

ZONING CHANGE REVIEW SHEET

CASE: C814-2012-0128.SH
ThinkEAST PUD
P.C. DATE: April 9, 2013
May 14, 2013
May 28, 2013

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

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

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

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

TIA: See Attached TIA Memorandum
AREA STUDY: N/A

WATERSHED: Boggy Creek, Tannehill Branch Creek
SCENIC ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes
CAPITOL VIEW CORRIDOR: No

NEIGHBORHOOD PLAN AREA: Govalle-Johnston Terrace Combined

SUMMARY STAFF RECOMMENDATION:

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

PLANNING COMMISSION RECOMMENDATION:

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

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

MAY 28, 2013: TO APPROVE AS RECOMMENDED BY STAFF. APPROVED, MOTION BY CHIMENTI, 2ND BY ROARK (8-0-1)(HERNANDEZ ABSENT).

ENVIRONMENTAL BOARD RECOMMENDATION:

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

ISSUES:

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

The Applicant is requesting a Community Facilities Agreement for the completion of these two elements of the 1986 CIP. The Applicant would construct the missing section between Shady Lane and Jain Lane and dedicate all necessary right-of-way at the time of project development. The new segment, as well as portions

of Shady Lane and Jain Lane that traverse the subject tract, would be brought into compliance with City standards. Additionally, the triangular intersection of Shady Lane, Bolm Road and Airport Boulevard would be modified per the original design intent of the 1986 CIP.

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

DEPARTMENT COMMENTS:

Existing Conditions:

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

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

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

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

Proposed Development:

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

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

The PUD is divided into Land Use Areas (LU Areas), with permitted, conditional, and prohibited land uses for each LU Area. Each LU Area uses a traditional zoning classification as a base district, with some modifications. No modifications to building height, floor-to-area ratio (FAR), building coverage, or

impervious coverage of the base zoning districts are proposed. The compatibility setback is modified from 25' to 10', allowing up to maximum building height at 10' setback.

ZONING AND LAND USES:

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

PUD Tier One/Tier Two Analysis:

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

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

Transportation Issues:

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

Other Issues:

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

CASE HISTORIES:

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

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

ABUTTING STREETS:

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

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
 PODER
 East MLK Combined Neighborhood Contact Team
 East MLK Combined Neighborhood Association
 Johnston Terrace Neighborhood Association
 Johnston Terrace/Boggy Creek Neighborhood Association
 M.E.T.S.A. Neighborhood Association
 Edward Joseph Homeowners Association, Inc.
 FRS Property Owners Association
 SELTEXAS

SCHOOLS:

Allan Elementary School Martin Middle School Eastside Memorial HS at Johnston

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

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-2122

EXHIBITS:

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

STAFF RECOMMENDATION:

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

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

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The Land Development Code states,

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

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

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

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

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

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

Transportation:

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

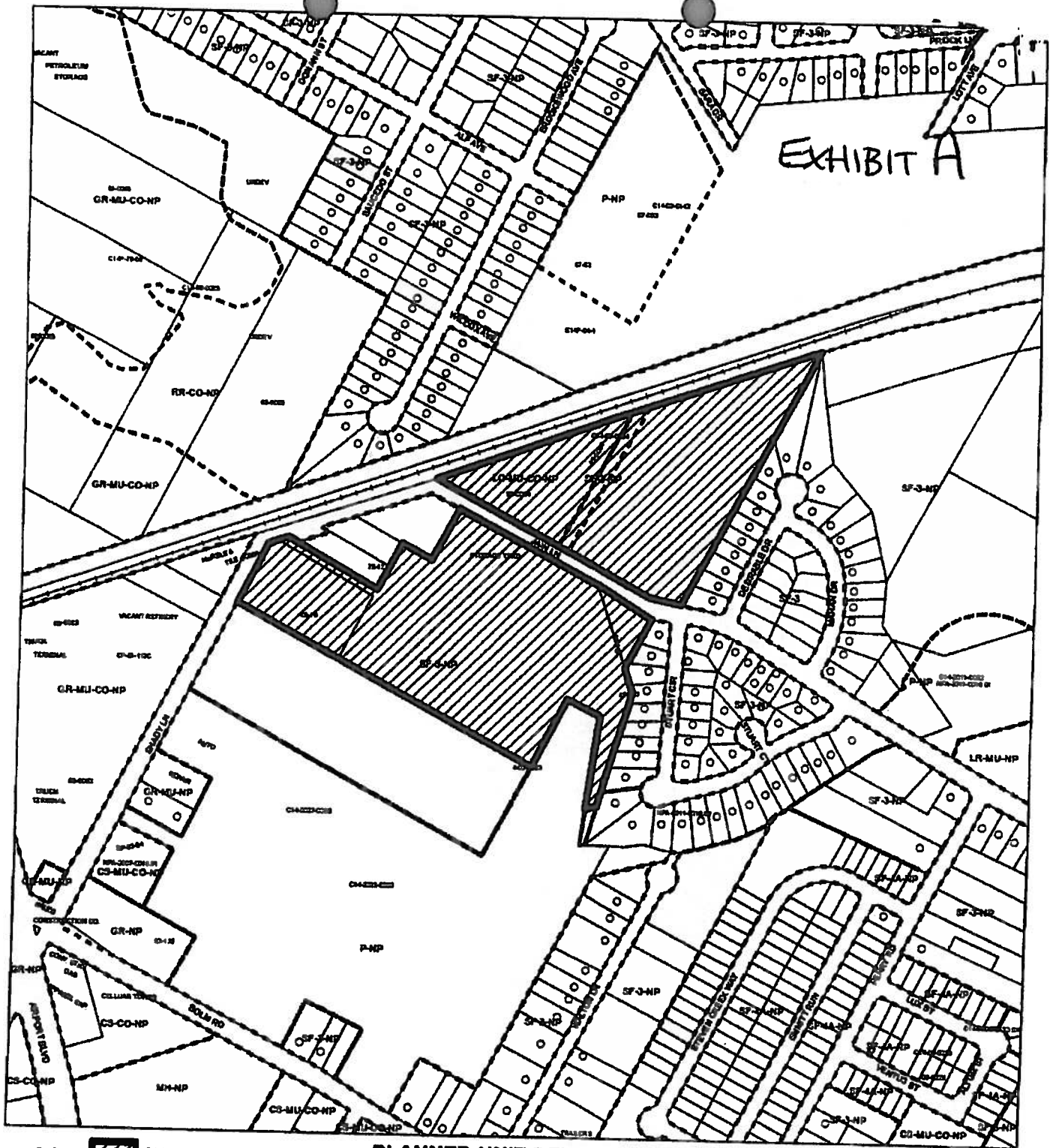
Environmental:




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

Site Plan:

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

EXHIBIT A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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

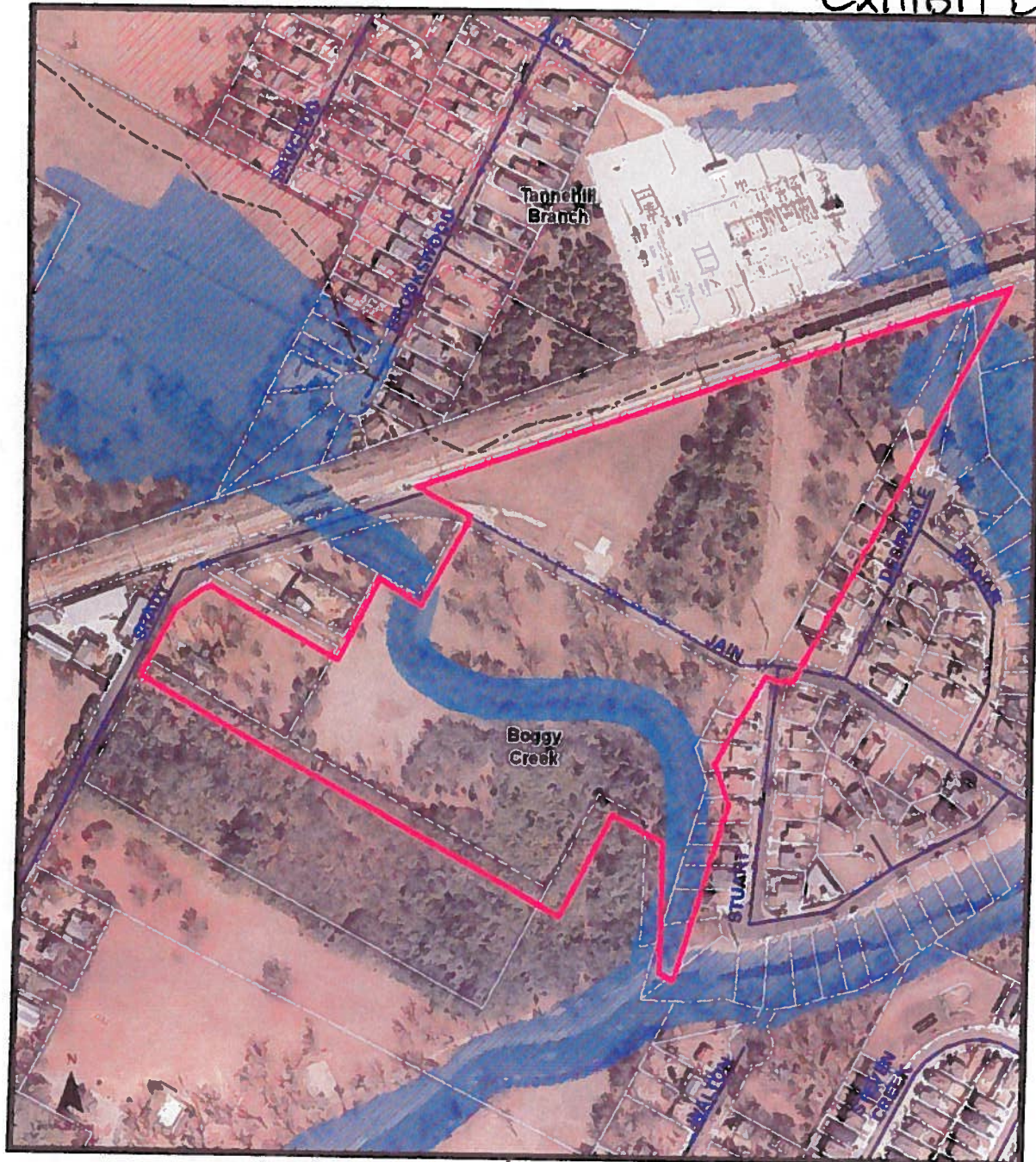
1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

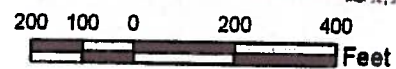
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B



thinkEAST PUD Location Map
CITY OF AUSTIN
FULL-PURPOSE ZONING JURISDICTION



- Watershed Boundaries
- COA 100-year floodplain
- Critical Water Quality Zone



File: C:\Documents and Settings\m\My Documents\m\GIS\m\AS\Boulevard

thinkEAST Austin PUD

Basis for Superiority and Recommendation for Exemplary Urban PUD

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

EXHIBIT D

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

Connectivity	PUD Tier 1i <ul style="list-style-type: none"> Provide appropriate transportation connections and mitigate impacts Commercial Design Standards <ul style="list-style-type: none"> Suburban Standards 	<ul style="list-style-type: none"> Provide appropriate transportation connections and mitigate impacts Dedication right-of-way for realignment and completion of the 1986 CIP and improve Shady/Bolm/Airport triangular intersection per TIA recommendations Provision for future CMTA Bus Stop 	<ul style="list-style-type: none"> 1350 linear feet of frontage along future CMTA Austin-Manor Green Line Provision for public hike and bike trail connection to Govalle Park, East Boggy Creek Greenbelt Connection to Southern Walnut Creek Hike and Bike Trail
Gated Roadways	PUD Tier 1J <ul style="list-style-type: none"> Gated Roadways Prohibited 	Gated Roadways Prohibited	
Architectural, historical, cultural, environmental and archaeological areas	PUD Tier 1K <ul style="list-style-type: none"> Protect areas of significance 	Protects areas of significance	Protects and enhances Upper Boggy Creek Tributary No. 1, Priority Woodlands and Swedish pioneer settlement area
PUD Size and Uniqueness	PUD Tier 1L <ul style="list-style-type: none"> 10 acre size unless special issues 	Exceeds 10 acres	24.30 acres; former industrial brownfield
ADDITIONAL			
Commercial Design Standards	PUD Additional Tier <ul style="list-style-type: none"> Comply with CDS Comply with Core Transit Corridor if in Urban Area Contain pedestrian-oriented uses on the first floor of a multi-story commercial or mixed use building 	<ul style="list-style-type: none"> Comply with Subchapter E Mixed Use Design Standards Comply with sidewalk standards in a Core Transit Corridor for Urban Areas Contain pedestrian-oriented uses on the first floor of a multi-story commercial or mixed use building 	Provision of built elements for a sustainable urban neighborhood to create a compact, pedestrian-friendly and mixed use district including Subchapter E Mixed-Use Design Standards, CTC Sidewalk Standards and pedestrian-orientated uses on the ground floor units and apartments above.
TIER 2			
Open Space / Parkland	PUD Tier 2 <ul style="list-style-type: none"> Provide 10% above minimum or enhancements to trails and open space Commercial Design Standards <ul style="list-style-type: none"> 2% Open Space 	Provide 10% above minimum AND enhancements to trails and open space	<ul style="list-style-type: none"> 37% of gross site area (9 acres) of open space and a public connection to the existing and proposed trail systems Parkland dedication of 1.30 acres for a hike and bike entrance to northern Govalle Park

Environment	PUD Tier 2 ▪ Provide various environmental options ▪ several options per code 2.4	<p>a) Will not request exceptions to OR modifications of environmental regulations</p> <p>b) Roadway alignment serves as final environmental cap over PMZ per EPA recommendations</p> <p>c) Clusters impervious cover over PMZ</p>	Use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality controls
Austin Green Builder Program	PUD Tier 2 ▪ Provide a rating of three stars or above	Provide a rating of three stars or above	AEGB 3 Stars minimum
Art	PUD Tier 2 ▪ Provide art by the Art in Public Places Program in open spaces or a contribution	Provide art by the Art in Public Places Program in open spaces	<p>a) East Austin Art by East Austin Artists</p> <p>b) Planned district allows design opportunities for public art in classical loci, alleys, focal points and along trail systems</p>
Great Streets	PUD Tier 2 ▪ Comply with Great Streets Program – applicable to commercial, retail or mixed use that is not subject to Subchapter E	<p>Not Applicable</p> <p>Core Transit Corridor subject to Subchapter E</p>	<p>a) Street level shops for small local businesses</p> <p>b) Wide pedestrian walks and seating areas with trees/shade</p> <p>c) Street furniture and lighting</p>
Community Amenities	PUD Tier 2 ▪ Provide for various community services and amenities such as plazas and space for community meetings	Provide for various community services and amenities such as plazas and space for community meetings	<p>a) Educational Uses permitted on all Land Use Areas</p> <p>b) Community Event Space provided</p> <p>c) Community Office Space Provided</p> <p>d) Public trail system</p> <p>e) Public plaza</p>
Transportation	PUD Tier 2 ▪ Provide bicycle facilities that connect to planned bicycle routes or provide multi-modal transportation features	Provide bicycle facilities that connect to planned bicycle routes or provide multi-modal transportation features	<p>a) Completion of Shady/Jain Lane 1986 CIP per TIA recommendation</p> <p>b) Modification of Shady/Bolm/Airport intersection per TIA recommendation</p> <p>c) Future CMTA bus stop</p> <p>d) Direct connection to Govalle Park and Southern Walnut Creek Hike and Bike Trail</p> <p>e) Bicycle parking 5% in excess of required</p>

Building Design	PUD Tier 2 ▪ Exceed the minimum points required by Building Design Options in CDS 3.3.2	Exceed the minimum points required by Building Design Options in CDS 3.3.2	Modern, sustainable architecture
Parking Structure Frontage	PUD Tier 2 ▪ 75% of building frontage of parking structure in commercial or mixed use must have pedestrian oriented space	Not Applicable	
Affordable Housing	PUD Tier 2 ▪ Provide for affordable housing onsite or in programs	Provide affordable, diverse housing types on site apartments, live-work) including rental and owner occupied.	a) Certified SMART Housing Project b) Subject to and conditioned upon public or private development subsidies, Land Use Areas 1 and 2 will be 100% affordable rental housing at 30-60% MFI and affordable ownership housing at 30-80% MFI. Without public or private development subsidies, Land Use Areas 1 and 2 will be 10% affordable rental or owned housing at 60% MFI for 10 years and 10% affordable rental or owned housing at 80% MFI for 10 years.
Historic Preservation	PUD Tier 2 ▪ Preserve historic structures, features and landmarks to a degree exceeding applicable legal requirements	Not Applicable	
Accessibility	PUD Tier 2 ▪ Provide for accessibility for persons with disabilities exceeding applicable legal requirements	Provide for accessibility for persons with disabilities exceeding applicable legal requirements	Site is near flat and should be fully accessible
Local Small Business	PUD Tier 2 ▪ Provide space at affordable rates to small local businesses	Provide space at affordable rates to one or more independent retail or restaurant small businesses whose principal business is in Austin	Office shop fronts, creative studios and live-work studios affordable to local small businesses

think*EAST* PUD Ordinance Summary

Meets 12 of 12 Tier 1 Sections
Meets 3 of 3 Additional Sections
Meets All Applicable (10 of 13) Tier 2 Sections

think*EAST* Austin shall be an exemplary urban PUD



City of Austin

EXHIBIT E

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

May 22, 2013 (revision to letter dated September 13, 2012)

S.M.A.R.T. Housing Certification

thinkEAST Austin Management LLC: 1141 & 1150 Shady Lane – thinkEast Austin (project id# 65434)

TO WHOM IT MAY CONCERN:

thinkEAST Austin Management LLC (development contact: 512.300.4011; rdevarga@gmail.com) is planning to develop a 25 acre mixed-use district via a Planned Unit Development in the Shady Lane and Jain Lane area. The development will include 444 multi-family units and 132 live-work units. The SMART Housing certification will apply to the 332 multi-family units associated with Land Use Area 1 and 2. The units will have an affordability period of five years for the multi-family units the date the certificate of occupancy is issued. The affordability period may be longer due to agreement per the PUD application.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Because 100% of the units in Land Use area 1 & 2 will serve households with incomes at or below 60% of Austin's Median Family Income level (MFI), the development is eligible for a waiver of 100% of the fees listed in the S.M.A.R.T. Housing Ordinance adopted by the City Council. **The fee waivers only apply to development applications that have a residential component from Land Use Area 1 & 2.** The developer will provide a detailed list of addresses and projects associated with Land Use 1 & 2 as the development progresses. The letter will be amended to reflect that information. Expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Concrete Permit
Electrical Permit
Mechanical Permit

Site Plan Review
Misc. Site Plan Fee
Building Plan Review
Construction Inspection
Zoning Review Fees

Zoning Verification
Parkland Dedication (by separate ordinance)
Land Status Determination
Plumbing Permit

Prior to issuance of building permits and starting construction, the developer must:

- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katherine Murray at 482.5351).
- ♦ Submit plans demonstrating compliance with accessibility standards.

Before a Certificate of Occupancy will be granted, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ♦ Pass a final inspection to certify that accessibility standards have been met.

Please contact me at 974.3154 if you need additional information.


Javier V. Delgado
Neighborhood Housing and Community Development

Cc:
S. Kinel, NHCD
Deborah Fonseca, PDRD
Hillary Granda, PDRD
Kath. Murray, Austin Energy

Danny McNabb, WPDR
George Zapalac, PDRD
Robby McArthur, WWV Taps
Chris Yanez, PARD
Laurie Shaw, CapMetro

Maureen Meredith, PDRD
Heidi Kasper, AEGB
Bryan Bomer, AEGB



EXHIBIT F

MEMORANDUM

TO: Heather Chaffin, PDRD-Current Planning
CC: Members of the Planning Commission
FROM: Joe Almazan, PDRD-Land Use Review
DATE: May 23, 2013
SUBJECT: Traffic Impact Analysis for thinkEAST Austin PUD
Zoning Case No. C814-2012-0128.SH

The Transportation Review Section has reviewed the traffic impact analysis for the thinkEAST PUD dated May 21, 2013, prepared by Joe Ternus, P.E., Ternus Consulting Services and offer the following comments:

Trip Generation

The thinkEAST PUD is a 24.293-acre development located along Shady Lane, northeast of Airport Blvd. and Bolm Road in east Austin. The proposed mixed-use development will consist of 37,400 sq.ft. of retail-offices, 444 apartment dwelling units, 48 creative studio units, 132 live/work units, and 4,800 sq.ft. of community office/event facilities. The thinkEAST PUD development is planned as a mixed-use district located within a campus park setting offering affordable working, living, and flexible studio space for a wide range of Austin's creative industries.

The property is currently undeveloped and zoned for limited office-mixed-use-conditional overlay-neighborhood plan (LO-MU-CO-NP) and single-family residential (SF-3-NP) combining zoning district and is located within the Govalle-Johnston Terrace Combined Neighborhood Plan Area. The applicant has filed a zoning request for planned unit development-neighborhood plan (PUD-NP) combining zoning district. The thinkEAST PUD site will be a two-phase project that spans from 2013 to 2019. However, the trip generation associated with this development has been broken down by 2016 (Phase I) and 2019 (Phase II) when completion of the project is anticipated. Access to the site is proposed with three (3) driveways from Shady Lane.

The table below shows the trip generation by land use for the proposed development:

Table 1. Trip Generation By Phases						
Land Use	Size	ADT	AM Peak		PM Peak	
			Enter	Exit	Enter	Exit
Phase 1 - 2016						
Office-Retail	17,000	675	12	6	28	31
Apartments	396 d.u.	2,634	39	162	159	87
Live/Work Units	60	575	12	14	23	22
Community Office	2,400	96	1	1	4	4
Community Events	2,400	55	2	2	1	2
Subtotal		4,035	66	204	230	146

Bolm Road – This roadway is classified as a two-lane collector roadway in the vicinity of the site with 43 feet of pavement width east of Airport Blvd. and 27 feet of pavement width west of Airport Blvd. A wide curb is currently identified for Route 150 on Bolm Road, east of Airport Blvd. The 2009 Bicycle Plan recommends upgrading to bike lanes for Route 150, from Airport Blvd. to Gardner Road.

Intersection Level of Service (LOS)

The TIA analyzed three (3) intersections, two of which are signalized. Airport Blvd. intersects Bolm Road and Shady Lane and are controlled by traffic signals. The intersection of Bolm Road and Shady Lane is a STOP signed controlled intersection. Existing and projected levels of service (LOS) for the AM and PM peak hour travel periods are as follows, assuming that all roadway and intersection improvements recommended in the TIA are constructed:

Table 3. Level of Service						
Intersection	2013		2016		2019	
	AM	PM	AM	PM	AM	PM
Airport Blvd. and Bolm Road	B	C	C	C	C	D
Airport Blvd. and Shady Lane	A	A	A	A	A	A
Bolm Road and Shady Lane	B/A*	B/A*	B/B*	C/B*	B/B*	F/B*
Driveway "A" and Shady Lane			B	B	B	C
Driveway "B" and Shady Lane			A	B	B/A	B/A
Driveway "C" and Shady Lane			A	A	B/A	B/A

* NB/SB Turning Movements

Based on the analysis, all the intersections and site driveways will continue to operate at an acceptable LOS D or better for 2016 (Phase I) and 2019 (Phase II) forecasted traffic conditions except for the intersection of Bolm Road and Shady Lane and the northbound traffic movement during the p.m. peak hour travel period for Phase II and full build-out. At this intersection, the TIA recommends geometric improvements by Phase II to match or improve the projected level of service for the northbound traffic movement to an acceptable LOS C and the southbound traffic movement to an acceptable LOS B. This recommended intersection improvement would be subject to approval by the City of Austin as a future Capital Improvement Plan (C.I.P.) project based on available funding.

The development site is bisected by an unconstructed roadway that was funded as a Capital Improvement Plan (C.I.P.) project in 1986. There is a 30-foot wide access easement adjacent to the site where Shady Lane has 20 feet of pavement width and transitions into Jain Lane (40 feet). Prior to the Phase I development, the TIA also assumes roadway improvements for the widening of Shady Lane along the site from 20 feet to 40 feet pavement width will be completed by 2016 to match the existing roadway section between Jain Lane and Shady Lane (at Bolm Road). This recommended improvement would also be subject to approval from the City of Austin as a future Capital Improvement Plan (C.I.P.) project based on available funding.

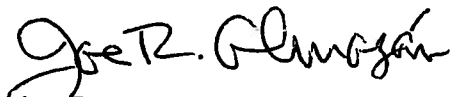
Roadway Capacity Analysis

A roadway capacity analysis was performed for Shady Lane with a focus on the section that has a reduced pavement width of 20 feet along the northern portion of the site. The analysis was performed for the 2019 Phase II traffic conditions (site + forecasted). Based on the land use uses and intensities for the thinkEAST PUD, the existing two-lane section of Shady Lane-Jain Lane will be adequate for the two-way p.m. peak hour travel period for Phase II build-out traffic conditions. However, to provide improved safety and mobility traffic operations, the TIA recommends that this section of roadway be

Recommendations/Conclusions

- (1) As recommended in the TIA, the applicant is encouraged to continue coordination with the City of Austin Public Works Department for traffic control and roadway improvements at the Bolm Road and Shady Lane intersection, including the future upgrade of Shady Lane where it has only 20 feet of pavement width adjacent to the site. Together, these improvements will improve traffic operations in the area for the 2016 and 2019 forecasted traffic conditions.
- (2) Final, written approval from the Austin Transportation Department – Signal Operations Division is required prior to 1st reading of the zoning at City Council.
- (3) Right-of-way dedication and/or reservation may be required during the subdivision application process in accordance with the Transportation Criteria Manual for improvements to Shady Lane. Fiscal may also be required for boundary street improvements for Shady Lane as a condition of subdivision approval.
- (4) As part of improving transit access and promoting mobility alternatives with this development and the neighborhood, the applicant is encouraged to coordinate with Capital Metro for the planning and location of a future bus stop and route extension for the #17 Cesar Chavez along Shady Lane.
- (5) As part of improving bicycle access and promoting mobility alternatives with this development and in the neighborhood, the applicant is encouraged to coordinate with the City of Austin Public Works Department – Neighborhood Connectivity Division for the planning and installation of bicycle facilities along Shady Lane.
- (6) It is also recommended that appropriate pedestrian and bicycle linkages between the proposed mixed residential, live/work, creative studios, and commercial areas and the proposed parkland and community recreational amenity areas be emphasized to assure readily visible relationships between the uses and available amenities. Sidewalks and trails should be designed to accommodate pedestrian safety, reduced walking distances, convenience and comfort, and be in compliance with the American with Disabilities Act (ADA). Convenient and secure bicycle storage and shower facilities are also recommended. Bicycle trails or "routes" should be designated with proper signage and markings.
- (7) All driveways shall comply with current City of Austin standards for Type II driveway approaches and shall meet minimum requirements for driveway width, curb return radii, throat length, driveway spacing and offset, and separation from an intersection.
- (8) At least three (3) copies of the final TIA incorporating all corrections and revisions must be submitted prior to 3rd reading of the zoning at City Council, including one (1) CD containing an electronic PDF of the TIA.
- (9) Development of this property should be limited to uses and intensities which do not exceed or vary from the from the projected traffic conditions assumed in the TIA, including peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan
Development Services Process Coordinator
Land Use Review Division/Transportation Review Program
Planning and Development Review Department

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.austintexas.gov

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

Case Number: C814-2012-0128.SH

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Apr 9, 2013, Planning Commission
May 9, 2013, City Council

AnnMarie Pickles Schindler
Your Name (please print)

1104 Brookswood Ave
Your address(es) affected by this application

A. Schindler
Signature

Signature

Daytime Telephone: 518.248.8513

4/9/2013
Date

☒ I am in favor
☐ I object

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

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-2012-0128.SH
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Apr 9, 2013, Planning Commission
May 9, 2013, City Council

DELORES BURTON

Your Name (please print) 5503 13505/5507
JANU LANE

Your address(es) affected by this application

Delores Burton

Signature

Daytime Telephone: 512-706-4849

Date

4/8/13

☒ I am in favor of this object

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

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

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

Chaffin, Heather

From: Otto M Friedrich
Sent: Sunday, April 21, 2013 11:29 PM
To: Meredith, Maureen; Chaffin, Heather
Cc: Otto Friedrich; Lesniak, Charles
Subject: thinkEAST TRAFFIC IMPACT Study?

Maureen,
Heather,

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

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

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

(from their website, brochure)

Saturday, November 10, 11am - 6pm

Demos by Women Printmakers of Austin

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

11am-1pm: Eleanor Droll: General printmaking

1pm-3pm: Nicole Hollon: General printmaking

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

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

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

Sunday, November 11, 11am - 6pm

Demos by Women Printmakers of Austin

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

11am-1pm: Angela Hayes: Reductive linocut

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

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

Saturday, November 17, 11am - 6pm

Demos by Women Printmakers of Austin

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

11am-1pm: Eleanor Droll: General printmaking

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

1pm-6pm: Cathy Savage: General printmaking

Sunday, November 18, 11am - 6pm

Demos by Women Printmakers of Austin

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

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

Maureen,
Heather.

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

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

P.S. I am also concerned to read about things like this...
URL for "Despite the many upheavals in 2011, Austin's arts scene perseveres,"
<http://www.austinchronicle.com/arts/2012-01-06/shaken-not-deterred/>

(quoting)

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

BEST PERSONABLE REGARDS,

OTTO.

Chaffin, Heather

From: Frankie Ruiz
Sent: Tuesday, May 28, 2013 8:27 PM
To: Chaffin, Heather
Subject: Opposed to rezone request C814-2012-0128.SH and Neighborhood Plan Amendment NPA-2012-0016.01.SH

Dear Planning Commission,

I am writing this letter to express my opposition to the rezone request C814-2012-0128.SH and Neighborhood Plan Amendment NPA-2012-0016.01.SH (also known as thinkEAST).

I am a neighbor living at 1114 Desirable Drive and have lived in this neighborhood my whole life (I'm 27 years old). I feel that this proposed project will negatively impact the neighborhood and harm it irreparably. Neither the developer or the Planning Contact Team contacted any of the neighbors to ask for their feedback or input. With the addition of 280+ housing units, with half of them being subsidized, the small neighborhood of 50 homes cannot sustain this growth or the negative impacts of traffic, crime, density, loss of green space, noise and other ill effects of such growth.

Though it may seem that I'm fearful of change, the truth is that I'm not. I also feel that the Planning Team and the developer have not made the necessary attempts to reach out to the residents of the neighborhood in a proper and courteous way. Thus, leaving a negative impression on me and other of my neighbors as well.

Please listen to the impacted neighbors and do not approve this rezone and Neighborhood Plan Amendment.

Sincerely,

Frankie Ruiz

512-585-0532

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

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

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

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

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

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

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

Agreed to on July 29, 2012.



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



Robert Summers
Manager
thinkEAST Austin Management, LLC

EXHIBIT H



MEMORANDUM

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

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

DATE: March 25, 2013

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

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

Description of Property

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

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

Existing Topography/Soil Characteristics/Vegetation

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

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

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

Critical Environmental Features/Endangered Species

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

Description of Project

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

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

Environmental Code Exception Request

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

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

PUD Conditions for Environmental Superiority

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

Recommendation

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



ENVIRONMENTAL BOARD RECOMMENDATION 20130403 006a

Date: April 3, 2013

Subject: ThinkEAST PUD C814-2012-0128.SH

Motioned By: Bob Anderson

Seconded By: Mary Ann Neely

Recommendation

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

Staff Conditions for Environmental Superiority

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

Rationale:

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

Vote 4-0-0-3

For: Anderson, Neely, Perales and Schissler

Against:

Abstain:

Absent: Gary, Maxwell and Walker

Approved By:

A handwritten signature in dark ink, appearing to read "James M. Schissler". The signature is written in a cursive style with a large, stylized initial "J".

James Schissler, Secretary ,Acting Chair

EXHIBIT I



MEMORANDUM

TO: Mr. Dave Anderson, Chair
Planning Commission Members

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

DATE: May 14, 2013

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

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

May 9, 2013

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

Re: Rezoning Request CB14-2012-0128.SH / Neighborhood Plan Amendment NPA-2012-0016.01.SH

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

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

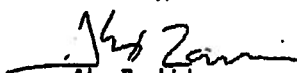
The date of the May 28, 2013, meeting came with short notice and is immediately following a holiday weekend. There are a number of neighbors who cannot make this date, and therefore request a postponement of the hearing.

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

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

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


Sincerely,

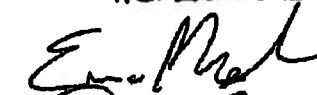




Alex Zankich
1115 Desirable Drive
Austin, TX, 78721

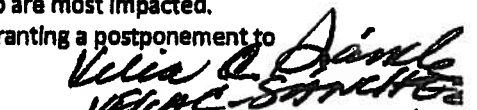
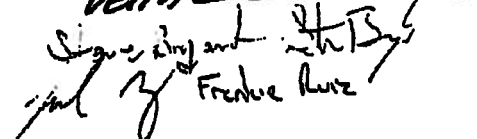
 C. Smith




 Mark Hogendobler


MICHAEL DECENE

 Evan Mancas
 David Castanovo
 Diane Ruiz
 Frances

 Veronica Sanchez
 Signaling and the City
Frederic Ruiz

Chaffin, Heather

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

Heather,

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

BEST PERSONAL REGARDS,

OTTO.

Chaffin, Heather

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

Mr. Zankich,

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

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

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

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

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

Sincerely,

Robert Summers
thinkEAST Austin

Chaffin, Heather

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

Mr. Anderson,

Please forward this to the other Planning Commission members.

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

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

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

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

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

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



MEMORANDUM

TO: Dave Anderson, Chairperson
Planning Commission Members

FROM: Sherri Sirwaitis
Planning and Development Review Department

DATE: April 2, 2013

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

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

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