

EDUCATIONAL IMPACT STATEMENT

CITY OF AUSTIN CODE AMENDMENT

Austin Independent
School District



Prepared for the City of Austin



CODE AMENDMENT NAME: East Riverside Corridor Regulating Plan

CASE #: C20-2011-003

☒ POTENTIAL IMPACT ON SCHOOL(S)

☐ NO IMPACT ON SCHOOL(S)

CODE AMENDMENT SUMMARY

The proposed code amendment creates the East Riverside Corridor (ERC) Zoning District and provides for a regulating plan which establishes use and site development regulations for the ERC District. The intent of the East Riverside Corridor Regulating Plan is to implement the vision of an urban mixed-use neighborhood that supports current and future transit options along a portion of East Riverside Drive. Article 6 of the Regulating Plan allows for development bonuses, in part to encourage affordable housing and mixed income communities. One of the development bonus requirements is to provide for a minimum of 50% of the Bonus Area as on-site affordable housing or payment of an in-lieu fee for affordable housing.

IMPACT ON SCHOOLS

The East Riverside Corridor (ERC) Zoning District is within five elementary school, two middle school, and three high school attendance areas and impacts 1, 172 AISD students. The following three tables show the affected schools within the proposed ERC zoning district and their respective 2011-12 enrollment data including free or reduced (F/R) lunch figures.

Table 1

2011-2012 Elementary School Enrollment Data of Schools Impacted by the ERC Zoning District

Elementary School	Total Enrollment	Elementary Students within ERC	Percentage of Students Enrolled within ERC	Number of Students Eligible for F/R Lunch within ERC	Percentage of Students Eligible for F/R Lunch within ERC
Allison	527	113	21.4%	101	89.4%
Brooke	408	6	1.5%	3	50%
Linder	866	77	8.9%	71	92.2%
Metz	521	279	53.5%	264	94.6%
Sanchez	587	265	45.1%	240	90.5%
TOTAL	2,909	740	25.4%	679	94.2%

Metz and Sanchez have the largest percentage of students who reside within the East Riverside Corridor (ERC), at 53.5% and 45.1 % respectively. Additionally, Allison has a large number of students that may be impacted by potential redevelopment within the ERC. All five of the affected schools have a very high percentage (50%-94.6%) of students that are eligible for free or reduced lunch.

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Table 2

2011-2012 Middle School Enrollment Data of Schools Impacted by the ERC Zoning District

Middle School	Total Enrollment	Middle School Students within ERC	Percentage of Students Enrolled within ERC	Number of Students Eligible for F/R Lunch within ERC	Percentage of Students Eligible for F/R Lunch within ERC
Fulmore	1,043	50	4.8%	44	88%
Martin	598	164	27.4%	144	87.8%
TOTAL	1,641	214	13%	188	87.9%

27.4% of Martin's students reside within the ERC with 87.8% eligible for free or reduced lunch.

Table 3

2011-2012 High School Enrollment Data of Schools Impacted by the ERC Zoning District

High School	Total Enrollment	High School Students within ERC	Percentage of Students Enrolled within ERC	Number of Students Eligible for F/R Lunch within ERC	Percentage of Students Eligible for F/R Lunch within ERC
Austin	2,252	12	0.5%	4	33.3%
Eastside	633	84	13.3%	74	88%
Travis High	1,473	122	8.3%	108	88.5%
TOTAL	4,358	218	5%	186	85.3%

Eastside Memorial would be the most affected high school with 13.3% of the student enrollment residing within the ERC.

Summary: Without more information about specific redevelopment projects and the number of affordable units proposed, it is difficult to determine the exact impact on the affected schools. However, as noted on the above tables, there is a potential negative impact at Allison Elementary School, Metz Elementary School, Sanchez Elementary School, and Martin Middle School due to the potential loss of students residing within the East Riverside Corridor, especially if existing affordable housing options are replaced by housing with a lower percentage of affordable units. A loss of students due to redevelopment has already occurred in the Metz and Sanchez attendance areas in 2006-07. The redevelopment of two apartment complexes displaced approximately 183 elementary students and resulted in a decrease in student enrollment at Metz (11.4%) and Sanchez (16.2%) over a one-year period.

Date Prepared: 11/5/2012

Director's Signature: Paul Turner

CITY COUNCIL NEIGHBORHOOD PLAN AMENDMENT COMMENT FORM

City Council Hearing Date: Nov. 8, 2012

Plan Amendment Case Numbers (circle one): NPA-2012-021.02 or NPA-2012-005.04

You may send comments by mail to the Planning and Development Review Department,
c/o Erica Leak, P. O. Box 1088, Austin, TX 78767-8835, by fax to (512) 974-2269, or by email to
erica.leak@austintexas.gov.

Name (please print) CRPHYH L.P.

☒ I am in favor
(Estoy de acuerdo)

Address 1723 Camp Craft Rd. Austin, TX. 78746

☐ I object
(No estoy de acuerdo)

Comments:

CITY COUNCIL ZONING CASE COMMENT FORM

City Council Hearing Date: Nov. 8, 2012

Zoning Case Numbers (circle one): C14-2012-0111 or C14-2012-0112

You may send comments by mail to the Planning and Development Review Department,
c/o Erica Leak, P. O. Box 1088, Austin, TX 78767-8835, by fax to (512) 974-2269, or by email to
erica.leak@austintexas.gov.

Name (please print) CRPHYH L.P.

☒ I am in favor
(Estoy de acuerdo)

Address 1723 Camp Craft Rd. Austin, TX. 78746

☐ I object
(No estoy de acuerdo)

Comments:

November 5, 2012

Mayor Lee Leffingwell
Mayor Pro-Tem Sheryl Cole
Council Member Chris Riley
Council Member Mike Martinez
Council Member Kathy Tovo
Council Member Laura Morrison
Council Member Bill Spelman

City of Austin
201 W Second Street
Austin, Texas 78701

RE: 1700 ½ Frontier Valley Drive

Dear Mayor and Council Members:


Please accept this as a request to exclude the property at 1700 ½ Frontier Valley Drive from the boundaries of the East Riverside Corridor Plan (ERC).

The ERC Master Plan was adopted in 2010, but there was no regulating plan to enforce the master plan. When we began our project in March 2012, City of Austin staff indicated that there was no defined schedule for adoption of the regulating plan. We proceeded with our Project based upon the enforceable rules and regulations in effect. As we approached our scheduled Planning Commission and City Council hearings, we were informed that the ERC would be heard by the Planning Commission and City Council in October / November time frame. We received zoning approval at the October 18, 2012 city council meeting. We are currently working on our site plan application. If the property were to remain in the ERC, we would have to start from the beginning on our project.

There is a restrictive covenant in place that requires pedestrian friendly sidewalks, buildings oriented towards Frontier Valley Drive, and surface parking be located internal to the site. The restrictive covenant also requires the property to reserve 70-feet of right-of-way for a future pedestrian priority roadway. These restrictions provide for some compliance with requirements of the ERC.

In conclusion, we respectfully request that the 17.199 acre tract located at 1700 ½ Frontier Valley Drive be excluded from the boundary of the East Riverside Corridor Plan. Should you have any questions, comments, or concerns, feel free to contact me.

Sincerely,



Vince DiMare
Equity Secured Capital, LP

Leak, Erica

From: PODER Austin, Texas <[REDACTED]>
Sent: Thursday, December 06, 2012 9:44 AM
To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Spelman, William; Tovo, Kathie; Leak, Erica
Subject: Removal ERC - 1700 1/2 Frontier Valley Drive

Hello Mayor Leffingwell and City Council Members: The Montopolis Neighborhood Contact Team is in agreement in removing the property located at 1700 1/2 Frontier Valley Drive (C14-2012-0067) in Montopolis from the East Riverside Corridor Master Plan. Austin, now more then ever, needs to have this affordable housing project move forward. Thank you, Susana Almanza, President MNPCT

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PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

Leak, Erica

From: Zahir Walji [REDACTED]
Sent: Wednesday, November 07, 2012 5:26 PM
To: Leak, Erica
Cc: Fred Lockwood; Kareem Hajjar
Subject: Urgent request: ERC Regulating Plan

Re: ERC Regulating Plan

Dear Ms. Leak,

We own two lots at the northeast corner of Highway 71 East and E. Riverside Drive (Lots 1 and 2, Subdivision B, Airport Commerce Park). The name on the tax records is that of my elderly father, (who resides in Irving, Texas); as such, he has been getting the mail notifications of the proposed EAST RIVERSIDE CORRIDOR ZONING DISTRICT ("ERC"). He did not understand the notifications so he simply collected them and disposed of them right after, having no idea of the impact of the ERC on his property. The reason behind this is that he has owned the property since 1998 wanting to develop it; however, TXDOT has let us down many times over the years in continuously delaying the development of Hwy. 71. I am certain my father thought that this was yet another misguided attempt to inform him of all the supposed improvements being planned.

I was made aware of the ERC early last week only when McDonald's (the fast food chain) made an offer on the property. Evidently they had tried to get a hold of my father earlier but to no avail. They finally got a hold of me through their local development agents and only then was I made aware of the change being proposed to the whole area/neighborhood at Ben White and Riverside - McDonald's will only go through with such property purchase and subsequent development if their establishment will have access with a drive-through facility.

Accordingly, I have been scrambling since then to inform myself of the contents of the proposal offered by you. In fact, I even attended the meeting and presentation that you gave in/at City Hall last week (I also was the person who left you a message on your voicemail). The engineer we have been working with has been and still is Fred Lockwood, also the engineer representing the owners of the rest of Airport Commerce Park (the 100 acre development at the NE corner of Riverside and Hwy 71 East/Ben White Blvd.).

Our property is listed to be zoned for Corridor Mixed Use development. It is my understanding that one of the main goals of the ERC is to promote pedestrian use, and there are numerous roadways in the ERC designated as such. The provision in the ordinance that most affects my property is that no drive-through facilities will be allowed in the ERC. Highway 71 East is defined in the ERC as an *ERC HIGHWAY*, and E. Riverside Drive is defined as an *ERC CORE TRANSIT CORRIDOR*. These roadways are by definition not primarily designated for pedestrian use.

It only seems logical to allow a drive-through facility at the intersection of a HIGHWAY and a TRANSIT CORRIDOR, and whereby it will in no way adversely affect any pedestrians directly or indirectly.

The ERC is on the agenda for a public hearing and possible consideration at tomorrow's (November 08) City Council meeting. I know that it is the eleventh hour, but I respectfully request that consideration of the ERC be postponed for a reasonable

few days so that I may have time to explore the possible options for best use in development of our property (and mostly due to my not receiving timely notification); the other option being one of giving an exception to our specific location.

I truly believe, and with all the information provided from various sources in the last few days, that the specific property we own will not in any way whatsoever adversely or negatively impact or effect all that your group is trying to establish for that neighborhood. If anything, it will be a definite benefit to all the local businesses in that area (the motels and motels, the commercial, industrial and flex-use businesses, the traffic turning into Riverside Dr. from the Hwy 71 service roads, etc.) besides providing employment to some of the local residents.

I ask that you please contact me to see how we can avoid having my property value being deteriorated by the proposed action.

I can be reached at 512.771.9955, as well as my email.

Please work with me in giving my specific location such consideration.
Thank you for your time and patience in this matter.

Once again, my sincere apologies for all the delay in reaching out to you.

Yours truly,

Zahir Walji
for Riverside 71, LP.

Leak, Erica

From: Kelly Wright [redacted]
Sent: Wednesday, January 09, 2013 9:46 AM
To: Leak, Erica
Cc: John M. Joseph; Guernsey, Greg
Subject: RE: ERC - 1600 S Pleasant Valley

Erica,

Our client, GHI Investments, LLC, requests that the property located at 1600 S. Pleasant Valley be included within the Corridor Mixed Use "CMU" Sub-district and be eligible for 120 feet of height under the ERC Development Bonuses.

Thanks,
Kelly Wright

From: Leak, Erica [<mailto:Erica.Leak@austintexas.gov>]
Sent: Tuesday, January 08, 2013 8:41 AM
To: Kelly Wright
Cc: John M. Joseph; Guernsey, Greg
Subject: RE: ERC - 1600 S Pleasant Valley

Can you confirm what the applicant is requesting? There seemed to be some confusion on this matter at the Nov. 8, 2012 public hearing. Is the applicant requesting that the property not be rezoned or that it be given a different ERC Subdistrict designation?

Thank you,
Erica

Erica Leak, Principal Planner
URBAN DESIGN
City of Austin | Planning and Development Review Department
505 Barton Springs Road | 8th floor | Austin TX | 78704

Tel | 512.974.2856
Email | erica.leak@austintexas.gov

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act.

From: Kelly Wright [[mailto:\[redacted\]](mailto:[redacted])]
Sent: Friday, November 02, 2012 1:48 PM
To: Guernsey, Greg
Cc: Leak, Erica; John Joseph
Subject: ERC - 1600 S Pleasant Valley

Greg,

Please see the attached letter from Max Hoberman with GHI Investments, LLC, the owner of the property located at 1600 S. Pleasant Valley.

Thanks,

EAST RIVERSIDE CORRIDOR PLAN SUMMARY OF CONCERNS OF COMMERCIAL PROPERTY OWNERS AND LOCAL BUSINESSES

This statement is a summary of the concerns of the commercial property owners and small and local businesses in the East Riverside Corridor about the proposed East Riverside Corridor Plan (the “Plan”) and its impact on commercial properties. This is a compilation of the concerns of over 30 commercial property owners and businesses with in the proposed corridor.

Overview of Concerns

In short, the commercial property owners and local businesses understand and support the desire to make East Riverside a more multi-modal and pedestrian-friendly, nicer corridor, and we believe changes are already happening in the corridor to further this goal without the need for additional regulation. As with anything, change will occur over time as the market (those who want to live there, work there, shop there, play there, etc.) will demand. Although we believe that some regulation to ensure certain design, etc., can be appropriate, we firmly believe that any plan that attempts to supersede the market will inevitably fail. The city can’t force change in this area. It can guide change, but it can’t force it to occur sooner than the market demands.

Accordingly, we ask the Council to consider East Riverside with an incremental approach that supports gradual transition. This transition will be in the types of uses, the types of buildings, the density of development, the placement of buildings, and the modes of transportation supported by development in the area.

In this vein, we summarize our requested changes into ten general concepts, as follows:

1. Maintain Riverside Drive as a multi-modal corridor accommodating cars, bicycles, pedestrians, bus, rapid bus, and rail. This corridor is a gateway into the City and should be shared by (a) transit, (b) neighborhood traffic, and (c) unimpeded through traffic. Use the existing Riverside Drive ROW to accomplish a multi-modal infrastructure that can be transitioned to different modes over time to accommodate the demand in the area.
2. Delete the commercial properties that front Ben White at the intersection of Ben White and Riverside Drive from the Plan. These properties are very differently situated from the other commercial properties in the corridor, and trying to make the regulations applicable to them in a sensible way is unworkable. The commercial stakeholders in the working group unanimously agreed that they should be taken out of the Plan and a unique set of rules should be crafted to address them.
3. Eliminate the prohibition on drive-thru uses. Although the majority of the stakeholders in the working group do not have drive-thru uses on their properties, the group unanimously supported allowing drive-thru use to remain a permitted use in the area. All of the

business stakeholders acknowledge that drive-thrus serve an important purpose for many businesses (quick food service restaurants, coffee shops, drug stores, dry cleaners). They are necessary for many of these businesses to thrive so should not be prohibited. Rather than prohibit them, the Plan should incentivize innovative designs that accommodate drive-thrus but don't impede the flow and safety of pedestrian and bicycle traffic.

4. Re-look at all use restrictions and don't adopt a plan that sacrifices one use for another. The character of Riverside Drive is driven by the variety of all the uses, cultures, and businesses. Rather than eliminate many of the existing businesses, the Plan should embrace the businesses in the corridor and transition them to the "New East Riverside" with form and design regulations rather than use prohibitions.
5. Re-look at the specifics of the density bonus requirements. The requirements as written do not match the development review process and will make utilization of the density bonus program unworkable.
6. Focus on form and design rather than use. Many uses that are prohibited in the Plan are uses that are needed in a mixed-use urban environment. Allow the uses the market demands to remain permitted so long as the form of the buildings is appropriate for the location (for example, gas station, laundry services, hardware store, car rental, plant nursery, etc.).
7. Exempt existing business properties from the requirements of the Plan so long as they are operating in generally the same building footprint, without regard to the abandonment rules, ownership, or change of use with the goal of affording existing properties the ability to renew their properties under an adaptive reuse strategy that avoids the labels of "non-conforming" and "grandfathered" so that their own financial strategies over a long period of time will not be corrupted for future lending and valuation purposes. This approach will allow an existing use, such as a gas station to convert to a restaurant, if the owner sees value in that kind of conversion without triggering compliance with new rules, thereby stimulating a richer variety of uses and forms in the corridor.
8. Codify the site plan exemption rules that will allow for 1000 sq. ft. of change to a building without triggering new regulations. In addition, to further incentivize improvements and adaptive re-use, when considering whether a site plan exemption is warranted, exempt from said 1000 sq. ft.: (1) any improvements that bring the site more into compliance with current code (in particular, Subchapter E of the Plan; (2) all landscaping improvements; (3) any accessibility upgrades; (4) all water quality and detention facilities; and (5) any building façade upgrades and clarify that no interior remodel will trigger compliance with the Plan.
9. Strongly consider using a slip street strategy that will accommodate all transportation modes and all multiple drive access points while preserving a through-street section in the middle coupled with transit. (Note that the design also accommodates drive-cuts without sacrificing pedestrian or bicycle safety or disabling businesses by limiting left-turn movements.)

10. In general, for this district to be motivated to improve, the City should contribute significant dollars toward physical changes so that the property owners don't feel that the improvements are strictly their responsibilities. The dollars invested by the City will stimulate real changes in a shorter timeframe.

Requested Changes to Specific Articles

Article 1

Page 3, Sec. C.1., .2, and .3.b.: As we read it, this section could be triggered by an interior remodel that breaks the building skin (which would conflict with the exemption for interior remodel in Section D). We request the ability to be able to do interior remodels without triggering new requirements, to do site redevelopment and additions up to 1000 sq. ft. without triggering new requirements, and to be able to change use and owners without triggering new requirements.

Page 4, 1.2.5 – Conflicting Provisions: Regulations of the health dept., license agreements, resource recovery, etc., are regulations that the Plan does not trump in the case of a conflict, so conflicts should be checked before adoption so that they can be reviewed by all the parties and addressed now.

Page 10, Sec. 1.5 – Non-Conforming Uses: In this section, clarification is needed that 25-2-941 through 25-2-964 supersede the Plan.

Article 1, General

1. Certain types of uses need to be exempted from the two-story and mixed-use requirements, for example, gas stations, certain restaurants, etc. The city should look specifically at what properties should require two-story and make this provision as specific as possible.
2. Certain types of tracts need to be exempted from the two-story requirement. Small tracts should be exempt.
3. Existing, small businesses should have the ability to gradually come into compliance over time. Forcing immediate compliance or non-conforming status will ensure that small buildings and businesses are never improved.
4. Automobile uses should remain permitted uses.
5. Existing uses should be reviewed and not made non-conforming except where wholly inappropriate for and incompatible with their location.
6. Uses currently permitted under the existing zoning for each site should remain permitted.
7. Clarify who is the "Director" as stated in the regulations. If this term is already clarified or defined, please point out the location of the clarification or definition.

Article 2

Page 27, Sec. 2.3.5 A: A use with a drive-thru facility is prohibited in the Plan – Clarification is needed concerning what constitutes a “Drive-Thru” as stated in the regulations.

Does it apply not only to fast food restaurants but also gas stations, banks, pharmacies, coffee shops, dry cleaners, pull up to order fast food restaurants (such as Sonic), post offices, etc.?

Prohibition of drive-thrus should be deleted, and the city should instead consider requirements for drive-thru design to address whatever concerns there are. If idling, rather than design, is of concern, updated car technology (which automatically shuts the car engine off when idling and turns it back on when the pedal is depressed) is making this a non-issue, and such technology continues to advance. Was such technology discussed and considered?

Page 28 – Uses: As stated above with regard to all uses, rather than prohibiting uses under the Plan, the city should instead consider design criteria for such uses.

Auto Rental and Auto Sales uses limits are too strict. They should be expanded, particularly in the IMU District.

Auto Washing, Auto Rentals, and Auto Repair should not be a prohibited use in all categories other than industrial, and service stations should be a permitted use in at least one of the categories. These uses are common in urban districts, are permitted in current City of Austin code in moderate-level commercial districts, and are uses needed by the residents of the district. It is impractical and imprudent to expect residents of the district to drive out of the district to rent a car, wash their car, or refuel their car. Accommodations should also be made for indoor auto sales in all of the mixed-use districts.

Page 29: The parking requirements for Commercial, Financial and Food Services uses are not practical and should be amended.

If this corridor is planned for transit, transit stops and centralized community parking will be needed, so why would the size of a commercial off-street parking lot be restricted to no more than one acre? This restriction should be deleted (preferable) or the size maximum increased.

Why would a Club or Lodge use be prohibited or conditional in any of the districts? This restriction should be deleted and this use made permitted.

Why would a College or University Facility use be prohibited in NMU, when a college or university facility in an area such as this one would be one of the small employers targeted for the district and would be totally compatible in the area?

Why would Postal Facility use be prohibited in CMU and conditional in IMU and NMU? This use should be permitted.

Why would schools be conditional in UR and NR districts?

Why would a Transportation Terminal use be prohibited in all districts? This use should at least be permitted in IMU and conditional in all others.

Why would Limited Warehousing and Distribution use be prohibited in all districts except IMU?

Article 3

Bias against cars and automobile-related businesses is evident throughout the intent section of the Plan and should not be. All districts should accommodate multiple modes of transportation or people will not choose to live in them.

Page 37, 3.3.2 B – Sidewalks: There are situations where this requirement simply cannot be met due to size of existing lot. Are deviations to this requirement available via AEC?

Page 42, 3.4.3 – On-Street: These requirements are unlikely to work with existing, developed properties where there is generally not enough space where the existing commercial buildings currently exist.

Page 47 – Maximum Block Size: This section is unclear. Is the intent to divide a site smaller than five acres with three or more buildings into internal blocks?

Page 50, Sec. B – Commercial and Residential Alleys: What happens when no alley currently exists? How does the city envision the connections would be made?

Page 51, Sec. 3.5.7, B2: This requirement is impractical on property immediately adjacent to Riverside Drive. Was this issue considered?

Article 4

Page 54, Sec. 4.2.3 – Other Site Development Standards: Small business can't afford to build two stories so the requirement will cause these businesses to maintain their existing buildings as long as possible with no upgrades. Restaurants, cleaners, banks, pharmacies, gas stations, auto uses, small offices, etc., typically do not have a second story, so all of these uses would eventually be eliminated from the corridor. The two-story requirement should be eliminated as a requirement and made into an incentive.

Page 61, Sec. C – Height: The proposed height requirements are not realistic for small business.

Page 61, Sec. 4a – Façade Articulation: Again, not practical for restaurant industry because of kitchen, restroom facilities, and delivery and/or waste pickup requirements

Page 61, Sec. 4b – Parking Structures: If a parking structure has circular access, how are headlights kept from eventually hitting all sides of adjacent property; what is screening on upper floors?

Page 62, Sec. 5a-c: According to Director Gedert, this hasn't been reviewed by him; single-receptacle will not meet ARR's zero waste requirement on either residential or commercial

properties. In addition, garbage/recycling pickups are made during the very hours prohibited due to safety and access issues. Which set of rules supersedes?

Page 65, Sec. B – Building Placement: This requirement is not practical in all cases; practicality depends on property size and existing building footprint.

Page 69, 4.4.3 and 4.4.4 – It appears that the City can step in here as they wish relative to parking requirements. This section needs to be better defined.

Page 72, Sec. 4.5: Again, prohibition of drive-thru facilities is unacceptable, and “Drive-Thru” needs to be defined.

Page 73, Sec. 4.7.2.A – Screening: On existing lots, this requirement will not be achievable as the Austin Resource Recovery Zero Waste ordinance requires three dumpsters for compliance. Austin Resource Recovery is waiving screening for 2nd and 3rd dumpsters, and this plan should be consistent.

Page 73, Sec. 4.7.2.B: This requirement is not achievable and should be deleted.

Page 76, Sec. 3: In some circumstances, site size won’t accommodate patios as described. In these cases, are smaller footprints acceptable to meet the requirement?

Page 82 – Shade and Shelter: This, like the requirement for patios, is not an issue where there is space but there will not likely be space on existing sites so will largely be unworkable.

Article 5

Page 86, Sec. B 1-3: A property with a drive-thru can’t comply with this requirement, so it should be deleted, or properties with drive-thrus or other existing impediments should be exempt from it.

Page 87 – Glazing Requirements: These requirements are impractical. City should work with designers to determine what requirements are realistic.

Page 89, 5.5 – Building Façade Articulation: Required façade step back is probably not practical given the size of many existing lots throughout the corridor. Remember that many of the lots in this corridor are small lots that are not family-owned and not likely to be sold and combined with other lots.

Page 90, Section C : Why are civic buildings exempt? They should not be.

Article 6

Section 6.3.2 – Density Bonus: It is not practical to assume that documentation of compliance with all development bonus requirements will happen prior to site plan approval. In most cases SDP and Building Permit applications are not reviewed concurrently because Austin Energy won’t complete their design until the SDP is approved. Austin Energy’s design can have a major impact on the final building design and therefore finalizing the building square footage for the

purposes of determining affordable housing is impossible at the SDP stage. Additionally, finalizing public open space, commercial/office space, flood mitigation, and water quality control bonuses is equally difficult at the SDP stage.

Section 6.3.2 – Habitable Space: Habitable space is not defined. This term was also not properly defined in the Plaza Saltillo Regulating Plan, and this has caused a great deal of confusion in administering the development bonus section of the plan. In the case of the Plaza Saltillo Regulating Plan, staff has chosen to define habitable space as net rentable square footage. Several members of the commercial stakeholder group are involved with the Corazon project. In the case of Corazon, the lack of definition meant that when they solved for the required 10% developer contribution they were then required to take the gross square footage of the project (net of the parking garage) including all corridors, stairwells, amenity space, and commercial square footage and divide it by net rentable square footage of dwelling units (i.e. the actual usable square footage of the unit not including balconies) to arrive at 10%. If the definition of habitable space is going to be net rentable square footage, the bonus square footage must be net rentable as well. To be fair, the bonus must be either gross to gross, or net to net. And, as stated above, these calculations are impossible to do at the SDP stage.

Section 6.4.2 – Publicly Accessible Open Space: The way this regulation is written it appears that an easement, license agreement, and letter from the Parks Department are going to be required. This rule and process are confusing and unworkable. Again, using the Plaza Saltillo Regulating Plan and the Corazon project as examples, city staff members did not understand what the regulating plan required and what these rules meant, so it took the developers a lot of extra time to secure their building permit. Considering that the Plaza Saltillo TOD Regulating Plan is less complex than the East Riverside Plan, it is difficult to believe that all pertinent city staff will be able to fully-understand the East Riverside Plan. Care should be taken to re-look at the plan to make it simpler and less complex, here and in other sections.

Conclusion

We appreciate your review of these issues and willingness to work with us on them. Please note that other property owners continue to weigh in with respect to the plan, so please allow us to reserve the right to bring additional issues to the table before the matter goes back to Council Members. We look forward to our meeting with you and hope to make progress toward resolving some of these issues.