

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0128.SH
ThinkEAST PUD

P.C. DATE: April 9, 2013
May 14, 2013
May 28, 2013

ADDRESS: 1141 Shady Lane & 5300 Jain Lane **AREA:** 24.37 acres

OWNER/APPLICANT: thinkEAST Austin Management, LLC (Richard deVarga and Robert Summers)

FROM: Limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP)
combining district and family residence-neighborhood plan (SF-3-NP) combining district

TO: Planned unit development-neighborhood plan (PUD-NP) combining district

TIA: See Attached TIA Memorandum

AREA STUDY: N/A

WATERSHED: Boggy Creek, Tannehill Branch Creek

SCENIC ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes **CAPITOL VIEW CORRIDOR:** No

NEIGHBORHOOD PLAN AREA: Govalle-Johnston Terrace Combined

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of PUD-NP zoning, with conditions. Conditions are listed in the Staff Recommendation section of this report (page 5), and shown on the recommended PUD Land Use Plan (*Exhibit C- Land Use Plan*).

PLANNING COMMISSION RECOMMENDATION:

APRIL 9, 2013: TO POSTPONE TO MAY 14, 2013, AS REQUESTED BY STAFF. APPROVED ON CONSENT, MOTION BY CHIMENTI, 2ND BY HATFIELD (8-0-1) (STEVENS ABSENT).

MAY 14, 2013: TO POSTPONE TO MAY 28, 2013, AS REQUESTED BY STAFF. APPROVED, MOTION BY HATFIELD, 2ND BY CHIMENTI (9-0).

ENVIRONMENTAL BOARD RECOMMENDATION:

APRIL 3, 2013: TO APPROVE WITH CONDITIONS, AS PRESENTED BY STAFF. APPROVED, MOTION BY ANDERSON, 2ND BY NEELY. (4-0-3) (GARY, MAXWELL, AND WALKER ABSENT).

ISSUES:

The subject tract is bisected by an unconstructed City road that was funded as an area-wide Capital Improvement Project (CIP) in 1986. Due to hazardous material contamination during construction of the road, a portion of the CIP was uncompleted. This left a substandard roadway in a 30'-wide public access easement crossing the subject tract. The substandard roadway/access easement is located where Shady Lane transitions to Jain Lane. Shady Lane and Jain Lane are neighborhood collectors between a residential area and Airport Boulevard. Additionally, the triangular intersection of Shady Lane, Bolm Road and Airport Boulevard that was included in the same 1986 CIP was not completed to plan.

The Applicant is requesting a Community Facilities Agreement for the completion of these two elements of the 1986 CIP. The Applicant would construct the missing section between Shady Lane and Jain Lane and dedicate all necessary right-of-way at the time of project development. The new segment, as well as portions of Shady Lane and Jain Lane that traverse the subject tract, would be brought into compliance with City standards. Additionally, the triangular intersection of Shady Lane, Bolm Road and Airport Boulevard would be modified per the original design intent of the 1986 CIP.

Rezoning requests, including Planned Unit Developments (PUDs) typically do not include requests for capital improvements. Due to the substandard nature of the roadway, the cancelled CIP, and other factors, City staff supports the Applicant's proposed solution to the unconstructed roadway projects. Planning and Development Review (PDRD), Austin Transportation Department (ATD), and Public Works Department (PWD) have worked with the Applicant to develop a Community Facilities Agreement that would allow reimbursement for the two improvement areas, if approved by City Council.

DEPARTMENT COMMENTS:

Existing Conditions:

Please refer to Exhibits A (Zoning Map) and B (Aerial Map). The 24.37 subject tract is generally located northeast of Airport Boulevard and the Capital Metro right-of-way (ROW) planned as the future Green Line. The property is approximately one block east of Airport Boulevard, and the Capitol Metro ROW is immediately adjacent to the to the subject property's northern boundary. Shady Lane provides a connection from Airport Boulevard, and enters the subject tract from the west. The unconstructed roadway described in the Issues section of this report (Page 1) is located mostly within the boundaries of the subject tract; beyond the tract, the same roadway transitions to Jain Lane.

Properties to the east and southeast are zoned SF-3-NP, and are primarily single family residences. East Boggy Creek Greenbelt is also located to the northeast, and is zoned SF-3-NP. The subject tract is immediately adjacent to Govalle Park to the south, which is zoned P-NP. West of the subject tract is property zoned SF-3-NP and used as a plant nursery. In addition to the Capital Metro ROW, there are three lots north of the subject tract that are zoned SF-3-NP and are occupied by single family, industrial, and undeveloped land uses.

The subject tract is currently zoned limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district and family residence- neighborhood plan (SF-3-NP) combining district. The area does not have a land use recommendation identified on the Growth Concept Map of the Imagine Austin Plan but is adjacent to a High Capacity Transit Corridor to the north and an Activity Corridor to the west. The subject tract is located in the Govalle-Johnston Terrace Combined Neighborhood Plan Area, and the Future Land Use Map (FLUM) of the Neighborhood Plan currently identifies the property for single family and mixed use land uses. A plan amendment is proposed in conjunction with the proposed rezoning, and would change the FLUM Single Family and Mixed Use to Major Planned Development for the subject property.

A tributary to Boggy Creek crosses the subject tract, and the property is historically known as a portion of the former East Austin Tank Farm. Extensive remediation has been completed to Remedy Standard B-Residential on the entire property, and the applicant has presented documentation from state and federal agencies regarding remediation efforts, and final closure in 2007.

Proposed Development:

Please refer to Exhibit C (Land Use Plan). The PUD proposes a mixed use development comprised of commercial, office, residential, civic, parkland, and other land uses. The proposed mix includes:

- Maximum of 444 multifamily units,
- Maximum of 37,400 square feet of retail and office development,
- Maximum of 118,800 square feet of live-work studio spaces,
- Maximum of 62,400 square feet of creative studios, and
- Minimum of two civic facilities totaling 4,800 square feet.

The PUD is divided into Land Use Areas (LU Areas), with permitted, conditional, and prohibited land uses for each LU Area. Each LU Area uses a traditional zoning classification as a base district, with some modifications. No modifications to building height, floor-to-area ratio (FAR), building coverage, or impervious coverage of the base zoning districts are proposed. The compatibility setback is modified from 25' to 10', allowing up to maximum building height at 10' setback.

ZONING AND LAND USES:

LAND USE AREA	ACRES	GENERAL LOCATION	ADJACENT ZONING/ LAND USES	PROPOSED BASE ZONING CATEGORY
One	2.11	Northwest corner of PUD	SF-3-NP/ Plant nursery, residence, CapMetro ROW	LO-MU *
Two	6.12	West PUD	SF-3-NP, P-NP/Plant nursery, residences, parkland	MF-6
Three	4.18	Center of PUD, west side of Shady Lane	SF-3-NP/ residences, parkland dedication	LO-MU
Four	4.94	Northeast PUD	SF-3-NP/ residences	LO-MU
Five	4.40	North PUD	CapMetro ROW	CS-MU
Parkland	1.30	Southeast PUD	SF-3-NP, P/Plant nursery, residences, City park	P
R.O.W.	1.32	Center of PUD	Shady/Jain Lane connection	N/A

PUD Tier One/Tier Two Analysis:

Please refer to Exhibit D (PUD Tier One/Tier Two Tables).

The project will comply with all Tier One PUD development standards, as well as several Tier Two standards. The project proposes approximately nine acres (37% of gross site area) of open space, including 1.30 acres of parkland dedication. The PUD includes hike & bike trails onsite, as well as connections through the proposed parkland dedication and to the Southern Walnut Creek Hike & Bike Trail. The project will achieve Three-Star Green Building requirements, and will use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality controls. Other improvements will include clean up and restoration of all disturbed areas within the CWQZ and priority woodlands, Core Transit Corridor landscaping, increased bicycle parking and bicycle amenities, and enhanced health and safety measures during construction. For the overall project, the Applicant has obtained SMART Housing Certification for a proposed development of 332 affordable multifamily units with 100% of the units serving households at or below 60% median family income. City recommendations regarding the affordable housing are outlined in the attached memorandum from Neighborhood Housing and Community Development (NHCD) *Please refer to Exhibit E (SMART Housing Certification).*

Transportation Issues:

The subject tract is bisected by an unconstructed City road that was funded as a Capital Improvement Project (CIP) in 1986. A 30'-wide access easement (1.32 acre total) with a substandard roadway is located where Shady Lane transitions to Jain Lane. Shady Lane and Jain Lane are neighborhood collectors between a residential area and Airport Boulevard. The Applicant would construct the missing section between Shady Lane and Jain Lane and dedicate all necessary right-of-way at the time of project development. The new segment, as well as portions of Shady Lane and Jain Lane that traverse the subject tract, would be brought into compliance with City standards. Additionally, the triangular intersection of Shady Lane, Bolm Road and Airport Boulevard would be modified per the original design intent of the 1986 CIP. The Applicant is requesting a Community Facilities Agreement to aid completion of these two projects. Please see attached TIA Memorandum for more detailed transportation analysis (Exhibit F- TIA Memo).

Other Issues:

The Govalle-Johnston Terrace Neighborhood Planning Team has written a letter of support for the proposed PUD rezoning and related FLUM change to mixed use land use, with conditions. Other neighbors have sent correspondence in support and in opposition to the proposed rezoning (Exhibit G- Correspondence).

CASE HISTORIES:

There are no recent rezonings in the vicinity of the proposed rezoning.

RELATED CASES: A change to the Future Land Use Map (FLUM) is proposed in conjunction with the proposed rezoning, from Single Family and Mixed Use to Major Planned Development (NPA-2012-0016.01.SH).

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Shady Lane	55'	20-40'	Collector	1 side	#17 (future)	None
Jain Lane	55'	40'	Collector	1 side	#17 (future)	None

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition

PODER

East MLK Combined Neighborhood Contact Team

East MLK Combined Neighborhood Association

Johnston Terrace Neighborhood Association

Johnston Terrace/Boggy Creek Neighborhood Association

M.E.T.S.A. Neighborhood Association

Edward Joseph Homeowners Association, Inc.

FRS Property Owners Association

SELTEXAS

SCHOOLS:

Allan Elementary School

Martin Middle School

Eastside Memorial HS at Johnston

CITY COUNCIL DATE: *October 11, 2012: DEVELOPMENT ASSESSMENT BRIEFING- NO ACTION TAKEN.*

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

EXHIBITS:

- A- Zoning Map
- B- Aerial Map
- C- PUD Land Use Plan
- D- PUD Tier One/Tier Two Tables
- E- Smart Housing Certification Letter
- F- TIA Memorandum
- G- Correspondence
- H- EV Board Documents
- I- Postponement Documents

9/5

STAFF RECOMMENDATION:

Staff has worked with the Applicant and neighbors to develop a list of conditions for PUD approval. Staff recommends approval of PUD-NP zoning, with conditions to include:

- City of Austin & Applicant must enter a Community Facilities Agreement to complete improvements at Shady Lane/Jain Lane transitions, and at the intersection of Shady Lane, Bolm Road and Airport Boulevard, per TIA recommendations;
- Provide a Health and Safety Plan for contractor use to address the potential for encountering residual hydrocarbons that may remain in the soils or groundwater from historical releases in the area;
- Removal of trash and non-native, invasive woody species within the riparian corridor of the tributary to Boggy Creek;
- Use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality control;
- Restore all disturbed areas within the Critical Water Quality Zones and priority woodlands with native species, as per City of Austin standards 609.S;
- Street trees will be planted along Shady Lane meeting Core Transit Corridor spacing and species requirements (50 @ 4" trees are proposed);
- Reclaimed Water Division to supply service for landscape irrigation, where possible;
- Trails proposed within PUD will be open to the public;
- Cost of trails constructed on site and off site (Govalle Park linkage to Southern Walnut Hike and Bike Trail) will be credited to Parkland Dedication fees;
- Parkland Dedication credit will be transferable up to 1/2 mile from thinkEAST site, with parkland within the 100-yr floodplain credited at 50%;
- thinkEAST Austin PUD requires waiver of Ordinance 20080618-098 Section 4.3 until the completion of Shady Lane CIP;
- Bicycle parking spaces shall be provided in excess of 5% of required motor vehicle parking;
- Of the bicycle parking spaces required, a minimum of 50% of all required bicycle parking be secure and located within 50 feet of the principal building entrance and any building that contain commercial uses larger than 5,000 square feet in size shall trigger a shower requirement;
- The following land uses are prohibited in Land Use Area 5: Automotive repair services, automotive sales, automotive washing of any type, bail bond services, commercial off-street parking, drop-off recycling collection facility, exterminating services, commercial blood plasma center, hospital services-general, residential treatment, kennels, monument retail sales, laundry services, funeral services, equipment repair services, campground, off-site accessory parking, outdoor sports and recreation, pawn shop services, service station, construction sales and services, and vehicle storage;
- Outdoor entertainment is a conditional use in Land Use Area 5;
- Community recreation, business or trade school, college and university facilities, private primary and secondary educational facilities, public primary and secondary educational facilities are permitted in all PUD Land Use Areas; and,
- Compatibility setbacks to be reduced from 25' to 10' in Land Use Areas 1, 2 and 3 adjoining SF-3-NP. The maximum building height is permitted at the 10' setback.
- **Additional conditions are shown on the PUD Land Use Plan (*Exhibit C- Land Use Plan*).**

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**1. *The proposed zoning should be consistent with the purpose statement of the district sought.***

The Land Development Code states,

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

The proposed thinkEAST PUD has all of the characteristics listed for PUD zoning designation.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The subject tract is located in an area between the Airport Boulevard commercial corridor and an established residential neighborhood. Near Airport Boulevard, commercial and light industrial land uses are common, and this transitional area has scattered mixed uses—residential, plant nursery, light industrial, undeveloped land. The proposed mixed use development provides an organized and attractive transition from the Airport Boulevard commercial corridor to the residential neighborhood. The low intensity commercial and multifamily land uses are typical transitional land uses between higher intensity commercial and single family residential areas.

3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Beyond the priorities listed above, City Council has identified affordable housing as a high priority goal. thinkEAST PUD proposes a significant quantity of affordable housing units at a significant discounted rental price. Additionally, the redevelopment of properties impacted by the East Austin Tank Farm is another important goal for the City Council. Property in the vicinity of the former Tank Farm has languished for approximately 20 years, and environmental remediation for the subject tract was only completed in 2007. While thinkEAST PUD is located on only a portion of the former Tank Farm property, it is the first tract to propose redevelopment.

Transportation:

Please see attached TIA Memorandum for more detailed transportation analysis (Exhibit F- TIA Memo).

Environmental:

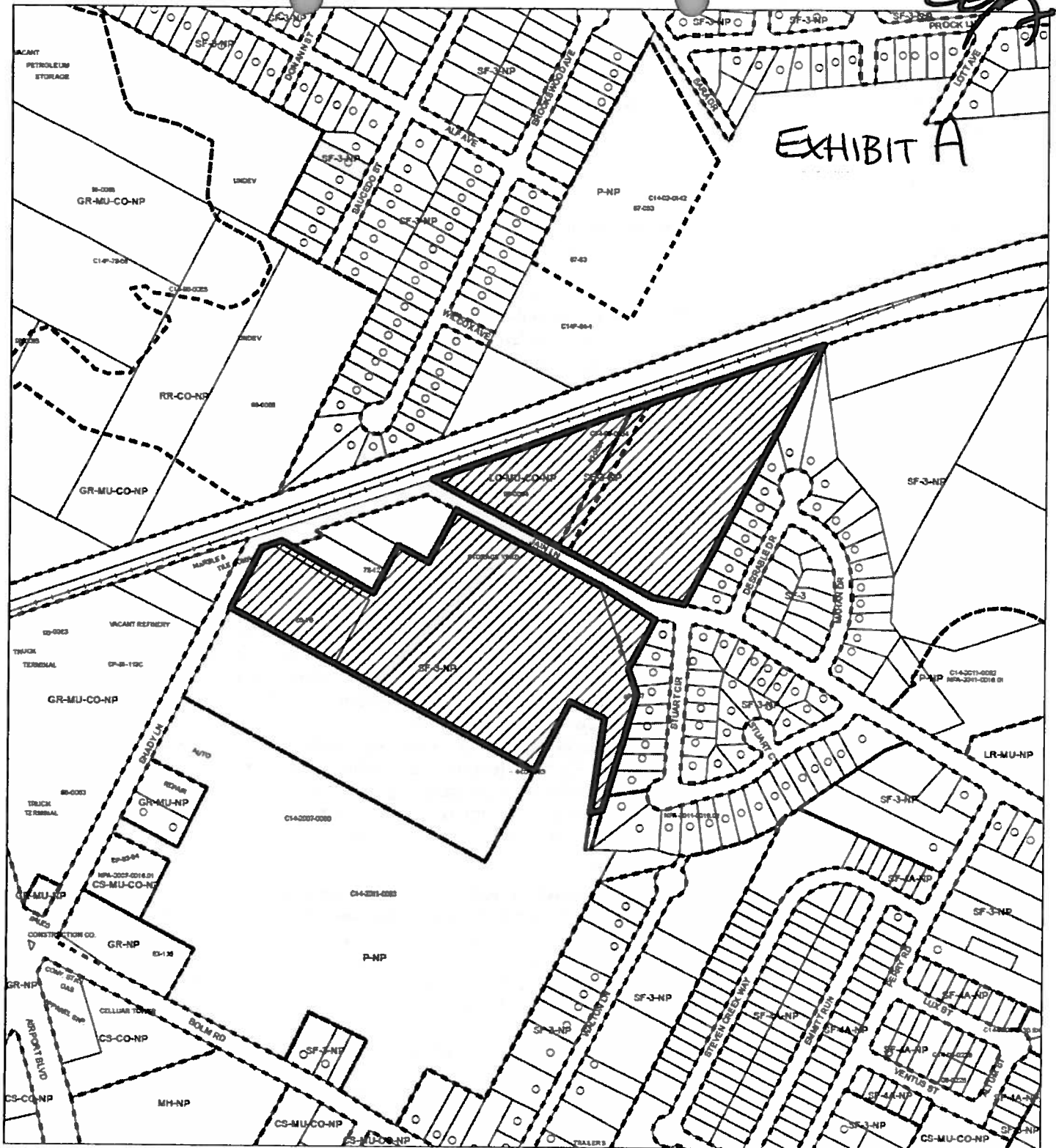
Please see attached Staff Memorandum to Environmental Board, dated March 25, 2013, and Environmental Board Motion Memorandum, dated April 3, 2013, for environmental review comments (Exhibit H- EV Board Documents).

Site Plan:

Development of individual site plans will be required to comply with Subchapter E (Design Standards and Mixed Use) and PUD ordinance as approved.

CS

EXHIBIT A



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT
ZONING CASE#: C814-2012-0128.SH

1" = 400'

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.

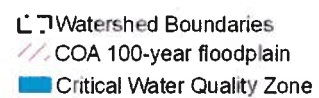
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EXHIBIT B



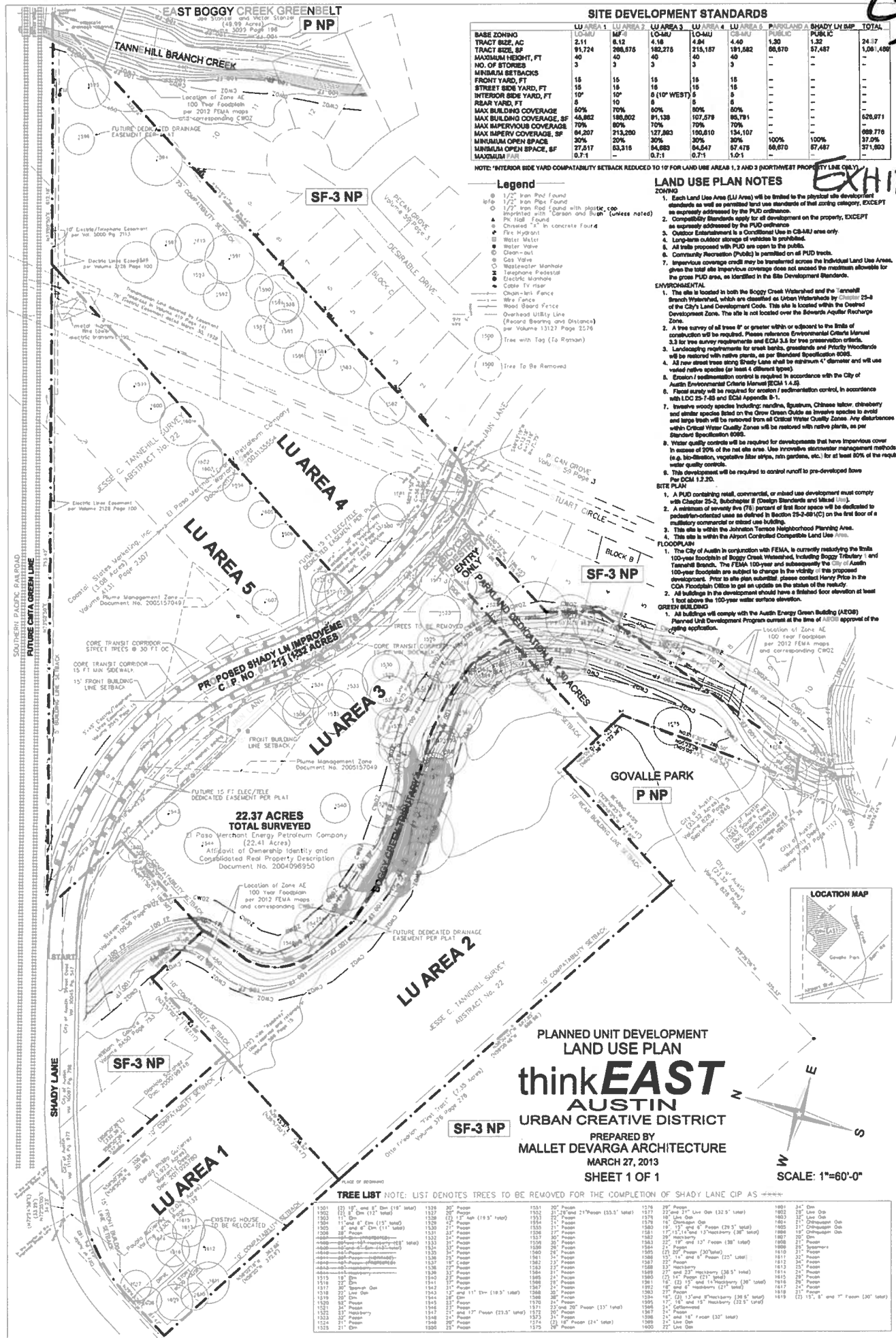
CITY OF AUSTIN
FULL-PURPOSE ZONING JURISDICTION



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CEA

EXHIBIT C



SITE DEVELOPMENT STANDARDS

BASE ZONING	LU AREA 1	LU AREA 2	LU AREA 3	LU AREA 4	LU AREA 5	LU AREA 6	PARKLAND & SHADY LN IMP.	TOTAL
TRACT SIZE, AC	2.11	1.12	1.12	1.12	1.12	1.12	1.12	24.37
TRACT SIZE, SF	91,724	288,075	288,075	288,075	288,075	288,075	288,075	1,061,400
MAXIMUM HEIGHT, FT	40	40	40	40	40	40	40	40
NO. OF STORIES	3	3	3	3	3	3	3	3
MINIMUM SETBACKS	15	15	15	15	15	15	15	15
FRONT YARD, FT	15	15	15	15	15	15	15	15
STREET SIDE YARD, FT	15	15	15	15	15	15	15	15
INTERIOR SIDE YARD, FT	10	10	10	10	10	10	10	10
REAR YARD, FT	10	10	10	10	10	10	10	10
MAX BUILDING COVERAGE	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%
MAX BUILDING COVERAGE, SF	40,802	180,802	180,802	180,802	180,802	180,802	180,802	626,871
MAX IMPERVIOUS COVERAGE	70%	70%	70%	70%	70%	70%	70%	70%
MAX IMPERVIOUS COVERAGE, SF	84,207	215,200	215,200	215,200	215,200	215,200	215,200	869,770
MINIMUM OPEN SPACE	30%	30%	30%	30%	30%	30%	30%	30%
MINIMUM OPEN SPACE, SF	27,517	63,316	63,316	63,316	63,316	63,316	63,316	251,803
MAXIMUM FILL	0.7:1	0.7:1	0.7:1	0.7:1	0.7:1	0.7:1	0.7:1	0.7:1

NOTE: INTERIOR SIDE YARD COMPATIBILITY SETBACK REDUCED TO 10' FOR LAND USE AREAS 1, 2 AND 3 (NORTHWEST PROPERTY LINE ONLY)

Legend

- 1/2" Iron Rod Found
- 1/2" Iron Rod Found with plastic cap
- Imprinted with "Carson and Son" (unless noted)
- Chained "S" in concrete found
- Fire Hydrant
- Water Meter
- Water Valve
- Gas Valve
- Wastewater Manhole
- Local Sewerage
- Electric Manhole
- Cable TV riser
- Chain-link Fence
- Wire Fence
- Wood Board Fence
- Overhead Utility Line (Record Bearing and Distance) per Volume 13127 Page 2576
- Tree with Tag (To Remove)
- Tree to Be Removed

LAND USE PLAN NOTES

- Each Land Use Area (LU Area) will be limited to the physical site development standards as well as permitted land use standards of that zoning category, EXCEPT as expressly addressed by the PUD ordinance.
 - Compatibility Standards apply to all development on the property, EXCEPT as expressly addressed by the PUD ordinance.
 - Outdoor Entertainment is a Conditional Use in C-240/2 areas only. Long-term outdoor storage of vehicles is prohibited.
 - All trails proposed with PUD are open to the public.
 - Community Recreation (Public) is permitted on all PUD tracts.
 - Impervious coverage credit may be transferred across the individual Land Use Areas, given the total site impervious coverage does not exceed the maximum allowable for the gross PUD area, as identified in the Site Development Standards.
- ENVIRONMENTAL**
- The site is located in both the Boggy Creek Watershed and the Tannehill Branch Watershed, which are classified as Urban Watersheds by Chapter 25-8 of the City of Austin Land Development Code. This site is located within the Central Development Zone. The site is not located over the Southern Aquifer Recharge Zone.
 - A tree survey of all trees 8" or greater within or adjacent to the limits of construction will be required. Please reference Environmental Criteria Manual 3.3 for tree survey requirements and EGM 3.3 for tree preservation criteria.
 - Landscaping requirements for tree buffers, grasslands and priority woodlands will be restored with native plants, as per Standard Specification 5005.
 - All new street trees along Shady Lane shall be minimum 4" diameter and will use native species (or at least 4 different types).
 - Erosion/sedimentation control is required in accordance with the City of Austin Environmental Criteria Manual (ECM) 1.4.5.
 - Final survey will be required for erosion/sedimentation control, in accordance with LDC 25-1-45 and EGM Appendix B-1.
 - Invasive woody species including redbud, ligustrum, Chinese tallow, clematis and similar species listed on the Green Clean Guide as invasive species to avoid and large trees will be removed from all Critical Water Quality Zones. Any disturbances within Critical Water Quality Zones will be restored with native plants, as per Standard Specification 5005.
 - Water quality controls will be required for developments that have impervious cover in excess of 50% of the net site area. Use innovative stormwater management methods (e.g. bio-retention, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality controls.
 - This development will be required to control runoff to pre-developed base per EGM 1.2.20.

SITE PLAN

- A PUD containing retail, commercial, or mixed use development must comply with Chapter 25-2, Subchapter B (Design Standards and Mixed Use).
- A minimum of seventy-five (75) percent of first floor space will be dedicated to pedestrian-oriented uses as defined in Section 25-2-01(1) on the first floor of a multi-story commercial or mixed use building.
- This site is within the Johnson Terrace Neighborhood Planning Area.
- This site is within the Airport Corridor Comprehensive Land Use Plan.

FLOORPLAN

- The City of Austin in conjunction with FEMA, is currently redefining the 100-year floodplain of Boggy Creek Watershed, including Boggy Tributary and Tannehill Branch. The FEMA 100-year floodplain and subsequently the City of Austin 100-year floodplain are subject to change in the vicinity of this proposed development. Prior to site plan submittal, please contact Harris Price in the City of Austin Planning Office to get an update on the status of the study.
- All buildings in the development should have a finished floor elevation at least 1 foot above the 100-year water surface elevation.

GREEN BUILDING

- All buildings will comply with the Austin Energy Green Building (AEGB) Planned Unit Development Program current at the time of approval of the zoning application.



PLANNED UNIT DEVELOPMENT
LAND USE PLAN
thinkEAST
AUSTIN
URBAN CREATIVE DISTRICT
PREPARED BY
MALLET DEVARGA ARCHITECTURE
MARCH 27, 2013
SHEET 1 OF 1

TREE LIST NOTE: LIST DENOTES TREES TO BE REMOVED FOR THE COMPLETION OF SHADY LANE CIP AS

1501	(2) 18" and 8" Elm (18" total)	1528	20' Pecan	1551	20' Pecan	1578	20' Pecan
1502	(2) 18" and 8" Elm (18" total)	1529	20' Pecan	1552	21" and 21" Pecan (55.5" total)	1579	22" and 21" Live Oak (32.5" total)
1503	11" Oak	1530	20' Pecan	1553	21" Pecan	1580	18" Elm
1504	11" and 8" Elm (15" total)	1531	20' Pecan	1554	21" Pecan	1581	18" Elm
1505	8" and 8" Elm (11" total)	1532	20' Pecan	1555	21" Pecan	1582	18" Elm
1506	8" and 8" Elm (11" total)	1533	20' Pecan	1556	21" Pecan	1583	18" Elm
1507	8" and 8" Elm (11" total)	1534	20' Pecan	1557	21" Pecan	1584	18" Elm
1508	8" and 8" Elm (11" total)	1535	20' Pecan	1558	21" Pecan	1585	18" Elm
1509	8" and 8" Elm (11" total)	1536	20' Pecan	1559	21" Pecan	1586	18" Elm
1510	8" and 8" Elm (11" total)	1537	20' Pecan	1560	21" Pecan	1587	18" Elm
1511	8" and 8" Elm (11" total)	1538	20' Pecan	1561	21" Pecan	1588	18" Elm
1512	8" and 8" Elm (11" total)	1539	20' Pecan	1562	21" Pecan	1589	18" Elm
1513	8" and 8" Elm (11" total)	1540	20' Pecan	1563	21" Pecan	1590	18" Elm
1514	8" and 8" Elm (11" total)	1541	20' Pecan	1564	21" Pecan	1591	18" Elm
1515	8" and 8" Elm (11" total)	1542	20' Pecan	1565	21" Pecan	1592	18" Elm
1516	8" and 8" Elm (11" total)	1543	20' Pecan	1566	21" Pecan	1593	18" Elm
1517	8" and 8" Elm (11" total)	1544	20' Pecan	1567	21" Pecan	1594	18" Elm
1518	8" and 8" Elm (11" total)	1545	20' Pecan	1568	21" Pecan	1595	18" Elm
1519	8" and 8" Elm (11" total)	1546	20' Pecan	1569	21" Pecan	1596	18" Elm
1520	8" and 8" Elm (11" total)	1547	20' Pecan	1570	21" Pecan	1597	18" Elm
1521	8" and 8" Elm (11" total)	1548	20' Pecan	1571	21" Pecan	1598	18" Elm
1522	8" and 8" Elm (11" total)	1549	20' Pecan	1572	21" Pecan	1599	18" Elm
1523	8" and 8" Elm (11" total)	1550	20' Pecan	1573	21" Pecan	1600	18" Elm
1524	8" and 8" Elm (11" total)	1551	20' Pecan	1574	21" Pecan		
1525	8" and 8" Elm (11" total)	1552	20' Pecan	1575	21" Pecan		
1526	8" and 8" Elm (11" total)	1553	20' Pecan	1576	21" Pecan		
1527	8" and 8" Elm (11" total)	1554	20' Pecan	1577	21" Pecan		
1528	8" and 8" Elm (11" total)	1555	20' Pecan	1578	21" Pecan		
1529	8" and 8" Elm (11" total)	1556	20' Pecan	1579	21" Pecan		
1530	8" and 8" Elm (11" total)	1557	20' Pecan	1580	21" Pecan		
1531	8" and 8" Elm (11" total)	1558	20' Pecan	1581	21" Pecan		
1532	8" and 8" Elm (11" total)	1559	20' Pecan	1582	21" Pecan		
1533	8" and 8" Elm (11" total)	1560	20' Pecan	1583	21" Pecan		
1534	8" and 8" Elm (11" total)	1561	20' Pecan	1584	21" Pecan		
1535	8" and 8" Elm (11" total)	1562	20' Pecan	1585	21" Pecan		
1536	8" and 8" Elm (11" total)	1563	20' Pecan	1586	21" Pecan		
1537	8" and 8" Elm (11" total)	1564	20' Pecan	1587	21" Pecan		
1538	8" and 8" Elm (11" total)	1565	20' Pecan	1588	21" Pecan		
1539	8" and 8" Elm (11" total)	1566	20' Pecan	1589	21" Pecan		
1540	8" and 8" Elm (11" total)	1567	20' Pecan	1590	21" Pecan		
1541	8" and 8" Elm (11" total)	1568	20' Pecan	1591	21" Pecan		
1542	8" and 8" Elm (11" total)	1569	20' Pecan	1592	21" Pecan		
1543	8" and 8" Elm (11" total)	1570	20' Pecan	1593	21" Pecan		
1544	8" and 8" Elm (11" total)	1571	20' Pecan	1594	21" Pecan		
1545	8" and 8" Elm (11" total)	1572	20' Pecan	1595	21" Pecan		
1546	8" and 8" Elm (11" total)	1573	20' Pecan	1596	21" Pecan		
1547	8" and 8" Elm (11" total)	1574	20' Pecan	1597	21" Pecan		
1548	8" and 8" Elm (11" total)	1575	20' Pecan	1598	21" Pecan		
1549	8" and 8" Elm (11" total)	1576	20' Pecan	1599	21" Pecan		
1550	8" and 8" Elm (11" total)	1577	20' Pecan	1600	21" Pecan		

thinkEAST Austin PUD

Basis for Superiority and Recommendation for Exemplary Urban PUD

CE
EXHIBIT D 10

Item	Code Requirement	PUD Proposal	Superiority
TIER 1			
General	<p>PUD: Tier 1A</p> <ul style="list-style-type: none"> Meet the objectives of the City Code <p>PUD: Tier 1B</p> <ul style="list-style-type: none"> Provide for development standards that achieve equal or greater consistency with general PUD intent and exceed standard Code regulations 	<p>thinkEAST PUD will:</p> <p>Meet the objectives of the City Code</p> <p>1.1.1. Provide appropriate standards to ensure a high quality appearance for Austin and promote pedestrian-friendly design while also allowing flexibility, individuality, creativity, and artistic expression;</p> <p>1.1.2. Strengthen and protect the image, identity, and unique character of Austin and thereby to enhance its business economy;</p> <p>1.1.3. Protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;</p> <p>1.1.4. Encourage developments that relate well to adjoining public streets, open spaces, and neighborhoods; and</p> <p>1.1.5. Provide for and encourage development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses.</p>	<p>thinkEAST PUD Superiority:</p> <p>a) Meets the Civic Priority of redeveloping the East Austin Tank Farm Brownfield into a contributing part of the neighborhood fabric by creating an affordable, sustainable, mixed-use urban creative district</p> <p>b) Designed to the "vision of the future" of the adopted 2003 Govalle-Johnston Terrace Combined Neighborhood Plan for the redevelopment of the Tank Farm Properties</p> <p>c) Imagine Austin Comprehensive Plan-Priority Program No. 5: "Grow and Invest in Austin's creative economy"</p> <p>d) Meets the principal recommendations of the CreateAustin Cultural Master Plan by creating a district concept that provides affordable housing and live-work spaces, studio/exhibit spaces and performance/instructional spaces</p> <p>e) Contributes to Austin's goal: "Creative Capital of The World"</p>

Open Space/Parkland	<p>PUD Tier 1C</p> <ul style="list-style-type: none"> Provide open space at: 10% Residential 15% Industrial 20% Commercial <p>Commercial Design Standards</p> <ul style="list-style-type: none"> 5% Open Space 	<p>thinkEAST PUD will:</p> <p>Meet open space requirements of 20% for a Commercial "Mixed Use" site</p>	<p>thinkEAST PUD Superiority :</p> <ul style="list-style-type: none"> Provides 37% of gross site area (9 acres) of open space Parkland dedication of 1.30 acres for a hike and bike entrance to northern Govalle Park Large native grass & wildflower prairies per Standard Specification 609S
Green Building Program	<p>PUD Tier 1D</p> <ul style="list-style-type: none"> Comply with Green Building Program 	<p>Comply with Green Building Program</p>	<p>Exceed PUD Green Building Program requirements</p>
Neighborhood Plans and Historic Compatibility	<p>PUD Tier 1E</p> <ul style="list-style-type: none"> Be consistent with neighborhood plans, historic and surrounding uses 	<p>Be consistent with neighborhood plans, historic and surrounding uses</p>	<p>Designed to the "vision of the future" of the adopted 2003 Govalle-Johnston Terrace Combined Neighborhood Plan for the redevelopment of the Tank Farm Properties</p>
Water Quality /Environmental	<p>PUD Tier 1F</p> <ul style="list-style-type: none"> Provide for environmental preservation <p>Sed/Fill Pond</p> <ul style="list-style-type: none"> Standard water quality requirement 	<p>Will provide for environmental preservation</p> <p>Will exceed standard water quality requirement</p>	<ul style="list-style-type: none"> Provide environmental preservation for Boggy Creek Tributary and Priority Woodlands Implement ground water restriction for entire 24.30 acres site in excess of TCEQ Requirements for public safety
Public Facilities	<p>PUD Tier 1 G</p> <ul style="list-style-type: none"> Provide for public facilities and services 	<p>Provide for public facilities and services</p>	<ul style="list-style-type: none"> Provision for public pedestrian park entries off Jain Lain connecting Govalle Park to neighborhood
Grow Green Landscaping	<p>PUD Tier 1H</p> <ul style="list-style-type: none"> Exceed minimum landscaping requirements 	<p>Exceed minimum landscaping requirements</p>	<ul style="list-style-type: none"> Restoration of creek, grasslands and priority woodlands with native plants per Standard Specification 609S Remove invasive species per Grow Green Guide

CB/

09/12

Connectivity	PUD Tier 1i <ul style="list-style-type: none"> Provide appropriate transportation connections and mitigate impacts Commercial Design Standards <ul style="list-style-type: none"> Suburban Standards 	a) Provide appropriate transportation connections and mitigate impacts b) Dedication right-of-way for realignment and completion of the 1986 CIP and improve Shady/Bolm/Airport triangular intersection per TIA recommendations c) Provision for future CMTA Bus Stop	a) 1350 linear feet of frontage along future CMTA Austin-Manor Green Line b) Provision for public hike and bike trail connection to Govalle Park, East Boggy Creek Greenbelt c) Connection to Southern Walnut Creek Hike and Bike Trail
Gated Roadways	PUD Tier 1j <ul style="list-style-type: none"> Gated Roadways Prohibited 	Gated Roadways Prohibited	
Architectural, historical, cultural, environmental and archaeological areas	PUD Tier 1K <ul style="list-style-type: none"> Protect areas of significance 	Protects areas of significance	Protects and enhances Upper Boggy Creek Tributary No. 1, Priority Woodlands and Swedish pioneer settlement area
PUD Size and Uniqueness	PUD Tier 1L <ul style="list-style-type: none"> 10 acre size unless special issues 	Exceeds 10 acres	24.30 acres; former industrial brownfield
*ADDITIONAL *			
Commercial Design Standards	PUD Additional Tier <ul style="list-style-type: none"> Comply with CDS Comply with Core Transit Corridor if in Urban Area Contain pedestrian-oriented uses on the first floor of a multi-story commercial or mixed use building 	a) Comply with Subchapter E Mixed Use Design Standards b) Comply with sidewalk standards in a Core Transit Corridor for Urban Areas c) Contain pedestrian-oriented uses on the first floor of a multi-story commercial or mixed use building	Provision of built elements for a sustainable urban neighborhood to create a compact, pedestrian-friendly and mixed-use district including Subchapter E Mixed-Use Design Standards, CTC Sidewalk Standards and pedestrian-orientated uses on the ground floor units and apartments above.
TIER 2			
Open Space/Parkland	PUD Tier 2 <ul style="list-style-type: none"> Provide 10% above minimum or enhancements to trails and open space Commercial Design Standards <ul style="list-style-type: none"> 2% Open Space 	Provide 10% above minimum AND enhancements to trails and open space	37% of gross site area (9 acres) of open space and a public connection to the existing and proposed trail systems

09/13

Environment	PUD Tier 2 <ul style="list-style-type: none"> Provide various environmental options several options per code 2.4 	a) Will not request exceptions to OR modifications of environmental regulations b) Roadway alignment serves as final environmental cap over PMZ per EPA recommendations c) Clusters impervious cover over PMZ	a) Use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality controls
Austin Green Builder Program	PUD Tier 2 <ul style="list-style-type: none"> Provide a rating of three stars or above 	Provide a rating of three stars or above	AEGB 3 Stars minimum
Art	PUD Tier 2 <ul style="list-style-type: none"> Provide art by the Art in Public Places Program in open spaces or a contribution 	Provide art by the Art in Public Places Program in open spaces	a) East Austin Art by East Austin Artists b) Planned district allows design opportunities for public art in classical loci, alleys, focal points and along trail systems
Great Streets	PUD Tier 2 <ul style="list-style-type: none"> Comply with Great Streets Program – applicable to commercial, retail or mixed use that is not subject to Subchapter E 	Not Applicable Core Transit Corridor subject to Subchapter E	a) Street level shops for small local businesses b) Wide pedestrian walks and seating areas with trees/shade c) Street furniture and lighting
Community Amenities	PUD Tier 2 <ul style="list-style-type: none"> Provide for various community services and amenities such as plazas and space for community meetings 	Provide for various community services and amenities such as plazas and space for community meetings	a) Community Event Space provided b) Community Office Space Provided c) Public trail system d) Public plaza
Transportation	PUD Tier 2 <ul style="list-style-type: none"> Provide bicycle facilities that connect to planned bicycle routes or provide multi-modal transportation features 	Provide bicycle facilities that connect to planned bicycle routes or provide multi-modal transportation features	a) Future CMTA bus stop b) Direct connection to Govalle Park and Southern Walnut Creek Hike and Bike Trail
Building Design	PUD Tier 2 <ul style="list-style-type: none"> Exceed the minimum points required by Building Design Options in CDS 3.3.2 	Exceed the minimum points required by Building Design Options in CDS 3.3.2	Modern, sustainable architecture

Parking Structure Frontage	PUD Tier 2 <ul style="list-style-type: none"> 75% of building frontage of parking structure in commercial or mixed use must have pedestrian oriented space 	Not Applicable	
Affordable Housing	PUD Tier 2 <ul style="list-style-type: none"> Provide for affordable housing onsite or in programs 	Provide affordable, diverse housing types on site apartments, live-work) including rental and owner occupied.	a) Certified SMART Housing Project b) Subject to and conditioned upon public or private development subsidies, Land Use Areas 1 and 2 will be 100% affordable rental housing at 30-60% MFI and affordable ownership housing at 30-80% MFI. Without public or private development subsidies, Land Use Areas 1 and 2 will be 10% affordable rental or owned housing at 60% MFI for 10 years and 10% affordable rental or owned housing at 80% MFI for 10 years.
Historic Preservation	PUD Tier 2 <ul style="list-style-type: none"> Preserve historic structures, features and landmarks to a degree exceeding applicable legal requirements 	Not Applicable	
Accessibility	PUD Tier 2 <ul style="list-style-type: none"> Provide for accessibility for persons with disabilities exceeding applicable legal requirements 	Provide for accessibility for persons with disabilities exceeding applicable legal requirements	Site is near flat and should be fully accessible
Local Small Business	PUD Tier 2 <ul style="list-style-type: none"> Provide space at affordable rates to one or more independent retail or restaurant small businesses whose principal business is in Austin 	Provide space at affordable rates to one or more independent retail or restaurant small businesses whose principal business is in Austin	Office shop fronts, creative studios and live-work studios affordable to local small businesses

thinKEAST PUD Ordinance Summary		1) Meets 12 of 12 Tier 1 Sections 2) Meets 3 of 3 Additional Sections 3) Meets 10 of 13 Tier 2 Sections	think <i>EAST</i> Austin shall be an exemplary urban PUD
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09/15



EXHIBIT E¹⁴

DRAFT

TO: Heather Chaffin
Planning Development Review Department

FROM: Javier V. Delgado, Project Coordinator
Neighborhood Housing and Community Development Department

DATE: May 22, 2013

SUBJECT: Affordable Housing Review of NPA-2012-0016.01.SH.

Ms. Chaffin:

After reviewing the proposed thinkEAST project Neighborhood Plan Amendment, Neighborhood Housing & Community Development Department (NHCD) understands that the developer is offering 332 multi-family units (designated Land Use Areas 1 and 2) to serve households at 60% MFI or below. NHCD does recognize that the applicant is not requesting any density type bonuses and therefore affordability is not a requirement, but does want to encourage achieving greater affordability when possible. NHCD has the following comments that should be implemented into the proposed amendment:

- The development would require that 10% of the units (33 units) serve households at 60% MFI or below for 40 years. All other of the affordable units (299 units) would maintain term of 10 years as proposed by the applicant. The development should enter into a Land Use Restriction Agreement which would detail the affordability terms for the affordable units.
- The development will accept tenants for the affordable units that are accepting Federal Housing Choice Vouchers. This would assure that households near the 30% MFI could utilize the proposed housing.

Please feel free to contact me at 974-3154 if you have any questions.

Sincerely,

Javier V. Delgado,
Project Coordinator

cc: Gina Copic

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: C814-2012-0128.SH

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Apr 9, 2013, Planning Commission

May 9, 2013, City Council

AnnMarie Pickes Schundler

Your Name (please print)

1104 Brookswood Ave

Your address(es) affected by this application

A. Schundler

Signature

4/9/2013

Date

Daytime Telephone: 518.248.8513

Comments: I would love to see more development on the east side, especially with growth of mixed use spaces. The new young members of the east side community believe + support local business and more residential opportunities would create stronger neighborhoods and economy. Thanks.

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-2012-0128.SH

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Apr 9, 2013, Planning Commission

May 9, 2013, City Council

DELORES BARTON

Your Name (please print)
5503/5505/5507
JAIN LANE

Your address(es) affected by this application

Delores Barton

Signature

Date

Daytime Telephone: 512-906-4849

Comments:

I OBJECT THIS PROJECT
WILL NOT ONLY PRODUCE MORE
TRAFFIC IN THE NEIGHBORHOOD
BUT IT WILL ALSO PRODUCE MORE
AND UNWANTED NOISE POLLUTION!!!

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
of this project

9/19

Chaffin, Heather

From: Otto M Friedrich <otto.friedrich@utexas.edu>
Sent: Sunday, April 21, 2013 11:29 PM
To: Meredith, Maureen; Chaffin, Heather
Cc: Otto Friedrich; Lesniak, Charles
Subject: thinkEAST TRAFFIC IMPACT Study?

Maureen,
Heather,

I am concerned (I still am trying to determine from their/thinkEAST plan) the major traffic impact they would have on streets, parking ...
(for example on Shady Lane)...

I am very familiar with the MAJOR PARKING problem that the EAST arts events have on my street, Shady Lane... basically they take ALL of the space on BOTH sides of Shady Lane for several blocks (Bolm Road North to past my home) to park and then they walk a few blocks to the EAST event (near 1109 Shady Lane). Actually, there are NO 'marked parking' on the street, and the studio has only several that they do NOT allow the visitors to use.

URL for a typical/recent EAST event, "East Austin Studio Tour,"
<http://www.eastaustinstudiotour.com/>

(from their website, brochure)

Saturday, November 10, 11am - 6pm

Demos by Women Printmakers of Austin

Pump Project Satellite Studios & Flex Space, 1109-B Shady Lane, Studio 8, 78721

11am-1pm: Eleanor Droll: General printmaking

1pm-3pm: Nicole Hollon: General printmaking

1pm-3pm: Ruthie Powers: Improvisational screen printing with dye on fabric

3pm-6pm: Kelly Tankersley: How to print an etching, revealed

3pm-6pm: Ruthie Powers: Painted intaglio and dry point etching

Sunday, November 11, 11am - 6pm

Demos by Women Printmakers of Austin

Pump Project Satellite Studios & Flex Space, 1109-B Shady Lane, Studio 8, 78721

11am-1pm: Angela Hayes: Reductive linocut

1pm-3pm: Jo Lagattuta: Creating monotypes with water base inks

3pm-6pm: Deborah McLouth: Mono-printing with chrysanthemums and leaves

Saturday, November 17, 11am - 6pm

Demos by Women Printmakers of Austin

Pump Project Satellite Studios & Flex Space, 1109-B Shady Lane, Studio 8, 78721

11am-1pm: Eleanor Droll: General printmaking

1pm-3pm: Ruthie Powers: Improvisational screen printing with dye on fabric

1pm-6pm: Cathy Savage: General printmaking

Sunday, November 18, 11am - 6pm

Demos by Women Printmakers of Austin

Pump Project Satellite Studios & Flex Space, 1109-B Shady Lane, Studio 8, 78721

CO
120

11am-1pm: Carolyn Kimball: Relief printing from woodblocks
11am-1pm: Kelly Tankersley: How to print an etching, revealed
1pm-6pm: Deborah McLouth: Monoprinting with chrysanthemums and leaves

Maureen,

Heather.

I want to make sure that thinkEAST addresses the traffic impact... what parking would thy provide?
Where? What impact will that have on watershed/flooding?
How would they handle the EXCESS traffic on Shady lane?

THANK YOU FOR HELPING ADDRESS THESE CRITICAL ISSUES BEFORE THEY BECOME
DANGEROUS SITUATIONS.

P.S. I am also concerned to read about things like this...

URL for "Despite the many upheavals in 2011, Austin's arts scene perseveres,"

<http://www.austinchronicle.com/arts/2012-01-06/shaken-not-deterred/>

(quoting)

"When East Austin Studio Tour artists caught heat from the city over home studios that weren't code compliant..."

BEST PERSONABLE REGARDS,

OTTO.

CS/v

Agreement for Support for PUD Pre-Application
Between
Govalle/Johnston Terrace Neighborhood Planning Team
And
thinkEAST Austin Management, LLC

Mr. Richard deVarga and Mr. Robert Summers initially approached the Chair of the Review Committee for the Govalle/Johnston Terrace Planning Contact Team in early February with their concept for thinkEAST, a PUD development project located at 1141 Shady Lane, 5600 Jain Lane (also known as 1150 Shady Lane), considered one of the reclaimed Tank Farm sites.

The Review Committee **convened on February 16, 2012** to meet with the Developers. After their presentation and discussion by the group, it was agreed that the PUD developers would work with the Review Committee Chair to develop a presentation for the PUD based on input from the Review Committee members at this February meeting.

The Review Committee held a **second meeting on July 23rd, 2012** at Southwest Key Community Center, 6002 Jain Lane to review the PUD Zoning Brief for the thinkEAST Project,

Mr. deVarga and Mr. Summers, developers for the thinkEAST project, presented their PUD Pre-Application to The Review Committee. The thinkEAST Project includes approximately 24.3 acres with 5 proposed Land Use sections. After extensive discussion, the Review Committee agreed to

Support the Pre-Application for PUD zoning for the above project with the following conditions:

1. thinkEAST agrees to adhere, to the fullest extent reasonable and possible, to the basic concept and design set forth in the PUD Pre-Application. thinkEAST further agrees to collaborate with, include and involve the Govalle/Johnston Terrace Neighborhood Contact Team all levels of zoning and development throughout the PUD process, including jointly requesting the City's completion of infrastructure improvements outlined in CIP project - Drainage Improvements, Community Development District No. 11, C.I.P. Project No. 627211, Contract No. 86-Pb-121, Date approved by City of Austin 8-21-1986 (modified as required by the thinkEAST PUD).
2. Subject to and conditioned upon the purchase by Guadalupe Neighborhood Development Corporation of Land Use Areas 1 and 2 and final approval by City Council, Land Use Areas 1 and 2 of the PUD will be designated for 100% affordable rental housing at 30% – 60% MFI and affordable ownership at 30% to 80% MFI.
3. Subject to and conditioned upon the purchase by Guadalupe Neighborhood Development Corporation of Land Use Areas 1 and 2 and final approval by City Council, Land Use Area 1 will be rezoned to LO-MU/MF-6/SF but with heights limited to 50 feet, allowing for a mix-use housing development. Land Use Area 2 will be rezoned to MF-6/SF, but with heights limited to 40 feet, with affordability of 30 - 60% MFI for rental properties and 30% to 80% MFI for ownership. The new proposed zoning for Land Use 2 will allow for a mix use of housing development.

Agreed to on July 29, 2012.



Daniel Llanes
Coordinator, Review Committee
Govalle/Johnston Terrace
Neighborhood Planning Team



Robert Summers
Manager
thinkEAST Austin Management, LLC

CEA
H
EXHIBIT H



MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Liz Johnston, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: March 25, 2013

SUBJECT: thinkEAST PUD, C814-2012-0128.SH

On the April 3, 2013 agenda is a request for the consideration of and comment on the environmental aspects of the proposed thinkEAST PUD. Outlined below is a description of the environmental aspects of the proposed project that have been addressed during the PUD's review, including proposed environmental enhancements and one proposed exception to the environmental code requirements requested by the applicant. Staff recommends approval of the project based on our finding that the proposed project is environmentally superior to what could be built under existing regulatory entitlements.

Description of Property

The property is located in the Boggy Creek and Tannehill Creek Watershed, which are classified as Urban watersheds located within the Desired Development Zone. The PUD property includes an area previously known as the "Tank Farm", referring to the petroleum storage tanks that had been located on the site, in addition to parcels that were used as single family lots. Portions of this property were under enforcement by the Texas Commission on Environmental Quality (TCEQ) due to leaking petroleum storage tanks, and the remediation efforts were approved and released by the TCEQ in 2007.

The property is bisected by a tributary to Boggy Creek and contains 100-year Floodplain as well as Critical Water Quality Zone (CWQZ). The northern tip of the property is adjacent to Tannehill Creek and its associated floodplain and CWQZ. The property abuts Southern Pacific railway to the north and the City of Austin's Govalle Neighborhood Park to the south. Single family parcels abut the eastern property boundary.

Existing Topography/Soil Characteristics/Vegetation

The site is generally flat, and ranges in elevation between 450 to 458 feet above mean sea level. Because this property is located in an urban watershed, there are no restrictions for construction on slopes. However, there are no slopes greater than 15% outside of the critical water quality zones within the property boundary.

The majority of the site drains to the tributary to Boggy Creek that bisects the property, except for the area to the north that drains into Tannehill Creek. Both the Boggy Creek tributary and Tannehill Creek drain into Boggy Creek, which follows the East Boggy Creek Greenbelt that connects to the Govalle Neighborhood Park.

9/2

According to the Soil Survey of Travis County, as described in the Environmental Assessment prepared by the applicant, the site contains Bergstrom soils and Urban Land (Bh) and Houston Black soils and urban soils (HsD). Both soils have high shrink-swell potential and low percolation rates. The geology at this site is characterized by deep clay soils over sand and then sandy gravel. The site vegetation mostly consists of grassland and thick groves of trees to sparsely spaced trees. Tree species include numerous protected and heritage-sized pecans in varying states of relative health, along with elm, live oak, chinquapin oak, sycamore and hackberry. Smaller trees that were not surveyed largely include non-native invasive species, including ligustrum, chinaberry and Chinese tallows and box elder.

Critical Environmental Features/Endangered Species

No Critical Environmental Features on or within 150 feet of the property were identified.

Description of Project

The thinkEAST PUD proposes a mixed use development of multi-family residential and commercial uses on 24.29 acres of land in the City's Full Purpose jurisdiction. The project is located at the intersection of Jain Lane and Shady Lane. The proposed impervious cover is based on proposed uses, with the multifamily and commercial land use areas allowed up to 80% impervious cover and the neighborhood commercial tracts proposing 70% impervious cover. Overall impervious cover is proposed to be approximately 65% of the gross site area.

The project also proposes to realign the Jain Lane/Shady Lane and to dedicate additional right-of-way to bring the roadway up to current standards. The applicant does propose parkland dedication connecting Govalle Park to the proposed Shady Lane.

Environmental Code Exception Request

Due to the proposed realignment of Shady Lane, the applicant is requesting that a heritage tree variance be granted for the removal of a 30" pecan. The applicant provided staff with alternative roadway alignments that showed greater impacts to heritage trees than the alignment currently proposed. Arborist staff assessed the tree and noted that the tree is in declining health and therefore supports the requested variance. Mitigation in the form of street trees that meet Core Transit Corridor standards is proposed as a condition of support.

No additional environmental code exceptions are requested with this proposed PUD.

PUD Conditions for Environmental Superiority

- Provide a Health and Safety Plan for construction contractors to address the potential for encountering residual hydrocarbons that may remain in the soils or groundwater from historical releases in the area,
- Removal of trash and non-native, invasive woody species within the riparian corridor of the tributary to Boggy Creek,
- Use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality control,
- Restore all disturbed areas within the Critical Water Quality Zones and priority woodlands with native species, as per City of Austin standards 609.S,
- Street trees will be planted along Shady Lane meeting Core Transit Corridor spacing and species requirements (50 4" trees are proposed).

Recommendation

Staff has determined that the applicant has demonstrated environmental superiority over what would be allowed under conventional zoning and subdivision regulations and recommends approval of this PUD.

C9/24



ENVIRONMENTAL BOARD RECOMMENDATION 20130403 006a

Date: April 3, 2013

Subject: ThinkEAST PUD C814-2012-0128.SH

Motioned By: Bob Anderson

Seconded By: Mary Ann Neely

Recommendation

The Environmental Board recommends approval with conditions of the ThinkEAST PUD.

Staff Conditions for Environmental Superiority

- Provide a Health and Safety Plan for construction contractors to address the potential for encountering residual hydrocarbons that may remain in the soils or groundwater from historical releases in the area,
- Removal of trash and non-native, invasive woody species within the riparian corridor of the tributary to Boggy Creek,
- Use innovative storm water management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality control,
- Restore all disturbed areas within the Critical Water Quality Zones and priority woodlands with native species, as per City of Austin standards 609.S,
- Street trees will be planted along Shady Lane meeting Core Transit Corridor spacing and species requirements (50' 4" trees are proposed).

Rationale:

The superior environmental elements, including water quality, invasive plant removal, restoration methods, and restoration of the site plan from a farmers hydrocarbon storage is commendable.

Vote 4-0-0-3

For: Anderson, Neely, Perales and Schissler

Against:

Abstain:

Absent: Gary, Maxwell and Walker

CS
25

Approved By:



James Schissler, Secretary ,Acting Chair

C926
EXHIBIT I



MEMORANDUM

TO: Mr. Dave Anderson, Chair
Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Development Review Department

DATE: May 14, 2013

RE: **thinkEAST Austin – C814-2012-0128.SH**
Postponement Request by Staff

Staff is requesting a postponement of the above-referenced zoning case from May 14, 2013, to May 28, 2013. This request is needed to allow staff and the applicant to address outstanding transportation and housing issues. The applicant supports the postponement request.

C/S

May 9, 2013

Heather Chaffin (Heather.Chaffin@austintexas.gov)
City of Austin

Re: Rezoning Request C814-2012-0128.SH / Neighborhood Plan Amendment NPA-2012-0016.01.SH

Dear Ms Chaffin & the City of Austin Planning Review Board,

As immediate neighbors to the location of the rezone request, we are writing to request that the hearing scheduled for May 28, 2013, be postponed to June 11, 2013.

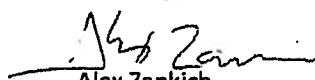
The date of the May 28, 2013, meeting came with short notice and is immediately following a holiday weekend. There are a number of neighbors who cannot make this date, and therefore request a postponement of the hearing.

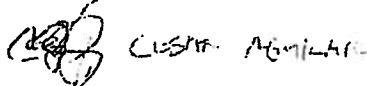
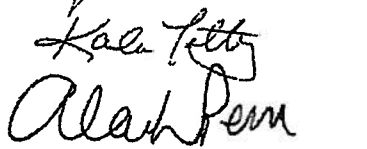
It is imperative to move the date in the future where more people can potentially attend since the immediate neighbors have largely been left out of this planning process because the Neighborhood Planning Contact Team met in February 2012 and July 2012, without inviting, consulting or soliciting feedback from the impacted neighbors. The Contact Team then issued a recommendation letter in July 2012 without including the neighbors' input or feedback (the required neighborhood meeting wasn't held until six months after the recommendation letter was issued), despite the directions given to the Contact Team in the "Neighborhood Plan Contact Team Training Sheet" located on the city website at http://austintexas.gov/sites/default/files/files/Planning/ct_role_in_npas_english.pdf

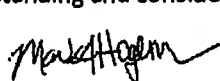
"... the contact team should wait until after the community meeting takes place to make any formal decisions on the proposed amendment. In addition to the plan document, the contact team should take into consideration feedback from neighbors who attend the community meeting before a decision is made to support or not support the proposed amendment."


As I hope you understand and agree, it is very important for the future of our small community to not rush this application without considering the opinions and voices of those who are most impacted. Thank you for your understanding and consideration to our request, and for granting a postponement to the planning hearing.

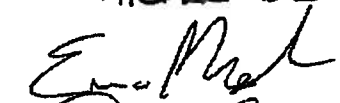



Sincerely,

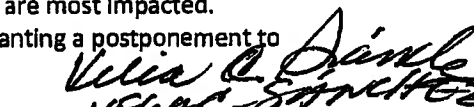
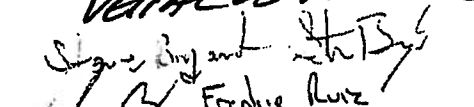
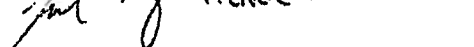

Alex Zankich
1115 Desirable Drive
Austin, TX, 78721


Kala Kelly

Alan Penn

 Mark Hogendobler


MICHAEL DECEME

 Evan Manakas
 David Castanovo
 Diane Ruiz
 Franco Ruiz

 Velia A. Dainle
VELIA A. DAINLE
 Signe Byrnes
 John Byrnes
Freddie Ruiz



Chaffin, Heather

From: Otto M Friedrich <otto.friedrich@utexas.edu>
Sent: Monday, May 13, 2013 2:01 PM
To: Chaffin, Heather
Cc: Otto Friedrich
Subject: request to postpone meeting (pdf file attached)
Attachments: 5 13 13 Scanned from a Xerox multifunction device001(12).pdf

Heather,

I would like to request to postpone meeting and join the neighbors directly affected in this action. Attached is the pdf file that I would like to support.

BEST PERSONAL REGARDS,

OTTO.

Chaffin, Heather

C8
29

From: Robert Summers <RobertS@hts-law.com>
Sent: Friday, May 10, 2013 9:16 AM
To: azankich@hotmail.com
Cc: devarga@gmail.com; Daniel Llanes (devarga@gmail.com); PODER Austin, Texas (poder.austin@gmail.com); Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Michele Rogerson Lynch; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Chaffin, Heather; Rusthoven, Jerry
Subject: thinkEAST PUD--Applicant's Opposition to Request for Delay of 5/28 Planning Commission Hearing
Importance: High

Mr. Zankich,

Yesterday I was informed that because of your personal travel schedule you have asked staff to again postpone our 5/28 Planning Commission Hearing until 6/11. This email is to advise you that the Applicant opposes your request for further delay.

The rezoning and NPA have already been postponed once by City staff, from 4/9 to 5/14. Staff recently requested a second postponement from 5/14 to 5/28. Applicant has agreed to this second Staff request upon Staff's assurance that our case will be considered on first and final readings by City Council in June before their summer break. On 5/14 we will request that the Planning Commission deny any further requests for postponement beyond 5/28. The Govalle/Johnston Terrace Neighborhood Planning Team also opposes any further delay, and their representative will be communicating separately with the Planning Commission to state their opposition to your request.

You voiced opposition to our project at the neighborhood NPA meeting in November of last year. But other than your request for a copy of our PUD application (which we provided on 4/4/13) you have not communicated any concerns to us directly nor to your Neighborhood Planning Team. We encourage you to do so. The only basis of your opposition that we have heard (through your communications to other neighbors) is that we are Proposing too much affordable housing in our planned development.

I encourage you to be present for the scheduled 5/28 Planning Commission hearing to explain your opposition to our project.

Please feel free to contact me regarding any aspects of our project.

Sincerely,

Robert Summers
thinkEAST Austin

Chaffin, Heather

CE/20

From: Daniel Llanes [REDACTED]
Sent: Friday, May 10, 2013 6:42 PM
To: Dave Anderson
Cc: Robert Summers; Susana Almanza; Chaffin, Heather; Morrison, Laura; Martinez, Mike
[Council Member]
Subject: ThinkEast Project, scheduled for May 14th Planning Commission agenda

Mr. Anderson,

Please forward this to the other Planning Commission members.

I am writing to you today on behalf of the Govalle/Johnston Terrace Neighborhood Contact Team in regards to the ThinkEast project scheduled on the Planning Commission's agenda for May 14th, 2013. It has been communicated to us that City staff is asking for a 2nd postponement from the 14th to May 28th, which the developers have agreed to.

I am requesting that if the Planning Commission grants another postponement from May 14th to May 28th, that the project NOT be delayed further, and that you hear the case on May 28th, which is what the developer and City staff have agreed to and we support.

The Review Committee worked with the ThinkEast developers for over 18 months to come up with a project proposal before you, and we feel it is the most fair and equitable proposal for the Neighborhood, addressing both the need for density and affordability and addressing the adverse affects of displacement from gentrification.

My understanding is that Alex Zankich and David Catronovo are asking for a further postponement to the May 28th date. They, and the rest of the Neighborhood, were notified of and attended the November Neighborhood public hearing at which both the ThinkEast reps. and I made presentations to those present about the Review Committee's process with the developers (two years now) and how we came to support the project. I and other Review Committee members have been in communication with Mr. Zankick Mr. Catronovo and have encouraged them to communicate their concerns to ThinkEast and to the Planning Commission and the City Council. They have been given every opportunity to participate in the process and have been encouraged to communicate to you all directly.

Any delay past May 28th at Planning Commission will create an undue hardship for the project, so we ask you to hear the case on May 28th so the project can proceed.

Daniel Llanes
431-9665
Coordinator, Review Committee
Govalle/Johnston Terrace Neighborhood Contact Team

02/21



MEMORANDUM

TO: Dave Anderson, Chairperson
Planning Commission Members

FROM: Sherri Sirwaitis
Planning and Development Review Department

DATE: April 2, 2013

RE: C814-2012-0128.SH (Think East PUD) Postponement Request

The staff would like to request a postponement of the above mentioned case to May 14, 2013. The staff is asking for this postponement because a Traffic Impact Analysis (TIA) is required and the staff needs additional time to complete the Transportation review for this case.

The postponement request was made in a timely manner and meets the Planning Commission's policy.