

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160
Contact: Lee Heckman, 512-974-7604
Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

Sandra & Patrick Jain

Your Name (please print)

210 Lee Barton #602 ATX

Your address (street affected by this application)

3/15/13

Date

Signature

Daytime Telephone: *979-417-3402*

Comments:

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

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

MONICA A. GREENWELL

Your Name (please print)

210 LEE PARTON DRIVE # 411 AUSTIN, TX 78704

Your address(es) affected by this application

M. Greenwell

Signature

3/10/2013

Date

Daytime Telephone: 512-584-3408

Comments:

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

City of Austin

Planning & Development Review Department

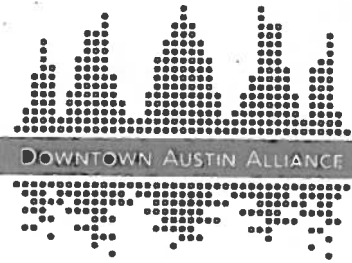
Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Charles Betts
Executive Director

Preserving and Enhancing the Value

March 25, 2013

Mr. Steve Drenner
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701

Mr. Drenner,

At its March 19, 2013 meeting, the Downtown Austin Alliance Board of Directors voted to support a PUD that would allow 96 feet in height for 211 South Lamar.

Sincerely,

Larry Graham, Chair

007/MB

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

JAMES E. COUSAR
DIRECT DIAL: (512) 489-8112
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April 5, 2013

Mr. Steve Drenner
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701

Re: Post-Paggi PUD Application

Dear Mr. Drenner:

This law firm represents Bridges On the Park Condominium Association, Inc. (BOTP), which is made up of the residents of the property immediately to the South of the proposed Post-Paggi PUD ("the PUD"). The developers of the PUD, whom you represent, are seeking a zoning change, and are currently scheduled to present their application to the Waterfront Planning Advisory Board (WPAB) and the Planning Commission during the week of April 8.

After reviewing the PUD application and certain conceptual drawings made available by the applicant, BOTP is prepared to withdraw its opposition to the PUD if the applicant will agree to the following terms and conditions:

1. All structures within the PUD will have a height limit no greater than the height of the Zachary Scott Theater curtain wall structure, as built, or 75 feet, whichever is lower.
2. The PUD will maintain current zoning setbacks of a minimum of ten feet along South Lamar Blvd. and Lee Barton Dr., with sidewalk continuity to the existing sidewalks of BOTP along those streets. On Lee Barton Dr., the sidewalk will begin at the southern boundary of the Paggi House property (owned by the applicant) and extend to the corner of Lee Barton Dr. and West Riverside.
3. For purposes of light, exhaust circulation, and emergency access, the south edge of the PUD structure will maintain a minimum ten foot setback opposite the existing north wall of the unit of BOTP that faces the PUD property. The south facing wall of the PUD structure opposite BOTP will be constructed

04/05/13

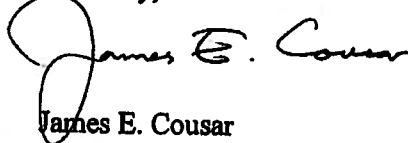
with a light reflective surface to be approved by BOTP, such approval not to be unreasonably withheld.

4. The Paggi House grease trap equipment that currently is in the public right-of-way will be removed, and no other private obstruction of the public right-of-way will be permitted adjacent to the Paggi House property.
5. The owners of the PUD will agree to support a request to the City of Austin to eliminate parallel parking on the west side of Lee Barton Dr. (except short term commercial vehicle access) and to prohibit U-turns of southbound traffic on South Lamar Blvd. opposite the PUD and BOTP.
6. These provisions (other than 4 and 5) will be incorporated into the PUD ordinance and all will be incorporated into a private restrictive covenant to run with the land and to be enforceable by BOTP. The language of the covenant must be approved by BOTP, and the executed covenant will be held by counsel for BOTP until after Council approval of the PUD in a form no less restrictive than the current application, as modified by these terms, and it will be recorded only after such Council approval. If Council denies a zoning change, the executed restrictive covenant will be returned to applicant's counsel.

A copy of this letter is being provided simultaneously to City staff, to members of the WPAB, to members of the Planning Commission, and to members of the City Council.

We hope these proposals will be acceptable to the applicant and will form the basis of a long term, amicable relationship between the residents of BOTP and their new neighbors to the north.

Sincerely,


James E. Cousar

c: Members, Waterfront Planning Advisory Board
Members, Planning Commission
Mayor and City Council
Lee Heckman
Members, BOTP Board of Directors



AM
4/5/2

April 5, 2013

City of Austin Waterfront Planning Advisory Board Members:

This letter is to inform you that the Bouldin Creek Neighborhood Association (BCNA) Steering Committee, is in support of the Zilker Neighborhood Association, the Bridges on the Park Condominium Association, and the Zachary Scott Theater Board of Trustees Executive Committee, in our strong opposition to the proposed up-zoning for 211 S. Lamar Blvd., (Case Number C814-2012-00160) and requests the Board reject the requested zoning for the following reasons:

- **The proposed site of less than one (1) acre does not meet the minimum requirement (Tier 1) for planned unit development (PUD) zoning.** PUDs were intended for large, complex projects of ten (10) acres or more. No mitigating circumstances on this site justify exemption from that minimum requirement, other than the developer's desire to maximize square footage and profit, at the expense of adjacent residents, City park-goers, and commuters. This proposal privatizes gain and socializes costs.
- **This proposal makes only token gestures at the community benefits required of such up-zoning and its accompanying entitlements.** It provides no on-site affordable housing component, which discourages ethnic diversity and widens the Social-Economic-Status (SES) gap between the current economically and racially diverse residents which characterize our Downtown and central neighborhoods.
- **The proposal would add nothing to public transit access that doesn't already exist.** It adds no pedestrian-oriented retail or other commercial use that could not be provided under existing base zoning and is provided by adjacent similarly-zoned properties. The proposed open "public" spaces are proportionally no greater than those voluntarily provided by adjacent properties. Preserving mature or heritage trees where possible should be expected of any responsible development—especially in light of the mounting evidence of climate change.
- **The proposed up-zoning would fly in the face of the Waterfront Overlay**—which was adopted by the City of Austin to protect the waterfront from exactly the type of over-development and walling off proposed within this project. The Waterfront Overlay's clearly-defined maximum setbacks and building heights ensure enjoyment of the waterfront, its open spaces and view corridors for future generations of Austinites. Those limits must be respected if our city is to enjoy the qualities that make life here so enjoyable and marketable. Additionally, the proposed structure creates looming heights which will overshadow parkland and adjacent private properties.
- **Additional density in this delicate area would exacerbate already severe traffic burdens** - Traffic already is congested on Lamar Boulevard and the historically significant Lamar Bridge. The proposal would add traffic on Riverside Drive, which bisects our City's crown jewel public park, creating safety risks for large public events and daily use of the park.

In conclusion, the proposed development does not meet PUD minimum standards and the costs of this proposal to current residents clearly outweigh any tax-base benefits from the density increase. Density in itself is no public benefit when it only reduces people's access to and enjoyment of public and private assets, decreases their safety in transit, and increases their travel time. We hope you will consider all aspects, current and future, of this proposed development not only on its impact to the tax-base but also to the quality of lives of all Austinites who traverse this major intersection.

Thank you, board members, for your public service and for your consideration in this important matter.

Sincerely,

Cyndi Collen

Cyndi Collen, President

Bouldin Creek Neighborhood Association

Exhibit C - 79

Bouldin Creek Neighborhood Association * P. O. Box 3683 * Austin, Texas 78764

Email: prez@bouldincreek.org

WINSTEAD

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Austin, Texas 78701

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winstead.com

direct dial: (512) 370-2827
aswor@winstead.com

December 19, 2012

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 211 South Lamar – Zoning Application for a 0.933 acre piece of property located at 211 S. Lamar and 1211 W. Riverside (the "Property");

Mr. Guernsey:

As representatives of the owners of the above stated Property, we respectfully submit the enclosed Planned Unit Development ("PUD") application packages. The project is titled 211 South Lamar and is located at the southeast corner of South Lamar and Riverside. The PUD proposes a rezoning of the Property from CS, General Commercial Services, and CS-V, General Commercial Services – Vertical Mixed Use, zoning to PUD, Planned Unit Development District, zoning. The Property is currently developed as a Taco Cabana restaurant and surface parking lot. The owner intends to develop the Property with a mixed-use building.

A Development Assessment application was submitted for the Property on October 26, 2012, and reviewed by City Council on December 13, 2012. Attached for your review are the final comments from City staff.

The proposed project will contain approximately 175 for-sale condominium dwelling units or high-end apartment units and 11,000 square feet of retail, restaurant and other pedestrian oriented uses. The Traffic Impact Analysis (TIA) has been waived as the proposed redevelopment does not exceed the thresholds established in the Land Development Code as indicated in the attached TIA waiver executed by Ivan Naranjo dated December 12, 2012. The executed TIA waiver indicates that the residential component of the project will consist of multifamily units. It is the intent of the developer to construct condominium units or high-end apartment units (multifamily units were used as a precaution in the TIA waiver as they generate more traffic).

SCANNED
Exhibit D - 1

WINSTEAD PC ATTORNEYS

December 19, 2012
Mr. Guernsey

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The PUD is located within the Butler Shore Subdistrict of the Waterfront Overlay and will comply with all aspects of the Waterfront Overlay. The proposed PUD is also located within the Zilker neighborhood planning area. The Zilker neighborhood plan is on hold, therefore a Neighborhood Plan Amendment will not be required.

As described in the attached superiority chart, the proposed PUD meets or exceeds all Tier I and Tier II requirements as defined in the Land Development Code, thus resulting in a superior development that could not be achieved via conventional zoning. An updated superiority chart addressing staff concerns from the Development Assessment is attached for your review.

The PUD intends to maintain the existing CS zoning as the base district. The City Code modifications to be included in the proposed PUD District are as follows:

Code Requirement	Proposed PUD Requirement
Maximum Height: 60 feet	Maximum Height: 96 feet
Minimum Front Yard Setback: 10 feet	Minimum Front Yard Setback: 0 Feet
Minimum Street Side Yard Setback: 10 Feet	Minimum Street Side Yard Setback: 0 Feet
Maximum FAR: 2:1	Maximum FAR: 5.3:1
Open Space: Not more than 30% of required open space may be located above ground level.	Open Space: Decks, Balconies, patios, and water quality facilities, such as rain gardens, rainwater collection areas, vegetative filter strips, bio-filtration and porous pavement for pedestrian use, shall be included as open space. Planting zone and supplemental zone will also count toward meeting the open space requirements. All of the open space on the ground floor and all upper floors will be credited toward meeting the minimum open space requirement.
TCM 9.3.0 #3 (Loading): Maneuvering areas for loading facilities shall not conflict with parking spaces or with the maneuvering areas for parking spaces. Public right-of-way shall not be used for maneuvering. All maneuvering shall be contained on-site.	Modification of TCM 9.3.0 #3 (Loading) to allow: <ol style="list-style-type: none">1. A 10 x 30 x 13 area located on Lee Barton as shown on the Land Use Plan that can be used for on-street loading or valet drop-off.2. Maneuvering in the right-of-way along Lee Barton.

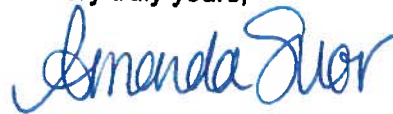
SCANNED

December 19, 2012
Mr. Guernsey

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Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor
Project Manager

Enclosures

cc: Jerry Rusthoven, Planning and Development Review Department (via electronic delivery with enclosures)
Lee Heckman, Planning and Development Review Department (via electronic delivery with enclosures)
Will Cureton, Ascension Development (via electronic mail without enclosures)
Scott Rodgers, Ascension Development (via electronic mail without enclosures)
Steve Drenner, Firm (without enclosures)

SCANNED

Exhibit D - 3

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier I Requirement	Compliance	Superiority
1. Meet the objectives of the City Code.	Yes.	<p>The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pfluger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be consistent with pedestrian and cyclist use. In addition, the project complies with Subchapter E, supports affordable housing initiatives, helps preserve a historic structure, preserves on-site trees and creates both a sustainable and architecturally interesting building.</p>
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	<ul style="list-style-type: none"> ▪ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features. ▪ The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically used for apartment buildings in this area. The building will contain three levels of below grade parking, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multi-face concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake.</p> <ul style="list-style-type: none"> Given the location of the project, adequate public facilities and services are generally found in the area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department. The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The proposed off-site improvements include additional sidewalks along Lee Barton and Riverside Drive as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. Finally, this project will include City of Austin bike share facilities in the public plaza area. See additional notes referenced in this chart for other terms described herein.
<p>3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that:</p> <ol style="list-style-type: none"> A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided. 	Yes.	<p>The PUD is required to provide 5,364 square feet of open space to meet the 10% of residential tract requirement and 20% of nonresidential tract requirement within the PUD. As detailed under Tier II, 1, the project will provide at least 15,000 square feet of public and private open space.</p>

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

4. Comply with the City's Planned Unit Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level (note: Staff has interpreted the base standard for this Tier 1 item to be participation in the City's Green Building Program at a 2-Star Level).
5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	The project is in compliance with all aspects of the Waterfront Overlay other than height and the project does not exceed the Butler Shores Subdistrict maximum. The PUD respects the historic property on its southern border, as well as the adjacent Bridges condominium project, by having the "U" opening towards the historic property and Bridges project and including a step down in height as it approaches the southwest property line. A neighborhood plan has not been adopted for this area.
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements and utilize the best designs possible. The project will also preserve several trees on site via excessive setbacks that would not be saved with a project developed under the standard Code regulations.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	Yes.	The project will provide 1,000 square feet for use by the City of Austin Parks and Recreation Department to serve as a public store front for their special events office or other use as determined by the Department.
8. Exceed the minimum landscaping requirements of the City Code.	Yes.	<p>The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program.</p> <ol style="list-style-type: none"> 1. 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide (note: 90% is required under base regulations); 2. 100% of the all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens or through the use

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>of rainwater harvesting (or a combination of both) [note: 50% of all required landscaping is required to be irrigated in this manner - or be drought resistant species - under the base regulations.]; and</p> <p>3. An Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site (note: this is not a requirement under the base regulations).</p>
9. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.	Yes.	<p>The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton (crossing Riverside Drive). Additionally, the project is situated in close proximity to three types of mass transit: 1) Two Cap Metro bus routes are on the same block as the project; 2) Bus Rapid Transit is scheduled to travel along South Lamar Boulevard; and 3) Future Urban Rail plans show a line which terminates mid-block on Barton Springs Road. That location is within easy walking distance of the project.</p> <p>No gated roadways will be permitted within the PUD (note: The parking areas within the project to be utilized by residents will be gated.</p>
10. Prohibit gates roadways	Yes.	
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	<p>The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course.</p> <p>The proposed project will permanently provide code required parking for the Paggi House property in an adjacent parking garage structure. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces</p>

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		currently provided.	The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House.
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	Yes.		The property is characterized by special circumstances. The PUD is surrounded by roadways on three sides and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height is through the PUD process.

CR
HA

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier 1 - Additional PUD Requirements for a mixed use development	Compliance	Superiority
1. Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	Yes.	<p>The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance.</p> <p>The planned unit development as approved meets alternative equivalent compliance standards for the following provisions of Land Development Code Subchapter E (Design Standards and Mixed Use): Sidewalk zones (planting & clear) including tree spacing (§2.2.2.B); Supplemental zone width (§2.2.2.C.1); General building placement (§2.2.2.D.1); Continuous shaded sidewalk (§2.2.3.E.3); Connectivity (§2.3); Parking reductions (§2.4); Private common open space and pedestrian amenities (§2.7.3.C & D).</p> <p>The PUD complies with Core Transit Corridor sidewalk and building placement requirements.</p>
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (Core Transit Corridor Sidewalk and Building Placement).	Yes.	<p>The project contains pedestrian-oriented uses on all three street frontage sides.</p>
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.	Yes.	

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier II Requirement	Compliance	Superiority
<p>1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.</p>	<p>Yes.</p>	<p>The open space in the PUD will exceed the elevated open space standards, taking into account the porch and plaza areas, amenity areas and balconies.</p> <p>To meet the additional 10% of open space, the PUD is required to provide 5,901 square feet of open space (note: This is an increase of 537 square feet above the Tier I requirement). This project will provide a minimum of 15,000 square feet of open space generally located as follows:</p> <ul style="list-style-type: none"> a) 3,000 square feet of public open space on the ground floor; and b) 12,000 square feet of private open space on levels above the ground floor. <p>Additionally, the PUD will enhance connectivity to the existing trail system by constructing pedestrian improvements above those required by Code in off-site areas to allow safe access from Lee Barton to Lady Bird Lake and adjacent parkland. No additional right-of-way will be required for construction of the pedestrian facilities.</p>
<p>2. Environment:</p> <ul style="list-style-type: none"> a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family 	<p>Yes.</p>	<p>This PUD will not request any exceptions or modifications of environmental regulations. The project will also provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart d through the use of rain gardens and bio-filtration areas.</p>

CM/KA

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

<p>density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.</p> <p>f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.</p> <p>g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code.</p> <p>h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p>i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas.</p> <p>j. Prohibits uses that may contribute to air or water quality pollutants.</p> <p>k. Employ other creative or innovative measures.</p>		
<p>3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.</p>	<p>Yes.</p>	<p>The PUD will meet the Austin Green Builder program at a 3-star level.</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The PUD will provide art approved by the Art In Public Places Program on site.
5. Great Streets – Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Not applicable.	The PUD is subject to and will comply with the requirements Subchapter F standards.
6. Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on the same basis as residents of the project are allowed to use such facilities.
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	The project will provide bicycle parking for retail patrons, as well as its residents, at above-code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk facility" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide off-site pedestrian improvements along Lee Barton and Riverside Drive to increase the walking connectivity in the general area of the site.
8. Building Design – Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E	Yes.	The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet.

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

(Design Standards and Mixed Use)		The project will obtain a minimum of 13 points by providing the Design Options listed below:
9. Parking Structure Frontage – In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (Waterfront Overlay District Uses) in ground floor spaces.	Yes	<ul style="list-style-type: none"> ▪ 3 Star rating under the Austin Green Building Program – 3 points ▪ The project will have 2 linear stores in the project ground floor retail – 2 points ▪ The project will have façade articulation through a use of change in materiality, repeating pattern of wall recesses and projections, or a change in plane – 1 point ▪ A primary entrance will be demarked by integral planters, enhanced exterior light fixtures, and architectural details – 1 point ▪ The project will have a distinct roof design – 1 point ▪ 100% of the glazing used on the ground floor façade facing streets or parking will have a Visible Transmittance of 0.6 or higher – 1 point ▪ 75% of the facade facing the principal street will be storefront with a minimum of 2 separate entrances – 2 points ▪ The project will have a sustainable roof as outlined in Sub chapter E – 2 points <p>There is no above grade structured parking for the project that is visible to the public at the ground floor level from the western, northern or eastern sides of the project.</p>
10. Affordable Housing – Provides for affordable housing or participation in programs to achieve affordable housing.	Yes.	The project will participate in the Affordable Housing Options pursuant to the PUD ordinance (note: The applicant has assumed that all affordable housing options will be calculated on the delta between what the applicant proposes to build and what could be built pursuant to existing zoning and existing applicable site development regulations).

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

11. Historic Preservation - Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	Parking for the adjacent historic Paggi House shall be provided in the project's parking garage. As long as the Paggi House remains a restaurant use, 38 parking spaces for the Paggi House will be provided in the project's parking garage (note: The Paggi House presently utilizes 22 parking spaces on the surface parking lot within the property boundaries. In addition, the project has been designed to reduce mass near the Paggi House.
12. Accessibility - Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Yes.	The project will provide for 2.5% of the units to be available for persons with disabilities (note: This represents a 25% increase above code requirements).
13. Local Small Business - Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Yes.	The proposed PUD provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

39/15

10/15

MASTER REVIEW REPORT

CASE NUMBER: C814-2012-0160

CASE MANAGER: Lee Heckman

REVISION #: 00

PROJECT NAME: 211 South Lamar

LOCATION: 211 South Lamar Boulevard

SUBMITTAL DATE: December 19, 2012

REPORT DUE DATE: January 2, 2013

FINAL REPORT DATE: January 11, 2013

REPORT LATE: 9 DAYS

PHONE #: 974-7604

UPDATE: Initial Submittal

STAFF REVIEW:

- This report includes all comments received to date concerning your site plan. The PUD application will be forwarded for Board, Commission, and Council action when all requirements identified in this report have been addressed. However, until this happens, your PUD application is considered not recommended for approval.
- PLEASE NOTE: Review comments from Mapping and PARD have not been included in the following.
- PLEASE NOTE: IF YOU HAVE ANY QUESTIONS, PROBLEMS, CONCERNS OR IF YOU REQUIRE ADDITIONAL INFORMATION ABOUT THIS REPORT, PLEASE DO NOT HESITATE TO CONTACT YOUR CASE MANAGER OR INDIVIDUAL REVIEWER AT THE CITY OF AUSTIN, PLANNING & DEVELOPMENT REVIEW DEPARTMENT, P.O. BOX 1088, AUSTIN, TX.

REPORT:

- The attached report identifies those requirements that must be addressed by an update to your PUD application in order to obtain a positive recommendation for approval. This report may also contain recommendations for you to consider, which are not requirements.
- ADDITIONAL REQUIREMENTS AND RECOMMENDATIONS MAY BE GENERATED AS A RESULT OF INFORMATION OR DESIGN CHANGES PROVIDED IN YOUR UPDATE.

UPDATE DEADLINE:

- It is the responsibility of the applicant or his/her agent to update this PUD application. All updates must be submitted by 06/18/2013 which is 180 days from the date your application was filed [Sec. 25-5-113]. Otherwise, the application will automatically be denied.
- If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

EXTENSION:

- An extension to the 180 day deadline may be requested by submitting a written justification to your case manager on or before 06/18/2013. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.
- Extensions may be granted only when there are extenuating circumstances that could not have been reasonably anticipated when the application was submitted. Requests for extensions must clearly document why the additional time is needed.

01/15/17

Austin Energy – Green Building Program

From: Morgan, Richard [mailto:Richard.Morgan@austinenergy.com]
Subject: 211 S. Lamar PUD

I've reviewed the PUD zoning submittal for 211 and my only comment is that when the restrictive covenants are prepared the following green building language should be used.

All buildings in the PUD (in this case the building) will achieve a two star (or three star if they are still pursuing Tier 2 status) rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings.

Richard Morgan
Green Building & Sustainability Manager
Austin Energy
512-482-5309
richard.morgan@austinenergy.com

NPZ Comprehensive Planning Review - Kathleen Fox (512) 974-7877

211 S Lamar Blvd
CS and CS-V to PUD
C814-2012-0160

This zoning case is located on the east side of S Lamar Blvd, just south of Riverside Road. The subject property contains a Taco Cabana. The proposed use is PUD mixed use development. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include Lady Bird Lake Trail to the north, a multi-family condo building to the south, a City of Austin Parks and Recreation Office to the west, and Butler Park to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. This property is also located along a designated High Capacity Transit Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, and the Imagine Austin policies referenced above, staff believes that this proposed PUD mixed use project is supported by the Imagine Austin Comprehensive Plan.

NPZ Drainage Engineering Review - Jay Baker (512) 974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DE 1. No comments.

Signoff: 1/2/13

Electric Review - David Lambert - (512) 322-6109

EL 1. The proposed building must meet Austin Energy, OSHA, and National Electric Safety Code clearances from the existing overhead electric lines along Lee Barton. With the 0 foot setbacks it isn't clear that this will occur.

Contact me to schedule a meeting to discuss these clearances as well as electric service to the proposed building with Austin Energy's review team.

Until we are confident clearances will be met, this case should not go forward.

EL 2. FYI: Any relocation of existing electric facilities shall be at developer's expense.

NPZ Environmental Review - Brad Jackson (512) 974-3410

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees

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proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

- SP 1. The Land Use Plan provided with this application does not match recent site plans used for discussion purposes with staff. As discussed in our meeting with Amanda Swor and Jeff Scott on January 8, please continue to coordinate with Humberto Rey/Urban Design to ensure that the streetscape issues associated with this proposed development are compliant.
- SP 2. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront Planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.
- SP 3. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):
- a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
 - b. proposed site development regulations;
 - c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
 - d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
 - e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
 - f. any other information required by the director of the Planning and Development Review Department.
- SP 4. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:
- a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;

- b. the maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use);
- c. total square footage and whether structured parking facilities are proposed.
- d. maximum impervious cover;
- e. maximum height limitation;
- f. minimum setbacks;
- g. the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- h. all civic uses by type and proposed site development regulations.

Additional site development regulations may be specified by the City Council.

SP 5. 2.3.2. In addition to the requirements of 2.3.1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must:

- a. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use).
- b. comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement); and
- c. provide pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

SP 6. On the Land Use Plan, depict the boundaries and locations of all Waterfront Overlay primary and secondary setback lines (LDC 25-2-721).

SP 7. Will the Paggi House restaurant remain open during the construction process for this development? If so, where will its patrons park while the site is under construction? A separate Transportation ("T") site plan may be required to permit off-site parking for the restaurant during the construction period while its current parking lot is displaced.

NPZ Flood Plain Review - David Marquez (512) 974-3389

No comments

NPZ Transportation Review - Ivan Naranjo (512) 974-7649

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for

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approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

NPZ Water Quality Review - Jay Baker (512) 974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

NPZ Austin Water Utility Review - Neil Kepple (512) 972-0077

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required

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by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

NPZ Zoning Review - Lee Heckman (512) 974-7604

1. The cover memo references a TIA waiver letter. It was not attached; please provide.
2. Tier Table Comments:
 - a. In general, please ensure consistency between specifics in the Table and Notes on the Land Use Plan. If numbers have been specified on one, please specify and match in the other.
 - b. I. 2. Staff understands construction of the building is steel and concrete. Since the Waterfront Overlay district requires glass and natural materials, please indicate how the façade will be presented.
 - c. I.2. Please indicate the rent-free status for the PARD facilities is for 25 years.
 - d. I.2. Consider adding the provision of community meeting space to this cell; although it is listed elsewhere, it is not an insignificant offering.
 - e. I.3. Indicate the public versus private space here. Provide a list (table?) detailing how much is balcony, roof-top garden, patio, plaza, etc.; actual square feet or percentages are OK.
 - f. I.7. Again, specify the duration of the provision, and that it is rent free.
 - g. I.9. Can you please illustrate this? A simple graphic/map would be helpful because the text is a little confusing. Also, specify how this is going to be accomplished (e.g., by paying the City \$X amount for us to within X timeframe). [Has the City committed to design and build these sidewalks in the ROW? Or, is this payment into a general sidewalk fund. Provide any documentation from the City confirming our acceptance and/or commitment]
 - h. I.11. To what heights? Please match plan note 24.
Also, the elevator relocation benefit is unclear – both to whom it's a benefit and physically. Please provide a simple sketch showing the current and future location as relates to the Paggi House and parking area.
 - i. I.MU.1. Do you mean the PUD "as proposed" instead of "as approved"? Also, please specify (perhaps as a separate table, but this would not necessarily need to be detailed further on the plan notes) what the Subchapter E requirements are and what's proposed for alternative compliance.
 - j. I.MU.3. Please reiterate the % of frontage that will be pedestrian-oriented. Also, the Waterfront Overlay requires a minimal 50% of net usable space for such uses on the ground floor. What % is achieved in this project?
 - k. II.1. See "f" above. Please provide as much detail as possible identifying different uses and how they contribute to the total.
Also, plan note #24 indicates the Riverside crossing will be pedestrian-activated; please update this reference to be consistent. As with the sidewalk improvements, provide documentation that the COA is in agreement and committed to provide such improvements.

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- l. II.4. This seems to be a little inconsistent with the plan note. Provide documentation that the Art in Public Spaces Program will coordinate any AMOA arrangement. How would the "value" of art provided compare to the funds provided to the Art in Public Spaces Program? Please elaborate.
- m. II.5. These seems to contradict earlier alternative equivalent compliance statements. Please clarify or elaborate.
- n. II. 7. Bike share kiosk – please provide some level of quantification. How large are the facilities, what do they hold, etc. Who is coordinating/maintaining these? Is it a COA deal, private party, non-profit? Plan notes reference 120% for patron parking - what does this mean?
For whose use are the dedicated EV parking spots (visitors, residents, customers)?
- o. II.9. So, what's visible from the south? Is it screened like the Lamar edge as referenced in the plan notes? There is uncertainty whether the ground floor parking is structured and/or above grade. A visual might help, but at minimum, please describe the parking facilities in terms of at/above/below grade and what's visible from where.
Also, please reiterate you're meeting the minimum 75% frontage requirement on all three streets.
- p. II.10. Will this participation be through the provision of onsite units or fees? If uncertain, specify what those requirements would be – unit #/% or fees in lieu.
- q. II.11. Do we deduce that 2.5% of 175 units (4.3) is rounded to 4 or 5? Clarify if you can.

3. Land Use Plan Comments – Sheet 1

- a. Please clearly distinguish existing versus proposed land use; separate schematics on the same sheet would be ideal. Clearly depict PUD boundary (heavier line) and future building lines. What's the buildable area? Is there a setback from the Bridges building? Please label Paggi House and Bridges buildings as existing. Identify Fast Food Restaurant as Existing.
- b. Provide a location map
- c. Provide the case number
- d. Please label medians and eastern dashed lines on Lee Barton.
- e. Please consider adding a legend for various line types.
- f. Highlight existing (and to be saved) trees on schematics.
- g. Additional PO Use – why are admin offices split into two categories? Is the intent that only these types of admin offices are permitted?
- h. Related, do you really think it necessary to preclude a Theater, Counseling Services and Hotel-Motel use?
- i. Note: The use of color (for the planting and other zones) is acceptable; however, you will be required to provide a color mylar is you continue to depict these in color on paper submittals. Alternately, black-and-white is acceptable.

4. Land Use Plan Comments – Sheet 2

- a. As noted above, please be consistent with items noted in the Tier Tables. If something is specified, quantified, qualified, or otherwise elaborated upon in one, please do so in the other. Note: Some of these plan notes may be incorporated into the PUD document instead of, or in addition to, being on the plan sheet. Specificity matters.

And because it matters, do you really want to specify the exact numbers for height in Note # 22? Would an approximation work? Would a schematic illustrate this better? Are you attempting to specify heights or describe the blocks as part of the

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appearance and articulation? Please bear in mind that deviations from numbers specified in the land use plan (or reflected in the PUD document) will likely result in a PUD amendment.

- b. Note # 4: The future is now, even if suspended. Please update to: The site is within the South Lamar Combined Neighborhood Planning Area.
- c. What is the purpose of Note #6?
- d. Note 8: Who does this serve? Provide a copy of the executed document and depict on the plan schematic – both the existing and future graphics. If this won't be dedicated until the site-planning stage, remove the blank and clarify. Depict on the future land use graphic and label as proposed.
- e. Note # 13. Please reword first sentence. Provide confirmation that NHCD will review the lease or other arrangement. Are there criteria for approving "other arrangements" and, for discussion purposes (not a plan note), what might some of those other arrangements be?
- f. Note # 23. When does the 25 year period begin? If at the time of CO issuance, specify that (and update in the Tier Table as appropriate).
- g. Notes 24, 27, 28, 30 and 31: Please check for consistency with Tier Table items, especially as you update or expand upon or further quantify those items.
- h. Note # 32: Please highlight trees in Sheet 1 schematics. See also 6a, below.
- i. Note # 33/Variance to TCM9.3.0 #3: Is this a variance to zoning requirements or to site-planning requirements? If it is appropriate to consider at the rezoning stage, then provide the documentation from Transportation (see reviewer note #7) concurring with the proposal. If this is NOT a variance to the zoning code, but associated with site-planning, then please remove from plan sheet and table of CS variances.
- j. Note # 34: If "Fully Accessible Type A" is defined somewhere, please provide that citation. Please see 3q above.

5. Other Comments

- a. Please provide an 8.5 x 11 exhibit of the land use plan sheets and the tree survey referenced in Note # 32.
- b. Please provide an 8.5 x 11 exhibit of the building blocks with approximate heights. This is for illustration purposes only and will not be incorporated into the PUD document or land use plan. Related, provide a sketch of the "distinctive" building cap, if available, as required by the Waterfront Overlay.
- c. In reviewing deliberations over The Park PUD, which was your firm's project, and other recent smaller-scale PUDs, it has become clear that Council prefers a listing or summary of all the public benefits, which may be slightly different than superiority items. Aesthetics and design/construction materials aside (which might exceed Tier requirements and thus be a superior feature), what are the tangible and obvious public benefits? In other words, what makes this project a good deal (exchange) for Austin (the City and the community)? To the extent you can provide a benefits summary, please do so.

CASE MANAGER – Lee Heckman – (512) 974-7604

A PRELIMINARY STAFF RECOMMENDATION CANNOT BE DETERMINED AT THIS TIME BASED ON THE INFORMATION PROVIDED IN THIS APPLICATION.

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A formal update is required. Please submit 1 copy of updated materials and 1 copy of a response memo to INTAKE for distribution to each reviewer that provided review comments **requiring a response**. Please provide all required documentation to the individual reviewer who requested it. PLEASE CLEARLY LABEL ALL PACKETS WITH THE REVIEWER'S NAME.

Please provide **three copies** of update materials and response letters to Zoning Review/Case Management

Please Note: You must make an appointment with the Intake Staff (974-2689) to submit the update. PLEASE BRING ALL COPIES OF THIS REPORT WITH YOU UPON SUBMITTAL TO INTAKE.

Additional comments may be generated as requested information is provided.

Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not city engineers review the application for code compliance.

Reviewers:

Austin Energy – Green Building Program – Richard Morgan (512) 482-5309
Comprehensive Planning Review - Kathleen Fox (512) 974-7877
Drainage Engineering Review - Jay Baker (512) 974-2636
Electric Review - David Lambert - (512) 322-6109
Environmental Review - Brad Jackson (512) 974-3410
Flood Plain Review - David Marquez (512) 974-3389
Mapping Review – TBD
PARD – Chris Yanez (512) 974-9455
Site Plan Review - Michael Simmons-Smith (512) 974-1225
Transportation Review - Ivan Naranjo (512) 974-7649
Water Quality Review - Jay Baker (512) 974-2636
Austin Water Utility Review - Neil Kepple (512) 972-0077
Zoning/Case Management - Lee Heckman (512-974-7604)

C/10/16

The following comments were issued January 15, 2013

NPZ PARD/Planning & Design Review - Chris Yanez (512) 974-9455

- PR1. Provide basis/rationale for open space calculations, include for residential and non-residential separately. Numbers for Tier 1 and Tier 2 requirements appear inconsistent and the correlation to amount of land use is unclear.
- PR2. What is the proposed or anticipated amount of open space above ground level in square feet/acre and percentage? Also provide separate break out amounts for decks/balconies/patios; water quality facilities; and planting/supplemental zones.
- PR3. Provide anticipated amount of private vs. publicly accessible open space.
- PR4. Water quality facilities must be designed and maintained as an amenity to receive credit for open space.
- PR5. PARD acknowledges note 23 on the Land Use Plan Notes sheet and the referenced reduction of open space for urban properties. While the proposed 25-year rent free term can be interpreted as an additional community benefit, it is a finite term that may not fully consider the lifespan of the development and the impacts of reduced open space on its tenants. Would the applicant consider extensions to the proposed term at same or reduced rates for PARD or other City Departments or other community benefit once term expires?

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February 1, 2013

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: Formal Update 1 to 211 South Lamar – C814-2012-0160 - Zoning Application for a 0.933 acre piece of property located at 211 S. Lamar and 1211 W. Riverside (the "Property");

Mr. Guernsey:

As representatives of the owners of the above stated Property, we respectfully submit Update 1 to the Planned Unit Development ("PUD") application package. Included in this application package for your review is an updated Land Use Plan and superiority chart. Below please find the responses to comments from Reviewers:

Austin Energy – Green Building Program – Richard Morgan (512) 842-5309

I've reviewed the PUD zoning submittal for 211 and my only comment is that when the restrictive covenants are prepared the following green building language should be used.

All buildings in the PUD (in this case the building) will achieve a two star (or three star if they are still pursuing Tier 2 status) rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings.

AE 1 – Noted.

NPZ Comprehensive Planning Review - Kathleen Fox (512) 974-7877

211 S Lamar Blvd
CS and CS-V to PUD
C814-2012-0160

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This zoning case is located on the east side of S Lamar Blvd, just south of Riverside Road. The subject property contains a Taco Cabana. The proposed use is PUD mixed use development. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include Lady Bird Lake Trail to the north, a multi-family condo building to the south, a City of Austin Parks and Recreation Office to the west, and Butler Park to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. This property is also located along a designated High Capacity Transit Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, and the Imagine Austin policies referenced above, staff believes that this proposed PUD mixed use project is supported by the Imagine Austin Comprehensive Plan.

NPZCPR – Noted.

NPZ Drainage Engineering Review - Jay Baker (512) 974-2636

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Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DE 1. No comments.

Signoff: 1/2/13

Electric Review - David Lambert - (512) 322-6109

EL 1. The proposed building must meet Austin Energy, OSHA, and National Electric Safety Code clearances from the existing overhead electric lines along Lee Barton. With the 0 foot setbacks it isn't clear that this will occur.

Contact me to schedule a meeting to discuss these clearances as well as electric service to the proposed building with Austin Energy's review team.

Until we are confident clearances will be met, this case should not go forward.

EL 1 – A meeting was conducted on January 14, 2013 with Mr. Lambert and the concerns associated with this comment have been addressed. See attached e-mail clearing comment.

EL 2. FYI: Any relocation of existing electric facilities shall be at developer's expense.

EL 2 – Noted.

NPZ Environmental Review - Brad Jackson (512) 974-3410

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

EV 01 - The applicant has conducted further review of the building layout with the Environmental Reviewer and the City Arborist and considered design changes. The concurrent conclusion reached is that removal of two trees is necessary.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

EV 02 - The critical root zone as shown on the Land Use Plan will remain undisturbed. The project will develop and adopt a formal tree care plan as part of the site plan permit process. This language has been added to note 32 of the Land Use Plan.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

SP 1. The Land Use Plan provided with this application does not match recent site plans used for discussion purposes with staff. As discussed in our meeting with Amanda Swor and Jeff Scott on January 8, please continue to coordinate with Humberto Rey/Urban Design to ensure that the streetscape issues associated with this proposed development are compliant.

SP 1 – The applicant will ensure that upon submittal of an update for the Site Plan that Humberto Rey is included on the distribution list.

SP 2. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront Planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.

SP 2 – Noted.

SP 3. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):

- a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
- b. proposed site development regulations;
- c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
- d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
- e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
- f. any other information required by the director of the Planning and Development Review Department.

SP 3 – The Land Use Plan is updated to include all applicable items.

SP 4. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:

- a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;

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- b. the maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use);
- c. total square footage and whether structured parking facilities are proposed.
- d. maximum impervious cover;
- e. maximum height limitation;
- f. minimum setbacks;
- g. the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- h. all civic uses by type and proposed site development regulations.

Additional site development regulations may be specified by the City Council.

SP 4 – As discussed in the meeting between Michael Simmons-Smith and Amanda Swor on January 14, 2013, this level of detail is not required at the PUD stage.

SP 5. 2.3.2. In addition to the requirements of 2.3.1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must:

- a. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use).
- b. comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement); and
- c. provide pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

SP 5 – Noted.

SP 6. On the Land Use Plan, depict the boundaries and locations of all Waterfront Overlay primary and secondary setback lines (LDC 25-2-721).

SP 6 - The primary and secondary setback lines are depicted on the Land Use Plan.

SP 7. Will the Paggi House restaurant remain open during the construction process for this development? If so, where will its patrons park while the site is under construction? A separate Transportation ("T") site plan may be required to permit off-site parking for the restaurant during the construction period while its current parking lot is displaced.

SP 7 – The Paggi House tenant has the option to remain open during construction of the project. If the tenant remains open, parking will be handled on a valet basis. See note 6 of the Land Use Plan.

NPZ Flood Plain Review - David Marquez (512) 974-3389

No comments

NPZ Transportation Review - Ivan Naranjo (512) 974-7649

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

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TR 1 – Noted.

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

TR 2 – Noted.

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

TR 3 – Noted.

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

TR 4 – Noted.

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

TR 5 – Noted.

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

TR 6 – A Joint Use Access Easement between the Applicant and the adjacent property owner is currently being reviewed by the City of Austin. Upon approval from the City (prior to approval of the PUD), the JUA will be recorded. See Note 8 on the Land Use Plan.

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

TR 7 – The PUD is not proposing any street modifications along Riverside Drive. Additionally, the valet-drop-off/on-street loading request has been removed from the PUD.

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TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

TR 8 – See Note 14 on the Land Use Plan, the PUD is proposing to meet 60% of the requirement prescribed by Chapter 25-6, Appendix A. The 60% requirement is consistent with the VMU provisions in the area.

NPZ Water Quality Review - Jay Baker (512) 974-2636

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ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

WQ 1 - A new page has been added to the Land Use Plan addressing how both Tier I and Tier II requirements will be met. As discussed on a January 11th telephone call with the reviewer, the PUD is exhibiting Superiority by providing innovative water quality controls that "Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract". This satisfies item "d" of the Environment Tier II options of the PUD ordinance.

The comment of 25% additional water quality volume and 20% greater pollutant removal is not applicable as neither is being sought as a part of this PUD as they are neither directly applicable nor constructively achievable.

NPZ Austin Water Utility Review - Neil Kepple (512) 972-0077

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap

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and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

NPZ Zoning Review - Lee Heckman (512) 974-7604

1. The cover memo references a TIA waiver letter. It was not attached; please provide.

ZR 1 – Comment cleared per meeting between Lee Heckman and Amanda Swor on January 14, 2013.

2. Tier Table Comments:

a. In general, please ensure consistency between specifics in the Table and Notes on the Land Use Plan. If numbers have been specified on one, please specify and match in the other.

a. **Noted. The superiority table has been updated to include all notes from the Land Use Plan.**

b. I. 2. Staff understands construction of the building is steel and concrete. Since the Waterfront Overlay district requires glass and natural materials, please indicate how the façade will be presented.

b. **The façade will be constructed to meet or exceed the requirements of the Waterfront Overlay. Please see updated Note 20.**

c. I.2. Please indicate the rent-free status for the PARD facilities is for 25 years.

c. **See note 23 on the Land Use Plan.**

d. I.2. Consider adding the provision of community meeting space to this cell; although it is listed elsewhere, it is not an insignificant offering.

d. **Noted.**

e. I.3. Indicate the public versus private space here. Provide a list (table?) detailing how much is balcony, roof-top garden, patio, plaza, etc.; actual square feet or percentages are OK.

e. **As discussed in a meeting between Lee Heckman and Amanda Swor on January 14, 2013, at the zoning stage a breakdown of this detail is not applicable. Please see note 37 detailing the amount of private and public open space.**

f. I.7. Again, specify the duration of the provision, and that it is rent free.

f. **See note 23 on the Land Use Plan.**

g. I.9. Can you please illustrate this? A simple graphic/map would be helpful because the text is a little confusing. Also, specify how this is going to be accomplished (e.g., by paying the City \$X amount for us to within X timeframe). [Has the City committed to design and build these sidewalks in the ROW? Or, is this payment into a general

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sidewalk fund. Provide any documentation from the City confirming our acceptance and/or commitment]

- g. **A new page has been added to the Land Use Plan showing the location of the offsite pedestrian improvements. See Note 24 on the Land Use Plan.**
- h. I.11. To what heights? Please match plan note 24.
Also, the elevator relocation benefit is unclear – both to whom it's a benefit and physically. Please provide a simple sketch showing the current and future location as relates to the Paggi House and parking area.
- h. **See note 22 on the Land Use Plan for height requirements. As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, the relocation of the elevator near the Paggi House will comply with ADA accessibility requirements and a sketch is not required. See note 35 on the Land Use Plan.**
- i. I.MU.1. Do you mean the PUD "as proposed" instead of "as approved"? Also, please specify (perhaps as a separate table, but this would not necessarily need to be detailed further on the plan notes) what the Subchapter E requirements are and what's proposed for alternative compliance.
- i. **As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, the language on the Land Use Plan will need to read "as approved" for accuracy purposes following adoption of the PUD. Additionally, at this time the exact extent of Alternative Equivalent Compliance is not known, the details will be finalized at Site Plan.**
- j. I.MU.3. Please reiterate the % of frontage that will be pedestrian-oriented. Also, the Waterfront Overlay requires a minimal 50% of net usable space for such uses on the ground floor. What % is achieved in this project?
- j. **See new note 36 on the Land Use Plan addressing the percentage of pedestrian oriented uses on the ground floor as well as net usable space on the ground floor.**
- k. II.1. See "e" above. Please provide as much detail as possible identifying different uses and how they contribute to the total.
Also, plan note #24 indicates the Riverside crossing will be pedestrian-activated; please update this reference to be consistent. As with the sidewalk improvements, provide documentation that the COA is in agreement and committed to provide such improvements.
- k. **Please see note 37 detailing the amount of private and public open space. Additionally, note 24 has been updated to address the pedestrian improvements.**
- l. II.4. This seems to be a little inconsistent with the plan note. Provide documentation that the Art in Public Spaces Program will coordinate any AMOA arrangement. How would the "value" of art provided compare to the funds provided to the Art in Public Spaces Program? Please elaborate.

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- l. See note 18 on the Land Use Plan.**
 - m. II.5. These seems to contradict earlier alternative equivalent compliance statements. Please clarify or elaborate.
 - m. This requirement is not applicable to the PUD. Compliance with Great Streets is not applicable for this development as it is subject to the requirements of Chapter 25-2, Subchapter E.**
 - n. II. 7. Bike share kiosk – please provide some level of quantification. How large are the facilities, what do they hold, etc. Who is coordinating/maintaining these? Is it a COA deal, private party, non-profit? Plan notes reference 120% for patron parking - what does this mean?
For whose use are the dedicated EV parking spots (visitors, residents, customers)?
 - n. Note 27 has been updated to clarify the 120% bicycle parking requirement and address the Bike Share Kiosk. See note 28 on the Land Use Plan, the electric vehicle spaces will be available both for residents and retail patrons.**
 - o. II.9. So, what's visible from the south? Is it screened like the Lamar edge as referenced in the plan notes? There is uncertainty whether the ground floor parking is structured and/or above grade. A visual might help, but at minimum, please describe the parking facilities in terms of at/above/below grade and what's visible from where.
Also, please reiterate you're meeting the minimum 75% frontage requirement on all three streets.
 - o. See note 19 on the Land Use Plan. Parking will not be visible from the adjacent project on the southern boundary of the PUD.**
 - p. II.10. Will this participation be through the provision of onsite units or fees? If uncertain, specify what those requirements would be – unit #/% or fees in lieu.
 - p. See note 30 on the Land Use Plan.**
 - q. II.11. Do we deduce that 2.5% of 175 units (4.3) is rounded to 4 or 5? Clarify if you can.
 - q. Fractional units will be rounded up. Please see note 34 on the Land Use Plan.**
3. Land Use Plan Comments – Sheet 1
- a. Please clearly distinguish existing versus proposed land use; separate schematics on the same sheet would be ideal. Clearly depict PUD boundary (heavier line) and future building lines. What's the buildable area? Is there a setback from the Bridges building? Please label Paggi House and Bridges buildings as existing. Identify Fast Food Restaurant as Existing.
 - a. As discussed in the meeting between Lee Heckman, Michael Simmons-Smith and Amanda Swor on January 14, 2013, the Land Use Plan has been updated to remove all existing buildings within the PUD. At the zoning stage, it is not**

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required to depict the location of future buildings. These changes address the remainder of the concerns raised in this comment.

- b. Provide a location map
 - b. **Noted. The Land Use Plan has been updated to include a location map.**
 - c. Provide the case number
 - c. **Noted. The Land Use Plan has been updated to include the case number on all pages.**
 - d. Please label medians and eastern dashed lines on Lee Barton.
 - d. **Noted. Property and ROW lines have been identified on the Land Use Plan.**
 - e. Please consider adding a legend for various line types.
 - e. **Noted. Where applicable, a legend has been included on the Land Use Plan.**
 - f. Highlight existing (and to be saved) trees on schematics.
 - f. **A new page has been added to the Land Use Plan addressing location of trees and identifying existing trees and those to be saved.**
 - g. Additional PO Use – why are admin offices split into two categories? Is the intent that only these types of admin offices are permitted?
 - g. **Yes, the intent is that only Administrative Business Offices for On-Site Sales and Leasing and Administrative Business Offices if an Owner Resides on Site be added as additional Pedestrian Oriented Uses.**
 - h. Related, do you really think it necessary to preclude a Theater, Counseling Services and Hotel-Motel use?
 - h. **The applicant has included Counseling Services as a permitted use within the PUD. Hotel-Motel and Theater remain prohibited uses.**
 - i. Note: The use of color (for the planting and other zones) is acceptable; however, you will be required to provide a color mylar if you continue to depict these in color on paper submittals. Alternately, black-and-white is acceptable.
 - i. **The Land Use Plan has been revised to remove color depictions and is now black-and-white.**
4. Land Use Plan Comments – Sheet 2
- a. As noted above, please be consistent with items noted in the Tier Tables. If something is specified, quantified, qualified, or otherwise elaborated upon in one, please do so in the other. Note: Some of these plan notes may be incorporated into the PUD document instead of, or in addition to, being on the plan sheet. Specificity matters.

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And because it matters, do you really want to specify the exact numbers for height in Note # 22? Would an approximation work? Would a schematic illustrate this better? Are you attempting to specify heights or describe the blocks as part of the appearance and articulation? Please bear in mind that deviations from numbers specified in the land use plan (or reflected in the PUD document) will likely result in a PUD amendment.

- a. **Noted. The superlarity chart has been updated to include specific referenced to notes on the Land Use Plan.**
- b. **Note # 4: The future is now, even if suspended. Please update to: The site is within the South Lamar Combined Neighborhood Planning Area.**
- b. **Note 4 has been updated.**
- c. **What is the purpose of Note #6?**
- c. **Note 6 on the Land Use Plan addresses comment SP 7.**
- d. **Note 8: Who does this serve? Provide a copy of the executed document and depict on the plan schematic – both the existing and future graphics. If this won't be dedicated until the site-planning stage, remove the blank and clarify. Depict on the future land use graphic and label as proposed.**
- d. **Note 8 on the Land Use Plan addresses comment TR 6. Upon recordation a copy of the document will be provided to the reviewer.**
- e. **Note # 13. Please reword first sentence. Provide confirmation that NHCD will review the lease or other arrangement. Are there criteria for approving "other arrangements" and, for discussion purposes (not a plan note), what might some of those other arrangements be?**
- e. **Note 13 has been updated as requested. The remainder of this comment was cleared in the meeting between Lee Heckman and Amanda Swor on January 14, 2013.**
- f. **Note # 23. When does the 25 year period begin? If at the time of CO issuance, specify that (and update in the Tier Table as appropriate).**
- f. **The 25 year period begins at the time of Certificate of Occupancy. Note 23 has been updated.**
- g. **Notes 24, 27, 28, 30 and 31: Please check for consistency with Tier Table items, especially as you update or expand upon or further quantify those items.**
- g. **Noted.**
- h. **Note # 32: Please highlight trees in Sheet 1 schematics. See also 6a, below.**
- h. **A new sheet has been added to the Land Use Plan clarifying tree preservation.**

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- i. Note # 33/Variance to TCM9.3.0 #3: Is this a variance to zoning requirements or to site-planning requirements? If it is appropriate to consider at the rezoning stage, then provide the documentation from Transportation (see reviewer note #7) concurring with the proposal. If this is NOT a variance to the zoning code, but associated with site-planning, then please remove from plan sheet and table of CS variances.
- i. **The variance request to TCM 9.3.0 #3 is not a zoning requirement however the variance may be granted through the PUD.**
- j. Note # 34: If "Fully Accessible Type A" is defined somewhere, please provide that citation. Please see 3q above.
- j. **See updated note 34. As defined in the 2009 International Building Code a type A unit has some elements that are constructed for accessibility [e.g., 32-inch clear width doors for maneuvering clearances] and some elements that are constructed as adaptable [e.g., blocking for future installation for grab bars]. A type A dwelling unit is designed and constructed to provide accessibility for wheelchair users throughout the unit. The units will meet the technical requirements for the interior of a Type A unit as defined in Section 1003 of International Code Council A117.1.**

5. Other Comments

- a. Please provide an 8.5 x 11 exhibit of the land use plan sheets and the tree survey referenced in Note # 32.
- a. **An 8.5 X 11 copy of all pages of the Land Use Plan is included within this submittal. The tree survey is no longer applicable as a new page has been added to the Land Use Plan addressing tree preservation.**
- b. Please provide an 8.5 x 11 exhibit of the building blocks with approximate heights. This is for illustration purposes only and will not be incorporated into the PUD document or land use plan. Related, provide a sketch of the "distinctive" building cap, if available, as required by the Waterfront Overlay.
- b. **As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, this exhibit is not required.**
- c. In reviewing deliberations over The Park PUD, which was your firm's project, and other recent smaller-scale PUDs, it has become clear that Council prefers a listing or summary of all the public benefits, which may be slightly different than superiority items. Aesthetics and design/construction materials aside (which might exceed Tier requirements and thus be a superior feature), what are the tangible and obvious public benefits? In other words, what makes this project a good deal (exchange) for Austin (the City and the community)? To the extent you can provide a benefits summary, please do so.

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NPZ PARD/Planning & Design Review – Chris Yanez (512) 974-9455

PR1. Provide basis/rationale for open space calculations, include for residential and non-residential separately. Numbers for Tier 1 and Tier 2 requirements appear inconsistent and the correlation to amount of land use is unclear.

PR 1 - See note 37 on the Land Use Plan detailing the open space calculations for the project.

The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of non-residential space. By providing open space equal to 10% of the 29,641 square feet of residential space and 20% open space for the 11,000 square feet of commercial space, the total required amount of open space to meet the Tier I requirement is 5,164 square feet and the total required amount of open space to meet the Tier II requirement is 5,681 square feet. The PUD is providing a minimum of 14,000 square feet of open space (3,000 square feet public and 11,000 square feet private).

PR2. What is the proposed or anticipated amount of open space above ground level in square feet/acre and percentage? Also provide separate break out amounts for decks/balconies/patios; water quality facilities; and planting/supplemental zones.

PR 2 - See note 2 on the Land Use Plan detailing the open space calculations for the project. The PUD will provide a minimum of 11,000 square feet of above ground open space with approximately 5,000 square feet located on balconies and 6,000 square feet located within the amenity deck.

PR3. Provide anticipated amount of private vs. publicly accessible open space.

PR 3 - See note 2 on the Land Use Plan detailing the open space calculations for the project.

PR4. Water quality facilities must be designed and maintained as an amenity to receive credit for open space.

PR 4 – Noted.

PR5. PARD acknowledges note 23 on the Land Use Plan Notes sheet and the referenced reduction of open space for urban properties. While the proposed 25-year rent free term can be interpreted as an additional community benefit, it is a finite term that may not fully consider the lifespan of the development and the impacts of reduced open space on its tenants. Would the applicant consider extensions to the proposed term at same or reduced rates for PARD or other City Departments or other community benefit once term expires?

PR 5 – The project is not requesting a reduction in open space. The area described in note 23 is an additional community benefit. Per a telephone conference between Chris Yanez and Amanda Swor on January 18, 2013 the reviewer is acceptable to the 25 year term of the area.

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C/P
H/I

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor
Project Manager

Enclosures

cc: Jerry Rusthoven, Planning and Development Review Department (via electronic delivery with enclosures)
Lee Heckman, Planning and Development Review Department (via electronic delivery with enclosures)
Will Cureton, Ascension Development (via electronic mail without enclosures)
Scott Rodgers, Ascension Development (via electronic mail without enclosures)
Alex Condos, Post Investment Group (via electronic mail without enclosures)
Steve Drenner, Firm (without enclosures)

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier I Requirement	Compliance	Superiority	PUD Note
1. Meet the objectives of the City Code.	Yes.	<p>The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pfluger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be compatible with pedestrian and cyclist use. In addition, the project substantially complies with Subchapter E, supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves on-site trees, treats untreated, off-site stormwater, provides funding for off-site pedestrian improvements to be utilized by area residents and park users, creates a new public "storefront" for the Parks and Recreation Department and creates both a sustainable and architecturally interesting building, without any visible on-site parking from outside the project. The mixed-use project is designed to be compatible with private and public surrounding land uses.</p>	See notes described below, especially the following: 3, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36 and 37.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	<p>The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Road that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and</p>	<p><u>NOTE 19.</u> THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON ROAD EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>treatment of untreated off-site stormwater.</p> <ul style="list-style-type: none"> ▪ The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically used for apartment buildings in this area. The building will contain three levels of below grade parking, together with at-grade parking to support the retail areas that are sheltered from view by those retail areas, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multi-face concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake. ▪ Given the location of the project, adequate public facilities and services are generally found in the 	<p>SUCH PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p>NOTE 20. THE PROJECT WILL UTILIZE CONCRETE AND STEEL CONSTRUCTION, AND WILL MEET OR EXCEED ALL APPLICABLE WATERFRONT OVERLAY DESIGN STANDARDS</p> <p>NOTE 22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND</p>
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Exhibit D - 42

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a "storefront". The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Road.</p> <ul style="list-style-type: none"> ▪ The proposed off-site improvements include additional sidewalks along Lee Barton Road and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. ▪ This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project. ▪ See additional notes referenced in this chart for other terms described herein. 	<p>WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE</p>
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			<p>BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p>NOTE 23. AT LEAST 1,000 SQUARE FEET OF USABLE FIRST FLOOR RETAIL SPACE SHALL BE OFFERED TO THE AUSTIN PARKS AND RECREATION DEPARTMENT ("PARD") ON A "RENT-FREE" BASIS FOR USE BY PARD FOR A PUBLIC "STOREFRONT" OR RETAIL SPACE FOR A PERIOD OF 25 YEARS BEGINNING UPON THE DATE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. PARD SHALL BE RESPONSIBLE FOR ELECTRIC AND UTILITY CHARGES FOR THE SPACE FOR THE TERM PERIOD. ADDITIONALLY, FOR AS LONG AS THE SPACE IS UTILIZED BY PARD, THE OWNER SHALL PROVIDE TWO (2) ON-SITE PARKING SPACES IN THE GARAGE RESERVED FOR PARD USE BETWEEN 9:00 AM AND 5:00 PM ON WEEKDAYS.</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>NOTE 24: THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:</p> <p>A. A SIDEWALK ON LEE BARTON ROAD FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON ROAD);</p> <p>B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;</p> <p>C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON ROAD</p>
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Handwritten initials and signature

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>AT THE INTERSECTION OF LEE BARTON ROAD AND RIVERSIDE DRIVE.</p> <p>ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p> <p><u>NOTE 27.</u> THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:</p> <p>A. BICYCLE PARKING FOR RETAIL PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED FOR BICYCLE PARKING FOR SUCH RETAIL AREA OR (2) 10 BICYCLE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES SHALL BE LOCATED ON THE GROUND FLOOR OF THE PARKING GARAGE, WITHIN</p>
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Tier 1 & Tier 2 Compliance

			<p>THE PUBLIC PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS;</p> <p>B. BICYCLE PARKING FOR THE RESIDENTS OF THE PROJECT. SUCH BICYCLE PARKING SHALL BE PROVIDED IN A SECURE LOCATION WITHIN THE PROJECT'S PARKING GARAGE; AND</p> <p>C. IF ELECTED BY THE CITY OF AUSTIN WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT, A PUBLIC "BIKE SHARE KIOSK" IN A LOCATION MUTUALLY ACCEPTABLE TO THE CITY OF AUSTIN AND THE APPLICANT IN THE PROJECT'S PUBLIC PLAZA AREA OR THE PLANTING OR SUPPLEMENTAL ZONE ALONG RIVERSIDE DRIVE. SUCH "BIKE SHARE KIOSKS" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>EXCEED 10 BIKE PARKING SPACES WITHOUT THE FURTHER CONSENT OF THE OWNER) AND SHALL BE OPERATED AND MAINTAINED BY THE CITY OF AUSTIN CONSISTENT WITH OTHER "BIKE SHARE KIOSKS" IN THE GENERAL PROXIMITY OF THE PROJECT.</p> <p>NOTE 32. THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS. THE CRITICAL ROOT ZONE AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED.</p> <p>NOTE 37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,000 SQUARE FEET. A MINIMUM OF 3,000 SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,000 SQUARE FEET OF PRIVATE OR PUBLIC OPEN SPACE SHALL BE</p>
<p>3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that:</p> <p>a. A detention or filtration area is excluded from the calculation unless it</p>	<p>Yes.</p>	<p>The PUD is required to provide 5,164 square feet of open space to meet the Tier 1 PUD requirement of 10% of residential space and 20% of nonresidential space. The PUD will provide a minimum of 14,000 square feet of open space.</p>	

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.			PROVIDED ON LEVELS ABOVE THE GROUND FLOOR. DECKS, BALCONIES, PATIOS AND WATER QUALITY FACILITIES SUCH AS RAIN GARDENS, RAIN WATER COLLECTION AREAS, VEGETATIVE FILTER STRIPS, BIO-FILTRATION AND POROUS PAVEMENT FOR PEDESTRIAN USE LOCATED ON EITHER THE GROUND FLOOR OR UPPER FLOORS SHALL BE PERMITTED TO BE INCLUDED IN THE CALCULATION OF OPEN SPACE AS LONG AS ANY SUCH AREAS ARE AT LEAST 5 FEET IN WIDTH.
4. Comply with the City's Planned Unit Development Green Building Program.	Yes	The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier 1 item to be participation in the City's Green Building Program at a 2-Star Level).	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.
5. Be consistent with the applicable neighborhood plans, conservation neighborhood combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	<ul style="list-style-type: none"> The project is in compliance with all aspects of the Waterfront Overlay other than height, and the project does not exceed the Butler Shores Subdistrict maximum height limit. The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the parkland across Lee Barton Road to the east of the project, by having the "U" opening towards 	NOTE 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA. NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD

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Tier 1 & Tier 2 Compliance

		<p>the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage.</p> <ul style="list-style-type: none"> • The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. • The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a significant stepback from Riverside Drive (thereby preserving a view corridor to Lady Bird Lake from the outdoor patio on the second floor of the Zach Scott Theatre) and by providing retail and restaurant uses that will be utilized by patrons of the Zach Scott Theatre. 	<p>EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON ROAD EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p><u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (\$2.2.2.B); SUPPLEMENTAL ZONE WIDTH (\$2.2.2.C.1); GENERAL BUILDING PLACEMENT (\$2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (\$2.2.3.E.3); CONNECTIVITY (\$2.3); PARKING REDUCTIONS (\$2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES</p>
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CP/PL

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>(§2.7.3.C & D).</p> <p>NOTE 22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE</p>
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1/19/17

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>PROJECTS RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECTS LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECTS LEE BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p>NOTE 31. PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECTS PARKING GARAGE AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE</p>
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Tier 1 & Tier 2 Compliance

			<p>PROVIDED IN THE PROJECTS PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.</p> <p>NOTE <u>35.</u> THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p>
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1/10/12

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	<p>• The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements (via capturing and treating off-site stormwater) and utilize the designs that meet "best practices".</p> <p>• The project will also preserve several trees on-site via additional setbacks that would not be saved with a project developed under the standard Code regulations.</p>
		<p><u>NOTE 25.</u> WATER QUALITY TECHNIQUES UTILIZING RAIN GARDENS AND BIO-FILTRATION AREAS SHALL BE UTILIZED TO MEET ALL CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT, AS WELL AS TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED, OFF-SITE AREAS WITH A DRAINAGE AREA OF AT LEAST 25% OF THE SUBJECT TRACT.</p>
		<p><u>NOTE 32.</u> THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS. THE CRITICAL ROOT ZONE AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED.</p>

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7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	Yes.	<ul style="list-style-type: none"> Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. The project will provide 1,000 square feet of usable retail space within the project for use by the City of Austin Parks and Recreation Department to serve as a "public store-front" for their special events office or other retail uses as determined by the Department. 	NOTE 23. AT LEAST 1,000 SQUARE FEET OF USABLE FIRST FLOOR RETAIL SPACE SHALL BE OFFERED TO THE AUSTIN PARKS AND RECREATION DEPARTMENT ("PARD") ON A "RENT-FREE" BASIS FOR USE BY PARD FOR A PUBLIC "STOREFRONT" OR RETAIL SPACE FOR A PERIOD OF 25 YEARS BEGINNING UPON THE DATE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. PARD SHALL BE RESPONSIBLE FOR ELECTRIC AND UTILITY CHARGES FOR THE SPACE FOR THE TERM PERIOD. ADDITIONALLY, FOR AS LONG AS THE SPACE IS UTILIZED BY PARD, THE OWNER SHALL PROVIDE TWO (2) ON-SITE PARKING SPACES IN THE GARAGE RESERVED FOR PARD USE BETWEEN 9:00 AM AND 5:00 PM ON WEEKDAYS.
8. Exceed the minimum landscaping requirements of the City Code.	Yes.	<p>The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program.</p> <ul style="list-style-type: none"> 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide (Note: 90% is required under 	NOTE 15. AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE. NOTE 16. 100% OF ALL LANDSCAPE PLANTING ON SITE

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Tier 1 & Tier 2 Compliance

		<p>base regulations);</p> <ul style="list-style-type: none"> 100% of the all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens or through the use of rainwater harvesting (or a combination of both) [Note: 50% of all required landscaping is required to be irrigated in this manner - or be drought resistant species - under the base regulations.]; and An Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site (Note: this is not a requirement under the base regulations). 	<p>WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE.</p> <p>NOTE 17. 100% OF THE ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORM WATER RUNOFF CONVEYED TO RAIN GARDENS OR THROUGH THE USE OF RAINWATER HARVESTING (OR A COMBINATION OF BOTH).</p>
<p>9. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.</p>	<p>Yes.</p>	<ul style="list-style-type: none"> The project will be located along the City's new bus rapid transit route, and within easy walking distance of bus stops for that new route as well as normal bus service (Note: two existing Cap Metro bus routes are on the same block as the project). Additionally, the most recent proposed new rail routes in the area show a rail route extending along Barton Springs Road and within easy walking distance of the project. The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton Road and 	<p>NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:</p> <p>A. A SIDEWALK ON LEE BARTON ROAD FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE</p>

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Tier 1 & Tier 2 Compliance

		<p>Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton Road (crossing Lee Barton Road at Riverside Drive).</p> <ul style="list-style-type: none"> • Two charging stations for electric vehicles will be provided in the parking garage. 	<p>BARTON ROAD);</p> <p>B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;</p> <p>C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON ROAD AT THE INTERSECTION OF LEE BARTON ROAD AND RIVERSIDE DRIVE.</p> <p>ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p> <p>NOTE 28. THE PROJECT WILL</p>
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C/1/198

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			PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY RESIDENTS OF THE PROJECT AND PATRONS OF THE RETAIL LEASE SPACE.
10. Prohibit gates roadways	Yes.	No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)	NOTE 12. NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD (HOWEVER RESIDENT PARKING AREAS MAY BE GATED).
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	<ul style="list-style-type: none"> The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently provided. If the Paggi House changes its use in the future the project shall still be required to park such use in the 	<p>NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON ROAD WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.</p> <p>NOTE 22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE</p>

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	<p>project parking garage at City Code parking levels.</p> <ul style="list-style-type: none"> The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property. 	<p>"U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON</p>
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			<p>THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p><u>NOTE 31.</u> PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING</p>
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			<p>REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.</p> <p>NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p>
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<p>12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.</p>	<p>Yes.</p>	<p>The property is characterized by special circumstances. The PUD is surrounded by public roadways on three sides (including two Core Transit Corridor roadways) and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height, together with the adjacent setbacks from those roadways, is through the PUD process.</p>
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Tier 1 - Additional PUD Requirements for a mixed use development	Compliance	Superiority	PUD Note
1. Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	Yes.	The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance. Note: Generally, the need to request alternative equivalent compliance is to allow the unique design of the project, including the enhanced public plaza area.	<p>NOTE 21. THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (\$2.2.2.B); SUPPLEMENTAL ZONE WIDTH (\$2.2.2.C.1); GENERAL BUILDING PLACEMENT (\$2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (\$2.2.3.E.3); CONNECTIVITY (\$2.3); PARKING REDUCTIONS (\$2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (\$2.7.3.C & D).</p> <p>NOTE 22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND</p>

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			<p>AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK</p>
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			WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (<i>Design Standards and Mixed Use</i>), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (<i>Core Transit Corridor Sidewalk and Building Placement</i>).	Yes.	As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.	NOTE 21. THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE); SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (\$2.2.2.B); SUPPLEMENTAL ZONE WIDTH (\$2.2.2.C.1); GENERAL BUILDING PLACEMENT (\$2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (\$2.2.3.E.3); CONNECTIVITY (\$2.3); PARKING REDUCTIONS (\$2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (\$2.7.3.C & D).

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<p>3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) on the first floor of a multi-story commercial or mixed use building.</p>	<p>Yes.</p>	<p>The project contains pedestrian-oriented uses on all three street frontage sides totaling 75% of the cumulative frontage of those sides (excluding driveway openings and other project facilities not typically included in "frontage" calculations).</p>
		<p>NOTE 36. THE CUMULATIVE AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON ROAD SHALL BE A MINIMUM OF 75% OF THE CUMULATIVE FRONTAGE (EXCLUDING DRIVEWAY OPENINGS AND OTHER PROJECT FACILITIES NOT TYPICALLY INCLUDED IN "FRONTAGE" CALCULATIONS) ALONG THOSE ROADWAYS. NOTE: SUCH REQUIREMENTS WILL RESULT IN MORE THAN 50% OF THE NET USABLE SPACE OF ALL HEATED AND COOLED SPACE ON THE GROUND FLOOR OF THE PROJECT BEING DEVOTED TO "PEDESTRIAN-ORIENTED USES" AS REQUIRED BY SECTION 25-2-692(H).</p>

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Tier II Requirement	Compliance	Superiority	PUD Note
<p>1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.</p>	<p>Yes.</p>	<p>The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of non-residential space. By providing open space equal to 10% of the 29,641 square feet of residential space and 20% open space for the 11,000 square feet of commercial space, the total required amount of open space to meet the Tier I requirement is 5,164 square feet and the total required amount of open space to meet the Tier II requirement is 5,681 square feet. The PUD is providing a minimum of 14,000 square feet of open space (3,000 square feet public and 11,000 square feet private).</p>	<p><u>NOTE 37.</u> THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,000 SQUARE FEET. A MINIMUM OF 3,000 SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,000 SQUARE FEET OF PRIVATE OR PUBLIC OPEN SPACE SHALL BE PROVIDED ON LEVELS ABOVE THE GROUND FLOOR. DECKS, BALCONIES, PATIOS AND WATER QUALITY FACILITIES SUCH AS RAIN GARDENS, RAIN WATER COLLECTION AREAS, VEGETATIVE FILTER STRIPS, BIO-FILTRATION AND POROUS PAVEMENT FOR PEDESTRIAN USE LOCATED ON EITHER THE GROUND FLOOR OR UPPER FLOORS SHALL BE PERMITTED TO BE INCLUDED IN THE CALCULATION OF OPEN SPACE AS LONG AS ANY SUCH AREAS ARE AT LEAST 5 FEET IN WIDTH.</p>
<p>2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality</p>	<p>Yes.</p>	<ul style="list-style-type: none"> • This PUD will not request any exceptions or modifications of environmental regulations. • The project will provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart "d" through the use of rain gardens and bio-filtration areas. • The project prohibits uses that may contribute to 	<p><u>NOTE 25.</u> WATER QUALITY TECHNIQUES UTILIZING RAIN GARDENS AND BIO-FILTRATION AREAS SHALL BE UTILIZED TO MEET ALL CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT, AS WELL AS</p>

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<p>controls superior to those otherwise required by code.</p> <p>c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code.</p> <p>d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract.</p> <p>e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.</p> <p>f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of</p>	<p>air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.</p>	<p>TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED, OFF-SITE AREAS WITH A DRAINAGE AREA OF AT LEAST 25% OF THE SUBJECT TRACT.</p> <p>SEE LIST OF PROHIBITED USES ON PAGE 1 OF THE LAND USE PLAN.</p>
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<p>five acres or greater.</p> <p>g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code.</p> <p>h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p>i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas.</p> <p>j. Prohibits uses that may contribute to air or water quality pollutants.</p> <p>k. Employ other creative or innovative measures.</p>			
<p>3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.</p>	<p>Yes.</p>	<p>The project will meet the Austin Green Builder program at a 3-star level.</p>	<p>NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.</p>

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4. Art - Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The project will provide art approved by the Art In Public Places Program on-site.	<u>NOTE 18.</u> THE PROJECT SHALL PROVIDE ART APPROVED BY THE ART IN PUBLIC PLACES PROGRAM IN A PROMINENT OPEN SPACE, EITHER BY PROVIDING THE ART DIRECTLY OR BY MAKING A CONTRIBUTION TO THE CITY'S ART IN PUBLIC PLACES PROGRAM OR A SUCCESSOR PROGRAM. ALTERNATIVELY, WITH THE CONSENT OF THE ART IN PUBLIC PLACES PROGRAM (OR SUCCESSOR PROGRAM), THE PROJECT MAY MEET THIS REQUIREMENT BY ENTERING INTO AN ARRANGEMENT WITH THE AUSTIN MUSEUM OF ART (AMOA) OR SUCCESSOR ENTITY FOR AMOA ART TO BE DISPLAYED ON A SEASONAL OR ROTATING BASIS IN A PROMINENT OPEN SPACE, ON A PEDESTAL CONSTRUCTED AND MAINTAINED BY THE OWNER.
5. Great Streets - Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	Not applicable.	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	<u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND CODE DEVELOPMENT SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING

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<p>6. Community Amenities - Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.</p>	<p>Yes.</p>	<p>• The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on a reservation basis, and subject to reasonable rules and regulations.</p>	<p>& CLEAR) INCLUDING TREE SPACING (§2.2.2.B); SUPPLEMENTAL ZONE WIDTH (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C & D).</p>
			<p><u>NOTE 26.</u> THE PROJECT WILL CONTAIN A ROOM FOR MEETING SPACE OF AT LEAST 250 SQUARE FEET. SUCH ROOM WILL BE AVAILABLE TO RESIDENTS OF THE PROJECT AND TO COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS. USE OF THE ROOM BY COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS SHALL BE ON A RESERVATION BASIS, AND SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS SHALL BE IMPOSED BY THE OWNER OF THE PROPERTY OR ANY HOMEOWNER'S ASSOCIATION FOR THE PROJECT.</p>

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<p>7. Transportation - Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.</p>	<p>Yes.</p>	<ul style="list-style-type: none"> • The project will provide bicycle parking for retail patrons, as well as its residents, at above-code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area or in the planting or supplemental zone of adjacent streets. • The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. • The project will provide funding for off-site pedestrian improvements along Lee Barton Road and Riverside Drive (including sidewalks and a crosswalk) to increase the walking connectivity in the general area of the site.
<p>NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:</p>		<p>A. A SIDEWALK ON LEE BARTON ROAD FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON ROAD);</p> <p>B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;</p> <p>C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON ROAD AT THE INTERSECTION OF LEE BARTON ROAD AND RIVERSIDE DRIVE.</p>

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			<p>ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p> <p><u>NOTE 27.</u> THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:</p> <p>A. BICYCLE PARKING FOR RETAIL PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING FOR SUCH RETAIL AREA OR (2) 10 BICYCLE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES SHALL BE LOCATED ON THE GROUND FLOOR OF THE PARKING GARAGE, WITHIN THE PUBLIC PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS;</p>
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			<p>B. BICYCLE PARKING FOR THE RESIDENTS OF THE PROJECT. SUCH BICYCLE PARKING SHALL BE PROVIDED IN A SECURE LOCATION WITHIN THE PROJECT'S PARKING GARAGE; AND</p> <p>C. IF ELECTED BY THE CITY OF AUSTIN WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT, A PUBLIC "BIKE SHARE KIOSK" IN A LOCATION MUTUALLY ACCEPTABLE TO THE CITY OF AUSTIN AND THE APPLICANT IN THE PROJECT'S PUBLIC PLAZA AREA OR THE PLANTING OR SUPPLEMENTAL ZONE ALONG RIVERSIDE DRIVE. SUCH "BIKE SHARE KIOSKS" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO EXCEED 10 BIKE PARKING SPACES WITHOUT THE FURTHER CONSENT OF THE OWNER) AND SHALL BE OPERATED AND MAINTAINED BY THE CITY OF AUSTIN CONSISTENT WITH OTHER</p>
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			<p>"BIKE SHARE KIOSKS" IN THE GENERAL PROXIMITY OF THE PROJECT.</p> <p>NOTE 28. THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY RESIDENTS OF THE PROJECT AND PATRONS OF THE RETAIL LEASE SPACE.</p>
8. Building Design - Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	<p>The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet.</p> <p>The project will obtain a minimum of 13 points by providing a variety of design options.</p>	<p>NOTE 29. THE PROJECT WILL ACHIEVE A MINIMUM OF 13 POINTS UNDER THE BUILDING DESIGN OPTIONS OF SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE). IT WILL ACHIEVE THOSE POINTS IN THE FOLLOWING MANNER, OR IN SUCH OTHER MANNER AS SHALL BE APPROVED BY THE CITY OF AUSTIN PURSUANT TO SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E:</p> <p>A. THE PROJECT WILL ACHIEVE A 3 STAR RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM - 3</p>

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			<p>POINTS</p> <p>B. THE PROJECT WILL HAVE 2 LINER STORES IN THE PROJECT'S GROUND FLOOR RETAIL AREA - 2 POINTS</p> <p>C. THE PROJECT WILL HAVE FACADE ARTICULATION THROUGH A USE OF CHANGE IN MATERIALITY, REPEATING PATTERN OF WALL RECESSES AND PROJECTIONS, OR A CHANGE IN PLANE - 1 POINT</p> <p>D. A PRIMARY ENTRANCE WILL BE DEMARKED BY INTEGRAL PLANTERS, ENHANCED EXTERIOR LIGHT FIXTURES, AND ARCHITECTURAL DETAILS - 1 POINT</p> <p>E. THE PROJECT WILL HAVE A DISTINCT ROOF DESIGN - 1 POINT</p> <p>F. 100% OF THE GLAZING USED ON THE GROUND FLOOR FACADE FACING STREETS OR PARKING WILL HAVE A VISIBLE TRANSMITTANCE OF 0.6 OR HIGHER - 1 POINT</p> <p>G. 75% OF THE FACADE FACING THE PRINCIPAL STREET WILL BE STOREFRONT WITH A MINIMUM OF 2 SEPARATE ENTRANCES - 2 POINTS</p> <p>H. THE PROJECT WILL HAVE A</p>
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			SUSTAINABLE ROOF AS OUTLINED IN SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E - 2 POINTS
9. Parking Structure Frontage - In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.	Yes	<ul style="list-style-type: none"> There is no above grade structured parking and no parking for the project that is visible to the public. The cumulative amount of pedestrian-oriented uses along the total street frontages of the project (excluding areas not typically included as "frontage" in such calculations) shall exceed 75%. 	<p>NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON ROAD EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p>NOTE 36. THE CUMULATIVE AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON ROAD SHALL BE A MINIMUM OF 75% OF THE</p>

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<p>10. Affordable Housing - Provides for affordable housing or participation in programs to achieve affordable housing.</p>	<p>Yes.</p>	<p>The project will participate in the affordable housing options pursuant to the PUD ordinance. Note: for these purposes, the applicant has assumed, and this PUD is expressly subject to, the interpretation of the PUD ordinance that all affordable housing options will be calculated on the delta between the FAR that the applicant proposes to need for the project and the FAR that could be achieved pursuant to existing zoning and existing applicable site development regulations, including section 25-2-714 of the Land Development Code (Additional Floor Area). Such participation will be provided by either providing on-site units or by paying a fee-in-lieu (calculated consistent with the assumptions above).</p>	<p>CUMULATIVE FRONTAGE (EXCLUDING DRIVEWAY OPENINGS AND OTHER PROJECT FACILITIES NOT TYPICALLY INCLUDED IN "FRONTAGE" CALCULATIONS) ALONG THOSE ROADWAYS. NOTE: SUCH REQUIREMENTS WILL RESULT IN MORE THAN 50% OF THE NET USABLE SPACE OF ALL HEATED AND COOLED SPACE ON THE GROUND FLOOR OF THE PROJECT BEING DEVOTED TO "PEDESTRIAN-ORIENTED USES" AS REQUIRED BY SECTION 25-2-692(H).</p> <p>NOTE 30. THE PROJECT WILL PARTICIPATE IN THE AFFORDABLE HOUSING OPTIONS PURSUANT TO THE PUD ORDINANCE. NOTE: FOR THESE PURPOSES, THE APPLICANT HAS ASSUMED, AND THIS PUD IS EXPRESSLY SUBJECT TO, THE INTERPRETATION OF THE PUD ORDINANCE THAT ALL AFFORDABLE HOUSING OPTIONS WILL BE CALCULATED ON THE DELTA BETWEEN THE F.A.R. THAT THE APPLICANT PROPOSES TO NEED FOR THE PROJECT AND THE F.A.R. THAT COULD BE ACHIEVED PURSUANT TO EXISTING ZONING AND EXISTING APPLICABLE SITE DEVELOPMENT REGULATIONS, INCLUDING SECTION 25-2-714 OF</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

<p>11. Historic Preservation - Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.</p>	<p>Yes.</p>	<p>The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course.</p> <ul style="list-style-type: none"> The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently provided. If the Paggi House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels. The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property. 	<p>THE LAND DEVELOPMENT CODE (ADDITIONAL FLOOR AREA). SUCH PARTICIPATION WILL BE PROVIDED BY EITHER PROVIDING ON-SITE UNITS OR BY PAYING A FEE-IN-LIEU (CALCULATED CONSISTENT WITH THE ASSUMPTION ABOVE).</p> <p>NOTE 6. THE PAGGI HOUSE TENANT HAS THE OPTION TO REMAIN OPEN DURING CONSTRUCTION OF THE PROJECT. IF THE TENANT REMAINS OPEN, PARKING FOR THE RESTAURANT WILL BE HANDLED ON A VALET BASIS DURING CONSTRUCTION.</p> <p>NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON ROAD WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.</p> <p>NOTE 22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT</p>
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4/10/22

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p>
		<p><u>NOTE 31.</u> PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. IF THE USE OF THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.</p>
		<p><u>NOTE 35.</u> THE ELEVATOR</p>

10/2/2012

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.
12. Accessibility - Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Yes.	The project will provide 2.5% of the units to be available for persons with disabilities. Note: This represents a 25% increase above code requirements. Additionally, the applicant shall be required to move the elevator presently serving persons with disabilities who desire access to the adjacent Paggi House to a new, more accessible location.	NOTE 34. 2.5% OF RESIDENTIAL UNITS IN THE PROJECT SHALL BE FULLY ACCESSIBLE TYPE A DWELLING UNITS. NOTE: TO THE EXTENT THAT THE FOREGOING CALCULATION RESULTS IN A FRACTIONAL NUMBER, THE FRACTION SHALL BE ROUNDED UP FOR PURPOSES OF THIS NOTE. NOTE: AS DEFINED IN THE 2009 INTERNATIONAL BUILDING CODE, A

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>TYPE A UNIT HAS SOME ELEMENTS THAT ARE CONSTRUCTED FOR ACCESSIBILITY [E.G., 32-INCH CLEAR WIDTH DOORS FOR MANEUVERING CLEARANCES] AND SOME ELEMENTS THAT ARE CONSTRUCTED AS ADAPTABLE [E.G., BLOCKING FOR FUTURE INSTALLATION FOR GRAB BARS]; A TYPE A DWELLING UNIT IS DESIGNED AND CONSTRUCTED TO PROVIDE ACCESSIBILITY FOR WHEELCHAIR USERS THROUGHOUT THE UNIT; AND THE UNITS WILL MEET THE TECHNICAL REQUIREMENTS FOR THE INTERIOR OF A TYPE A UNIT AS DEFINED IN SECTION 1003 OF INTERNATIONAL CODE COUNCIL A117.1.</p> <p>NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON ROAD. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE</p>
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4/2/24

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.
13. Local Small Business - Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Yes.	The proposed PUD provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	<p><u>NOTE 13.</u> THE PROJECT SHALL PROVIDE ONE INDEPENDENT RETAIL, RESTAURANT OR LOCAL FRANCHISEE WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THE AUSTIN STANDARD METROPOLITAN STATISTICAL AREA USABLE SPACE AT A RENT 15% BELOW THE PREVAILING MARKET RENT WHEN THE LEASE OR OTHER ARRANGEMENT FOR PROVIDING THE SPACE IS EXECUTED. BEFORE EXECUTION, THE OWNER SHALL SUBMIT THE LEASE OR OTHER ARRANGEMENT TO THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR REVIEW.</p>

11/17/2015

<div style="float: right;"> <p>SHEET</p> <p>Page 2 of 9</p> </div> <div> <p>PROJECT NO.: 158791-10000</p> <p>REVISIONS BY CLM</p> <p>DRAWINGS BY JRS</p> <p>DATE: 01.11.18</p> </div>					
2TH SOUTH LAMAR			POST PAD&L LLC		
LAND USE PLAN NOTES					
<p>B Buy+Partners</p> <p>DO NOT SCALE THIS PLAN ALL DIMENSIONS ARE IN FEET SEE EXHIBIT A FOR DETAILS PREPARED BY: JRS DATE: 01.11.18</p>					

[illegible]

City 228

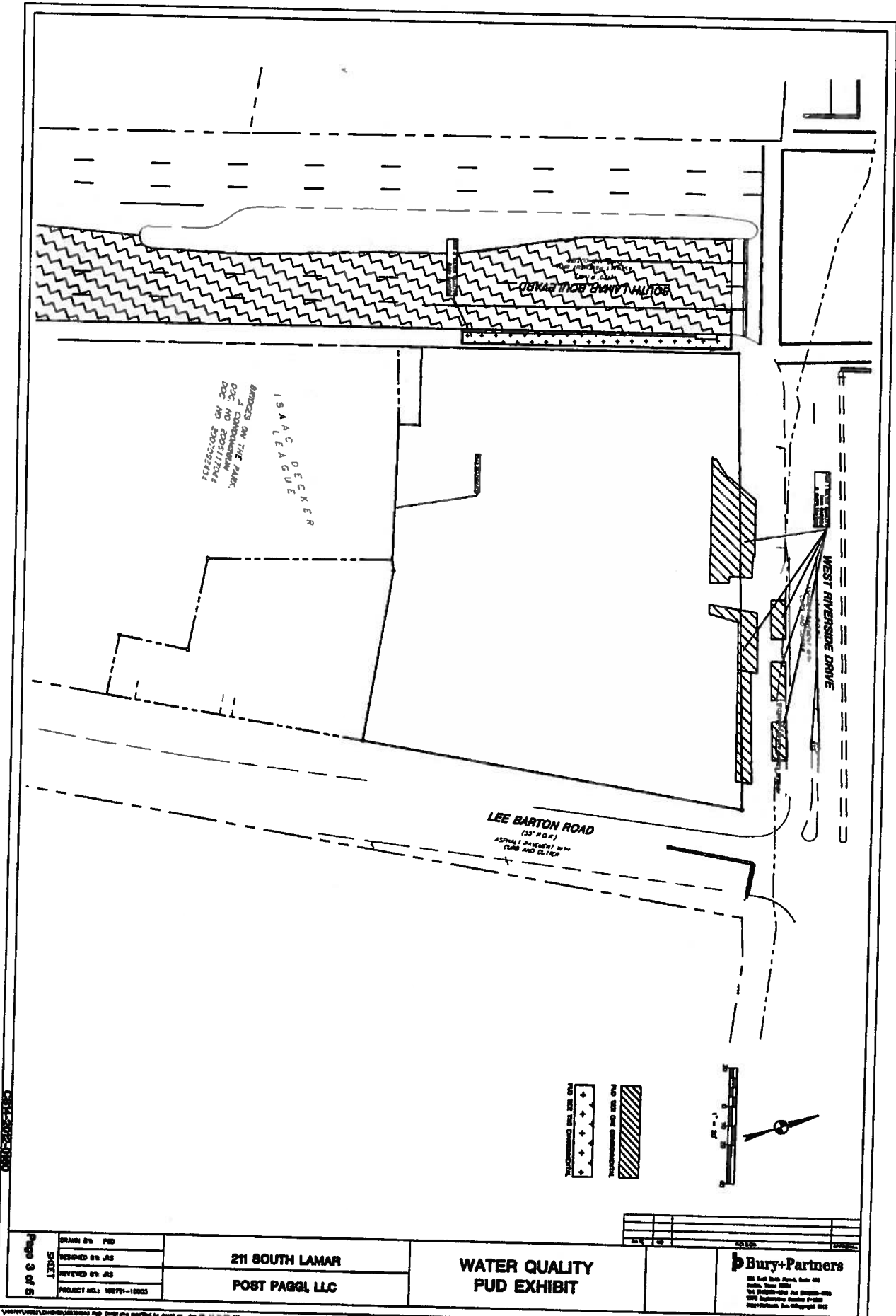
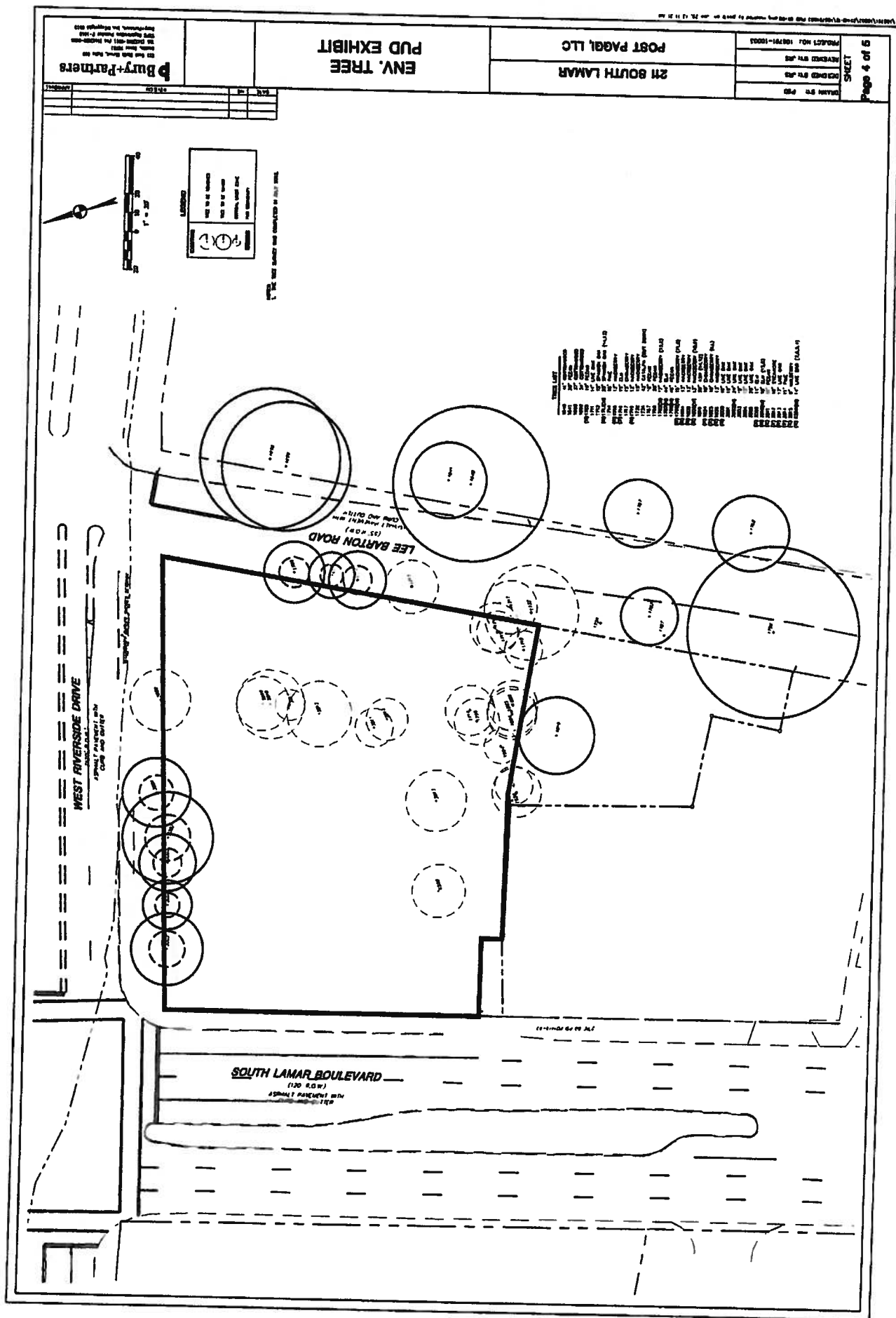
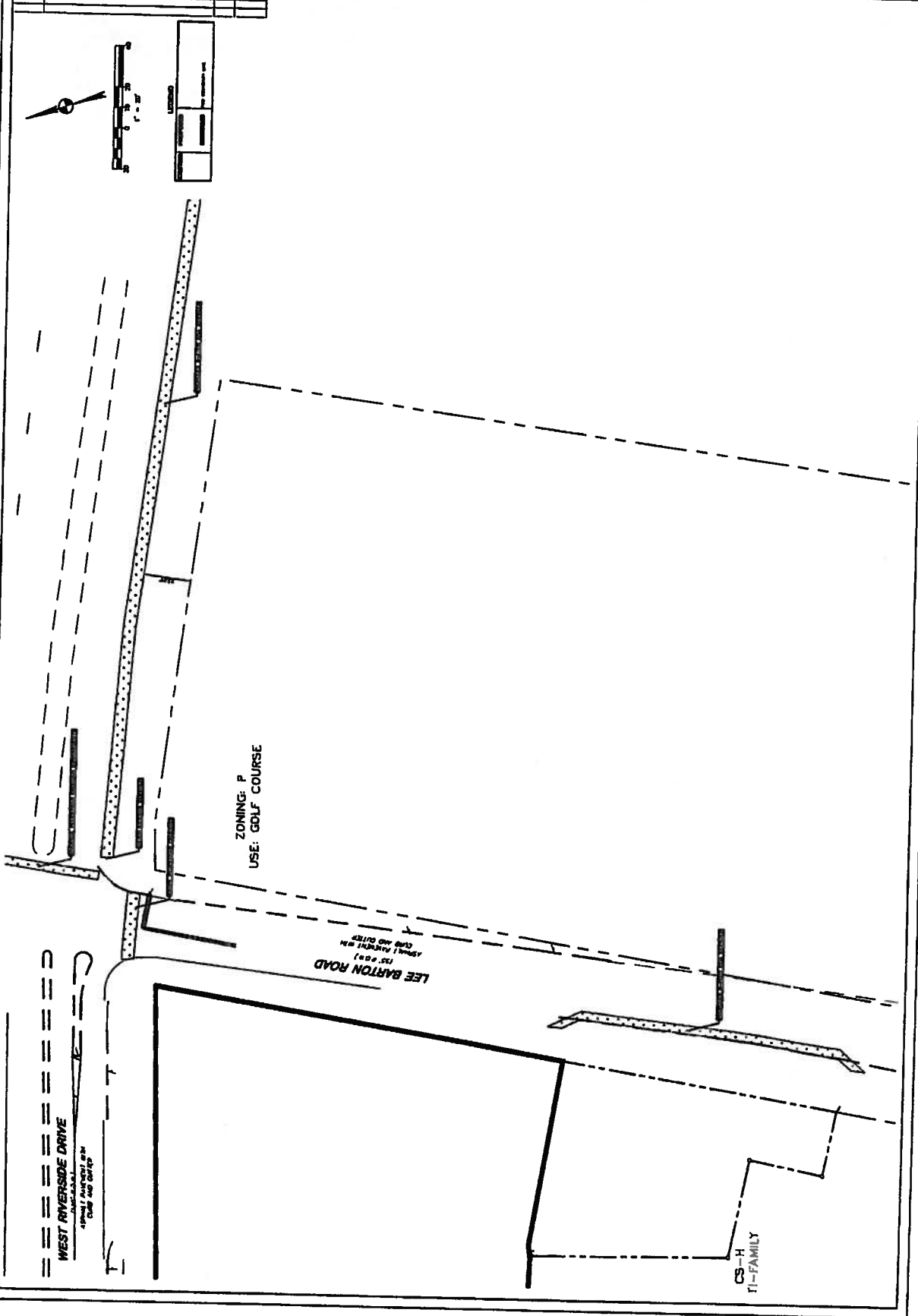


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**Exhibit D - 89**

01/02/13

211 South Lamar / C814-2012-0160 / Response to Update #1

Electric Review - David Lambert - (512) 322-6109

Comments cleared – See Email 2013-02-05

NPZ Environmental Review - Brad Jackson 512-974-3410

Monday, February 11, 2013

UPDATE #1 2/1/13

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

UPDATE #1 Comment cleared.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

UPDATE #1 Note # 32 addresses the tree preservation criteria required to preserve trees in the PUD. The Env. Tree PUD Exhibit, sheet 4, shows tree #1709 to be removed in the list when it is supposed to remain, and it shows tree 1732 with a 50 ft CRZ instead of a 30 ft CRZ as stated in the tree survey list. Please correct these inconsistencies. This comment can be cleared informally.

NPZ PARD/Planning & Design Review - Chris Yanez 512-974-9455

UPDATE #1:

PR1-5. Cleared.

PR6. FYI; parkland dedication will be required prior to approval of a site plan on this property.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

Comments Cleared – See Email 2013-02-13

211 South Lamar / C814-2012-0160 / Response to Update #1

NPZ Transportation Review - Ivan Naranjo - (512) 974-7649

Tuesday, February 12, 2013

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

- **Update #1: Cleared.**

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

- **Update #1: Cleared.**

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

- **Update #1: Pending. Written approvals from the Public Works Dept. and the Austin Transportation Dept. have not been received.**

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

- **Update #1: Cleared.**

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

- **Update #1: Pending. This item can be deferred to the site plan stage.**

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211 South Lamar / C814-2012-0160 / Response to Update #1

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

- **Update #1: Pending. This item may be deferred to the site plan stage.**

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

- **Update #1: Pending. Written approval from the Austin Transportation Dept. is needed for the proposed parking shown in the ROW along Lee Barton.**

TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

- **Update #1: Cleared.**

NPZ Water Quality Review - Jay Baker 512-974-2636

DATE: 2/7/13

UPDATE NO. 1 COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

UPDATE #1: Thank you for including the water quality plan with this update. It is unclear at this time why the Tier II water quality requirements are "neither directly applicable or constructively achievable". Since this involves superior treatment associated with the site

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211 South Lamar / C814-2012-0160 / Response to Update #1

improvements and integrated with the building, coordination will need to be made through the Green Building Reviewer and the case manager to confirm that Tier II water quality is not feasible. The green building program reviewer indicated a comment of two star achievement which sometimes calls for superior water quality so that will also need to be coordinated and discussed. Please contact me to coordinate a meeting with the case manager and the green building reviewer for discussion.

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Heckman, Lee

From: Lambert, David <David.Lambert@austinenergy.com>
Sent: Tuesday, February 05, 2013 4:08 PM
To: Heckman, Lee
Subject: RE: PUD Zoning Case C14-2012-0160 / 211 S Lamar

My comment is cleared.

Dave

From: Heckman, Lee [<mailto:Lee.Heckman@austintexas.gov>]
Sent: Tuesday, February 05, 2013 4:05 PM
To: Lambert, David
Subject: PUD Zoning Case C14-2012-0160 / 211 S Lamar

Mr. Lambert:

I'm reviewing the update to this application and see that a meeting was held 1/14/2013 between you and the applicant (probably Amanda Swor). There's supposed to be an email attached indicating your comments were cleared, but I don't see that.

Can you please confirm that your previous review comments have been cleared? Thank you in advance.

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

Tel: 512 – 974 – 7604
Fax: 512 – 974 – 6054
Email: lee.heckman@austintexas.gov

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Heckman, Lee

From: Simmons-Smith, Michael
Sent: Wednesday, February 13, 2013 3:46 PM
To: Heckman, Lee
Subject: 211 South Lamar Blvd. (C814-2012-0160)

Lee....

Please note that the Site Plan Review comments for this case have been cleared as of this date, and I have indicated "approved" in the status line of the Process tab in AMANDA.

Thank you for your attention to this matter.

Michael Simmons-Smith
Senior Planner

LAND USE REVIEW

City of Austin | Planning and Development Review Department
505 Barton Springs Road | 4th floor | Austin TX | 78704

Tel | 512.974.1225

Email | michael.simmons-smith@custintexas.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.

 Please consider the environment before printing this e-mail.

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March 6, 2013 Staff Comment Update

As of this date there are two environmental comments and one transportation comment to clear through informal updates, that is, through direct contact and coordination between the applicant and staff who issued the comment.

ENVIRONMENTAL

The environmental comments relate to trees and water quality. Specifically, there is a labeling inconsistency for tree identification on the land use plan. This is a typographical error, and will likely be corrected with the updated land use plan to be submitted on or before March 7. As indicated below, the proposed plan does surpass minimum requirements for tree preservation.

The water quality issue also involves an update to the land use plan, but represents an agreement between the applicant and the City as regards proposed improvements in the public right-of-way and requirements for onsite green water quality measures. The applicant has proposed water quality controls in South Lamar Boulevard; the City is concerned future public work improvements on that Boulevard may necessitate the need to remove these controls. Currently, city staff and the applicant are discussing notes which will appear on the land use plan to address the desire for these controls and simultaneously what happens if they are to be removed. Additionally, the applicant has proposed green water quality treatment options for onsite water quality. It is unknown what method, or combination of methods will be used as they have yet to be designed. As such, the exact method(s) used to meet or exceed code requirements for onsite water quality treatment will be reviewed and approved as part of the site planning process.

The draft language addressing these issues is as follows, but staff expects that these notes will be finalized prior to scheduling the application for Environmental Board consideration.

GREEN STORM WATER QUALITY TREATMENT METHODOLOGIES, WHICH MAY INCLUDE BUT ARE NOT LIMITED TO, RAIN WATER COLLECTION, RAIN GARDENS, OR BIO-FILTRATION PONDS SHALL BE UTILIZED TO MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPETUITY RAIN GARDENS OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITIES ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTUALLY AGREED UPON BY THE CITY AND THE OWNER, THAT ARE DESIGNED TO PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF THAT PROVIDE A MINIMUM OF 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.

SHOULD THE WATER QUALITY FACILITIES TREATING OFF-SITE RUN OFF BE REMOVED DUE TO FUTURE IMPROVEMENTS INSTALLED AT THE DIRECTION OF THE CITY OF AUSTIN, THE CURRENT OWNER OF THE SITE SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE FEE CALCULATED BASED ON CURRENT CODE AT THE TIME OF REQUEST FOR FEE IN LIEU OF PROVIDING WATER QUALITY CONTROLS BASED ON THE FULL BUILD OUT OF THE SITE WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT INTO THE URBAN WATERSHEDS STRUCTURAL

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CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS OF REMOVAL OF SAID WATER QUALITY FACILITIES.

An updated water quality schematic will also likely be added to the land use plan.

From: Embesi, Michael
Date: March 6, 2013, 8:42:39 AM CST
To: Scott, Jeffrey
Cc: Amanda Swor; Steve Drenner
Subject: RE: 211 S. Lamar Tree Protection Superiority

Thank you for your email. The proposed plan surpasses the minimum requirement for tree preservation.

Thank you,
Michael Embesi
City of Austin - Planning and Development Review Department
City Arborist
505 Barton Springs Road, Fourth Floor
Austin, TX 78704
Phone (512) 974-1876
Fax (512) 974-3010

Web Site <http://www.austintexas.gov/department/city-arborist>

From: Jackson, Brad
Sent: Tuesday, March 05, 2013 4:53 PM
To: Heckman, Lee
Subject: RE: 211 S Lamar PUD

Hi Lee,

My comments were really minor, just some slight revisions to the LUP. They can just address them in their next informal submittal of the LUP. We have determined the tree preservation to be superior.

Brad Jackson
Environmental Review Specialist Sr.
(512) 974-3410

C/O
2/10

TRANSPORTATION

The transportation comment is in reference to the proposed maneuvering of trucks in Lee Barton right-of-way to access onsite refuse and recycling facilities. This is not an uncommon practice elsewhere in Austin. While the right to do so may be granted by Council as part of the PUD adoption, there is a desire for such maneuvering to be reviewed and approved by the Austin Transportation Department (ATD). Without the benefit of a site plan illustrating the location of these facilities and how access would function, it is difficult for ATD to grant blanket support of the request. PDR staff is working with ATD staff and the applicant to derive a land use plan note that would allow for this maneuvering, which in this case is a variance to the Transportation Criteria Manual, while still allowing ATD the authority to review and approve the maneuvering plan as part of the site planning process. As with the environmental comments, staff expects this comment may be cleared in short order.

From: Heckman, Lee
Sent: Tuesday, March 05, 2013 1:01 PM
To: Naranjo, Ivan
Subject: C814-2012-0160 / 211 S Lamar PUD

Ivan:

To confirm your voice mail:

TR#3. Cleared.

TR#7. Pending.

Parking in ROW along Lee Barton is no longer proposed.

Maneuvering in the ROW for purposes of accessing trash and recycling facilities is under review and, in the absence of a site plan submitted for review that shows location and circulation, may require modification of an appropriate land use plan note requiring ATD approval at the time of site planning.

Lee

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From: Yanez, Chris
Sent: Monday, April 01, 2013 2:37 PM
To: Heckman, Lee
Subject: RE: 211 South Lamar PUD / C814-2012-0160

Hi Lee, from a public recreation standpoint the applicants will likely opt to pay a fee-in-lieu of parkland dedication. With the proximity to so much existing public parkland and given the small size of the development area PARD would most likely support the fee-in-lieu option. PARD assess this as typical or standard development practice and not superior.

Based on the metrics for PUDs provided in the LDC and approved by City Council, this project meets the standards for type and exceeds Tier-1 and Tier-2 requirements for amount of open space and therefore can be assessed as superior.

Adding office space for PARD would appear to meet the intent of providing an additional community benefit in exchange for a development bonus, but as the proposed lease is only for 20 years with no guaranteed options for renewal at existing or reduced rates, PARD questions whether the community benefit matches or exceeds the permanence of any granted development bonuses.

I hope this helps and let me know if you need anything else.

Chris Yanez
Principal Planner
Austin Parks & Recreation Dept.
Division of Planning & Development
512-974-9455

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From: Naranjo, Ivan
Sent: Wednesday, April 03, 2013 4:49 PM
To: Heckman, Lee
Cc: Rye, Steve
Subject: RE: C814-2012-0160

Hi Lee,

In response to your question related to exceeding code/superiority as it relates to transportation issues, I have been in contact with the applicant and agree on the following:

The summary of agreed upon transportation improvements demonstrating superiority are as follows:

1. The development proposes a Pedestrian Crosswalk across Lee Barton Drive
2. The developer will contribute Funding for:
 - A) Pedestrian Crossing Improvements across Riverside Drive
 - B) A 12-foot Shared Use Path linking Lee Barton Drive east along the southern ROW of Riverside Drive to Butler Park.
 - C) A 6-foot City of Austin Sidewalk in Lee Barton Drive south connecting the existing sidewalk to the proposed sidewalks on the tract.
3. Bicycle Improvements to be Provided:
 - A) Commercial bicycle parking 20% more than code requires.
 - B) Residential secure bicycle parking.
 - C) A Public Bike Share Kiosk in the proposed plaza area adjacent to Riverside Drive, Lamar Boulevard, The Pedestrian Bridge, and the Hike & Bike Trail.
4. The proposed development will provide additional parking to improve the existing parking situation which includes the Paggi House restaurant.

I hope this is of assistance to you but please let me know if you have any questions or need additional information.

Best regards,


Ivan J. Naranjo, Senior Transportation Planner
City of Austin - Planning & Development Review Dept.
Land Use Review Division / Transportation Review Section
Office: 512.974.7649 / Fax: 512.974.2423
Email: ivan.naranjo@@austintexas.gov



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MEMORANDUM

TO: Lee Heckman, Senior Planner
Planning and Development Review Department

FROM: Chuck Lesniak, Environmental Officer 
Watershed Protection Department

DATE: April 17, 2013

SUBJECT: 211 S. Lamar PUD

This memo is to confirm that the proposed Planned Unit Development (PUD) has, in my opinion, met the requirements for environmental superiority as required by City Code. In consultation with other staff, I have reviewed the proposed PUD and made this determination based on these factors:

- Preservation of 8 healthy trees not required to be preserved by City code.
- Water quality treatment of off-site stormwater in an amount equal to or greater than 25% of the required treatment volume.
- Installation and maintenance of curb inlet filters to prevent floatables (litter) from entering Lady Bird Lake.

Also taken into consideration was that the site is an urbanized area, is allowed to be entirely developed under current regulations, and that the project is not asking for any exceptions to current environmental regulations. Given these site conditions and the voluntary environmental aspects of the project that exceed minimum regulatory requirements, it is my opinion that the project is environmentally superior to development under conventional zoning and subdivision regulations.

If you have any questions, please contact me at 974-2699.

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211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

Waterfront Overlay Ordinance Land Development Code Section	Ordinance Requirements	Project Compliance
<p>§ 25-2-692 WATERFRONT OVERLAY DISTRICT USES.</p> <p><i>Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 032111-41; Ord. 040617-Z-1.</i></p>	<p>(H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian oriented uses.</p>	<p>THE CUMULATIVE AMOUNT OF PEDESTRIAN-ORIENTED USES ALONG THE TOAL STREET FRONTAGES OF THE PROJECT (EXCLUDING AREAS NOT TYPICALLY INCLUDED AS FRONTAGE IN SUCH CALCULATIONS) SHALL EXCEED 75%.</p>
<p>§ 25-2-721 WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS.</p> <p><i>Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074.</i></p>	<p>(B) In a primary setback area:</p> <p>(1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and</p> <p>(2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if:</p> <p>(a) the park facilities are located on public park land; and</p> <p>(b) the impervious cover does not exceed 15 percent.</p>	<p>PRIMARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY</p>
	<p>(C) In a secondary setback area:</p> <p>(1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and</p> <p>(2) impervious cover may not exceed 30 percent.</p> <p>(D) This subsection provides requirements for parking areas.</p> <p>(1) Surface parking:</p> <p>(a) must be placed along roadways, if practicable; and</p> <p>(b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part.</p> <p>(2) A parking structure that is above grade:</p>	<p>SECONDARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY</p>

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211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	<p>(a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and</p> <p>(b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.</p> <p>(3) Setback requirements do not apply to a parking structure that is completely below grade.</p> <p>(E) This subsection provides design standards for buildings.</p>	
	<p>(1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.</p>	<p>THERE WILL BE NO MİRRORED GLASS AND NO GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS AS REQUIRED</p>
	<p>(2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (<i>Heliports and Helicopter Operations</i>), a flat roof is permitted.</p>	<p>THE TOP FLOOR IS STEPPED BACK ON ALL 3 SIDES TO PROVIDE A DISTICTNTLY DIFFERENT BUILDING TOP, THE ROOF IS UNDULATING AND HAS A THICKNESS TO PROVIDE A DISTINCT BUILDING CORNICE.</p>
	<p>(3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet.</p>	<p>BETWEEN THE GORUND FLOOR AND UPPER FLOOR THERE IS A PROJECTION THAT VISUALLY SEPARATES THE BASE AND UPPER PORTION OF THE BUILDING. IN ADDITION THE UPPER FLOORS</p>

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

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		<p>WILL CHANGE IN MATERIAL PALLETTE.</p> <p><i>(1) BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.</i></p>
	<p>(4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.</p>	<p>THE BUILDING FAÇADE DOES NOT EXTEND HORIZONTALLY UNBROKEN FOR MORE THAN 160 FEET. ON THE GROUND FLOOR OF RETAIL ALONG LAMAR IS LESS THAN 160', ON RIVERSIDE THE GROUND FLOOR IS BROKEN IN THE MIDDLE TO PROVIDE TWO DISTINCT RETAIL LOCATIONS AND ON LEE BARTON THE FAÇADE IS LESS THAN 160'. ON UPPER FLOORS THE BUILDING UNDULATES (CHANGES PLANE) IN AND OUT ALONG THE LENGTH OF THE FAÇADES.</p>
	<p>(F) Underground utility service is required, unless otherwise determined by the utility provider.</p>	<p>UNDERGROUND UTILITY SERVICE WILL BE PROVIDED WHERE REQUIRED.</p>
	<p>(G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.</p>	<p>ALL TRASH RECEPTACLES, AIR CONDITIONING OR HEATING EQUIPMENT, UTILITY METERS, LOADING AREAS, AND EXTERNAL STORAGE</p>

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211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

		WILL BE SCREENED FROM PUBLIC VIEW WHERE REQUIRED.
<p>§ 25-2-722 SPECIAL REGULATIONS FOR PUBLIC WORKS. <i>Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329- 18; Ord. 010607-8; Ord. 031211-11.</i></p>	<p>(A) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements, must be consistent with the Town Lake Park Plan.</p> <p>(B) The Watershed Protection and Development Review Department shall review an application for development of public works in Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the council on May 22, 1986.</p> <p>(C) The Environmental Board shall review a project if the director determines that the project offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.</p>	NOT APPLICABLE
<p>§ 25-2-723 SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF- WAY. <i>Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211- 11.</i></p>	<p>A) For a right-of-way described in Subsection (B), development of the right-of-way, including street, sidewalk, and drainage construction, must be compatible with the development of adjacent park land and consistent with the Town Lake Park Plan. Factors to be considered in determining consistency with the Town Lake Park Plan include park land access, road alignment, utility placement, sidewalk design, railing design, sign design and placement,</p>	PROJECT WILL BE COMPATIBLE WITH DEVELOPMENT OF ADJACENT PARK LAND AND CONSISTANT WITH TOWN LAKE PARK PLAN

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Waterfront Overlay Ordinance Project Compliance

	landscaping, and stormwater filtration.-	
	<p>(B) Subsection (A) applies to:</p> <p>(1) public rights-of-way within or adjoining the boundaries of the WO combining district, including public rights-of-way for streets designated in the Transportation Plan;</p> <p>(2) Trinity Street, from Cesar Chavez Street to Fifth Street; and</p> <p>(3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street.</p> <p>(C) For a street described in Subsection (D), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.</p>	PROJECT WILL BE CONSISTENT WITH TOWN LAKE PARK PLAN STREETSCAPE IMPROVEMENTS
<p>§ 25-2-733 BUTLER SHORES SUBDISTRICT REGULATIONS.</p> <p><i>Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.</i></p>	<p>(A) This section applies in the Butler Shores subdistrict of the WO combining district.</p> <p>(B) The primary setback lines are located:</p> <p>(1) 100 feet landward from the Town Lake shoreline;</p>	PROJECT LIES OUTSIDE OF PRIMARY SETBACK LINE
	<p>(2) 35 feet south of the southern boundary of Toomey Road;</p> <p>(3) 35 feet south of the southern boundary of Barton Springs Road;</p> <p>(4) 35 feet north of the northern boundary of Barton Springs Road; and</p> <p>(5) 100 feet from the Barton Creek centerline.</p> <p>(C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.</p>	PROJECT LIES OUTSIDE OF PRIMARY AND SECONDARY SETBACK LINES
	<p>(D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.</p>	NO GRADIENT EXCEEDS 25%

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211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	<p>(E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.</p> <p>(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.</p>	<p>GROUND FLOOR LEVEL ON LAMAR AND RIVERSIDE IS WRAPPED WITH RETAIL STOREFRONT ON OVER 60% OF THE WALL FRONTAGE</p>
	<p>(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.</p>	<p>WHERE NO GLAZING, A STRCUTURAL PODIUM AT THE 2ND LEVEL WILL BREAK ANY BASE WALL CONTINUITY ALONG RIVERSIDE</p>
	<p>(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.</p>	<p>WE WILL BE USING NATURAL BUILDING MATERIALS WHERE REQUIRED</p>
	<p>(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:</p> <p>(1) 45 feet, if north of Barton Springs Road; or</p> <p>(2) 35 feet, if south of Barton Springs Road.</p> <p>(G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.</p> <p>(H) The maximum height is:</p> <p>(1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and</p>	<p>NOT APPLICABLE</p>

01/15/2013

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	(2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district.	
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211 South Lamar
C814-2012-0160
Environmental Superiority

Superiority Item	Applicable PUD Note
1. The PUD does not request any exceptions to or modifications of environmental regulations.	
2. The PUD prohibits uses that may contribute to air or water quality pollutants.	<p>The PUD prohibits the following uses that may contribute to air or water quality pollutants:</p> <ul style="list-style-type: none">• Agricultural Sales and Services• Automotive Rentals• Automotive Repair Services• Automotive Sales• Automotive Washing• Construction Sales and Services• Drop-Off Recycling Collection Facility• Equipment Repair Services• Equipment Sales• Extermination Services• Plant Nursery• Printing and Publishing• Service Station• Vehicle Storage• Custom Manufacturing• Limited Warehousing and Distribution• Maintenance and Service Facilities
3. Project meets or exceeds Austin Energy 3-Star Green Builder Program	<u>Note 3:</u> The Planned Unit Development will comply with the City of Austin Green Building Commercial Program with a (minimum) Three-Star rating.
4. The PUD will provide and IPM program and limit pesticide use on site.	<u>Note 15:</u> An Integrated Pest Management Program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site.
5. The PUD is exceeding the landscaping irrigation requirements by 100%.	<u>Note 17:</u> 100% of all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens for through the use of rainwater harvesting (or a combination of both); provided, however, the applicant shall have the right to supplement such landscape irrigation with potable water, if necessary.
6. The PUD will exceed native and adaptive landscape requirements by 100%	<u>Note 16:</u> 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and Adapted Plant Guide.
7. The project will comply with code requirements for on-site water quality treatment. (See included calculations)	<u>Note 25:</u> The development shall meet or exceed all current land development code requirements with respect to on-site water quality treatment as

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211 South Lamar
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Environmental Superiority

	reviewed and approved by the City of Austin at the time of site development permit application.
8. The project will provide enhanced bicycle facilities on site for both residents and the public.	<p><u>Note 27:</u> The project will provide the following bicycle facilities:</p> <ul style="list-style-type: none"> A. Bicycle parking for retail patrons of the project at a level equal to or exceeding the greater of (1) 120% of code required bicycle parking for such retail area or (2) 10 bicycle parking spaces. All such bicycle parking spaces shall be located on the ground floor of the parking garage, within the public plaza area or within the planting or supplemental zone along any of the adjacent roadways. B. Bicycle parking for the residents of the project. Such bicycle parking shall be provided in a secure location within the project's parking garage; and C. If elected by the City of Austin within two (2) years of the issuance of a certificate of occupancy for the residential portion of the project, a public "Bike Share Kiosk" in a location mutually acceptable to the City of Austin and the applicant in the project's Public Plaza area or the planting or supplemental zone along Riverside Drive. Such "Bike Share Kiosk" shall be sized as desired by the City of Austin (but not to exceed 10 bike parking spaces without the further consent of the owner) and shall be operated and maintained by the City of Austin consistent with other "Bike Share Kiosks" in the general proximity of the project.
9. The project is preserving 8 trees (5 along Riverside Drive and 3 along Lee Barton) on the site that would be lost if the project was constructed on current zoning.	<u>Note 32:</u> The project will preserve trees 1709, 1711, 1712, 3001, 3002, 3003, 3004, and 3005 as noted on the Land Use Plan. The project will develop and adopt a formal tree care plan as part of the site development permit process. The critical root zones as shown on the Land Use Plan will remain undisturbed.
10. The project will exceed the required amount of open space on the project by 140%.	<u>Note 37:</u> The minimum amount of open space within the project shall be 14,000 square feet. A minimum of 3,000 square feet of public open

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211 South Lamar
C814-2012-0160
Environmental Superiority

	space shall be provided on the ground floor of the project. A minimum of 11,000 square feet of private or public open space shall be provided on levels above the ground floor. Decks, balconies, patios and water quality facilities such as rain gardens, rain water collection areas, vegetative filter strips, bio-filtration and porous pavement for pedestrian use located on either the ground floor or upper floors shall be permitted to be included in the calculation of open space as long as any such areas are at least 5 feet in width.
11. The PUD will exceed onsite water quality treatment requirements.	<u>Note 38:</u> The applicant shall construct and maintain in perpetuity rain gardens, or other city of Austin approved water quality facilities, on or adjacent to South Lamar Boulevard, or another location mutually agreed upon by the City of Austin and the owner, that provide water quality treatment for currently untreated off-site areas with a minimum drainage area of 10,500 SF and a minimum of 1,150 CF of treatment volume which is an amount greater than 25% of the project area.
12. The PUD will provide curb inlet features to remove floatables adjacent to site.	<u>Note 39:</u> The project will provide and maintain the three curb inlet filters in the existing inlets on South Lamar Boulevard, Riverside Drive and Lee Barton Road adjacent to the site.



MEMORANDUM

TO: Lee Heckman, Senior Planner
Planning and Development Review Department

FROM: Chuck Lesniak, Environmental Officer 
Watershed Protection Department

DATE: April 17, 2013

SUBJECT: 211 S. Lamar PUD

This memo is to confirm that the proposed Planned Unit Development (PUD) has, in my opinion, met the requirements for environmental superiority as required by City Code. In consultation with other staff, I have reviewed the proposed PUD and made this determination based on these factors:

- Preservation of 8 healthy trees not required to be preserved by City code.
- Water quality treatment of off-site stormwater in an amount equal to or greater than 25% of the required treatment volume.
- Installation and maintenance of curb inlet filters to prevent floatables (litter) from entering Lady Bird Lake.

Also taken into consideration was that the site is an urbanized area, is allowed to be entirely developed under current regulations, and that the project is not asking for any exceptions to current environmental regulations. Given these site conditions and the voluntary environmental aspects of the project that exceed minimum regulatory requirements, it is my opinion that the project is environmentally superior to development under conventional zoning and subdivision regulations.

If you have any questions, please contact me at 974-2699.

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Exhibit

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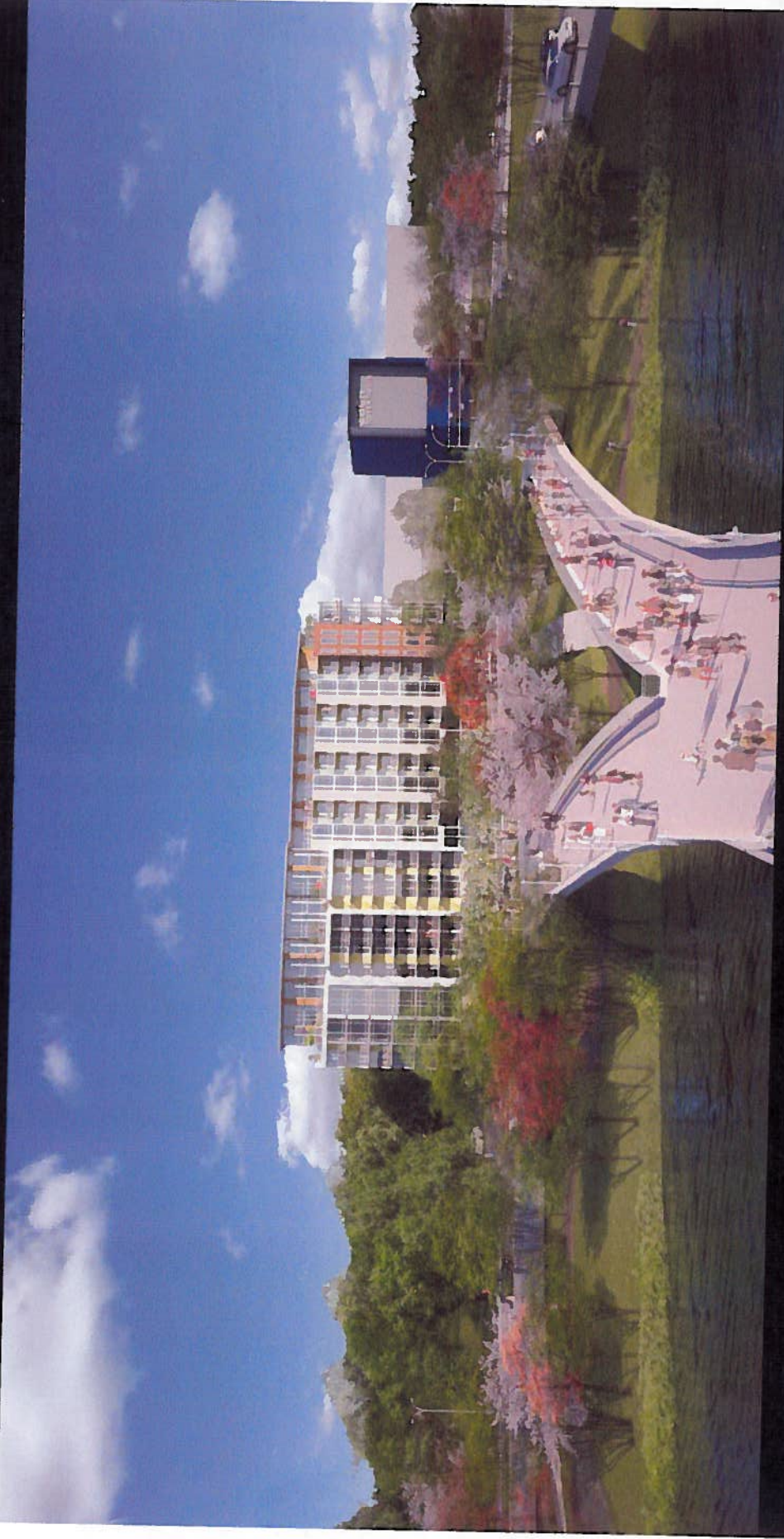






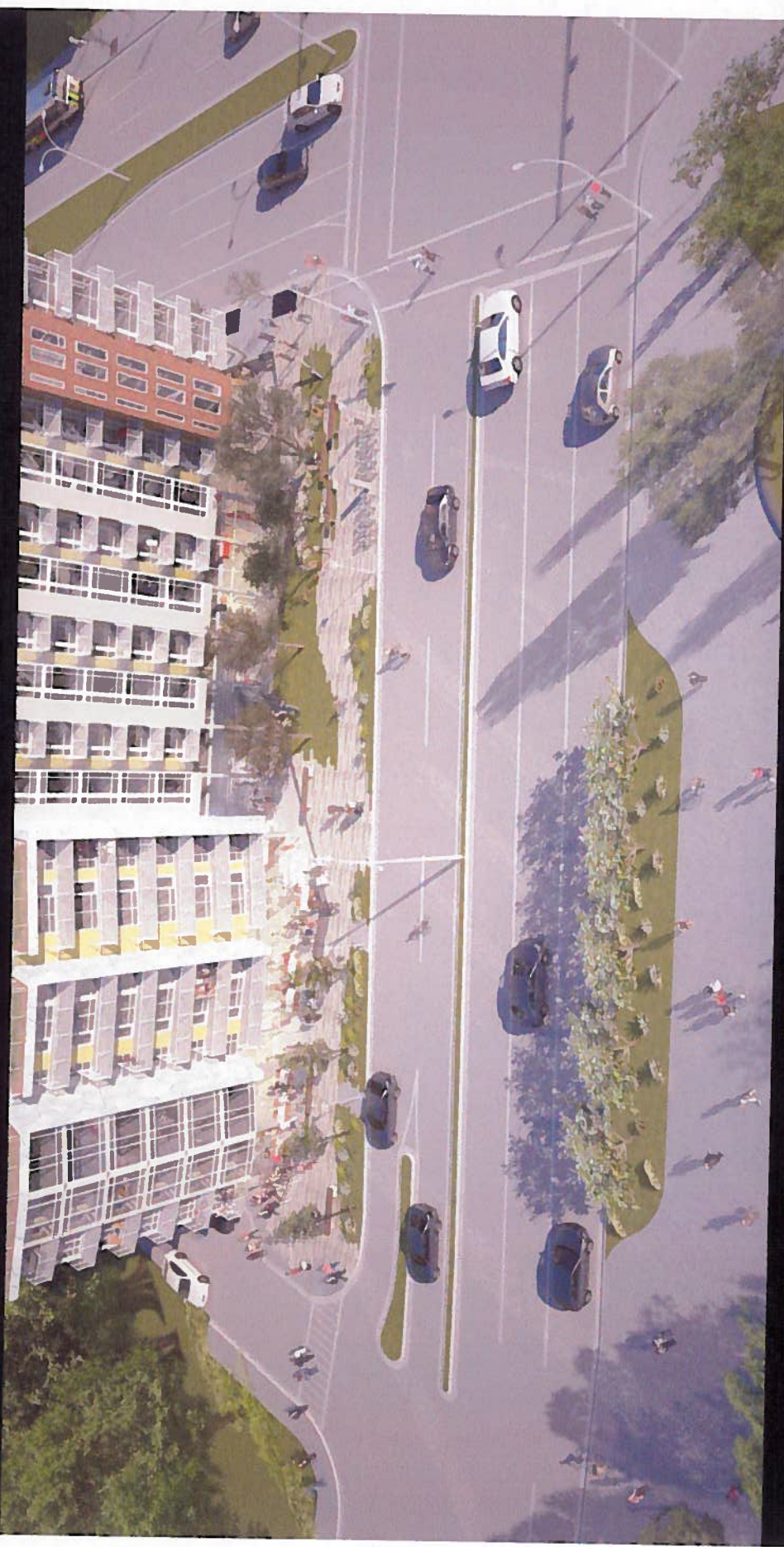
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Exhibit 2580









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2602

PETITION

Date: December 10, 2012

File Number: CD-2012-0021

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

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, which would zone the property to any classification that exceeds the existing zoning requirements of the Waterfront Overlay and the maximum height permitted in the base zoning district (CS-V) of 60 feet.

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

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

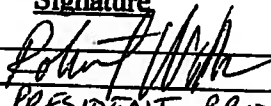
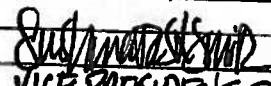
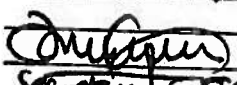
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- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided: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

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

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

Sincerely,
Bridges on the Park Condominium Association, Inc.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	ROBERT WILSON	210 LEE BARTON DR. #405 AUSTIN, TX 78704
PRESIDENT, BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION		
	SUSHMA SMITH	210 LEE BARTON DR. #609, AUSTIN, TX 78704
VICE PRESIDENT, BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION		
	Claudia Davila	210 Lee Barton Dr #511, Austin, TX 78704
Secretary & Treasurer, Bridges on the Park Condominium Association		

Date: December 10, 2012

Contact Name: Sushma Jasti Smith
Phone Number: 281.772.9618

01/28/13

PETITION

Case Number: **Magic Ticket # 1231488**

Date: 2/28/2013

Total Square Footage of Buffer: 288659.50
 Percentage of Square Footage Owned by Petitioners Within Buffer: 14.44%

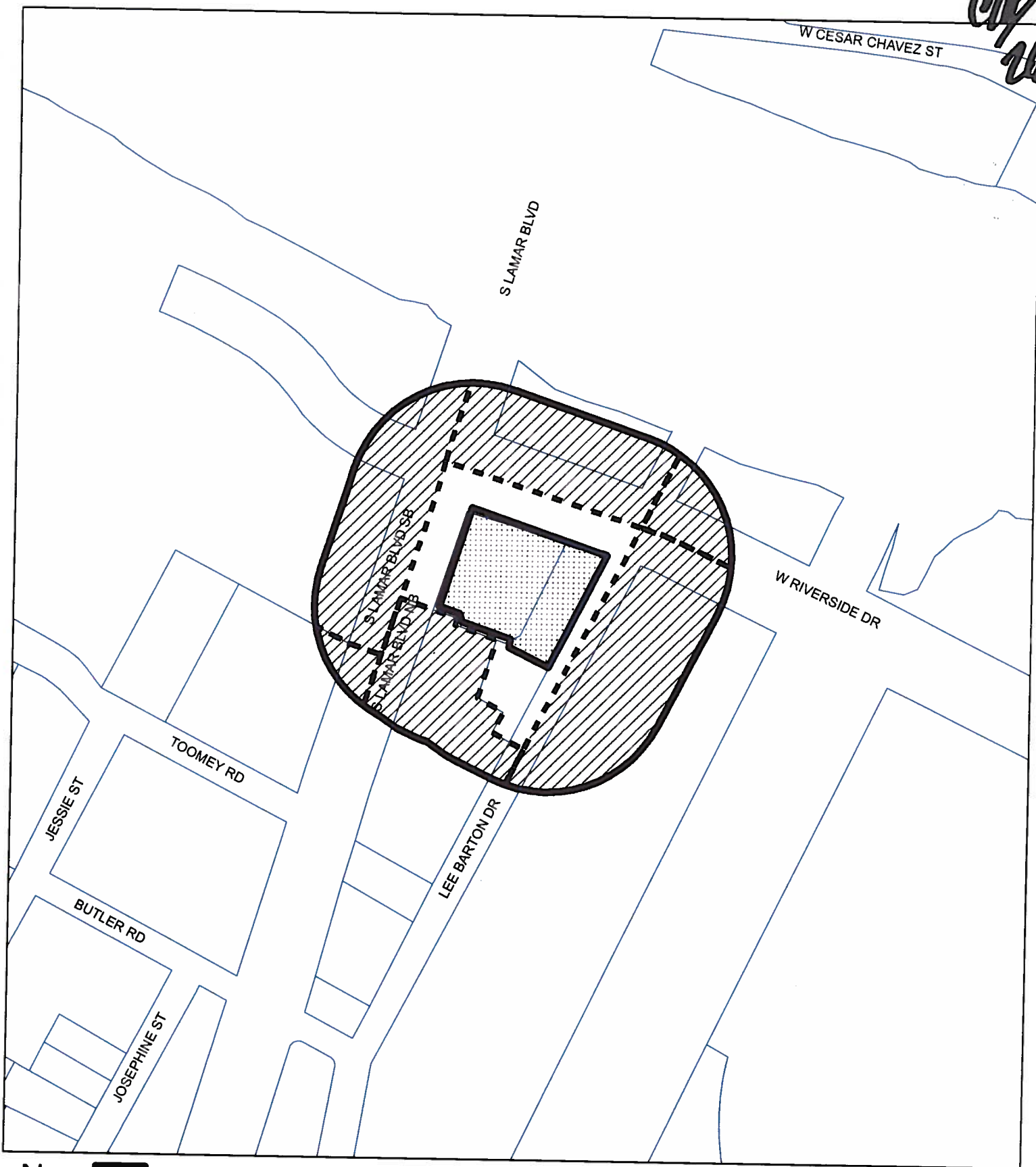


Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0105020201	ROBERT E LEE RD 78704	CITY OF AUSTIN	no	14035.11	0.00%
2	0105020201	ROBERT E LEE RD 78704	CITY OF AUSTIN	no	46,997.26	0.00%
3	0105020101	200 S LAMAR BLVD 78704	CITY OF AUSTIN	no	56234.15	0.00%
4	0104010201	1201 W RIVERSIDE DR 78704	CITY OF AUSTIN % REAL ESTATE DIVISION	no	73565.00	0.00%
5	0105020901	210 LEE BARTON DR	MULTIPLE OWNERS PFLUGER MICHAEL CARL & WILLIAM REID	yes	41693.41	14.44%
6	0105020102	218 S LAMAR BLVD 78704	PFLUGER	no	7767.09	0.00%
7	0105020301	213 S LAMAR BLVD 78704	POST PAGGI LLC	no	13195.16	0.00%
8						0.00%
23						0.00%
24						0.00%
						Total %

14.44%

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SUBJECT_TRACT

PROPERTY_OWNER

BUFFER

PETITION

CASE#: C814-2012-0160

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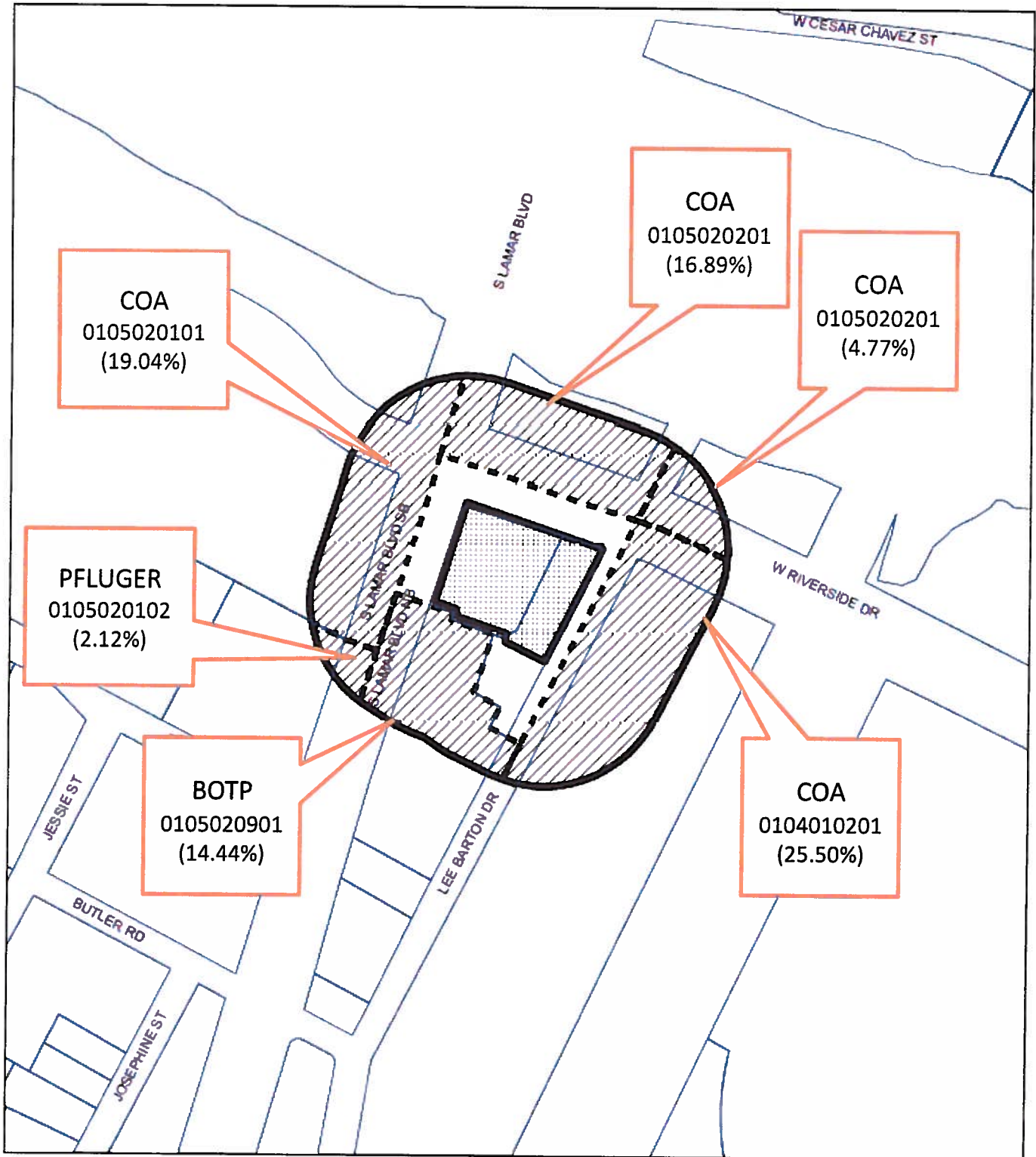
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Official GIS Staff Map

Exhibit P - 4



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SUBJECT_TRACT
PROPERTY_OWNER
BUFFER

PETITION
CASE#: C814-2012-0160

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Annotated PDR Staff Map

Exhibit P - 5

01/27/2013

-----Original Message-----

From: Robert Wilson
Sent: Thursday, February 28, 2013 4:14 PM
To: Heckman, Lee
Subject: Re: C814-2012-0160 / 211 S Lamar Proposed PUD

Lee,

Thank you for spending so much time with us yesterday. I really appreciate it and the information was extremely helpful. I'll follow up with Brad Jackson after reviewing the most current tree survey.

Attached is an updated "valid petition" letter which reflects the proposed PUD case number. Please let me know if this is sufficient to include in the packets or if you would prefer a hard copy.

Best regards,
Robert Wilson
(512) 656-4604

C107
28

P E T I T I O N

Date: December 10, 2012

File Number: C814-2012-0160

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

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, which would zone the property to any classification that exceeds the existing zoning requirements of the Waterfront Overlay and the maximum height permitted in the base zoning district (CS-V) of 60 feet.

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

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

11/2/12

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

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

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

Sincerely,
Bridges on the Park Condominium Association, Inc.

Signature

Printed Name

Address

Date: December 10, 2012

Contact Name: Sushma Jasti Smith

Phone Number: 281.772.9618