

305 South Congress PUD - Amendment Review

Amend #	<u>Motion Included As Proposed</u>
PC 1	Landowner shall prepare and utilize an affirmative marketing and outreach plan approved by the Director of the Housing and Planning Department consistent with US Department of Housing and Urban Development regulations.
PC 2	Landowner shall be prohibited from denying a prospective tenant housing based solely on the basis of the tenant's source of income.
PC 7	Land Use Summary: A minimum of 1,000 square feet of commercial ground floor space adjacent to the parkland or plaza shall be provided at no cost for bat education in coordination with Bat Conservation International, Austin Bat Refuge, and Merlin Tuttle's Bat Conservation.
PC 16	All affordable units shall have equal access to amenities as that provided to market rate rental units, equally functional and competently engineered, with the same accessible routes as provided to market rate rental units, and physically dispersed throughout the residential units.
PC 17	The 4% of affordable housing units on site shall include an equal mix of bedrooms as the market rate rental units.
CM KT 1	Design of the public park shall take place through a public process led by PARD.
CM KT 9	The City Manager is directed to provide all documents, financial models, ECONorthwest and other consultant work requested by Council Members during the work session related to this area's Tax Increment Refinancing Zone as soon as possible.

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Amend #	<u>Motion as Approved With Modifications</u>
PC 3	<p>4% of the commercial square footage shall be provided at affordable rates inclusive of the space dedicated to bat education. Affordable commercial rates shall be determined and approved by the City.</p> <p>Proposed: 4% of the commercial ground floor retail square footage shall be provided at 60% of market comparable to new class A retail space in a comparable location.</p>
PC 6	<p>Reflectivity of glass no more than 15% within the bottom 40 feet of the structures as measured from the proposed ground floor of each structure. Maximum 35% glass reflectivity for all other glass.</p> <p>Proposed: Reflectivity of glass no more than 15% within the bottom 40 feet of the structures that are contiguous to the 6.53 acre dedicated parkland as measured from the proposed ground floor of each structure. Maximum 35% glass reflectivity for all other glass.</p>
CM KT 2	<p>Decisions related to trail placement and setback from shoreline shall be made in conjunction with the Watershed Protection Department and shall seek to achieve a minimum of 25' setback from the edge of the shoreline wherever possible, adjusting as necessary to save protected trees.</p> <p>Proposed: Watershed Protection staff member, Liz Johnston, has reached agreement with Applicant on final trail alignment. Further, the Applicant has agreed to maintain the average distance from the trail to the edge of the shoreline to be greater than 25'. Refer to PUD Conceptual Open Space Map Exhibit for an illustration of approximate alignment.</p>
CM KT 3	<p>The project shall provide ADA access to the hike and bike trail from the South Congress Right of Way.</p> <p>Proposed: The Project shall provide access to the hike and bike trail from South Congress Right of Way.</p>

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CM KT 5	<p>The project shall meet the goals and requirements of Water Forward, including dual plumbing within the buildings.</p> <p>See Exhibit A for Applicant's proposed path to Water Forward compliance.</p>
CM KT 7	<p>It is the Council's priority that the developer participate in the Better Builder program.</p> <p>Proposed: Applicant must adhere to all sections of the Better Builder Program standards as written April 2022, except for the requirement of using a Better Builder certified monitor. There is only one private sector certified monitor creating uncertainty on price and monitor's capacity on a project of this size. Worker's Defense has used unaccredited 3rd party private monitors on projects in the past successfully. Applicant must include Worker's Defense Fund's private monitor in the monitor bidding process for the Project along with the 3rd party independent monitors.</p>
CM KT 8	<p>PUD shall achieve an Austin Energy Green Building rating of 3 stars</p> <p>Proposed: PUD shall achieve either an Austin Energy Green Building rating of 3 stars or LEED Gold rating.</p>
CM KT 11	<p>Affordable units shall include a variety of bedroom mixes with an emphasis on multibedrooms to accommodate the needs of multi-generational households.</p> <p>Proposed: The 4% of affordable housing units on site shall include an equal mix of bedrooms as the market rate rental units.</p>

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PC 4	<p>Applicant shall provide a minimum 10 feet wide natural vegetative buffer along the dedicated parkland adjacent to the Congress Avenue Bridge, exclusive of the reconstructed hike & bike trail.</p> <p>Applicant Response: This provision, added by Planning Commission for the protection of the bat population, is not necessary according to Bat Conservation International, Bat Refuge, and Merlin Tuttle's Bat Conservation. This essentially takes away usable park space with no added benefit or protection to the bat population.</p>
PC 5	<p>Parkland dedication to occur prior to issuance of Certificate of Occupancy for northernmost building in each phase (3 phases) OR before the 9th year after the first site plan approval, whichever date arrives first.</p> <p>Applicant Response: The Applicant has reached agreement with Parks Staff on this dedication timing, and will be relying on staff recommendation.</p>
PC 8	<p>Street Section B-B, Barton Springs Avenue Typical Section Pending ATD approval, modified to 8' sidewalk, 10' thru lane, 12' two-way left- turn lane, 10' thru lane, 2' buffer, 8' two-way bike lane, 8' landscape, 11' sidewalk (easement).</p> <p>Applicant Response: The Applicant cannot agree to this cross section. Barton Springs Extension must have four lanes of vehicular traffic to handle the density proposed at 305 S Congress as well as the density being contemplated for the District and the Project Connect Blue Line station. ATD has recommended the Applicant's proposed cross section and approved the Traffic Impact Analysis.</p>
PC 9	<p>Landowner shall fund up to \$200,000 of improvements to the Congress Ave and Riverside Dr intersection, as identified and approved by ATD, for bicycle and pedestrian safety upgrades and/or maintenance to be constructed by the Landowner concurrent with the new protected bike lane between the Congress Ave bridge and Riverside Dr.</p> <p>Applicant Response: No, the Applicant has agreed to the necessary traffic improvements with ATD.</p>
PC 10	<p>TDM Program monitoring to ensure 35% reduction in vehicle trips from development. Number of trips for the site shall be monitored by Landowner and report the figures to the Director of ATD on a bi-annual basis for a period of 5-years once development within the PUD reaches 7,700 calculated unadjusted trips per day. Means and methodology for conducting traffic counts shall be submitted by Landowner and approved by the Director of ATD. If the Landowner fails to meet trip reductions in the TDM Program for three consecutive bi-annual periods, the Landowner shall make a bi-annual mitigation payment to the City each bi-annual period until the development within the PUD is in compliance with the TDM Program trip reductions. The mitigation payment shall not exceed \$40,000 per bi-annual period, up to a maximum of \$200,000 total, and shall be used to offset the costs to implement additional on-site and adjacent TDM measures at the direction of ATD. The City shall place mitigation payments in a fund established by the City.</p> <p>Applicant Response: No, the Applicant has agreed to a Traffic Demand Management plan with ATD that includes repercussions for not hitting traffic reduction goals to help ensure success of the program.</p>

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PC 15	<p>If regulating plan does not pass, PUD is required to meet required affordable housing, at least 4% of all units on site shall be affordable and rental units and built on site by the applicant.</p> <p>Applicant Response: Applicant does not understand the ask and intent of this amendment, and therefore cannot agree to it.</p>
PC 18	<p>On site affordable rental units shall be provided up to 80% MFI such that all on site affordable units are provided on average at 60% MFI.</p> <p>Applicant Response: Applicant cannot accommodate this amendment due to the added cost burden to the project. Applicant has agreed with the housing department on 80% MFI, which also aligns with the 2016 South Central Waterfront Plan. A TIRZ or other public funding mechanism would be required to pay for the incremental affordable housing cost from 4% at 80% MFI to 4% at 60% MFI in order to make the project financially feasible.</p>
PC 19	<p>The landowner may suggest and PARD shall prepare a biennial Annual Park Programming Plan (AP3) for the dedicated parkland and solicit and consider comments from the Watershed Department, Bat Conservation International, and the landowner. The AP3 shall be submitted, along with stakeholder comments, to the South Central Waterfront Advisory Board for recommendation and the Parks and Recreation Board for consideration. The AP3 will take effect upon approval by the Parks and Recreation Board, and amendments to the AP3 shall follow the same procedure.</p> <p>Applicant Response: Applicant would prefer to defer this to when the applicant creates the operation and maintenance agreement with PARD. The applicant will work with the Trail Foundation, Downtown Austin Alliance, and South Central Waterfront Advisory Board as stakeholders of this agreement.</p>
PC 20	<p>The Great Steps, the Great Lawn, Pier, amenitized Water Quality Ponds, Water Steps, and 1,700 linear feet of reconstructed Hike & Bike Trail shall be constructed by the developer, contingent on PARD design approval, irrespective of Park Development Fee contribution. Developer shall provide fiscal surety for the value of these improvements.</p> <p>Applicant Response: The developer agrees to this Planning Commission recommendation except for the Pier and Water Steps, which must be paid for through a TIRZ or equivalent public funding mechanism. Developer will not provide fiscal surety for the value of these improvements.</p> <p>Updated proposed language below:</p> <p>The Great Steps, the Great Lawn, Pier, amenitized Water Quality Ponds, Water Steps, and 1,700 linear feet of reconstructed Hike & Bike Trail shall be constructed by the developer, contingent on PARD design approval, irrespective of Park Development Fee contribution. Developer shall provide fiscal surety for the value of these improvements.</p>

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PC 21	<p>Applicant shall keep and maintain the City Parkland within the PUD boundaries in a good state of appearance and repair and to at least a "Level One" standard based on current City park maintenance standards at the sole expense of the Applicant its successor and assigns. Level One includes specific maintenance requirements by PARD for Turf Care, Fertilizer, Irrigation, Litter Control / Graffiti, Pruning, Disease and Pest Management, Tree and Plant Care, Security Lights / Flag Poles / Park Signage, Trails, and Sustainability.</p> <p>Applicant Response: As a public park, maintenance of the park can be funded by many sources; the DAA PID, The Trail Foundation, a TIRZ or other public funding mechanism, PARD, other property owners in the SCW District and private donations.</p>
PC 22	<p>Setbacks and Land Use Map: Residential use is prohibited within a 400' radius of the northwest corner of the property below 20' above the elevation of the Congress Ave bridge pavement.</p> <p>Applicant Response: Applicant received feedback from Bat Conservation International, Merlin Tuttle's Bat Conservancy, and Bat Refuge that this provision does not add protection to the bat population in anyway.</p>
PC 23	<p>Hotel use shall be a conditional use.</p> <p>Applicant Response: No, the applicant cannot agree to this, and have a feasible project.</p>
PC 24	<p>Irrespective of the ROW land value for the Barton Springs extension, Developer shall pay 100% of improvements listed in the TIA memo, Table 2 , see Staff Report, page 63 of 104 https://www.austintexas.gov/edims/document.cfm?id=375847, except for Westbound Receiving Lane which is not recommended.</p> <p>Applicant Response: Applicant cannot accommodate this amendment due to the added cost burden to the project. Subject to rough proportionality, a TIRZ or other public funding mechanism will be required to pay for the improvements of Barton Springs Extension.</p>
PC 25	<p>If South Central Waterfront Regulating Plan and financial plan are not approved by City Council prior to City Council voting on this PUD, Applicant shall meet current Code requirements for affordable housing for PUDs: 10% of bonus square footage shall be allocated to rental units at 60% MFI, and 5% of the bonus square footage shall be allocated to ownership units at 80% MFI, or 4% of all affordable units, whichever one is greater. Units shall be provided on site.</p> <p>Applicant Response: Applicant cannot accommodate this amendment due to the added cost burden to the project. A TIRZ or other public funding mechanism would be required to pay for the incremental affordable housing cost above 4% at 80% MFI to make the project financially feasible. Please see Eco Northwest 2020 financial analysis findings.</p>
CM KT 4	<p>Building glass reflectivity shall be limited to 15% reflectivity (staff's original recommendation).</p> <p>Applicant Response: We have reached agreement with city staff and the Planning Commission's recommendation. Reflectivity of glass no more than 15% within the bottom 40 feet of the structures that are contiguous to the 6.53 acre dedicated parkland as measured from the proposed ground floor of each structure. Maximum 35% glass reflectivity for all other glass.</p>

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CM KT 6	<p>The project shall use reclaimed water as a primary water source for all landscape irrigation within the 305 S. Congress PUD, except where prohibited.</p> <p>Applicant Response: 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. Alternative water sources such as AC condensate, foundation drain water, rainwater, stormwater, or reclaimed water shall only be used as backup supply if the primary sources are depleted or unavailable. The underground rainwater cistern will also be used to irrigate the park. The property owner(s) within the PUD will be responsible for the maintenance of the rainwater facilities located within the park.</p>
CM KT 10	<p>The project shall provide the following amount of on-site affordable housing:</p> <ul style="list-style-type: none"> o If rental, 10% rental housing at 60% MFI for 40 years o If ownership units, 5% ownership units at 80% in perpetuity with a plan for managing homeowner association fees in a manner that doesn't burden residents in the affordable units. <p>Applicant Response: Per agreement with City staff and in compliance with the 2016 SCW Plan, 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> <ol style="list-style-type: none"> 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, or 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>A TIRZ or other public funding mechanism would be required to pay for the incremental affordable housing cost above the terms outlined above to make the project financially feasible. Please see Eco Northwest 2020 financial analysis findings.</p>

Exhibit A

305 S. Congress PUD – Water Forward Compliance Path

The identified methods listed below encompass the commitment of the project to meet the Water Forward plan and a brief description of the means through which the project will meet those goals:

DEMAND MANAGEMENT STRATEGIES

Advanced Metering - The project infrastructure and service to each proposed building will be designed to accept City of Austin Smart Water Meters. If smart meters are unavailable for purchase at the time of initial meter installation, AWU will be required to install the Smart Water Meters when readily available.

Landscape Transformation – The project will install water efficient landscapes to the fullest extent possible additionally landscape proposed will be required to meet the PUD environmental requirements noted in the environmental restoration plan, in the event of conflict the restoration plan shall govern.

Irrigation Efficiency – Provide high efficiency irrigation systems that include advanced irrigation controllers to decrease water consumption by responding to leaks, high pressure, soil moisture, and making flow data accessible.

Alternative Water Use –

Stormwater Harvesting – we are collecting 55,000 cubic feet of stormwater for water quality that will be utilized for irrigation onsite.

Rainwater Harvesting - we are collecting 55,000 cubic feet of stormwater for water quality that will be utilized for irrigation onsite.

Grey water Harvesting - No Greywater is proposed to be collected and reused on site – however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

Wastewater Reuse - No wastewater is proposed to be collected and reused on site – however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

AC Condensate Reuse - No AC Condensate is proposed to be collected and reused on site – however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

WATER SUPPLY STRATEGIES

Direct Non-Potable Reuse (Centralized Reclaimed Water System) – The project will provide an extension of a public reclaimed water main from Riverside and Barton springs road intersection to the development for connection of the buildings to reclaimed water. Additionally Build internal reclaimed services to each building and facilitate looping of distribution reclaimed mains to the south of the project within the Barton Springs Extension. Connection to the Reclaim system is not required until AWU can provide reliable reclaimed service to the city.

Onsite Water Reuse Systems (OWRS) - Greywater or Blackwater – No Greywater or Blackwater systems are proposed by this project. However, if either of these systems are developed as part of the South Central Waterfront Plan, as a project by others, however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

Indirect Potable Reuse (IPR) through Lady Bird Lake – NOT IN THE SCOPE OF THIS PROJECT – THIS STRATEGY IS ONLY IMPEMENTED BY AWU IN EXTREME EMERGENCY CONDITIONS. This water source would not change the building design as the water will be delivered to the project through the existing domestic meters.