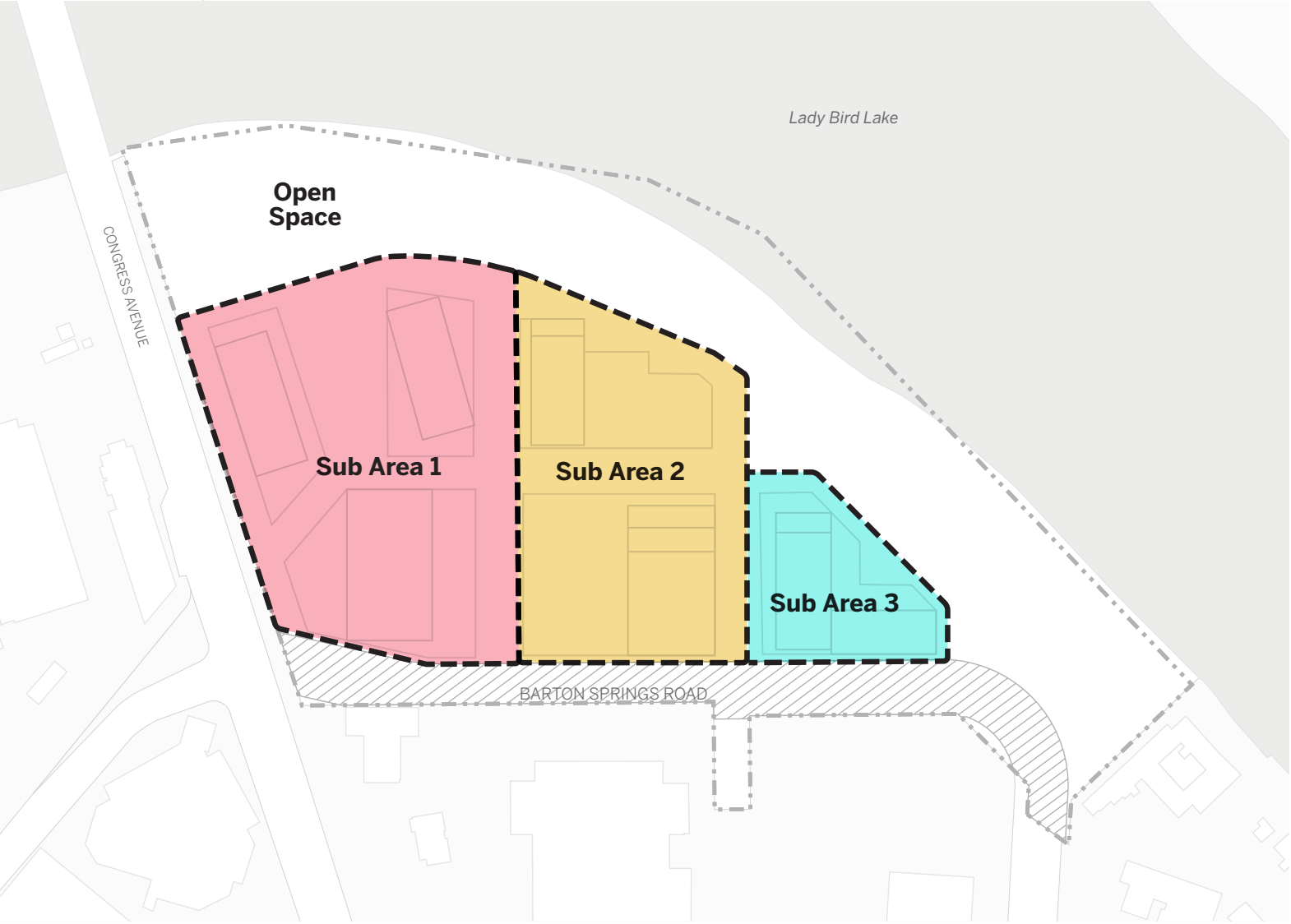
Updated: July 9, 2021

Updated: December 7, 2021

8 / 8

CASE NUMBER: C814-89-0003.02

Sub Area Height Map



- Sub Area 1**
Maximum Building Height: 525'
- Sub Area 2**
Maximum Building Height: 485'
- Sub Area 3**
Maximum Building Height: 250'



ENVIRONMENTAL COMMISSION MOTION 20211006 003a

Date: October 6, 2021

Subject: 305 South Congress Planned Unit Development, C814-89-0003.02

Motion by: Kevin Ramberg

Seconded by: Rick Brimer

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting amendment to existing Planned Unit Development (PUD) from 1989;

WHEREAS, the Environmental Commission recognizes the proposed PUD would require six environmental code modifications as noted in the staff presentation; and

WHEREAS, the Environmental Commission also recognizes that staff considers the current proposal as not environmentally superior and thus not recommended. However, staff would recommend the PUD amendment, if fifteen staff conditions were met.

THEREFORE, the Environmental Commission does not recommend the requested amendment to the existing PUD at this time. However, the Commission recommends staff continue to work with the applicant to negotiate unresolved superiority items, Environmental Commission concerns and staff concerns. In the future, the Environmental Commission may recommend the PUD amendment with the following:

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

6. Section 25-8-367 is modified to allow the administrative approval of the steps on the shoreline as opposed to seeking Council approval as required by code.

Staff Conditions:

1. Except for items listed in the amended ordinance, the PUD will be subject to the code at the time of site plan application.
2. Dedicate by deed the area of approximately 6.53 acres as public parkland located along the Lady Bird Lake frontage; and 1.59 acres of parkland easements. The parkland and easements shall not be restricted.
3. Provide public equitable access from South Congress Right Of Way to the Hike and Bike trail that does not force visitors through the development.
4. Provide \$100 over what is required per unit by current code to build park amenities.
5. Complete a Parkland Improvement Agreement that includes maintenance for the water quality ponds located within the parkland.
6. Move and narrow the proposed pier to a location that does not impact existing trees.
7. Relocate the trail a minimum of 25' from the crest of the slope along the shoreline except at approved shoreline access points and restore the area between the shoreline and trail with riparian or wetland vegetation. Protect shoreline and vegetation with a split rail fence.
8. Eliminate redundant paths or trails within the critical water quality zone and reduce proposed impervious cover within the CWQZ to 5%, this number will include proposed concrete sidewalks.
9. Preserve or transplant 100% of all Heritage trees and preserve 77% of tree overall on-site.
10. Provide 1,000 cubic feet of soil for street trees, can be shared by a maximum of two trees.
11. Proposed trees and shrubs shall be native or adaptive to Central Texas.
12. Provide water quality for all phases of the PUD project.
 - A. The project shall capture the maximum amount of stormwater within the project through cisterns, use this water within the building per Water Forward goals and rain gardens located along the extension of Barton Springs Road to treat ROW.
 - B. Water quality located within the CWQZ will utilize rain gardens that are integrated with the Hike and Bike trail.
13. Connect to and use Austin Water Utility reclaimed water for all non-potable water use within the project.
14. Demonstrate that the building design will reduce the potential for bird/building collisions by using glass with a reflectivity of 15% or less.
15. Enhance City of Austin Dark Sky regulations by adding the following requirements:
 - A. Require warm light: Low Kelvin rated lights (3000 Kelvin or less) are warm and emit less harmful blue-violet light than high Kelvin rated.
 - B. Shielding: outdoor lighting shall be shielded so that the luminous elements of the fixture are not visible from any other property. Outdoor lighting fixtures are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements.
 - C. Set a Total Outdoor Light Output: maximum lumens allowed per net area
 - Nonresidential property: 100,000 lumens/net acre
 - Residential property: 25,000 lumens/net acre
 - D. Prevent light trespass: Focus light on activity and use activity appropriate lighting.

and the following Environmental Commission Conditions:

1. Reduce structures extending into Lady Bird Lake (i.e. pier, boardwalk, or others) to less than 30 feet from the adjacent shoreline;

2. The Applicant will work with City staff to explore relocating pier in a manner that is less impactful to trees and will minimize erosion;
3. Remove the fenced water quality pond immediately adjacent to South Congress Avenue; and
4. The Applicant continues to consult with Bat Conservation International as the project is built out in the development phases.

VOTE 9-0

For: Bedford, Qureshi, Scott, Thompson, Barrett Bixler, Bristol, Ramberg, Guerrero, and Brimer

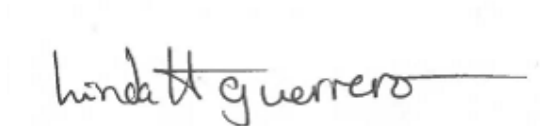
Against: None

Abstain: None

Recuse: Coyne

Absent: None

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Linda Guerrero, Environmental Commission Chair



BOARD/COMMISSION RECOMMENDATION

South Central Waterfront Advisory Board

Recommendation Number: (20211018-3d): Resolution Recommending the 305 South Congress
"Statesman" Planned Unit Development (PUD) Application

Brief Description: The South Central Waterfront Advisory Board (SCWAB) held a public meeting on October 18, 2021 to consider a Planned Unit Development (PUD) proposal for 305 South Congress Avenue. The SCWAB passed this resolution which recommends that the City Council approve this PUD, pending detailed conditions of approval. The rationale, recommendation and conditions of approval are contained in the resolution below.

WHEREAS, the South Central Waterfront Vision Framework Plan (SCW Plan) has been adopted by the City Council as an amendment to Imagine Austin; and

WHEREAS, the 2016 SCW Plan established a consolidated vision and provides a cohesive set of recommendations to guide public and private investment in the South Central Waterfront over the next two decades. The vision presented in the 2016 SCW Plan is grounded in economic, environmental, and spatial analyses and provides a starting point for mutually beneficial collaboration between the City of Austin and its constituents: residents, property owners, and developers. More importantly, the 2016 SCW Plan served as the beginning of a larger city-led effort to ensure that, as this area evolves, every increment of investment by the City and its partners will contribute to making this a great new district by creating a districtwide network of connected green streets, parks, trails, and public spaces, as well as 20 percent of the new housing affordable (approximately 530 units); and

WHEREAS, the SCW Plan established a conceptual framework for allowing site-specific entitlement enhancements in exchange for on-site-and-districtwide community benefit contributions; and

WHEREAS, the SCW Plan forecasts that this conceptual framework could achieve the SCW Vision of; and

WHEREAS, the SCW Plan recommends a series of implementation steps that include development and adoption of regulations and financial tools which will provide pathways to achieve the SCW Plan Vision; and

WHEREAS, the implementation steps listed above have not yet been adopted by the City of Austin; and

WHEREAS, the 305 South Congress Planned Unit Development (PUD) will serve as the catalyst redevelopment project within the SCW district, and is currently seeking recommendations from the various City Commissions prior to seeking approval from City Council; and

WHEREAS, the applicant (Endeavor) has used the SCW Plan as the basis of this PUD proposal in order to both pursue the additional entitlements that are projected for this site, as well as to provide the community benefits contributions that are intended; and


WHEREAS, the South Central Waterfront Advisory Board (SCWAB) was established by the City Council, as recommended in the SCW Plan, in order to provide the City Council with recommendations for implementing the SCW Plan;

NOW THEREFORE BE IT RESOLVED, that the South Central Waterfront Advisory Board of the City of Austin finds the 305 South Congress PUD to be generally, in conformance with the spirit and intent of the South Central Waterfront Vision Plan and recommends the project move forward to both the Planning Commission and the City Council with the following conditions:

1. The applicant continues to work with staff to resolve the conditions requested by both the Environmental Commission and the Parks Board.
2. The City Council and the City Manager are to provide recommendations and a proposal for enacting the SCW Public Improvement District (SCW-PID) as part of the Downtown Public Improvement District (DPID), managed by the Downtown Austin Alliance, within 60 days.
3. The applicant's request to join and be accepted into the Downtown PID prior to receiving approval for its PUD application from City Council and present to the Council the amount of the assessment to be contributed by the property every year.
4. The City Council direct the City Manager to commence necessary studies and prepare a draft ordinance and vote to finalize the creation of the SCW Tax Increment Finance District (SCW-TIF), the Regulating Plan, and the creation of a South Central Waterfront subcommittee of the Austin Economic Development Corporation as recommended by the SCWAB as part of its prior actions within 60 days.
5. The applicant continues to work with the Austin Transportation Department to realize the transportation vision that was originally outlined in the SCW Plan, prioritizing non-car modes.
6. The applicant will further investigate the possibility of retaining the public access that is currently used from the Congress Avenue Bridge to the trail.
7. The applicant keeps the 4 percent requirement of affordability for their development and works with staff to incorporate and maximize the amount of affordable housing should other funding sources, such as a TIF or other methods, be made available in the future.

Date of Approval: October 18, 2021

Record of the vote: 5 yes
1 abstention
1 recusal
2 absent


Attest: 

Samuel Franco, Chair



MEMORANDUM

TO: Jerry Rusthoven, Chief Zoning Officer
Austin Housing and Zoning Department

FROM: Kimberly A. McNeeley, M.Ed., CPRP, Director 
Austin Parks and Recreation Department

DATE: November 24, 2021

SUBJECT: 305 S. Congress Planned Unit Development Amendment/Statesman PUD

Parks and Recreation Department staff reviewed the 305 S. Congress Planned Unit Development Amendment, also known as the Statesman PUD, from the time of submittal, through various updates. On August 31, 2021, the applicant invoked Section 25-2-282(E) of the City Code, which required the initiation of the Boards and Commission process for the PUD.

Using the last update submittal of the PUD as a starting point, staff brought the PUD forward to the Parks and Recreation Board on September 28, 2021. With regard to Parkland, staff found the PUD to be Fair but not Superior and presented a list of items that would need to be worked through in order to gain superiority.

At the September 28th, 2021, meeting, the Board voted to not recommend the PUD amendment as superior with regards to Parkland and directed staff to continue working with the applicant to negotiate unresolved superiority items and Board concerns.

At the October 26th, 2021, Board meeting, board members voted to clarify and amend the minutes related to the 305 S. Congress Planned Unit Development Amendment to read as follows:

Board Member Cottam Sajbel made a motion to recommend that the Statesman PUD, the 305 S. Congress PUD, is not superior with further recommendation for staff to continue to work with the applicant to negotiate the items listed in the resolution which include the following Board and Department items:

Parks and Recreation Board Items

- Signature parkland must be properly deeded to the City of Austin, rather than left as easement in the PUD amendment, and the deeding of that parkland must be triggered by specific deadlines or progress in new development.
- Parkland dedicated to the City must be approximately nine acres. Six of the acres offered in the PUD Amendment are on land that is unbuildable, due to the waterfront overlay.
- Control over programming of the public parkland and trail must be awarded to the City of Austin, for public transparency.

- The Grand Staircase, with ADA compliance, must remain located next to Ann Richards Congress Avenue Bridge for public visibility and access to the parkland.
- Retention ponds with runoff from the development must be mitigated; As currently shown, one large pond under the bats would be deep enough to require fencing, and all three retention ponds locate runoff from the development on public land, taking valuable land from the signature park.
- The proposed 70-foot landing must be moved away from the sensitive area below the bats and shortened to 30 feet, the length required by the ordinance governing building on Lady Bird Lake.
- The trail must be adjusted according to recommendations set by the recently completed Safety and Mobility Study.
- Parkland dedication must increase by 20% per unit, as developers propose additional height and density, in addition to the full nine acres designated in the approved Vision Plan.
- The PUD amendment must provide for appropriate parkland amenities, such as playscapes.
- The PUD must comply with the updated land development code and with the codified rules and regulations for the South Central Waterfront.

Parks and Recreation Department Items

1. Land Dedication
 - a. Dedicate by deed as public parkland at least 6.78 acres along Lady Bird Lake.
 - b. Remove from deed any conditions regarding park programming.
 - c. Dedicate by park easement, granting public access at least 1.59 acres of plazas and connections; this will need to increase to include all ROW and street connections.
2. Park Development
 - a. Include investment of at least \$100 / per unit beyond current code (not expressed as a fixed amount).
 - b. Include in the PUD a park plan that commits to specific improvements.
 - i. Committed to even if they are beyond investment in A, above.
 - ii. Tied to and triggered by a phase of development.
3. Triggering
 - a. Set trigger for full dedication of park segments.
 - b. Trigger for each phase, in the first half of each phase.
4. Circulation
 - a. Provide pedestrian access from S. Congress to trail and bat viewing area that is fully public, direct, and ADA accessible. (Great Steps does not meet all criteria).
5. Water
 - a. Remove pond from bat viewing area.
 - b. Demonstrate an amenitized design for ponds and rain gardens within parkland.
 - c. Include in PUD, cap on square footage of ponds in park area.
6. Land Uses
 - a. Remove the following land uses permitted in parkland: Personal Services, Personal Improvement Services, Pet Services.

Chair Lewis seconded the motion. The motion passed on a vote of 6-1 with Board Member Rinaldi abstaining, Board Member Hugman absent and two vacancies. Those voting aye were: Chair Lewis, Board Members Barnard, Cottam Sajbel, Di Carlo, Faust and Taylor. Those voting nay were Board Member DePalma.

The staff identified items are listed below. There are some similarities between the staff items and the Board list. Staff has continued to work with the applicant. This work included notating items on which agreement has been reached and others where additional ideas have been raised or clarification

needed. These notes are underlined below. The Department requests that the Planning Commission also endorse the Parks and Recreation staff's items, including any agreements reached, and that Council ensure all of these items are contained within the final PUD ordinance.

Based on and inclusive of all items listed below, the Department staff find the PUD to be superior with regards to Parkland.

1. Land Dedication:

A. Dedicate by deed as public parkland at least 6.78 acres along Lady Bird Lake.

This number has been corrected to a minimum of 6.53 acres; the previous 6.78 figure included the area of a pier and boardwalk. The minimum required dedication is 6.53 acres, comprised of 1.6 acres of unencumbered land (i.e. outside of the Critical Water Quality Zone and easements) at 100% credit; 4.07 acres of encumbered land (i.e. in the Critical Water Quality Zone) at 50% credit; and 0.86 acres of inundated land at 0% credit. This does not count parkland easements, addressed below. These acreages are listed as minimums with the idea that they can increase, but not decrease through the process of development, and if any areas are subtracted from, that an equivalent credited areas would be added.

The current plan provides credit for 250 units (see attached spreadsheet); any additional parkland dedicated will receive credit according to the same formulas. Land requirements beyond the land proposed for dedication will be converted to fees in lieu. PARD would convert those fees in lieu fees to development fees which can be accounted for and spent on park improvements.

B. Remove from deed any conditions regarding park programming.

The applicant agrees to and would like to ensure that they have a say in programming via an enforceable agreement, such as a Parkland Improvement Agreement, or similar instrument. The Parks and Recreation Department will provide this agreement, separate from the PUD or parkland dedication process.

C. Dedicate by park easement, granting public access at least 1.59 acres of plazas and connections; this will need to increase to include all ROW and street connections.

The applicant agrees to this. The easement area will include all connections to the ROW; the Great Steps; and proposed parkland areas that would be above a (below grade) parking garage.

2. Park Development

A. Include investment of at least \$100 / per unit beyond current code (not expressed as a fixed amount).

The applicant agrees to this. This item refers to the Park Development Fee and is not inclusive of any parkland fees in lieu. This park investment will be used to construct items including but not limited to park amenities; rough grading; sod and revegetation; and irrigation.

B. Include in the PUD a park plan that commits to specific improvements.

i. Committed to even if they are beyond investment in A, above.

It is understood that the park exhibit shows entitlements to construct, but NOT commitments to build. Improvements will be built using park development fees, and remaining parkland fees in lieu. In addition, innovative economic tools such as a TIRZ can used to fund park improvements, although this is outside the purview of the PUD.

ii. Tied to and triggered by a phase of development.

See 2Bi above.

3. Triggering

A. Set trigger for full dedication of park segments.

The applicant has split the site area into 3 phases (see phasing plan). The parkland segment for each phase will be dedicated prior to the issuance of the Certificate of Occupancy for the northernmost building(s) in each phase. PARD has agreed to this.

B. Trigger for each phase, in the first half of each phase.

See 3A, above.

4. Circulation

A. Provide pedestrian access from S. Congress to trail and bat viewing area that is fully public, direct, and ADA accessible. (Great Steps does not meet all criteria).

Applicant has agreed to provide public ADA access via the Great Steps, and to provide a minimum of 5 ADA access points to the trail and parkland throughout the site. Other ADA access points will be from each location where the ROW intersects or touches proposed parkland or park easement.

5. Water

A. Remove pond from bat viewing area.

The applicant has agreed to create an underground rainwater cistern in this location, which will replace the former plan for an above ground pond. Maintenance of the cistern and the rainwater gardens will be performed and paid for by the owner at their expense.

B. Demonstrate an amenitized design for ponds and rain gardens within parkland.

The applicant has agreed to make all ponds (with the exception of the underground cistern) into Rain Gardens. Per the applicant, rain gardens will include 30+ species of native pollinator plants and will be managed to <5% invasive species. Applicant commits to adding educational signage to describe the ecosystem benefits and benches on the perimeter of the gardens. All water quality controls will be green infrastructure and designed in accordance with the Environmental Criteria Manual design specifications. This is acceptable to the Parks and Recreation Department.

C. Include in PUD, cap on square footage of ponds in park area.

The applicant has set forth a cap of 0.9 acres of pond surface area, which does not include the underground cistern. This is acceptable to PARD.

6. Land Uses

A. Remove the following land uses permitted in parkland: Personal Services, Personal Improvement Services, Pet Services.

The applicant has agreed to set land use regulations in Area 1 as equivalent to the "P" zoning category. This is acceptable to the Parks and Recreation Department.

The Board's additional items are as follows:

- Signature parkland must be properly deeded to the City of Austin, rather than left as easement in the PUD amendment, and the deeding of that parkland must be triggered by specific deadlines or progress in new development.

The applicant has agreed to this. At least 6.53 acres will be fully deeded, and at least 1.59 acres will be dedicated by easement.

- Parkland dedicated to the City must be approximately nine acres. Six of the acres offered in the PUD Amendment are on land that is unbuildable, due to the waterfront overlay.

The applicant has not agreed to this. See commitments above.

- Control over programming of the public parkland and trail must be awarded to the City of Austin, for public transparency.

The applicant has agreed to this and has also requested a Parkland Improvement Agreement or similar instrument to be involved in decision making for the adjacent park.

- The Grand Staircase, with ADA compliance, must remain located next to Ann Richards Congress Avenue Bridge for public visibility and access to the parkland.

The applicant has not agreed to this, but as an alternative has agreed to provide ADA access via the Great Steps.

- Retention ponds with runoff from the development must be mitigated; As currently shown, one large pond under the bats would be deep enough to require fencing, and all three retention ponds locate runoff from the development on public land, taking valuable land from the signature park.

See 5A, B, and C, above.

- The proposed 70-foot landing must be moved away from the sensitive area below the bats and shortened to 30 feet, the length required by the ordinance governing building on Lady Bird Lake.

The applicant has not agreed to this, and discussions related to this item are best addressed by another City Department.

- The trail must be adjusted according to recommendations set by the recently completed Safety and Mobility Study.

The applicant agrees and is committed to reconstructing the approximately 1,700 linear feet of trail to the best practice standards from the Final Report of the Safety & Mobility Study commissioned by The Trail Foundation.

- Parkland dedication must increase by 20% per unit, as developers propose additional height and density, in addition to the full nine acres designated in the approved Vision Plan.

See 2A, above.

- The PUD amendment must provide for appropriate parkland amenities, such as playscapes.

See 2B, above.

- The PUD must comply with the updated land development code and with the codified rules and regulations for the South Central Waterfront.

The applicant has not agreed to this. If approved, the PUD will be the regulating document.

Based on and inclusive of all items listed above, the Department finds the PUD to be superior with regards to parkland. Through negotiation and compromise the end product provides benefit to the community.

If you have any questions, please reach out to my office at (512) 974-6717.

cc: Liana Kallivoka, PhD, PE, LEED Fellow, Assistant Director
Lucas Massie, M.Ed., CPRP, Assistant Director
Suzanne Piper, DBA, Chief Administrative Officer
Ricardo Soliz, Division Manager, Park Planning
Randy Scott, Program Manager, Park Planning
Scott Grantham, Planner Principal, Park Planning

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Travis Heights	RATING: Met Standard
ADDRESS: 2010 Alameda Drive	PERMANENT CAPACITY: 524
% QUALIFIED FOR FREE/REDUCED LUNCH: 58.73%	MOBILITY RATE: 7.7%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	470	464	470
% of Permanent Capacity	90%	89%	90%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	506	459	465
% of Permanent Capacity	97%	88%	89%

MIDDLE SCHOOL: Lively	RATING: Met Standard
ADDRESS: 201 E. Mary Street	PERMANENT CAPACITY: 1,078
% QUALIFIED FOR FREE/REDUCED LUNCH: 45.91%	MOBILITY RATE: 53.3%

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	728	620	627
% of Permanent Capacity	68%	58%	58%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,116	1,043	1,050
% of Permanent Capacity	104%	97%	97%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: _____

ADDRESS/LOCATION: 305 S. Congress Ave.

CASE #: C-814-89-0003.02

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 1,378 STUDENTS PER UNIT ASSUMPTION
Elementary School: .004 Middle School: .005 High School: .003

IMPACT ON SCHOOLS

The student yield factor of 0.012 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other multi-family complexes that share similar qualities to the proposed development. Research indicates market rate apartment complexes (or complexes that are significantly market rate) of similar size that were constructed within the last five years within a few mile radius of the proposed development do not yield many students.

The 1,378-unit multifamily development is projected to add approximately 17 students across all grade levels to the projected student population. It is estimated that of the 17 students, 6 will be assigned to Travis Heights Elementary School, 7 to Lively Middle School, and 4 to Travis Early College High School.

The percent of permanent capacity by enrollment for SY 2024-25, including the additional students projected with this development, would be below the target range (85-110%) at Travis ECHS (70%), and within the target range at Travis Heights ES (89%) and Lively MS (97%). The projected additional students at Travis ECHS school would not offset the anticipated decline in student enrollment (due to demographic shifts in the area). All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Travis Heights ES, Lively MS, and Travis ECHS are located within 2 miles of the proposed development, therefore students would not qualify for transportation unless a hazardous route condition was identified.

SAFETY IMPACT

At this time, there are not any known safety impacts.

Date Prepared: 08/18/2020

Executive Director: Beth Wilson

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Travis	RATING: Met Standard
ADDRESS: 1211 E. Oltorf Street	PERMANENT CAPACITY: 1,784
% QUALIFIED FOR FREE/REDUCED LUNCH: 58.75%	MOBILITY RATE: -25.5%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,586	1,495	1,499
% of Permanent Capacity	89%	84%	84%

ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,181	1,237	1,241
% of Permanent Capacity	66%	69%	70%

Signature: Beth Wilson

Email: beth.wilson@austinisd.org






EIS - 305 S. Congress Ave.

Final Audit Report

2020-08-18

Created:	2020-08-18
By:	Lydia Venegas (lydia.venegas@austinisd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOI1H3cMgs_R2LYHujuT4qAQLrqOHQLi7

"EIS - 305 S. Congress Ave." History

-  Document created by Lydia Venegas (lydia.venegas@austinisd.org)
2020-08-18 - 7:58:15 PM GMT- IP address: 108.238.242.10
-  Document emailed to Beth Wilson (beth.wilson@austinisd.org) for signature
2020-08-18 - 7:59:18 PM GMT
-  Email viewed by Beth Wilson (beth.wilson@austinisd.org)
2020-08-18 - 9:34:27 PM GMT- IP address: 136.49.137.177
-  Document e-signed by Beth Wilson (beth.wilson@austinisd.org)
Signature Date: 2020-08-18 - 9:34:59 PM GMT - Time Source: server- IP address: 136.49.137.177
-  Signed document emailed to Beth Wilson (beth.wilson@austinisd.org) and Lydia Venegas (lydia.venegas@austinisd.org)
2020-08-18 - 9:34:59 PM GMT



Carbon Impact Statement

Project:

59 of 75

Scoring Guide:

1-4: Business as usual

5-8: Some positive actions

9-12: Demonstrated leadership



	Response: Y=1, N=0	Documentation: Y/N
<u>Transportation</u>		
T1: Public Transit Connectivity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T2: Bicycle Infrastructure	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T3: Walkability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T4: Utilize TDM Strategies	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T5: Electric Vehicle Charging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
T6: Maximize Parking Reductions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Water + Energy</u>		
WE1: Onsite Renewable Energy	<input type="checkbox"/>	<input type="checkbox"/>
WE2: Reclaimed Water	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Land Use</u>		
LU1: Imagine Austin Activity Center or Corridor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
LU2: Floor-to-Area Ratio	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Food</u>		
F1: Access to Food	<input type="checkbox"/>	<input type="checkbox"/>
<u>Materials</u>		
M1: Adaptive Reuse	<input type="checkbox"/>	<input type="checkbox"/>
<u>Total Score:</u>		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: Brief description of project, further explanation of score and what it means



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

Eric Cassady, President
Dan Fredine, Vice President
Oliver Caruso, Treasurer
Mary Friedman, Secretary
Carol Martin, Membership Secretary

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

June 8, 2019

RE: South Central Waterfront Vision Framework Plan Implementation

Dear Mayor Adler and Council Members:

With the news that master developer, Endeavor, will soon announce its plans for the largest parcel in the South Central Waterfront, the Austin American Statesman tract, South River City Citizens urges the immediate and unimpeded implementation of the South Central Waterfront Vision Framework Plan <<http://www.austintexas.gov/departments/lady-bird-lake-waterfront-special-project>> as adopted by the Austin City Council in June 2016.

Public private partnerships, financial tools, and governance must be in place in order to insure that the vastly increased development entitlements, which would allow buildings as tall as 400' in an area currently zoned for 60', result in community benefits which include open space, affordable housing and green infrastructure.

Our neighborhood association has devoted many years to the South Central Waterfront Initiative yet remains uncertain about the value of our participation if the city cannot implement the plan it adopted.

Sincerely,

Eric Cassady
President

CC: Spencer Cronk



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Austin TX 78704
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Dan Fredine, Vice President
Oliver Caruso, Treasurer
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Austin City Council
City Hall
301 W. 2nd St.
Austin, TX 78701

September 16, 2019

RE: SRCC resolution regarding the proposed administrative amendment to City Ordinance No. 890720-E, known informally as the Statesman PUD, located at 305 S. Congress Avenue, Austin, Texas.

Dear Mayor Adler and Councilmembers,

On September 2, 2019, the South River City Citizens Neighborhood Association voted to adopt the following resolution regarding the proposed Statesman PUD amendment:

RESOLUTION OF THE SRCC

A Resolution regarding the proposed administrative amendment to City Ordinance No. 890720-E, known informally as the Statesman PUD, located at 305 S. Congress Avenue, Austin, Texas.

Whereas, on June 16, 2016, the City Council adopted the South Central Waterfront Vision Framework Plan (the Plan), a land redevelopment plan that includes 305 S. Congress and that had input and approval by the South River City Citizens Neighborhood Association (SRCC); and

Whereas, the proposed amendment requests building heights and densities that significantly exceed those allowed by the Plan; and

Whereas, City staff is in the process of updating certain aspects of the Plan that may change how the proposed amendment does or does not comply with it, and the proposed updated Plan is scheduled to be available in the fall 2019.

Now, therefore, SRCC resolves to support the following positions:

1. That City staff grant no entitlements to 305 S. Congress other than those permitted by the Plan until the updated Plan has been adopted by City Council.
2. That City staff allow SRCC to have review and input into the proposed updated Plan before it is adopted by City Council.
3. That City staff work with SRCC towards a Statesman PUD amendment that complies with the adopted updated Plan and that ensures adequate community benefits for any additional entitlements.

Voted this 2nd of September, 2019.

SRCC continues to believe that the partnerships, tools and governance established by the South Central Waterfront Vision Framework Plan are essential to the success of this project for all stakeholders.

Thank you for your time and attention to this matter.

Sincerely,



Eric Cassady
President



CC: Jerry Rusthoven, Asst Director Planning & Zoning
Fayez Kazi, Planning Commission Chair
Carmen Llanes Pulido, District 9 Planning Commissioner
Kate Clark, Planning Commission Case Manager
Alan Holt, Planning and Zoning Department
Richard T. Suttle Jr., Armbrust & Brown, PLLC

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: C814-89-0003.02

Contact: Kate Clark, 512-974-1237

Public Hearing: December 17, 2019, Planning Commission

JOE WILLIE MCALLISTER

Your Name (please print)

☒ I am in favor
☐ I object

201 BARTON SPRINGS ROAD

Your address(es) affected by this application

Joe Willie McAllister

Signature

11-25-19

Date

Daytime Telephone: (512) 784-1134

Comments: KNOWING THAT ENDEAVOR WILL
BE THE DEVELOPER, I KNOW THE
PROJECT WILL BE OF THE HIGHEST
QUALITY POSSIBLE, AND WILL CONTRIBUTE
TO THE COMMUNITY AS A "LANDMARK"
IN ALL RESPECTS.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Kate Clark

P. O. Box 1088

Austin, TX 78767-8810

Clark, Kate

From: Paula Kothmann
Sent: Tuesday, December 17, 2019 11:20 AM
To: Meredith, Maureen; Clark, Kate
Cc: Paula Kothmann
Subject: Opposition to zoning and PUD requested change
Attachments: 305 S. Congress SCC resolution 07_13_2019.pdf

*** External Email - Exercise Caution ***

Dear Ms. Meredith and Ms. Clark:

SRCC has voted to oppose any change in zoning for 305 S. Congress at this time.

We are also waiting for a Traffic Impact Analysis.

I do not expect that the item will be discussed today but in case it does I will be opposing and I will have backup materials to post to the Web site.

Thank you,

Paula Kothmann

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

South Central Coalition (ANC sector 7) Resolution Concerning:

Proposed Planned Unit development (PUD) amendment for 305 South Congress (Austin American Statesman site) by the Endeavor Real Estate Group and the Atlanta based Cox family.

Whereas: The construction of the Austin Hyatt Hotel in the early 1980's on the south shore of then Town Lake resulted in city wide concerns about the scale and location of new buildings that could negatively encroach on the scenic vistas and open space along the Colorado River corridor, and

Whereas: The Austin City Council established The Town Lake Task Force that recommended the 1985 Town Lake Corridor Study adopted by the City Council on October 24, 1985, calling for zoning changes that “ Improved zoning in the Town Lake Corridor ...” and

Whereas: This recommendation adopted by the City Council on July 17, 1986, resulted in the City of Austin's “Waterfront Overlay Combining District” (WO) that clearly defined the site development standards for all properties along the river corridor and

Whereas: The purpose of the WO zoning change was to “provide a more harmonious interaction and transition between urban development and the parkland and shoreline of Town Lake and the Colorado River.” The site development standards for new construction called for stepping back from the water's edge and for building to step down so as to respect the scenic vistas around the lake front.

Whereas: The WO called out the base zoning (maximum heights and primary and secondary setbacks) to achieve the protection of the scenic vistas and open space that was recognized as the most important community asset. However the WO also included the recognition of other community goals that could possibly be achieved with density bonus provisions to allow for more development if these additional community benefits (more open space, affordable housing, community access to parkland, etc) are provided but also included absolute maximum heights and minimum allowable setbacks for the shore line, and

Whereas: The City Council authorized the creation of the ‘Town Lake Park’ Comprehensive plan in 1987 that stated that “ Building massing should demur to open spaces, avoiding clashes of scale.”

Whereas: The 1999 “plain English and non-substantive” rewrite of Austin Land Development Code resulted in the removal of the density bonus provisions and the absolute height limits. Due to this error the City Council subsequently appointed the “Waterfront Overlay Task Force” which recommended that the maximum height limits and primary and secondary setbacks from the shoreline be re-established. These provisions were then re-instated into the zoning code by City Council Action.

Whereas: The South Central District is a part of the Waterfront Overlay Ordinance and a community task force was created to review the planning for this sub district and made recommendations to allow additional building heights and massing in excess of the WO density

bonus provision if the entire district was governed by a “regulating and financial plan” as part of a comprehensive plan for the sub district, and

Whereas the project developers are requesting even more height and massing without the associated regulating and financial plan in place.

Therefore, be it resolved that the South Central Coalition of Neighborhoods recommends to the South Central Waterfront Advisory Group that they withhold any recommendations on the 305 S. Congress PUD amendments until such time as the regulating plan and financial plan have been completed and adopted by the city Council.

Be it further resolved that the South Central Coalition of Neighborhoods recommends to the Austin Planning Commission that they defer action on any PUD amendment request for the 305 S. Congress project until the regulation and financial plans are completed and adopted by the City Council.

Resolution approved this day, Saturday, July 13, 2019.

December 17, 2019

Re: SRCC Neighborhood Association opposition to requests by 305 S. Congress Ave.

Dear Mr. Rusthoven:

I am following up on our meeting called by Planning and Zoning designed to receive Community Input on Oct 30, 2019. Below please find notes, which should be included in the record.

Recently, Kevin Shunk presented to the SRCC that the development along Lady Bird Lake will be exempt from the ban on development in the Atlas 14 floodplain and recommended that we "buy flood insurance" even as our beloved Venice suffers \$1B in damages.

We have sent a note to the Mayor demanding to know about this alleged exemption and we are fighting that decision and carefully monitoring the current level of run off in order to prepare for any evidence of more run off that affects our property. The City cannot show favoritism to a developer over the rights of property owners, who may demand compensation if their properties are damaged. The City has a duty to protect its citizens and their property from harm, such as from flooding.

1) Mr. Rusthoven, we were surprised that you were not in attendance since your office called the meeting. We were given little notice and no one asked our input on dates.

2) We asked the applicant to provide the letter from City staff to which you refer as the reason for accepting an out-of-cycle application. Please forward to us the letter that YOU received stating that the project is not subject to environmental regulations, such as the setback from the water.

(3) the person submitting the application has received a letter from the director of the appropriate City department stating that the project:

(a) is not subject to current City environmental regulations, but is proposed to be developed under current City environmental regulations;

(3) the person submitting the application has received a letter from the director of the appropriate City department stating that the project:

(a) is not subject to current City environmental regulations, but is proposed to be developed under current City environmental regulations;

4) Mr. Suttle, you wrote in your application that you believed that "industry" was a clerical error and I asked why, since you are aware that there was a printing press on the site, which is "industry". You stated, "I'm an attorney." ???

I do not ask any of my attorneys to falsify information on my behalf, nor do I allow them to do so, and I retain some of the best attorneys in the state. Please correct any misstatements in your application using actual facts. Volunteers have the right to have honest information from which to make recommendations.

5) Past President Gretchen Otto stated that SRCC, the neighborhood most impacted by the proposed project, will not consider any amendments until the SCW regulating plan is in place.

4) She also asked about the great difference in the capacity proposed in your PUD amendment. You explained that the project would not make economic sense if the owner limited its capacity to the current plan. The volunteers emphasized that economic profit is not considered a "hardship," which must be stated in the record of this meeting, so what is the hardship noted in your application?

5) We asked about the progress of the regulatory plan, and Alan explained that his consultants are working on the figures. Alan, exactly what kind of figures are the consultants working on for this project? Are they updating the costs of the "Community benefits" such as the proposed new boardwalk (by the way, there's already a boardwalk there, opening in 2014)? Exactly how much is this project costing the City, Alan? Please send the hours and fees for all consultants working on this project and another report for the Snoopy PUD aka Hooter's PUD.

6) Alan explained how we could help the project.??? We reminded him that he has the duty to ensure that the development must follow the laws and respect the property owners already there.

7) I asked Andy Pastor about parking. He stated that they plan to charge, which means that people will park in front of our houses. Amanda didn't seem to know how close we live to this tract.

8) I asked Andy Pastor what plans the project has to ensure that the concerts planned do not disturb the residents, just like he was asked several months ago when his response was "we studied how to prevent affecting the bats." He offered no update. See note regarding a concert after 11pm on a Sunday:

Hillary Bilheimer [REDACTED]
[SouthRiverAustin] [REDACTED]

H12:11 AM (17 hours ago)

to SouthRiverAustin

There was an EDM festival at the Statesman. It was so loud at our house as well. I just typed "Austin Rave November 17" into google at around 11pm because we were so baffled.

Mr. Rusthoven, we expect you to address our valid concerns and work to protect the homeowners affected by this proposed development. Our neighborhood, SRCC, already voted unanimously to deny any change in FLUM, neighborhood plan, or zoning. You should have received notice from our President. If anyone feels that I misheard what was said, please send your evidence to the contrary and I will gladly apologize. My goal is transparency.

Regards,

Paula Kothmann

Homeowner, Travis Heights and Bouldin Creek, two neighborhoods impacted heavily

Clark, Kate

From: Russell Fraser
Sent: Monday, October 26, 2020 11:38 AM
To: Rivera, Andrew
Cc: Tovo, Kathie; Holt, Alan; Clark, Kate; Meredith, Maureen
Subject: 305 S Congress Zoning Change hearing scheduled for 10/27/2020.

*** External Email - Exercise Caution ***

Mr. Rivera, I'm a member of the South River City Citizens (SRCC) neighborhood association, also chair of the Planning and Zoning Committee of that association, where the subject project is located, and I request that you add my personal comments to the hearing input, in addition to the related documents that you have should have already received from Wendy Todd, our SRCC SCWAB representative.

I do not plan to speak, but I am against any zoning change discussion or action until the following steps are completed:

- Briefly, SRCC urges immediate and unimpeded implementation of the SCW Vision Framework as adopted by Council in June 2016. "The financial and governance tools must be in place to ensure that the vastly increased development entitlements result in community benefits."¹
- South Central Coalition of Neighborhoods resolution that the "Planning Commission defer any action on any PUD amendment request for 305 S. Congress project until regulation and financial plans are completed and adopted by the City Council."²

Russell Fraser

507 Lockhart Dr
Austin, TX 78704
512-771-9736

1) SRCC letter to Austin City Council, June 8, 2019, RE: South Central Waterfront Vision Framework Implementation.

2) South Central Coalition (ANC sector 7) Resolution approved July 13, 2019, concerning: Proposed Planned Unit development (PUD) amendment for the 305 South Congress (Austin American Statesman site) by the Endeavor Real Estate Group and the Atlanta based Cox Family.

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To: Small Area Joint Planning Commission October 22, 2021

RE: Case #C814-89-0003.02 305 S. Congress PUD (Statesman PUD)

Dear Zoning and Planning Commissioners,

My name is Brooke Bailey, and I was on the Waterfront Planning Advisory Board from its inception in 2009 until it was dissolved under 10-1 in 2015 and on the South Central Waterfront Advisory Board from 2017 until 2019. I am sending this letter on behalf of several of us who have been involved with Lady Bird Lake and the Waterfront Overlay for many years and are all in agreement about the following issues with the Statesman PUD proposal.

I was Chair of the Waterfront Planning Advisory Board when the South Central Waterfront Vision Plan process was initiated and developed by Alan Holt and our Board. The process involved several years of meetings, charettes, walk-about, and other events that involved all stakeholders. Those stakeholders included landowners, neighbors, neighborhood organizations, developers (including Endeavor), and anyone else with interest in the future of the South Central Waterfront Area, which includes the Statesman property. The plan was developed and passed unanimously at Council. During the planning process all input was valued and there was no opposition from stakeholders when the final plan was released. An economist, Abe Farkas of ECONorthwest, was hired to help guide us in making sure all we were including in the plan was feasible economically, and what development trade-offs would be required to achieve the lofty goals of the plan-in other words could it be done, and could the developers still make a profit. The answer was yes. We recommend you study the data in the SCW Vision Plan, it will explain the methods and the numbers in much more detail.

Then the South Central Waterfront Advisory Board was formed in 2017 with the task of implementing the plan, of which I was elected Chair of a Board made up of people vested in the future of the South Central Waterfront. Our urgent goal was to get the Regulating Plan finished to codify the plan. At the time it was tied to CodeNext, so we went to Council several years ago, and they directed City Staff to unbind it and finish it. There was money in the budget to do this. City Staff refused to act-why I still do not understand because this was a plan that EVERYONE approved, and the Regulating Plan was 80% finished. To this day they still have not finished the Regulating Plan and the South Central Waterfront framework is not codified. We could argue that they are not following the vision framework since there is not a Regulating Plan for their site or the district, governance, and a financial mechanism in place to capture the financing required.

As you can see by my long term participation and commitment, and that of the co-signers, the citizen participation and contribution has been disrespected and disregarded. We, along with the applicant, have been engaged in the South Central Waterfront process long before the amended PUD was filed in 2019.

To be clear, we are not opposed to the redevelopment of the Statesman Property, and we understand why they are coming forward as an amended PUD due to the delays by staff. The opposition is the taking of entitlements such as height and FAR without the community benefits clearly defined (by a current market value dollar amount) which is not acceptable since public funds will need to be raised to complete amenities shown on plan.

We are encouraging Housing and Planning Department staff to be more transparent in their recommendations, especially those that disregard the existing entitlements and current regulations of the governing Waterfront Overlay Ordinance, Vertical Mixed Use Overlay, and especially the South Central Waterfront Vision Framework Plan.

The provisions of affordable housing at 4% is the minimum, not the cap, for a district plan that calls for 20% of all units. Furthermore, the Vertical Mixed Use overlay already in place for the site requires a minimum of 10% affordability for all new housing. The plan allowed for extra heights to manage for above grade, structured parking requirements within the individual building envelopes. If the parking is submerged or placed in a plinth of indeterminate height, then why have heights well above those indicated in the vision plan been approved by staff?

We believe it is of utmost importance to hold Endeavor to the recommendations of the Environmental Commission, they are much more informed about these issues, and the health of Lady Bird Lake is primary to any discussion about

development along the shore and within the Waterfront Overlay.

The applicant has not shown a valid reason not to live up to their obligation on parkland. The economic constraints put forth do not match what the economist concluded, and those calculations were based on much lower building heights and FAR. I completely concur with the resolution put forth by the Parks Board on September 28th regarding the PUD proposal vs the South Central Waterfront Vision Plan Park requirements. It is exceedingly inferior to what is required.

The Vision Plan clearly defined street widths and design, it is important that the finished streets include all the elements including accommodations for pedestrians, bicyclists, the mobility-impaired, trees and plantings, and vehicle traffic. As those plans are still being finalized, I would hope that a condition of approval will include 'street design to be completed as shown in the SCW Vision Plan.'

The South Central Waterfront Vision Plan is a good plan and should be used as the framework for the redevelopment of the Statesman Property, but this applicant seeks to take advantage of the benefits of the plan without giving back fully in community benefits or superior design. An amended PUD on this site, which takes advantage of a legacy clause, is what we were trying to avoid, but now seems unavoidable, so please hold this applicant to the same lofty standards as the plan asks for on the most important site in the Central Austin area. As we promote density in this area, Lady Bird Lake, housing for all, usable parkland, safe and shared streets, and consideration of the contribution of citizen volunteer concerns are too important to compromise on.

Respectfully,

Brooke Bailey,

Former Member and Chair of the South Central Waterfront Advisory Board & Former Member and Chair of the Waterfront Planning Advisory Board

Wendy Todd,

Former Member of the South Central Waterfront Advisory Board & Former Member of the Waterfront Overlay Task Force

Cory Walton,

Former Member of the South Central Waterfront Advisory Board and Former Member of the Waterfront Planning Advisory Board

Linda Guerrero,

Current Member of the South Central Waterfront Advisory Board

To: Planning Commission

December 6, 2021

RE: Case #C814-89-0003.02 305 S. Congress PUD (Statesman PUD)

Dear Zoning and Planning Commissioners,

My name is Brooke Bailey, and I was on the Waterfront Planning Advisory Board from its inception in 2009 until it was dissolved under 10-1 in 2015 and on the South Central Waterfront Advisory Board from 2017 until 2019. I am sending this letter on behalf of several of us who have been involved with Lady Bird Lake and the Waterfront Overlay for many years and are all in agreement about the following issues with the Statesman PUD proposal.

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As you can see by my long term participation and commitment, and that of the co-signers, the citizen participation and contribution has been disrespected and disregarded. We, along with the applicant, have been engaged in the South Central Waterfront process long before the amended PUD was filed in 2019.

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We are encouraging staff to be more transparent in their recommendations, especially those that disregard the existing entitlements and current regulations of the governing Waterfront Overlay Ordinance, Vertical Mixed Use Overlay, and especially the South Central Waterfront Vision Framework Plan.

The provisions of affordable housing at 4% is the minimum, not the cap, for a district plan that calls for 20% of all units. Furthermore, the Vertical Mixed Use overlay already in place for the site requires a minimum of 10% affordability for all new housing. The plan allowed for extra heights to manage for above grade, structured parking requirements within the individual building envelopes. If the parking is submerged or placed in a plinth of indeterminate height, then why have heights well above those indicated in the vision plan been approved by staff?

The Environmental Commission is extremely concerned about protecting the shoreline and vegetation, minimizing erosion, and impact to trees. Furthermore, Environmental Commission requests that the Applicant continue to consult with governmental and conservation organizations for best practices to insure the health of the Austin bat colony.

We believe it is of utmost importance to hold Endeavor to the recommendations of the Environmental Commission, they are much more informed about these issues, and the health of Lady Bird Lake is primary to any discussion about development along the shore and within the Waterfront Overlay.

The applicant has not shown a valid reason not to live up to their obligation on parkland. The economic constraints put forth do not match what the economist concluded, and those calculation were based on much lower building heights and FAR. I completely concur with the resolution put forth by the Parks Board on September 28th regarding the PUD proposal vs the South Central Waterfront Vision Plan Park requirements. It is exceedingly inferior to what is required.

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Respectfully,

Brooke Bailey,

Former Member and Chair of the Waterfront Overlay Advisory Board & Former Member and Chair of the South Central Waterfront Advisory Board

Wendy Todd,

Former Member of the South Central Waterfront Advisory Board

Cory Walton,

Former Member of the Waterfront Overlay Advisory Board & Former Member of the South Central Waterfront Advisory Board

Linda Guerrero,

Current Member of the South Central Waterfront Advisory Board as a representative of the Environmental Commission

Francois Luca

Former Member of the South Central Waterfront Advisory Board as a representative of the Parks and Recreation Board

December 7, 2021

Todd Shaw, Chair Austin Planning Commission and Carmen Llanes Pulido, D9 Planning Commissioner

RE: NPA-2019-0022.02 for 305 S. Congress Ave

Dear Chair Shaw and Commissioner Llanes Pulido,

The Greater South River City NPCT has not had a chance to review the voluminous input from the South Central Waterfront Advisory Board to the Planning Commission on this case.

Since the SCW Regulating Plan has not been adopted and the applicant is seeking increased entitlements, the NPCT's 2019 opposition to the FLUM amendment has not changed.

The current Land Use was not an error as is asserted by the applicant. As I told him in July 2019 on a phone call, the Statesman owners requested that the land use remain Industrial during our 2005 Neighborhood Plan process.

When the applicant requested that staff grant an out of cycle FLUM amendment in July 2019 and stated a hardship, the out of cycle application was administratively approved without notice to the NPCT.

The rationale given later by Jerry Rusthoven for the administrative approval was that under PUD regulations, the site would be held to higher environmental standards.

In October 2019, at a meeting held by the Planning Department at which the applicant watched the Astros in the MLB playoffs on his phone, neither the applicant nor two staff members could supply answers to how those higher environmental standards would be met.

As well, the floodplain and flooding issues at the site have not been addressed as is documented by the attached comments from the FloodPlain Reviewer. And the flooding concerns in the Reviewer notes were made prior to the Atlas 14 adoption.

In the two intervening years, no less than the South Central Waterfront Advisory Board, the City of Austin Environmental Commission, the Parks Board and the Austin City Council have discussed the SCW Regulating Plan.

As recently as 2017 the SCW Regulating Plan was 80% complete. Taxpayer dollars were dedicated to the salaries of several planners who have worked on this plan for years. An outside economist was also hired with taxpayer dollars to determine the value of the requested increased entitlements and what the ROI for the taxpayer should be.

All these governmental bodies have agreed that the proposal has not met the requirements of the SCW Regulating Plan. Yet the applicant has asked for even more entitlements than in 2019 when the NPCT opposed the change in FLUM.

Until the SCW Regulating Plan is adopted and the applicant proves they can meet the higher environmental standards, there is no change to the NPCT position.

Thank you for your service to the citizens of Austin.

Elloa Mathews, Acting Chair Greater South River City NPCT

Reviewer Notes: site is located on the southeast corner of South Congress and the Colorado River (the old Statesman site). Proposed PUD amendment includes a large swath of proposed parkland along the current hike and bike trail which currently fully encompasses the 100-yr floodplain. The 100-year floodplain ranges from 440.87 at the upstream end of the site to 440.51 at the downstream end, similarly, the 25-year ranges from 432.57 to 432.17. Per included plan sheets, the shore line elevation is 429. Because site is along the Colorado River, it is not impacted by proposed Atlas 14 floodplain regulations. See internal network folder for more information.

- FP1. Per letter provided by Armbrust & Brown, PLLC, the applicant proposes to alter the LDC and the International Building code to allow development within the 25-year and 100-year floodplains. Floodplain review does not agree to this proposed code alteration for the following reasons:
- It is unclear what is being provided in return which is superior to code as is required by PUD requirements.
 - LDC Sections 25-7-93, 94, 95, and 96 all allow development within the floodplain therefore altering the LDC and the IBC to allow development within the floodplain is unnecessary. It is possible, however, that the applicant already has plans which have not been shared with this reviewer. Additional guidance or comments may be provided once additional clarification by the applicant has been supplied.
- FYI: Updated Atlas 14 floodplain regulations will not affect this site as it is adjacent to the Lady Bird Lake which is specifically being excluded from proposed code alterations. Applicant may learn more about Atlas 14 at <http://austintexas.gov/atlas14>
- FYI: As the applicant does not propose to change code outside of allowances of development within the floodplain, other floodplain regulations are expected to be met (e.g. no adverse impact, structurally able to withstand flood forces, finished floor and safe access requirements, etc.). Floodplain regulations which are to be met will be whatever requirements are valid on the date of permit application.