

ZONING CHANGE REVIEW SHEET**CASE:** C814-2012-0160
211 South Lamar PUD**P.C. DATE:** 03/12/2013
04/09/2013**ADDRESS:** 211 South Lamar Boulevard**AREA:** 0.933 Acres (40,641 sq. ft.)**OWNER:** Post Paggi, LLC (Jason Post)**APPLICANT:** Winstead PC (Amanda Swor)**ZONING FROM:** CS & CS-V;
General Commercial Services & General Commercial Services –
Vertical Mixed Use Building**ZONING TO:** PUD; Planned Unit Development**NEIGHBORHOOD PLAN AREA:** South Lamar
(South Lamar Combined Neighborhood Plan Area)**SUMMARY STAFF RECOMMENDATION**

To Grant Planned Unit Development (PUD) District Zoning

PLANNING COMMISSION RECOMMENDATION:

April 9, 2013 To be determined

March 12, 2013 Postponed to April 9, 2013 at the request of City staff to
accommodate Waterfront Planning Advisory Board schedule.**WATERFRONT PLANNING ADVISORY BOARD ACTION:**

April 8, 2013 To be determined

March 11, 2013 Postponed to April 8, 2013 at the request of neighborhood
stakeholders.**ENVIRONMENTAL BOARD ACTION:**March 20, 2013 Recommended no recommendation on the proposed Planned
Unit Development: 211 South Lamar Blvd C814-2020-0160
[Motion by Chair Maxwell, Seconded by Board Member Neely;
Passed 6-0-1, Board Member Schissler Absent]Recommended approval of the environmental treatment
proposed in the 211 South Lamar Blvd PUD C814-2020-0160.
[Motion by Board Member Neely, Seconded by Board Member
Anderson; Failed 2-4-1, Board Member Schissler Absent]**ISSUES:****Waterfront Planning Advisory Board and Environmental Board Recommendations**The proposed Planned Unit Development (PUD) application does not seek any variances to
the Waterfront Overlay District/Butler Shores Subdistrict land uses or development

regulations under Land Development Code (LDC) Section 25-2; nor does it seek environmental variances under LDC Section 25-8. Nonetheless, presentation to, and consideration by, the Waterfront Planning Advisory Board and the Environmental Board are required.

In the case of the Waterfront Planning Advisory Board (WPAB), because the subject tract is within the Butler Shores Subdistrict of the Waterfront Overlay District, its proposed rezoning must be considered by the WPAB, and a recommendation regarding that rezoning application provided to the Planning Commission. In the case of the Environmental Board, because the rezoning application is for PUD zoning, their consideration of environmental elements that meet and/or exceed environmental requirements of the LDC is required as part of the PUD process.

To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier 1, which is requirements that all PUDs must meet, and Tier 2, which provides criteria in 13 topical areas in which a PUD may exceed code requirements and therefore be considered superior. A PUD need not address all criteria listed under Tier 2. There is no minimum number of criteria that must be satisfied, no minimum number of categories satisfied, or a specified mix of categories satisfied. A table listing the Tier requirements and how they are proposed to be met (see Exhibit B) is one of the primary methods by which staff can review a PUD application.

For purposes of presentation to the WPAB and the Environmental Board, the applicant developed summary tables that highlighted compliance with the Waterfront Overlay and Environmental code superiority items, respectively. These two summary tables (see Exhibit E) include excerpts from the Land Use Plan notes sheet and the Tier 1 and 2 Compliance Table. Although Environmental review staff had concluded the application was environmentally superior as pertains to the proposed water quality controls and tree preservation, the Environmental Board did not concur the project was environmentally superior. The WPAB is scheduled to consider the application on April 8; an update of their consideration will be provided to the Planning Commission on April 9.

Petition

A petition has been submitted in opposition to the rezoning request by the Bridges On The Park (BOTP) Condominium Association, Inc. The petition was first submitted on December 11, 2012, when the PUD application was still in its Development Assessment phase. The petition was reaffirmed by the HOA as recently as February 28, 2013. However, because the property comprises 14.2% of the eligible property, it does not meet the threshold to establish a valid petition (please see Exhibit P). The petition, even if filed by a single property, however, represents 104 residents. Additional correspondence from the BOTP Board, the Zach Theatre, and individual property owners objecting to the proposed PUD has been submitted to staff (see Exhibit C). Also within Exhibit C is a request to the Waterfront Planning Advisory Board for postponement by the Zilker Neighborhood Association, and a table of notes on the proposed PUD; these were distributed to the Board on March 11, 2013.

Illustrations

In response to a request from the Waterfront Planning Advisory Board, the applicant has provided illustrations of the project (see Exhibit I). Staff feels compelled to remind appointed and elected officials that a site plan, renderings, or other illustrations may be conceptual in nature, may not necessarily comply with all aspects of the Land Development Code, have

not been reviewed by staff for compliance, are not required as part of the rezoning request, and are not in any way binding on the applicant or formally incorporated into an application.

DEPARTMENT COMMENTS:

The subject tract consists of 0.933 acres located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive (please see Exhibit A-1). The proposal consists of a mixed-use development comprised of approximately 175 condominium residential units and 10,000 square feet of retail, restaurant and other pedestrian-oriented uses.

The property contains an existing Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract has approximately equal frontage on each of the abutting streets, perhaps slightly more on West Riverside Drive, where it lies across from the Pfluger Pedestrian Bridge (please see Exhibit A-2). To the west is City-owned property housing the Zach Theatre, which was recently redeveloped, and Parks and Recreation Department headquarters; to the east is also City-owned property, currently used as the Butler Park Pitch and Putt. To the south lie the Paggi House restaurant and the Bridges On The Park, a residential condominium development (please see Exhibit A-3 for a recent aerial image).

The subject property is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district (please see Exhibit A-4). The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District, though it is outside the specified primary and secondary setbacks. Although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway; so the property is distinguished with a Scenic Roadways Overlay. Additionally West Riverside Drive and South Lamar Boulevard are defined as Core Transit Corridors.

The property is located within the Zilker neighborhood, but does not have a Future Land Use designation because the South Lamar Combined Neighborhood Plan effort, which combined Zilker, Barton Hills, Galindo, and South Lamar neighborhoods, has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation. Per the recently adopted comprehensive plan, South Lamar Boulevard is identified as an Imagine Austin activity corridor on the Growth Concept Map, and may be served by high capacity bus service in the future. It is also identified as part of the potential Shoal Creek/West Bouldin Creek Urban Trail. However, the area is not further identified as one of the growth centers on the Growth Concept Map.

With a proposed base zoning district of CS, the PUD proposal seeks the following modifications or variances to the Code:

- 1) Allow a maximum height of 96 feet;
- 2) Allow a minimum front yard setback of 0 feet;
- 3) Allow a minimum street side yard setback of 0 feet;
- 4) Allow a maximum floor-to-area ratio of 5:1;
- 5) Allow maneuvering in the right-of-way along Lee Barton Drive (as pertains to loading and unloading facilities 9.3.0 #3 of the TCM); and
- 6) Allows above ground level amenities, such as decks, balconies, and patios to be considered open space and count towards open space requirements.

Despite a base zoning district of CS, the PUD also seeks to prohibit almost all other commercial uses, but retains the right to have condominium and multifamily residential,

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small-scale cocktail lounge or liquor sales, and additional pedestrian-oriented uses. The PUD proposal itself varies from the Code in that the site is less than 10 acres, but is constrained on three sides by existing public roadways, and on the fourth side by an existing condominium development and restaurant. In support of the requested PUD zoning, the applicant is offering a number of design innovations, participation in affordable housing and art in public places programs, enhanced bicycle facilities, and other items considered superior according to the PUD requirements for Tier 1 and 2 (see Exhibit B for a chart listing all superiority items and associated Land Use Plan).

The review of a proposed PUD is an iterative one, beginning with the Development Assessment stage. Submitted on October 26, 2012 as Case # CD-2012-0021, a briefing was provided to the Council on December 13, 2012, at which time Council Members provided feedback on the proposal. The PUD application was formally submitted on December 19, 2012. Staff review comments were issued on January 11 and a formal update was provided by the applicant on February 1 (see Exhibit D for application and staff comment materials). The applicant has continued to work with staff from various departments and disciplines through meetings and informal updates to clear any remaining comments.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS & CS-V	High Turnover Restaurant
North	P	COA Park and Pfluger Pedestrian Bridge landing
South	CS; CS-1; CS-H	Bridges on the Park Condominium; Paggi House Restaurant
East	P	COA Park (Currently Butler Park Pitch-and-Putt)
West	P; CS-1; CS-V; CS	COA Park, PARD Headquarters; Zack Theatre; Schlotsky's Restaurant

AREA STUDY: No

TIA: Not Required

CAPITOL VIEW CORRIDOR: No

NEIGHBORHOOD ORGANIZATIONS:

Original Austin Neighborhood Association	57
Zilker Neighborhood Assn.	107
Bouldin Creek Neighborhood Assn.	127
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Save Town Lake.Org	1004
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200

WATERSHED: Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

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Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
BPOE 201 Elks Lodge	1346
SEL Texas	1363
Bridges on the Park	1368

SCHOOLS:

Austin Independent School District

Zilker Elementary School

O Henry Middle School

Austin High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
South Lamar Blvd	120'	MAD 4	Arterial	Yes	Yes	Yes
West Riverside Drive	120'	MAD 4	Arterial	Yes	Yes	Yes
Lee Barton Drive	55'	30'	Collector	No	No	No

CASE HISTORIES:

In 2008, Vertical Mixed Use Building was added to most properties along South Lamar Boulevard, exceptions being the Bridges on the Park and the Zack Theatre/COA parkland (C14-2008-0060).

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
East of Lamar (north to south)			
Town Lake Park C14-89-0039	CS; CS-1; LI; & SF-3 to P	Approved; 07/25/1989	Approved; 08/24/1989
201-219 S Lamar Blvd; 200-218 Barton Drive; & 1301-1319 Riverside Drive C14-70-050	From "A" 1 st H&A & "C" 1 st H&A to "C" 1 st H&A	Granted	Approved; 05/14/1970
211 S Lamar Blvd CD-2012-0021	Development Assessment	N/A	12/06/2012; Briefing
C8-2012-0122	Subdivision (under review)	No action yet required	
SP-2012-0271C	Site Plan (under review)	No action yet required	

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Paggi House 200 Lee Barton Drive C14H-74-006	"C" to "C-H" Commercial to Commercial- Historic	Granted	Approved; 11/21/1974
213-319 S Lamar Blvd C14-78-154	From "C" 1 st H&A to "C-2" 1 st H&A	Granted	Approved; 10/19/1978
Riverside Drive SP-04-0115D	Riverside Alignment (CIP Project)		
West of Lamar (north to south)			
1500 West Riverside; 200-214 S Lamar Blvd; & 1400-1800 Toomey Road C14-87-074	From "SF-3" to "P"	Approved; 08/25/1987	Approved; 05/26/1988
210-216 S Lamar Blvd C14-72-129	From "A" 1 st H&A to "C-2" 1 st H&A	Granted	Approved; 07/13/1972
1426 Toomey Road C14-2010-0072	CS to CS- 1; Withdrawn	N/A	
C14-05-0187	CS to DMU; Expired	N/A	

In addition to the above zoning cases, there has been some recent site plans in the area, including the following:

211 S Lamar Boulevard / SP-2012-0271C / this project
 217 S Lamar Boulevard / SP-05-1664C/ Bridges on the Park
 202 South Lamar Boulevard / SPC-2010-0061C / New Theatre at Zach Scott
 300 S Lamar / SP-05-1279C / Cole Apartments & Mixed Use Project

CITY COUNCIL DATE:

March 28, 2013

ACTION:

Postponed to April 25, 2013 at staff request

ORDINANCE READINGS:1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman

e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

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7**STAFF RECOMMENDATION**

C814-2012-0160

BACKGROUND

The subject tract consists of 0.933 acres located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive, with approximately equal frontage on each roadway. The site currently contains a Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract lies between the Pfluger Pedestrian Bridge to the north and the Bridges on the Park, a residential condominium development, and the historic Paggi House restaurant to the south. The subject property is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district.

SUMMARY STAFF RECOMMENDATION

To grant PUD district zoning

BASIS FOR LAND USE RECOMMENDATION

The proposed zoning should be consistent with the purpose statement of the district sought.

Per the Land Development Code, the Planned Unit Development (PUD) zoning district has been established to implement goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

The proposed mixed-use PUD offers a development on the subject property that can create a distinct space that complements the relatively new Zach Scott Theatre and gateway to the area south of Lady Bird Lake. As envisioned, the PUD provides pedestrian-oriented uses on the ground floor, upper story residential, underground vehicular parking, landscaping with 100% native and adapted plants, rainwater harvesting, and charging stations for electric vehicles. In addition, the proposed PUD supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves onsite and offsite trees, provides funding for offsite pedestrian improvements, provides a space onsite for the City of Austin Parks and Recreation Department and a community meeting space, contains a public plaza with art, will meet or exceed Austin Green Builder program standards at a 3-star level, and will provide additional bike parking for patrons and residents, as well as participate in the new Austin Bike Share program.

The anticipated mixed-use building is required to achieve 1 point on the Building Design Calculations Worksheet, which is part of the Building Design Options of Subchapter E (Design Standards and Mixed Use). The proposal is to obtain a minimum of 13 points by providing a variety of design options. This building, with varying heights, will house 175 homeowners, provide public and private open space, and provide pedestrian-oriented services to nearby park and trail users, pedestrian passers-by, and residents of this building, the adjacent Bridges On The Park, and nearby Cole multifamily development, located on South Lamar Boulevard at Toomey Road.

Staff thinks the PUD proposal is an improvement over what would otherwise be required of standard CS or CS-V development and therefore does offer opportunity for superior

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development when compared with those base CS and CS-V zoning district standards. However, it is City Council that has the authority to determine whether PUD zoning is appropriate - regardless of whether the proposed development meets the standards prescribed by the Tier 1 and 2 requirements of a PUD.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The property is currently zoned CS and CS-V, General Commercial Services-Vertical Mixed Use Building. CS is the most intense commercial zoning and reflects the fact the property is bounded by two major arterials and a collector. This proposed PUD involves the addition of 175 residential units and approximately 10,000 square feet of retail and other uses on the site.

In the current market climate, there are mixed-use, multifamily, and condominium projects being developed throughout Austin on arterials and collectors, and South Lamar Boulevard is no exception. Most of these projects are being developed under existing zoning allowances, however, and are also not necessarily located at well-known intersections. In contrast, this is a case where a higher-density mixed-use development – and a proposed floor-to-area-ratio of 5:1 is relatively intense – is proposed at an intersection of arterials.

Zoning should not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning; and granting a request for zoning should result in an equal treatment of similarly situated properties.

A primary driver of the PUD request is to allow for additional height of built structures. Similarly situated properties, that is, those of less than 10 acres and south of Lady Bird Lake, have received similar favorable allowances. For example, the PUD-NP on the Hyatt Hotel property at 208 Barton Springs Road, approved in 2007, allows up to 200 feet in building height. The old AquaTerra site at 222-300 East Riverside site also allows development up to 200 feet and was approved in 2008. Closer to this site and more recently approved PUDs include The Park PUD at 801 Barton Springs Road, approved in Spring 2011, which allows for a 96-foot tall building, and the Broadstone PUD, at 201 S 1st & 422 W Riverside, approved in Autumn 2012 and allows for a 76-foot tall building.

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

Staff is aware that each of the PUD applications noted above engendered discussion at the Planning Commission and Council about setting a precedent for future development south of Lady Bird Lake. Indeed, just because PUD district zoning was granted before for similar properties before does not automatically mean it would be granted in this case, thus perpetuating a real or perceived precedent. However, staff believes this property is unique because of its location. This property is bounded on three sides by public roadways and City parkland. The remaining side is developed with a fresh condominium mixed-use project and historic restaurant. This is a unique case of redevelopment but a classic case of infill; given the property's geographic constraints (being bound on three sides by roadways), it is not likely to be emulated by other properties in the immediate vicinity.

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At the same time, this property is located at the foot of the Pfluger Pedestrian Bridge, abuts City parkland and the hike and bike trail, sits across from the new Zach Theatre, and is at an entry point or gateway from downtown to south Austin. Under current zoning, a typical 60-foot tall building could be constructed. Or, some other use otherwise permitted in the current district could be developed. In contrast to the proposal setting an undesirable precedent, this proposed PUD could serve as a higher-caliber, mixed use project on a prominent corner and gateway. If granted, the PUD would allow a greater quantity of development than otherwise allowed; yet by requiring that the quantity be combined with higher quality, a precedent can be set that demands superiority.

Zoning should allow for a reasonable use of the property.

The subject tract is located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Road. It is located within the Butler Shores Subdistrict of the Waterfront Overlay and the Riverside Drive Scenic Roadway Overlay. It is adjacent to a historic property and existing residential. The combined effect of these location-specific constraints, in conjunction with City-wide development standards, results in challenging redevelopment parameters. As noted above, the property could be redeveloped in a straightforward manner under the existing zoning. However, the applicant has proposed a PUD project that would allow for superior development, which staff thinks is reasonable at this location.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies South Lamar Boulevard as an Activity Corridor, and may be served by high capacity bus service in the future. It is also identified as part of the potential Shoal Creek/West Bouldin Creek Urban Trail. However, the area is not further identified as one of the growth centers on the Growth Concept Map.

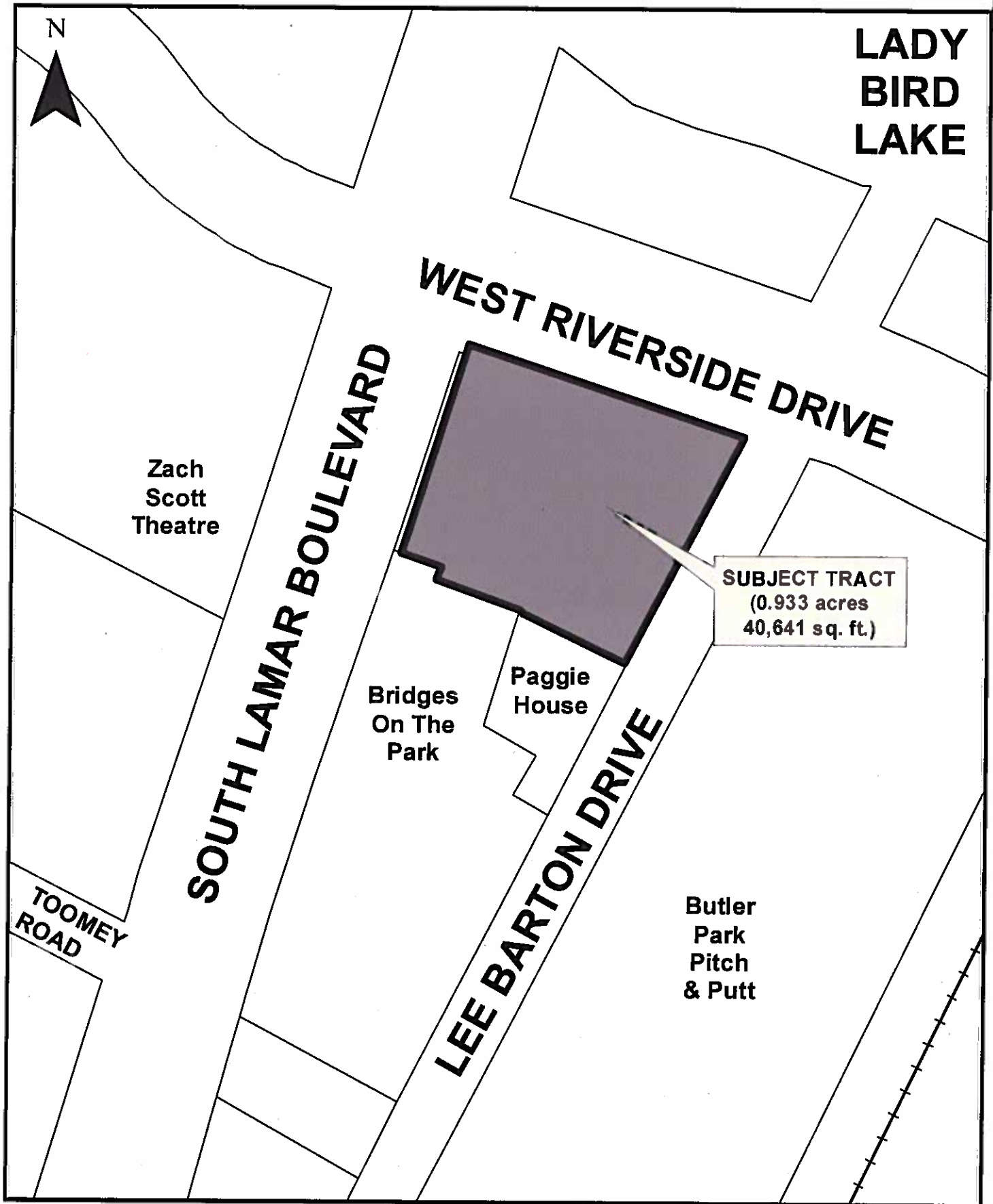


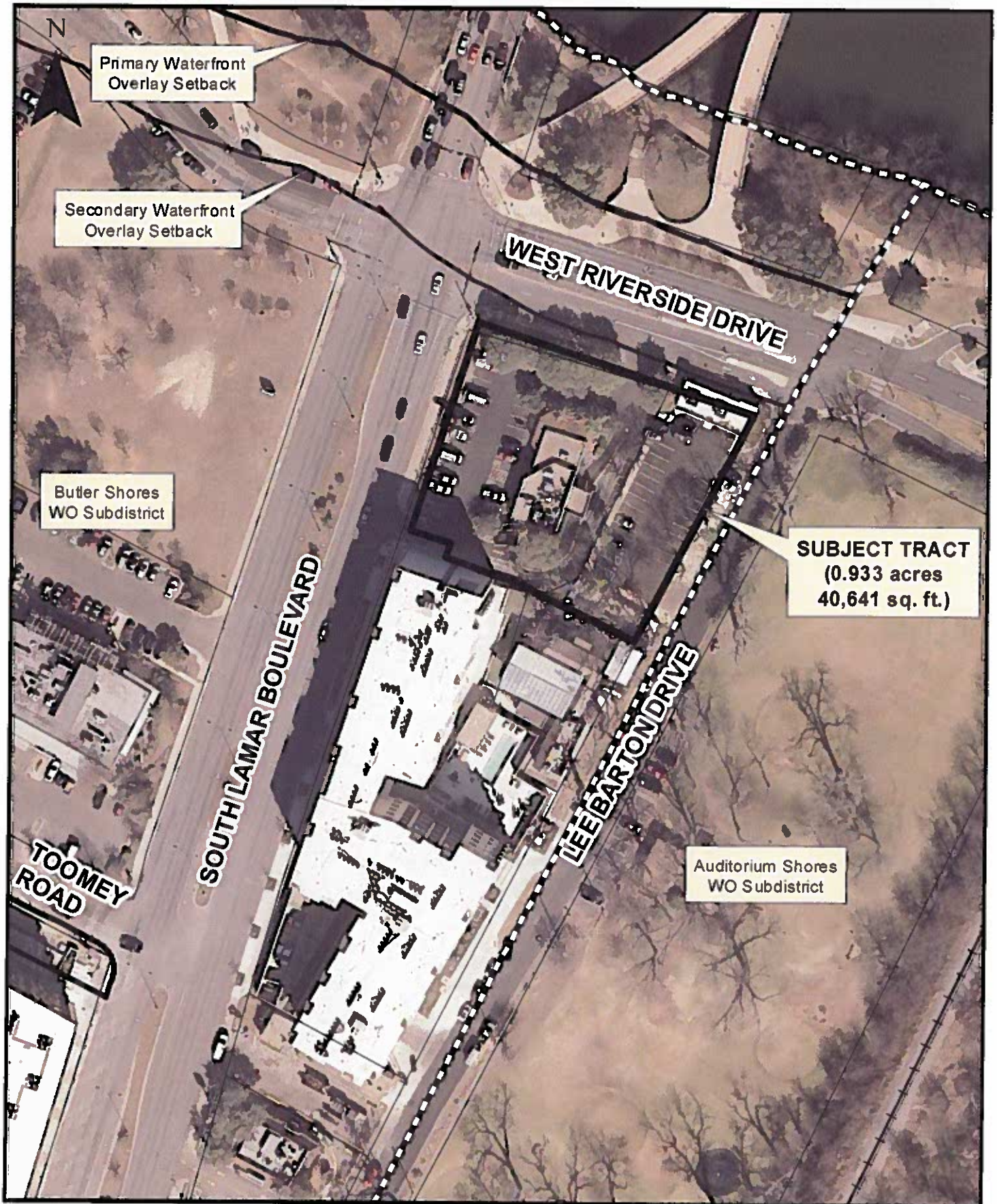
Exhibit A-1: Location

0 50 100 200 Feet

1 inch = 100 feet

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C814-2012-0160 / 211 South Lamar Boulevard



Imagery: 2009

Exhibit A-2: Site Context

0 50 100 200
Feet

1 inch = 100 feet

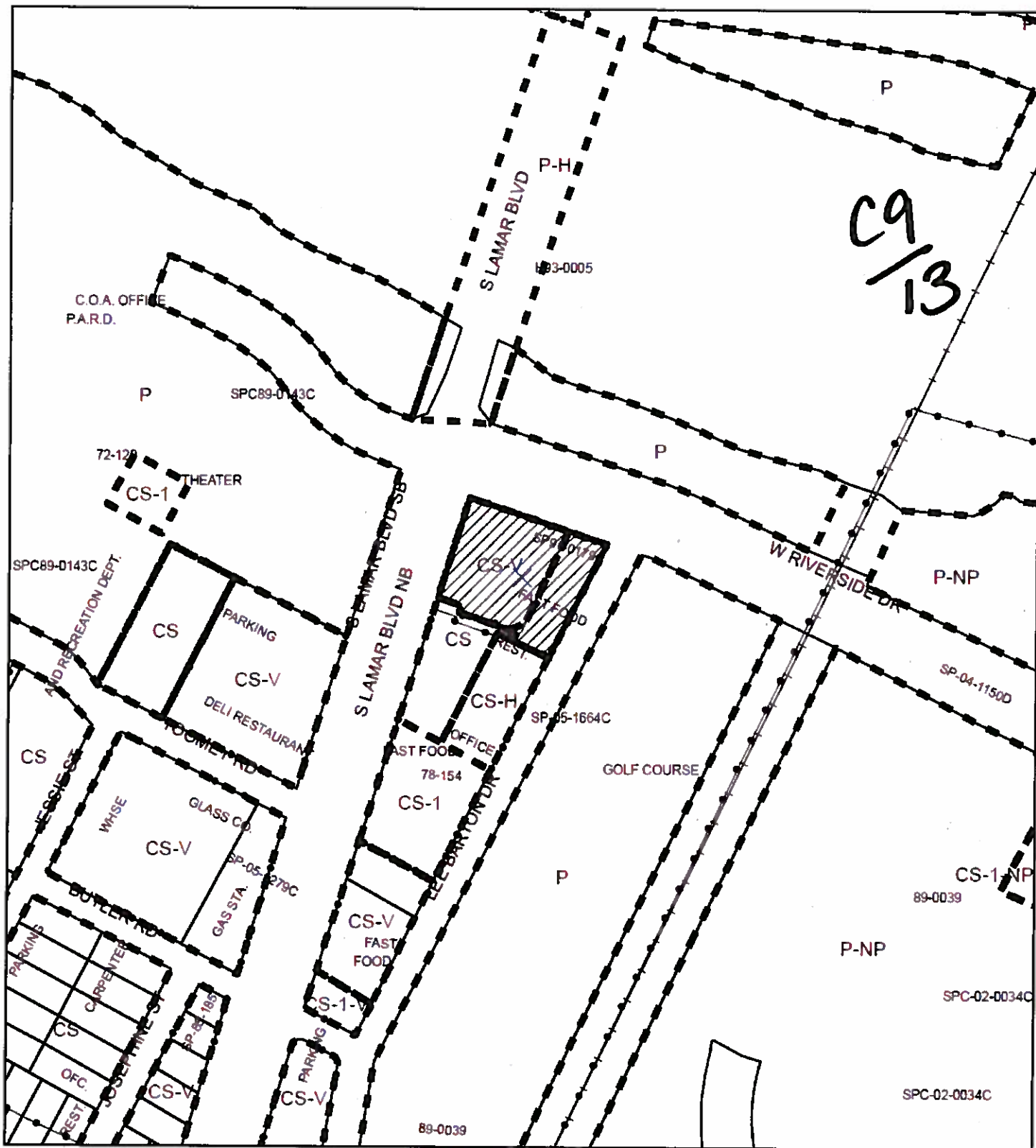
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C814-2012-0160 / 211 South Lamar Boulevard



Source: Google Earth, 2013

Exhibit A-3



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 200'

ZONING

ZONING CASE#: C814-2012-0160

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.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



PLACEHOLDER

For EXHIBIT B

Consisting of

Land Use Plan

Tier 1 & Tier 2 Compliance Table

Please see end of packet for these additional materials

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From: Tracey Carroll
Sent: Tuesday, December 11, 2012 9:58 AM
To: Heckman, Lee
Subject: CD-2012-0021 aka 211 S. Lamar Blvd.

Dear Mr. Heckman,

I understand that the City is in the early stages of review of the PUD for 211 S. Lamar Blvd., and as an owner, I respectfully ask that you oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height of 60ft. permitted in the base zoning district (CS-V).

Although we welcome development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods and limit the migration of high-rises to the southern side of the river. While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe this site offers additional unique considerations, and as such, the developer should be required to honor existing zoning regulations. We respectfully request that the City consider the following factors when evaluating this particular PUD:

- Notably this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station/PICO/Park sites.
- This site serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake. It also is the starting point or end point on a stretch of Scenic Riverside Drive.
- It is the gateway to Zilker Park and the Austin Arts District, directly across Lamar Blvd. from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. Additionally, the site is far less than the ten acres generally required for a PUD. Density can be met within existing zoning.
- The site is next to Paggi House is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 ft.*

We appreciate your attention and support.

Respectfully,
Tracey Carroll
210 Lee Barton Drive Unit 301
Austin, TX 78704
M. 682.300.8040

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From: John Sumpter
Sent: Tuesday, December 11, 2012 11:21 AM
To: Heckman, Lee
Subject: Opposition of 211 Lamar Blvd zoning exceptions

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is my understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD. Additionally, the following information has not been provided:
 - Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - Maximum floor-area ratio;
 - Total square footage and whether structured parking facilities are proposed;
 - Maximum impervious cover;

Exhibit C - 2

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- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

John Sumpter
210 Lee Barton Dr #213
Austin TX 78704

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From: Ken Rochlen

Sent: Tuesday, December 11, 2012 12:04 PM

To: Heckman, Lee

Subject: Re: Rezoning request 211 S.Lamar file CD-2012-0021 PUD

Based on the currently available information for the 211 S.Lamar PUD that would allow an exception to the current existing zoning and height requirements of 60 feet. we have seen no evidence that there is ANY community benefit to the requested 96 foot height. All 106 of the original buyers at Bridges (210 lee barton) were told that a companion condo of the same height and description was in the plan for the Taco Cabana property. We bought on that basis. The PUD proposal is 60% higher than our building and significantly higher than the Zach. In addition adding more units simply creates more traffic nightmare on an already overcrowded corner of Riverside and Lamar. Keep south of the river at 60 feet!

Ken Rochlen

Bridges on the Park

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From: Lilit Mouradian
Sent: Tuesday, December 11, 2012 12:05 PM
To: Heckman, Lee
Subject: Opposition of 211 Lamar Blvd zoning exceptions

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is my understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD. Additionally, the following information has not been provided:
- Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- Maximum floor-area ratio;
- Total square footage and whether structured parking facilities are proposed;
- Maximum impervious cover;

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64

- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Lilit Mouradian
210 Lee Barton Dr #516
Austin TX 78704

ca
65

From: Chris Jordan
Sent: Tuesday, December 11, 2012 1:38 PM
To: Heckman, Lee
Subject: FW: 211 S. Lamar

Mr. Lee Heckman
City of Austin Planning and Development Review Department

Re: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Council Members:

As a pre-construction buyer on the top floor overlooking the site in question, I was told that any project built next door would not exceed the height of our building.

The quality and methods of construction were far less than we were led to believe. Finish out and workmanship turned out to be subpar.

We are now told that it would not make business sense to build at 60' tall and that for it to be economically feasible they need to go to 96'. This is simply CLB Partners attempting to salvage as much value as possible from the original land investment since the Bridges on the Park project was a financial disappointment.

CLB Partners, the Bridges on the Park developer, were entirely uncooperative in addressing construction defects throughout every facet of the development.

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

Exhibit C - 7

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- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

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67

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Chris Jordan, Unit 604 Bridges on the Park
Intercity Investments
4301 Westside Drive
Dallas, TX 75209

C9
68

From: Saundra Jain
Sent: Tuesday, December 11, 2012 3:53 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman,

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

Exhibit C - 10

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- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - o total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks;
 - o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Saundra and Rakesh Jain
210 Lee Barton #602
Austin, Texas 78704

C9
/10

From: Claudia Davila C.
Sent: Tuesday, December 11, 2012 4:56 PM
To: Heckman, Lee
Cc: Chris Aune
Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

Exhibit C - 12

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Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Claudia & Christian Aune
210 Lee Barton Dr #511 Austin, TX 78704

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/ 72

From: ryancrossland@hsbc.com.hk
Sent: Tuesday, December 11, 2012 7:30 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

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- In addition, the following information has not been provided:
 - o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - o total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks;
 - o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland

Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong

C9
74

From: David Edrich
Sent: Thursday, December 13, 2012 10:34 AM
To: Heckman, Lee
Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum.

I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich
210 Lee Barton Drive Unit #417

bridges
on the park

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December 11, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment;
Item 91 on Austin City Council's Agenda for December 13, 2012

Dear Council Members:

As owners of Bridges on the Park Condominiums, we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. This is Item 91 on Council's agenda for December 13, 2012.

The site is approximately 0.993 acres and is located on West Riverside Drive between South Lamar Boulevard and Lee Barton Road. For many years, Taco Cabana has leased this site. Bridges on the Park abuts the site directly to the south (for your reference, our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

Although we understand that the City is in the early stages of review of the PUD, we respectfully ask that you consider the input of Bridges on the Park owners.

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

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While we are aware that a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully request that the City consider the following factors when evaluating this particular PUD:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The existing PUD documents do not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

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Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river. We have included these concerns in a valid petition, which was submitted to Lee Heckman in the City's Planning and Development Review Department.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would enhance our neighborhood, we have not received a response from anyone since mid-September.

In addition to shutting us out of the development process, as several of you are aware, the developer has refused to turn over control of the Bridges on the Park Condominium Association, Inc. to the owners. The developer's failure to turn over control has not only denied the owners their rights under the condominium documents, it has negatively impacted owners' ability to sell or refinance their units at Bridges on the Park. Many owners and prospective buyers have encountered significant problems with lenders when financing or refinancing. Because Bridges on the Park owners lack control, Bridges on the Park is considered a "non-warrantable" condominium project, and therefore, the units at Bridges on the Park are not eligible for Freddie Mac or Fannie Mae financing.

Despite numerous attempts by our attorney to work with the developer's legal counsel in good faith, we have received no written response; our first request for turn over was made on December 20, 2011. This lack of responsiveness from the developer and his legal counsel as well as the financial difficulties that our existing owners and prospective owners continue to face have left us no recourse other than to file a lawsuit to compel compliance with our governing condominium documents as well as applicable Texas law. Our attorney, James Cousar of Thompson & Knight, filed suit on our behalf on November 14, 2012.

Based on our considerable experience with the developer, we have serious doubts that we can trust a project of "superior" quality will be built at 211 South Lamar when we have been unable to achieve a reasonable level of cooperation thus far.

Thank you in advance for your time and assistance.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

Enclosure: signed and dated Valid Petition

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department

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118

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

Exhibit C - 20

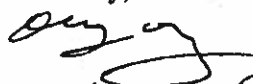

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- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Oleg and Laura Buzinover
210 Lee Barton Drive
Unit 303
Austin, TX 78704

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/40

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

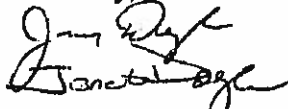
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81

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,



Jerry and Janet Doyle
210 Lee Barton #416
Austin, Texas 78704

C9
82

December 11, 2012

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

Exhibit C - 24

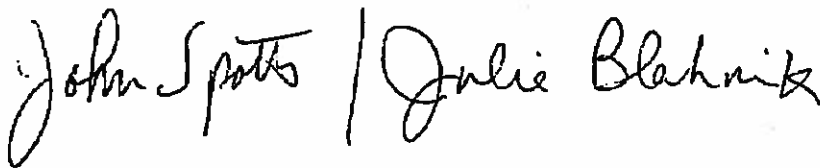
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- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,



John Spotts / Julie Blahnik
210 Lee Barton Dr.
Unit 311
Austin, TX 78704

C9
84

From: Sandra Jain
Sent: Tuesday, December 11, 2012 3:53 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman,

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

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- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - o total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks;
 - o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Saundra and Rakesh Jain
210 Lee Barton #602
Austin, Texas 78704

C9
86

From: Claudia Davila C.
Sent: Tuesday, December 11, 2012 4:56 PM
To: Heckman, Lee
Cc: Chris Aune
Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
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- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

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Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Claudia & Christian Aune
210 Lee Barton Dr #511 Austin, TX 78704

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88

From: ryancrossland@hsbc.com.hk
Sent: Tuesday, December 11, 2012 7:30 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:

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- o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- o the maximum floor-area ratio;
- o total square footage and whether structured parking facilities are proposed;
- o maximum impervious cover;
- o minimum setbacks;
- o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- o all civic uses by type and proposed site development regulations; and
- o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland

Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong

C9
90

From: David Edrich
Sent: Thursday, December 13, 2012 10:34 AM
To: Heckman, Lee
Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum.

I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich
210 Lee Barton Drive Unit #417

bridges

on the park

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December 18, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums, we wrote to you last week regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

During the City Council's meeting on December 13, 2012, the preliminary presentation of this PUD was noted as item 91. Since the item did not allow for public comment, we would like to take this opportunity to address some of the statements made by the developer's representative, Mr. Steve Drenner, at the Council meeting.

First and foremost, the developer and his representatives have not been consulting with us in the manner that was portrayed. Mr. Drenner stated that the developer had been planning the proposed project in consultation with Bridges' owners for a year and a half. We have surveyed previous board members and other owners, and based on their responses, this timeline is inaccurate. The developer and his representatives made presentations to Bridges' owners on May 2, 2012 and September 4, 2012. In addition, two board members met with the developer and his representatives on July 17, 2012. In sum, as far as we are aware, the developer has met with Bridges' owners three times during the last seven months. In addition, since the last presentation in early September, the developer has not given us an opportunity to discuss how our concerns may be addressed or included us in the planning process. While we respect the property owners' right to develop this land, we feel that the numerous zoning exceptions

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the developer is requesting for this project give us a stake in the changing character of our neighborhood. We ask that you provide us this opportunity and allow us to have a seat at the table while this project is being developed.

Regarding the matter of the developer turning over control of the Bridges on the Park Condominium Association, Inc., Mr. Drenner stated last week that the "principal is the same" in both the Bridges project and the proposed project for the Taco Cabana site. Although one individual associated with the Bridges project may be involved in some other capacity in the proposed project, he is not the legal owner of the Taco Cabana site or the applicant seeking City approval. This key fact that Mr. Drenner called a mere technicality during his presentation is what has and continues to cause significant financial difficulties for our existing owners as well as prospective buyers—financial difficulties that the developer and Mr. Drenner were made aware of in August of this year. As of today, although the documents were once again provided to the developer's attorney, he has yet to sign over control of our homeowners' association.

On a final note, we have several questions related to Mr. Jerry Rusthoven's comments to the Council Members this past Thursday. The staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, Mr. Rusthoven indicated that the maximum height is 96 feet. What is the accurate number? In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

As constituents who are unfamiliar with the planning and development process, we remain unclear as to how the planning ordinances should be read. Mr. Rusthoven's responses seem to indicate that the City Planning and Development Review staff has flexibility to reinterpret ordinances or, in some cases, to disregard certain ordinances. We would very much appreciate any information that you can provide us as to how we can better understand this process and which ordinances will control this development.

We have designated one board member as the point of contact, but we have included all of our contact information for your convenience:

- Point of contact: Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Once again, thank you for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department

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/a3

From: Sushma Jasti Smith

Sent: Monday, February 25, 2013 9:27 PM

To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Spelman, William; Tovo, Kathie; Anderson, Greg; Moore, Andrew; Tiemann, Donna; Bojo, Leah; Gerbracht, Heidi; Harden, Joi; Heckman, Lee

Cc: Robert Wilson; Claudia Davila C.; Cousar, James E.; Donisi, John

Subject: Bridges on the Park Board of Directors' letter re: 211 S. Lamar PUD application

Dear Mayor and Council Members:

Please find attached a letter from the Board of Directors of Bridges on the Park regarding the 211 S. Lamar PUD application. Given the recent media coverage and the proposed timeline for consideration of the PUD, we thought it prudent to write to you with our concerns.

Please note that the other two Board members Robert Wilson and Claudia Davila, our attorney Jim Cousar, and the developer's attorney John Donisi are copied on this email.

We look forward to your reply and hope to have your assistance.

Thank you, Sushma

Sushma Jasti Smith

Vice President

Bridges on the Park Association, Inc.

210 Lee Barton Drive #609

Austin, TX 78704

281.772.9618 (mobile)

bridges
on the park

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February 25, 2013

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums (BOTP), we wrote to you twice in December of 2012 regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

We truly appreciate the responsiveness of the majority of Council to our letters. Your assistance helped to initiate communications with the developer's representatives at Winstead, including Mr. Steve Drenner and Mr. John Donisi. To date, we have had one meeting, which took place on January 17, 2013, with the developer's representatives. Since that time, we have received some follow up information from Winstead. However, the majority of the owners' questions remain unanswered.

We are concerned that recent media coverage gives the false impression that BOTP owners approve of the requested PUD (see enclosed Austin American Statesman and Austin Business Journal articles). The reality is that we have been waiting for information from the developer. In good faith, we have kept an open mind to the proposed development but we cannot endorse a zoning change of this magnitude until either the developer or the City staff provide us the information that we have been requesting for months.

Exhibit C - 36

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For your reference, we have enclosed a list of follow up questions that we sent to Winstead on January 18, 2013. The items that remain unanswered and/or incompletely answered are highlighted in yellow. As you can see, most of our questions remain unanswered, even though it has been nearly six weeks since our meeting and the developer continues to finalize building plans with City staff.

Although we trust that you can review this list of items, there are several items of note that we request your attention:

1. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives, City staff, and Council Members. However, every schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.
2. The most recent schematic shows that the proposed PUD has 0' setbacks on Lamar Blvd., Riverside Drive, and Lee Barton Drive. We ask that minimum setbacks be put in place. In particular, on Lamar Blvd., we seek to ensure that the proposed building and sidewalks are built in alignment with our existing building. We fear that the schematic shows the proposed building will be built closer to the road than BOTP, and therefore, our owners whose balconies and windows face Lamar will be confronted by a 96-ft building, which is 60% higher than our building.
3. We are still waiting to learn where the base of the building is and how to calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House. We understand from the developer that the PUD site is six feet lower *on average* than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. Those familiar with Paggi House are aware that there are a significant number of stairs one must climb to get from the parking lot to the front door of Paggi House.
4. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. During our January 17th meeting, we asked the developer's representatives to address this issue. They offered to arrange a meeting with City Transportation staff, but we are still waiting on a time and place for this meeting.

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5. We asked that several conditions be included as PUD notes. Based on the document provided by Winstead (see enclosure), these items are not included:

- Filing a condo regime
- Maintaining existing buffer with Paggi House
- Prohibiting blockage of five north-facing hallway windows of BOTP
- Requiring minimum setbacks (more than 0 ft) on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
- Including sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

In addition to these aforementioned items, BOTP recently reached a sizeable settlement with the developer's insurance carrier with regard to faulty installation of the stucco exterior at BOTP. This poor installation by the builder has resulted in significant leaks throughout our building and garage. We are in the process of approving a bid for repairs and expect repairs to commence within the month. We would like the developer to ensure that, as they begin site preparation and construction, their building activities do not negatively impact our building with regard to shifts in our foundation, etc.

On a final note, we have not received answers to the questions that we posed to Council Members in our December 18, 2013 letter. For your reference, we have included the questions again herein below:

1. The City staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?
2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered at the Planning Commission and City Council, we write to you now to ask that you provide us with the answers to our questions and consider delaying consideration of the PUD until April to give BOTP owners an opportunity to truly be part of the planning process.

For your convenience, here is our contact information:

- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

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Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department
John Donisi & Steve Drenner, Winstead
James Cousar, Thompson & Knight

Enc: Follow up items from January 17, 2013 meeting of BOTP owners & Winstead
Proposed PUD document and schematic from Winstead
Austin American Statesman and Austin Business Journal articles

Plans for Taco Cabana site grow grander

Post prefers to build site bigger and as condos

JAN BUCHHOLZ
JBUCHHOLZ@BJJOURNALS.COM

The multifamily project that will replace a downtown Taco Cabana restaurant will be taller and denser than originally proposed if developers gain approval for a rezoning request that's in the works.

Stephen Drenner, an entitlement lawyer with Winstead PC, said his client — a partnership of Post Investment Group of Los Angeles and Ascension Development of Dallas — submitted new plans to the city for the al-

most 1-acre site at South Lamar Boulevard and Riverside Drive. The new design contemplates 96 feet of height, or about 10 stories — nearly 50 percent above the current limit of 65 feet.

The location is one of the few waterfront parcels left in downtown.

"This was a difficult decision because a rezoning takes time and the outcome is uncertain," Drenner said. "But they decided it was a special enough site to do something else besides a 65-foot apartment complex."

Simply called 211 South Lamar, the location is prime real estate with its access to the Lady Bird Lake trail, the Pfluger pedestrian bridge, the new Zach Theatre and Whole Foods Market Inc.'s flagship store.



Drenner



The building featured in this rendering is proposed for the corner of South Lamar Boulevard and Riverside Drive across the street from the new Zach Theatre. The site now holds a Taco Cabana restaurant. To get the project going, it'll take a rezoning.

SUBMITTED RENDERING

The developers also hope to build condominiums to sell rather than apartments, which were planned as recently as last fall.

The *Austin Business Journal* broke the news in October 2012 that the site was earmarked for some form of residential development after years of languishing as a proposed hotel site.

Questions pending for rezoning

The rezoning application is in the hands of city staff, which has yet to make a recommendation to two environmental-related

boards, the Planning Commission and eventually the City Council.

"There's nothing substantial, in terms of the plans being problematic. Mostly, we just have questions about things that need clarification," said Lee Heckman, a case manager with city of Austin's Planning and Development Review Department.

Until those questions are answered, however, the rezoning application cannot move forward, Heckman said.

The developers are dangling some carrots at city staff and adjacent neighbors, who weren't enthusiastic about the original

apartment plans that were submitted.

For starters, the building configuration was a U-shape, which backed up to the Bridges on the Park condo development and blocked views. The new design flips the orientation such that there is a courtyard facing the existing condos with the mass of development more dominant along the streets — South Lamar Boulevard, Riverside Drive and Lee Barton Drive.

Should the rezoning prevail, the developers will incorporate about 10,000

SEE BUILD, P27

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BUILD: Neighbors, city planners scrutinizing new proposal for prime land downtown

FROM PAGE 3

square feet of restaurant and retail space, designed to take advantage of the curbside views of the lake. Some of the space would be donated for community art purposes. Other community space would be dedicated to a bicycle-sharing program. There would be three levels of below-grade parking, none of which would be visible to passers-by.

The revised design also would preserve several stately trees along Riverside Drive, which would be removed if the rezoning is rejected, Drenner said.

If the rezoning fails, Drenner said the developer intends to move ahead with the original apartment plans without any retail and the public perks.

Drenner said the development team has been meeting with the Bridges on the Park homeowners association and members of the Zilker Neighborhood Association, and that they are optimistic about the outcome.

"I think it's fair to say with the majority of folks it's been well-received," Drenner said. Tracey Carroll, a spokeswoman for the Bridges on the Park, said there are still a lot of questions to be answered before that organization supports the rezoning.

"We support responsible development, but we still have a lot of concerns about things like height, view corridors, traffic



Few will argue that this acre on Lady Bird Lake just south of downtown isn't underused.

and whether it fits the character of Zilker Park and Town Lake," Carroll said. "This site is in the Waterfront Overlay District and we want to make sure that it provides the city with superior development."

Demand for condos observed

Whether the development will be for sale or for lease has not been determined, but

town and South Austin.

"It does make a lot of sense. There's definitely a market if they can get it done," said Charles Heimsath, president of Capital Market Research, which tracks the condo market.

Prices per square foot likely have never been higher than they were last year, with the average price of a condo in the Central Business District approaching \$700 per square foot, Heimsath said.

Mark Sprague, state director of information capital at Independence Title, said inventory across all classes and locations is in short supply — and especially in downtown and South Austin.

The 78701 ZIP code, which encompasses downtown, had 212 sales in the 12 months, Sprague said. The average time on the market was 51 days. Given that there are only about 100 new condos left for sale in the 78701 and 78704 South Austin ZIP codes, Sprague said, it's time for condo developers to reemerge.

"Like everything currently in Austin, there is not enough inventory and a lot of demand," he said.



Heimsath



Sprague

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FOLLOW-UP ITEMS FROM 1/17/13 BOTP MEETING

1. Please confirm the proposed total number of units as well as the approximate number and square footage of the 1, 2, and 3 bedroom units. (Rhode)

These numbers are an approximation based upon the current configuration: 116 one bedroom units, at an average size of 775 s.f.; 46 two bedroom units, at an average size of 1250 s.f.; and 8 three bedroom units, at an average size of 1600 s.f.

2. Please confirm the proposed total number of parking spaces and the breakdown with regard to spaces for Paggi House, retail, guests, and owners/residents. (Rhode)

These numbers are an approximation based upon the current configuration: 305 total parking spaces, 238 provided for residents (behind the gate), and 67 provided for Paggi, retail and guests (not gated). These non-gated spaces will vary based upon time/day, serving retail during regular business hours and guests during other hours.

3. What are the setbacks on South Lamar, Riverside Drive, and Lee Barton Drive? On the South Lamar Drive, will the new building be flush with our existing building or will it be closer to the road? On Riverside Drive, how does the setback compare with the existing sidewalk where the proposed plaza will be as well as on the portion leading to corner with Lee Barton Drive? How do the proposed setbacks compare with what is required in code? For example, we know that the plaza area on Riverside will be more than what is required but we don't have the information along the remaining perimeter. (Rhode/Bury)

We are in the process of preparing exhibits on this.

4. Please provide information on the proximity of the proposed building to BOTP on the north face of BOTP. In particular, we are interested in how close the proposed building will be to the hallway window on the north side (i.e., the concerns that we expressed regarding lack of natural light and facing a solid wall). (Rhode)

See (3) above.

5. On a related note, what are the requirements for utility easements? And how would this affect the proximity of the two buildings (i.e., Are we required to have X number of feet on both sides of the property line?). (Bury)

We are not aware of any utility easement existing on the 211 South Lamar tracts that would impact the placement of structures.

6. Please provide perspectives from different elevations for BOTP owners. Please let us know when you will be able to visit our building, and we will ensure access to 3-4 units. At a minimum, it would be

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useful for the owners to have perspectives from at least one east-facing unit, north-facing unit, and west-facing unit. (Winstead/Rhode)

Photos were taken by Winstead on Friday, February 8th from units 308 (east facing), 405 (north facing), 609 (east facing), and 610 (west facing) as well as from several of the north-facing hallway windows. BOTP is awaiting renderings based on these photos.

7. With regard to sidewalks on Lee Barton Drive, we discussed placement and potentially prohibiting parallel parking on one side of the road as well as adding meters. Would it be possible for you to schedule the meeting with City staff to discuss these items? (Winstead)

Amanda Swor to coordinate, as well as Leslie Pollack with HDR (transportation/traffic consultants); in process.

8. We also discussed the need to determine what type of privacy barrier would be needed by the proposed building's pool area. Would it be possible for your architect to give us some options to consider? (Rhode)

Architect is preparing renderings of privacy barriers.

9. You noted the inclusion of several conditions as notes in the PUD, and we very briefly discussed the possibility of a private restrictive covenant. Below, I've listed potential items that we would likely want included in the PUD notes and/or covenant. I'm assuming that the notes will require much more detail but wanted to get a better sense of what can/cannot be included. Would you review the items with the developer to determine which items are palatable? Also, I would appreciate it if you could refer me to an example of what PUD notes look like. It will give me a better idea of what to request from owners. (Winstead)

Potential PUD notes/conditions for private restrictive covenant:

- Proposed "U"-shaped design with 96 ft building (prohibit the reverse "U" where BOTP is blocked)
- Use of condo-grade materials
- Filing condo regime
- Maintain existing buffer with Paggi House
- Prohibit blockage of singular hallway window on the north face of BOTP
- Minimum setbacks on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
- Sidewalks and other safety improvements on Lee Barton Drive
- Privacy barrier (Winstead)

PUD notes are being developed as discussions continue with regard to project.

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10. Clarify the property lines and potential building placement along the northern BOTP/southern TC boundaries, as well as any utility or access easements. (Rhode/Bury)

We are in the process of preparing exhibits on this.

11. Inquire as to a ROFR of BOTP owners to purchase units in 211 South Lamar Project. (Winstead/Cureton)

Owner is open to continued discussion on this item.

12. Clarify status of out-buildings on the Paggi House site, as well as 'temporary' improvements (not part of zoning case, but of concern). (Winstead)

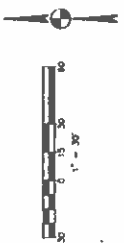
A portion of the tract containing the Paggi House was zoned historic by the City of Austin on November 21, 1974 (Ord. No. 74-1121H). The owner proposes no change to an exterior architectural feature of any historic structure on the Paggi site.

13. Address "run-off" or draining from 211 South Lamar structure/roof to ensure no draining to BOTP site. (Rhode/Bury)

The 211 South Lamar tracts are, on average, 6 feet lower in elevation than the BOTP site. All "run-off" or drainage from the 211 South Lamar project is required to be captured on-site.

14. Clarify the type of pedestrian cross walk improvements contemplated for crossing of Riverside at Lee Barton. (Winstead)

The owner has proposed enhancements to the existing pedestrian crosswalk of Riverside Drive at the eastern intersection with Lee Barton Road. All such improvements or enhancements must be approved and constructed by the City of Austin. Funding for the improvements or enhancements shall be provided by the owner.

ACREAGE: 0.933[illegible][illegible]

SHEET	
PROJECT NO.	108791-10003
DESIGNED BY	JRS
CHECKED BY	JRS
DRAWN BY	PJO

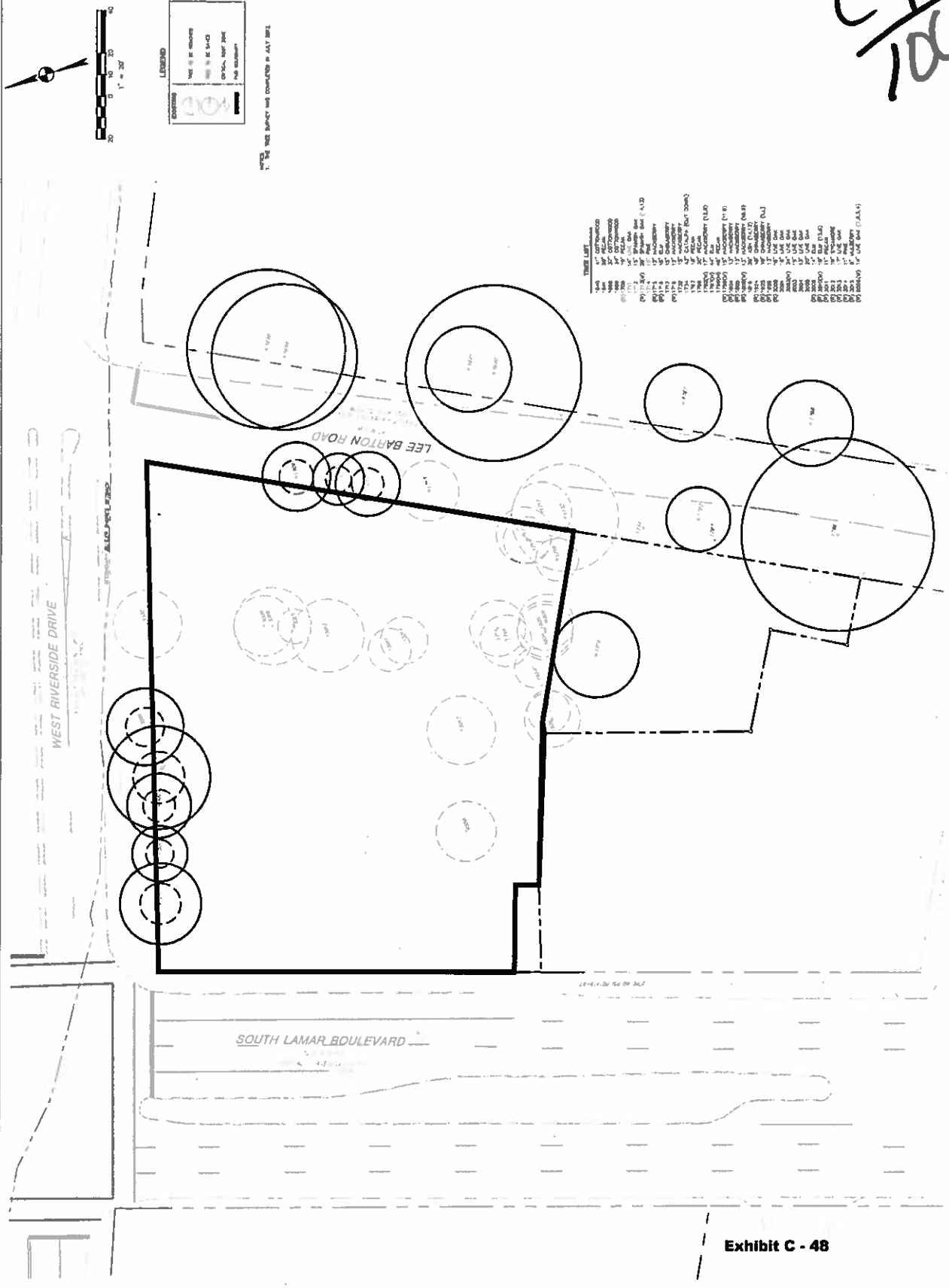
211 SOUTH LAMAR
POST PAGO, LLC

ENV. TREE
PUD EXHIBIT

Bury+Partners

10000 Lakeside Drive, Suite 200
Dallas, Texas 75243
Tel: 214-636-1111 Fax: 214-636-1112
Bury+Partners, Inc. (c) 2012

9/10/12



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SHEET	PROJECT NO. 108781-10003
DESIGNED BY JMS	REVIEWED BY JMS
DRAWN BY JMS	

211 SOUTH LAMAR
POST PAGAL, LLC

OFFSITE
PEDESTRIAN
IMPROVEMENTS

BBury+Partners
10000 West 10th Avenue, Suite 100
Denver, CO 80202
Tel: 303.733.1111
www.burypartners.com



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From: Sushma Jasti Smith
Sent: Monday, March 04, 2013 6:30 AM
To: Heckman, Lee
Cc: Robert Wilson; Claudia Davila C.; Rusthoven, Jerry
Subject: letter from BOTP Board of Directors

Dear Mr. Heckman:

Please find attached a letter from the Bridges on the Park Association's Board of Directors, which is addressed to you and City staff. We have several questions and hope to receive answers quickly given the timeline for consideration of the 211 S. Lamar PUD application.

I have copied Robert and Claudia (the other Board members) on this message. I would appreciate it if you would reply to all of us.

Thank you, Sushma

Sushma Jasti Smith
210 Lee Barton Drive #609
Austin, TX 78704

bridges
on the park

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March 4, 2013

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mr. Heckman and City staff:

As owners of Bridges on the Park Condominiums (BOTP), we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. For your reference, the case number is C814-2012-0160. BOTP abuts the site directly to the south (our address is 210 Lee Barton Drive), and we are the only residents within a 200-foot radius of the proposed PUD.

Based on the Land Use Plan dated February 21, 2013 (enclosed), there are several items of note that we request your attention:

1. The site is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district. The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District. In addition, although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway and subject to a Scenic Roadways Overlay. The developer is requesting a maximum height of 96 feet in the PUD, which is 36 feet higher than BOTP.

At this time, BOTP owners remain steadfastly opposed to a height variance exceeding the maximum 60 feet currently allowed under the CS-V designation. We believe that this site has unique characteristics, and as such, the developer should be required to honor existing zoning regulations. We ask that the City staff take into account the following factors:

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.

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- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the ZACH Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
 - The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
 - PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
 - Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than what the City approved for the newly constructed Topfer Theatre at ZACH. If approved as requested, the proposed building would dwarf Topfer Theatre, thereby diminishing the City's considerable investment.*
2. Where is the base of the proposed building and how should we calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House? We understand from the developer that the PUD site is six feet lower *on average* than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. We ask that City staff explain how this will be calculated.
 3. The most recent plan shows that the proposed PUD has 0' setbacks on all four sides (Lamar Blvd., Riverside Drive, Lee Barton Drive, and Rear). It is our understanding that the minimum setback for CS and CS-V, which are the current zoning designations for the site, is 10 feet. If the existing height maximum of 60 feet is kept in place, then we ask that the minimum setback of 10 feet be required on all four sides of the proposed development. However, if the requested height variance of 96 feet (or any height greater than 60 feet) is granted to the developer, then we ask for a corresponding increase in the minimum setback. For example, if the developer is granted a maximum height of 96 feet, we ask for a minimum setback of 20 feet on all four sides. If the developer is granted a maximum height of 75 feet, then we ask for a minimum setback of 15 feet.
 4. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives and Council Members. However, every

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schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.

5. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. We ask the City staff to consider prohibiting parallel parking on the western side of Lee Barton Drive and to put in place metered parking on the eastern side, which abuts the Butler Pitch and Putt.

In addition, the developer proposes to add a sidewalk on the portion of Riverside Drive that is adjacent to the northern edge of the Butler Pitch and Putt. It would appear that either the oleander bushes would have to be removed or additional road space would be needed to accommodate this sidewalk. Both of these options are not practical as there isn't sufficient road space and the oleander bushes serve as a natural barrier that protects pedestrians from wayward golf balls from the Butler Pitch and Putt. We ask that City staff maintain the status quo.

6. We ask that the following conditions be included as notes on the PUD:
 - Preserve maximum height of 60 feet as required by current base zoning designation
 - Require minimum setbacks of at least 10 feet on South Lamar Blvd., Riverside Dr., Lee Barton Dr., and Rear
 - Prohibit blockage of five north-facing hallway windows of BOTP
 - Include sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

We also have the following questions based on the City staff briefing to City Council on December 13, 2012:

1. The City staff report for the PUD stated that the maximum height for the site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?
2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered by the Waterfront Overlay Advisory Board, the Environmental Board, the Planning Commission, and City Council, we would appreciate your answers as soon as possible.

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For your convenience, here is our contact information:

- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

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/113

From: Yang, Edward (Research)
Sent: Wednesday, March 06, 2013 11:34 AM
To: Heckman, Lee
Cc: 'EHY'
Subject: C814-2012-0160, Public Hearing March 12, 2013 Planning Commission; March 28, 2013 City Council

Dear Mr. Heckman,
Michael Simmons-Smith has already registered me as an Interested Party for this case.

Please submit this as my written objection to the zoning change for the above case number, project location 211 S. Lamar Blvd & 1211 W. Riverside Dr. I believe that the change would negatively impact the character and quality of the neighborhood, as well as contribute to the already choked off congested traffic, parking, and related safety issues in what is meant to be a park-like green environment next to Lady Bird trail.

I am also very concerned about the recent report in the Austin Statesman that the developers will be granted an exception to build taller than the normal 60-foot limit. The developer's paltry gesture for a \$420,000 contribution to the city's affordable housing fund is grossly insufficient when this is the typical cost of just a single condo unit in the neighborhood. I am a business man and not opposed to responsible development, but it is distasteful and injurious to our community when developers can circumvent our rules and laws with a middling payoff. Thank you,

Sincerely,

Edward H. Yang (please accept this as my e-signature)

Oppenheimer
Managing Director
Chemicals Equity Research
512-314-2619

Address affected by this application:
210 Lee Barton Dr. Unit 215
Austin, TX 78704

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to

www.opco.com/EmailDisclosures

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

R 3/6/2013

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: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

Alan Lampert

Your Name (please print)

300 S. Lamar #407

Your address(es) affected by this application

3.4.13

Date

Daytime Telephone: 512.550.9987

Signature

Comments: 1) PED zoning provides a

blank check. The project is neither

large or complex.

2) Building height on that corner

should be no taller than

the "Bridges" Condo building

3) I would like to receive a

copy of the Staff recommendation.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

C9
1/14



DAVE STEAKLEY
PRODUCING ARTISTIC DIRECTOR

ELISBETH CHALLENGER
MANAGING DIRECTOR

BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

JOY SELAK, Ph.D.
PRESIDENT

BRUCE McCANN
IMMEDIATE PAST PRESIDENT

DR. GARY GOLDSTEIN
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SECRETARY

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JOAN LAVA
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MINDY ELLMER
DEVELOPMENT COMMITTEE CHAIR

LAURA MERRITT
EDUCATION COMMITTEE CHAIR

JANET MITCHELL
MARKETING COMMITTEE CHAIR

BETTYE NOWLIN
AT-LARGE

MARCY MELANSON
AT-LARGE

KATHLEEN GUION
AT-LARGE

TRUSTEES

KATHY BOLNER
SUE BRELAND
BRYAN CADY
MARIANNE CARROLL
WAYNE CLARK
WILL COOMBES
BERRY CROWLEY
DERRICK EVANS
A. ROBERT FISCHER
JERRY GATLIN
ERIC GROTEN
RICHARD HARTGROVE
KATHY HUTTO
JOHANNE IBSEN-WOLFORD
DR. GERALD JACKNOW
MITCH JACOBSON
SCOTT JOSLOVE
DENNIS KARBACH
MIKE KENNEDY
SUSAN LUBIN
BRIAN MCCALL
MIKE O'KRENT
CANDACE PARTRIDGE
MIKE PETERSON
THE HONORABLE JIM PITTS
THE HONORABLE EDDIE RODRIGUEZ
CAROLYN SERRIF
DEANNA SERRA
DONNA SNYDER
MARY HERR TALLY
TOM TERKEL
MORT TOPFER
JIM WHORTON

City of Austin
Planning & Development Review Department

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: March 12, 2013 – Planning Commission
March 28, 2013 – City Council

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Dear Mr. Heckman,

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

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

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

Thank you for your time and consideration of this opposition.

Sincerely,

Elisbeth Challenger

Elisbeth Challenger

ZACH Managing Director

Exhibit C - 57

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

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ORDINANCE NO. 20080724-082

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

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

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

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

- (1) located on land owned by the City of Austin, and
- (2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

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

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

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

PASSED AND APPROVED

_____, July 24, 2008

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§
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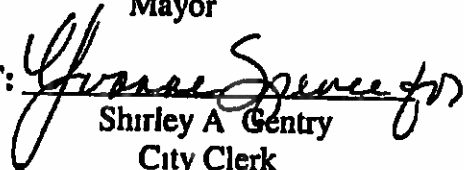
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

PUBLIC HEARING INFORMATION

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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

R 03/08/2013

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: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

Elisbeth Challenger

Your Name (please print)

510 Tamey Rd. Austin, TX 78704

Your address(es) affected by this application

Elisbeth Challenger

Signature

3/7/13

Date

Daytime Telephone: 512-476-0594

Comments: See attached

☐ I am in favor
☒ I object

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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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

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: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

MONICA A. GREENWELL

Your Name (please print)

210 LEE PARTON DRIVE #411 AUSTIN, TX 78704

Your address(es) affected by this application

3/10/2013

Date

Daytime Telephone: 512-584-3408

Comments:

☐ I am in favor
☒ I object

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Zilker Neighborhood Association

www.zilkerneighborhood.org ♦ zilkerna@austin.rr.com
1115 Kinney Ave. #42 ♦ Austin, TX 78704 ♦ 512-447-7681

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March 11, 2013

Waterfront Planning Advisory Board
City of Austin

At the February 25, 2013, meeting of the Zilker Neighborhood Association, the general membership voted once again, as they have numerous times since the 1980s, to support the Waterfront Overlay and to oppose the construction of a highrise on the banks of the Colorado River. The subject of this particular vote was the PUD proposal at 211 South Lamar. In general, ZNA objects to the creation of this PUD on this site because:

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this site.
- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces.
- Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.

The attached draft table addresses each of these points as they relate to the Tier I and II PUD requirements. As you will see, the PUD application seems to be a moving target, and our analysis has generated a great many questions. We hope that the board will postpone any decision on this PUD until these questions are answered and gaps in the information are filled.

Thank you for your service on this vitally important board.

Sincerely yours,

Lorraine Atherton
Newsletter editor, on behalf of the
ZNA Executive Committee

ZNA Officers, 2012-2013

Gardner Sumner, *President* ♦ Richard Gravois, *Vice President* ♦ Andy Elder, *Vice President*
Jacob Scheick, *Secretary* ♦ Merriman Smith, *Treasurer*
Tony Giustino, *ANC Delegate* ♦ Lorraine Atherton, *Newsletter Editor*

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Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

Tier I Requirement	Applicant Note	ZNA Note
<p>1. Meet the objectives of the City Code.</p>	<p>The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pflugger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be compatible with pedestrian and cyclist use. In addition, the project substantially complies with Subchapter E, supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves on-site trees, treats untreated, off-site stormwater, provides funding for off-site pedestrian improvements to be utilized by area residents and park users, creates a new public "storefront" for the Parks and Recreation Department and creates both a sustainable and architecturally interesting building, without any visible on-site parking from outside the project. The mixed-use project is designed to be compatible with private and public surrounding land uses.</p>	<p>The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pflugger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent.</p> <ul style="list-style-type: none"> Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces. Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.
<p>2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.</p>	<p>The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Drive that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and treatment of untreated off-site stormwater.</p> <ul style="list-style-type: none"> The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically 	<ul style="list-style-type: none"> Under existing standards, the trees along Riverside and Lee Barton would not be lost. Current developments on South Lamar design their projects, from the beginning, around the existing trees. They come to ZNA with a tree plan showing the major trees that the building will be designed around and estimates of the number and size of trees that will have to be replaced and where they are likely to be located. The WO provides bonus density and/or height for preserving trees. These can, and should be preserved under existing zoning—there is nothing that would prevent this; in fact, it is enabled and incented under the WO. Ditto for green building standards, including actual rain gardens (which don't seem to be working very well where they have already been installed), native plants, rainwater harvesting, and innovative stormwater systems. We are exceedingly underwhelmed by the offer of "educational signage" in this regard.

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	<p>used for apartment buildings in this area. The building will contain three levels of below grade parking, together with at-grade parking to support the retail areas that are sheltered from view by those retail areas, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multiface concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake.</p> <ul style="list-style-type: none"> Given the location of the project, adequate public facilities and services are generally found in the area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a "storefront". The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Drive. 	<ul style="list-style-type: none"> Steel structure is required of buildings over 75 feet in height. This is not an option. It also increases construction costs enormously, reducing the affordability and economic viability of the building. Structurally shielded ground level parking is required by the WO. It is not an option. The "innovative design" description, especially the hidden parking garage, sounds very much like what ZNA was promised during the rezoning case for the Post project at 1500 S. Lamar, about 10 years ago, before the current commercial design standards or VMU took effect. That project was completed a few weeks ago. Post can and should meet the same design standards within the WO. The Waterfront Overlay sets design standards that must be followed by any project in the overlay. The "storefront" is required by the WO at 60% partially see-through glass—so the facade on commercial first floor is a requirement, not an option. By this design, (as described by the Austin Business Journal) the open space is enclosed by the building, and therefore is not accessible to the public. Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration. The rain gardens are not clearly defined, nor how they will be properly maintained for maximum effectiveness. "Front door" to the park: To be precise, this site is across the street from the Pfluger Bridge. To reach this "front door," walkers and cyclists leaving the trail area must navigate the intersection with the highest traffic counts (> 50,000) of any arterial in the entire city, an arterial to which this project proposes to add about 250 cars, not including the commercial parking. From what we have seen so far, every car associated with this project will come into conflict with walkers and cyclists trying to use the park and trail system. A 96-foot high visual barrier will not help. The PUD proposes no solution to the fundamental problems at this intersection. Are they really suggesting that reducing the height of the east side of the building (to a level that is still 10 feet above the maximum) will extend the pedestrian-friendly parkland and trail across five lanes of traffic and through the building to an interior plaza? Really? Or is "landscaped pedestrian-oriented plaza" a reference to the Zachary Scott entrance, and the proposal is describing a visual link between the theater plaza, the theater's widely despised 75-foot fly tower, and the PUD's 75-foot wall of condos on Lee Barton. Really? What does "distinct corner" mean? The sidewalk improvements required under the existing VMU and commercial
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<p>3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.</p>	<ul style="list-style-type: none"> ▪ The proposed off-site improvements include additional sidewalks along Lee Barton Drive and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. ▪ This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project. ▪ See additional notes referenced in this chart for other terms described herein. 	<p>design standards will accomplish that. What we need at this corner is a plan for reducing conflicts between pedestrians trying to cross S. Lamar, cars trying to use the Lamar Bridge, cars entering and exiting the parking garages in this block, and buses that need to pick up and drop off pedestrians who are unable to cross the street to get to the bus stops.</p> <ul style="list-style-type: none"> ▪ Public facilities and services are not adequate to serve the exploding population in this area. Sidewalk and crosswalk connections, bus service, and traffic management are miserable (see item above). ▪ This is across the street from Restaurant Row. It does not need more restaurants (although a proposal to expand the historic Paggi House to Riverside, with a Zilker-style Tavern on the Green, would be welcome). The retail space is already required under the existing zoning and VMU overlay, and the PUD offers nothing better. ▪ Other developers have offered money to the parks department in return for increased entitlements (most recently the Pico PUD on Barton Springs Road), and the offers have always been rejected as illegal under state law. How is this rent-free deal different? ▪ Likewise, off-site improvements like sidewalks have been rejected for other projects. Private developers can build them but they must be reimbursed. How is this different? ▪ Bike parking provisions in the Code are currently being revised. Does this PUD meet or exceed the proposed changes to the Code? ▪ <u>The vibrant public plaza needs to be more clearly defined, including the public access, size, location, security, seating, allowed public uses, and restroom facilities.</u>
	<p>The PUD is required to provide 5,164 square feet of open space to meet the Tier 1 PUD requirement of 10% of residential space and 20% of nonresidential space. The PUD will provide a minimum of 14,000 square feet of open space.</p>	<p><u>Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration.</u></p> <p><u>The rain gardens are not clearly defined and how they will be properly maintained for maximum effectiveness.</u></p> <p>Where is this open space? According to the Tier II 1 description, 12,000 square feet of the "open space" is private and above the ground floor (in private balconies, for instance). The proposed 3000 square feet does not meet the requirement for ground-floor public space (at least 70% of the requirement must be on the ground floor).</p> <p>a. Zach Scott provided a detention-filtration area in connection with the new theater; Post could provide something similar on the non-VMU parcel to enhance the green space surrounding the Paggi House.</p> <p>b. This project is not subject to the parkland dedication fee. Other</p>

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<p>4. Comply with the City's Planned Unit Development Green Building Program.</p>	<p>The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).</p>	<p>projects are paying huge parkland fees and also providing substantial open space onsite under VMU and commercial design standards. This PUD does not meet current standards for South Lamar projects.</p> <p><u>The public needs to know specifically how the project will comply with the City's Green Building Program at a 3-Star Level.</u></p> <p>This is standard practice on S. Lamar (see item 2)</p>
<p>5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.</p>	<ul style="list-style-type: none"> The project is in compliance with all aspects of the Waterfront Overlay other than height, and the project does not exceed the Butler Shores Subdistrict maximum height limit. The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the parkland across Lee Barton Drive to the east of the project, by having the "U" opening towards the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage. The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a significant setback from Riverside Drive (thereby preserving a view corridor to Lady Bird Lake from the outdoor patio on the second floor of the Zach Scott Theatre) and by providing retail and restaurant uses that will be utilized by patrons of the Zach Scott Theatre. 	<ul style="list-style-type: none"> The PUD is not consistent with the ZNA VMU plan. <u>The location is a unique corridor view that cannot be replaced. No other south entrance into Downtown has this view of Town Lake.</u> The max height in the Butler Shores subdistrict is 60 feet. The PUD does not respect the historic Paggi House or previous agreements with the adjacent Bridges project. ZNA does not have access to the agreements regarding protection of the Paggi House, but during construction of the Bridges, there was great concern about damage caused by excavation. The PUD proposes to cut off the Paggi House from Riverside and the river. The "view corridor" from the second floor of Zach Scott is blocked by the existing 60-foot Bridges building. The height of the PUD building on Riverside will not change that. The PUD does not make it possible for theater patrons to cross South Lamar. Staff note 21 suggests that the PUD has requested Alternative Equivalent Compliance for subchapter E Design Standards and Mixed Use. Based on what ZNA has seen, the alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar.
<p>6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical</p>	<p>The owner will provide water quality controls superior to those otherwise required by Code through the use of rain</p>	<p><u>Where are the specific details for the rain gardens and rooftop rainwater collection design?</u></p> <p><u>Eight existing trees will be removed according to the plans, and</u></p>

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<p>environmental features, soils, waterways, topography and the natural and traditional character of the land.</p>	<p>gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements (via capturing and treating off-site stormwater) and utilize the designs that meet "best practices".</p> <ul style="list-style-type: none"> The project will also preserve several trees onsite via additional setbacks that would not be saved with a project developed under the standard Code regulations. 	<p><u>there will be less space available for green space on the ground floor.</u></p> <p>None of these appear to be superior to current projects on S. Lamar (see item 2). The PUD is not providing "additional" setbacks. The PUD is requesting zero setbacks and then offering to restore the required setbacks in limited areas.</p>
<p>7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.</p>	<ul style="list-style-type: none"> Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. The project will provide 1,000 square feet of usable retail space within the project for use by the City of Austin Parks and Recreation Department to serve as a "public store-front" for their special events office or other retail uses as determined by the Department. 	<p>Traffic backed up on the Lamar Bridge is a significant public safety and emergency response problem at this site. The PUD does not address its contribution to that problem. See also item 2.</p> <p><u>Where in the project will this space be provided? The first floor would be most accessible to the public.</u></p> <p><u>Free public parking should be provided in the on-site parking garage on the first floor.</u></p>
<p>8. Exceed the minimum landscaping requirements of the City Code.</p>	<p>The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program. - 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide (Note: 90% is required under base regulations); - 100% of the all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens or through the use of rainwater harvesting (or a combination of both) [Note: 50% of all required landscaping is required to be irrigated in this manner - or be drought resistant species - under the base regulations.]; and - An Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site (Note: this is not a requirement under the base regulations).</p>	<p><u>It's important to remember that ground-level green space will be reduced by the project.</u></p> <p><u>The public needs to know the specific details for the size and location of rain gardens and rain harvesting equipment.</u></p> <p>The streetscape dimensions, trees, and other plantings appear to be reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects.</p> <p>The choice of species and irrigation are trivial compared with the overall reduction in landscape and open space.</p>
<p>9. Provide for appropriate transportation and mass</p>	<ul style="list-style-type: none"> The project will be located along the City's 	<ul style="list-style-type: none"> The bus stop locations must be confirmed with Capital

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transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.	new bus rapid transit route, and within easy walking distance of bus stops for that new route as well as normal bus service (Note: two existing Cap Metro bus routes are on the same block as the project). Additionally, the most recent proposed new rail routes in the area show a rail route extending along Barton Springs Road and within easy walking distance of the project. <ul style="list-style-type: none"> The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton Drive and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton Drive (crossing Lee Barton Drive at Riverside Drive). Two charging stations for electric vehicles will be provided in the parking garage. 	<ul style="list-style-type: none"> Metro. ZNA's information is that the rapid transit buses will have only 3 stops in the 5 miles from Riverside to Ben White, and a stop is not planned north of Barton Springs Road. The rapid transit buses are scheduled to replace the #3 bus route, so there will likely be only one route stopping north of Barton Springs Road, the 338, which does not go downtown or to UT. This PUD must include a plan to provide transit service appropriate to the increased density. The suggestion that a rail line might be added to Barton Springs Road is ludicrous. The most recent rail proposals do not include lines south of the river. The proposed pedestrian improvements do not address the need for a traffic light and pedestrian crossing at Toomey and the difficulty of crossing South Lamar to reach bus stops. Lee Barton should be reconfigured to handle parking garage traffic. Staff note 7 mentions that egress will not be permitted on South Lamar. The PUD does not address the issue of conflicts at parking garage driveways on either S. Lamar or Lee Barton. <u>The public should be allowed to use the electric car charging parking spaces.</u>
10. Prohibit gates roadways	No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)	
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	<ul style="list-style-type: none"> The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently provided. If the Paggi 	<p>The building design increases the building mass on Riverside Drive and Lee Barton beyond the WO height limit and blocks much of the unique Lady Bird Lake waterfront view from the Paggi House.</p> <p>See also item 5.</p>

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	House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels. • The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property.	<ul style="list-style-type: none"> There are probably thousands of commercial properties of similar size in the city with public roadways on three sides. The Waterfront Overlay places no restrictions on the proposed land uses. Therefore there are no special conditions on the site other than the applicant's desire to exploit its location adjacent to Auditorium Shores and Lady Bird Lake to gain additional height, density, and market value. In 1986 the citizens of Austin codified the Waterfront Overlay to deal with the special circumstances of waterfront properties, specifically to prevent the construction of tall buildings too close to the riverbank. The special circumstances claimed here are addressed in the Waterfront Overlay. The maximum height allowed in this subdistrict of the WO is 60 feet. That is not a special circumstance confined to this property. A desire to bypass city code is not a legitimate reason to pursue a PUD.
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	The property is characterized by special circumstances. The PUD is surrounded by public roadways on three sides (including two Core Transit Corridor roadways) and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height, together with the adjacent setbacks from those roadways, is through the PUD process.	

Tier 1 - Additional PUD Requirements for a mixed use development		ZNA Note
1. Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance. Note: Generally, the need to request alternative equivalent compliance is to allow the unique design of the project, including the enhanced public plaza area. As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.	Based on what ZNA has seen, the alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar. The streetscape and public plaza dimensions, public access, trees, and open space appear to be much reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (Core Transit Corridor Sidewalk and Building Placement).		Same as above.
3. 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 project contains pedestrian-oriented uses on all three street frontage sides totaling 75% of the cumulative frontage of those sides (excluding driveway openings	

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	and other project facilities not typically included in "frontage" calculations).	
<p>Tier II - PUD Requirements</p> <p>1. Open Space -- Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), 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>2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may</p>	<p>The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of nonresidential space. By providing open space equal to 10% of the 29,641 square feet of residential space and 20% open space for the 11,000 square feet of commercial space, the total required amount of open space to meet the Tier I requirement is 5,164 square feet and the total required amount of open space to meet the Tier II requirement is 5,681 square feet. The PUD is providing a minimum of 14,000 square feet of open space (3,000 square feet public and 11,000 square feet private).</p> <ul style="list-style-type: none"> This PUD will not request any exceptions or modifications of environmental regulations. The project will provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart "d" through the use of rain gardens and bio-filtration areas. The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations. 	<p>ZNA Note</p> <p><u>The plan needs to provide the number of square feet of rain garden, rain water collection areas, vegetative filter strips, and bio-filtration.</u></p> <p>At least 70% of this open space requirement must be public space on the ground floor. In this case that would be 3,977 square feet. The PUD is providing only 3,000 square feet of public space, and much of that appears to be located in public right-of-way.</p> <p>e. What is the difference in impervious cover? It appears to be a net increase. f. What are the setbacks from the adjacent waterways? g. Does the PUD meet the Code's minimum waterway and critical environmental feature setbacks? j. Under VMU, WO, and state regulations, service stations are not allowed on the site. Existing businesses may be grandfathered, but new uses would not be allowed. We do not need a PUD here to prevent its use as a gas station.</p>

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contribute to air or water quality pollutants. k. Employ other creative or innovative measures.			
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	The project will meet the Austin Green Builder program at a 3-star level.		
4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	The project will provide art approved by the Art In Public Places Program on-site.		
5. Great Streets–Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	Drenner indicated that the PUD is not subject to VMU standards either. Does subchapter E differ from VMU standards?	
6. Community Amenities –Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	<ul style="list-style-type: none"> The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on a reservation basis, and subject to reasonable rules and regulations. 	<ul style="list-style-type: none"> The space should be on the first floor and free public parking should be provided in the on-site parking lot. Is this in addition to meeting and office space used by the condo association? Several public and private buildings in the area already provide this service, including the Twin Oaks Library, Austin Elks Club, Mary Lee Foundation, and numerous restaurants—none of which asked for or received any additional zoning entitlements. Also this offer was already used as a ploy to gain PUD entitlements at the nearby 801 Barton Springs Road. So it seems there's no shortage of public meeting space in the area. 	
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multimodal transportation features not required by code.	<ul style="list-style-type: none"> The project will provide bicycle parking for retail patrons, as well as its residents, at above-Code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area or in the planting or supplemental zone of adjacent streets. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide funding for off-site pedestrian improvements along Lee Barton Drive and Riverside Drive (including sidewalks and a crosswalk) to increase the walking connectivity in the general area of the site. 	<ul style="list-style-type: none"> Bike parking provisions in the Code are currently being revised. Does this PUD meet or exceed the proposed changes to the Code? See Tier I items 2 and 9. <u>Free public showers for bicyclists should be provided.</u> 	
8. Building Design -- Exceed the minimum points required by the Building Design Options of Section	The project is required to have 1 point (Required Base Point) as listed on the City	In the PUD notes, 5 of the 8 design options appeared to be design elements already required (not optional) under VMU and the city's	

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<p>3.3.2 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)</p>	<p>of Austin Building Design Calculation Worksheet. The project will obtain a minimum of 13 points by providing a variety of design options.</p>	<p>commercial design standards. We need to know more about the "distinct" roof and the "sustainable" roof.</p>
<p>9. Parking Structure Frontage –In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (Waterfront Overlay District Uses) in ground floor spaces.</p>	<ul style="list-style-type: none"> There is no above grade structured parking and no parking for the project that is visible to the public. The cumulative amount of pedestrian-oriented uses along the total street frontages of the project (excluding areas not typically included as "frontage" in such calculations) shall exceed 75%. 	
<p>10. Affordable Housing –Provides for affordable housing or participation in programs to achieve affordable housing.</p>	<p>The project will participate in the affordable housing options pursuant to the PUD ordinance. Note: for these purposes, the applicant has assumed, and this PUD is expressly subject to, the interpretation of the PUD ordinance that all affordable housing options will be calculated on the delta between the FAR that the applicant proposes to need for the project and the FAR that could be achieved pursuant to existing zoning and existing applicable site development regulations, including section 25-2-714 of the Land Development Code (Additional Floor Area). Such participation will be provided by either providing on-site units or by paying a fee-in-lieu (calculated consistent with the assumptions above).</p>	<p>Post is proposing to cheat Austin and Zilker out of the 10% at 60% affordability standard required under the VMU overlay. Allowing this project to calculate the affordable units on the delta, in stark violation of the code, will result in a substantially reduced contribution to affordability. The developer of a smaller condo project a couple of blocks to the west committed to provide \$500,000 toward affordable housing in the Zilker Neighborhood in 2007, in an effort to meet VMU standards before the VMU ordinance took effect. The comparable contribution from the Post PUD, based on square feet, would be about \$1.5 million, but Post appears to be trying to get away with \$400,000 or less.</p>
<p>11. Historic Preservation –Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.</p>	<ul style="list-style-type: none"> The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking 	<p>See Tier I items 5 and 11.</p>

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