

07

ZONING CHANGE REVIEW SHEET

CASE: C814-2012-0160 **P.C. DATE:** 03/12/2013; 04/09/2013;
211 South Lamar PUD 04/23/2013; 05/14/2013;
05/28/2013; 06/11/2013

ADDRESS: 211 South Lamar Boulevard **AREA:** 0.933 Acres (40,641 sq. ft.)

OWNER: Post Paggi, LLC (Jason Post)

APPLICANT: Winstead PC (Amanda Swor)

ZONING FROM: CS & CS-V;
General Commercial Services & General Commercial Services –
Vertical Mixed Use Building

ZONING TO: PUD; Planned Unit Development

NEIGHBORHOOD PLAN AREA: Zilker
(South Lamar Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

To Grant Planned Unit Development (PUD) District Zoning

PLANNING COMMISSION ACTION:

May 28, 2013	Postponed to June 11, 2013 at the request of neighborhood stakeholders, with a request for a historical assessment *
May 14, 2013	Postponed to May 28, 2013 at the request of the applicant.
April 23, 2013	Postponed to May 14, 2013 at the request of City staff.
April 9, 2013	Postponed to April 23, 2013 at the request of City staff.
March 12, 2013	Postponed to April 9, 2013 at the request of City staff.

* Representatives of the Bridges On The Park Condominium Association requested a 30-day postponement and requested the Commission direct staff to prepare a historic impact statement regarding the impact of the proposed PUD on the Paggi House. The Zilker Neighborhood Association concurred with the request. Staff informed the Commission a report could be finalized before the June 11 meeting. The Planning Commission granted a two-week postponement.

The historic context report, completed by the City's Historic Preservation Officer, has been attached as Exhibit H.

WATERFRONT PLANNING ADVISORY BOARD ACTION:

April 8, 2013	Recommended to deny PUD rezoning [Motion by Board Member Walton; Seconded by Board Member Rindy. Passed 4-1-2. Board Member Schultz Opposed; Board member Zickert Abstained; Board member Pilgrim Recused].
March 11, 2013	Postponed to April 8, 2013 at the request of neighborhood stakeholders.

C7
2**ENVIRONMENTAL BOARD ACTION:**

March 20, 2013

Recommended no recommendation on the proposed Planned Unit Development: 211 South Lamar Blvd C814-2020-0160 [Motion by Chair Maxwell, Seconded by Board Member Neely; Passed 6-0-1, Board Member Schissler Absent]

Recommended approval of the environmental treatment proposed in the 211 South Lamar Blvd PUD C814-2020-0160. [Motion by Board Member Neely, Seconded by Board Member Anderson; Failed 2-4-1, Board Member Schissler Absent]

ISSUES:**The 10-acre Requirement**

One of the Tier 1 requirements for a Planned Unit Development (PUD) reads: a PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. Tier 1 requirements are those that are to be met by all PUDs. However, the City Council has the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed.

As discussed in the Basis for Land Use Recommendation, staff thinks the site, at less than 1 acre, is characterized by special circumstances given it is surrounded by public rights-of-way, City-owned property, and existing development, including historically zoned property. Whether the Planning Commission and City Council concur with staff that the site is characterized by special circumstances is an open question, and subject to their discretion.

Provision for Affordable Housing

The Density Bonus section of the PUD ordinance requires affordable housing or fee-in-lieu of for residential development that exceeds height, floor-area-ratio (FAR) or building coverage over a baseline amount. As written, the PUD ordinance requires affordable units or fee-in-lieu of for the entire habitable square feet of the PUD. Planning and Development Review Department staff believes the intention of the ordinance was that affordable housing or fee-in-lieu of be provided for 10% of the square footage above the baseline amount.

In this case, the existing zoning of CS allows a 2:1 FAR; with existing bonus provisions of the Waterfront Overlay, the site could be developed at an FAR of 3.2:1. The applicant is proposing a FAR of 5.0:1, resulting in an additional 73,154 square feet of habitable space. The fee-in-lieu of is 60% of the Interim Downtown Density Bonus rate, or \$6/square foot. The applicant is proposing to pay a fee equal to an amount of \$6 per square feet on the entire amount of square footage above the baseline.

Please see the memo from Neighborhood Housing and Community Development that directly follows this Zoning Change Sheet regarding this issue, and a response from the applicant.

Open Space

A PUD's Tier 1 requirements for the provision of open space are 10% for residential and 20% for nonresidential; candidacy for Tier 2 superiority requires an additional 10% above the Tier 1 minimum. For this project as currently envisioned, that would equate to 4,215

C7
3

square feet at Tier 1 and 4,636 square feet at Tier 2, when based on a 202,796 square foot building.

There is no specification in the PUD requirements what type of open space is required. When the Development Assessment was reviewed, and when the application was submitted, a request was made by the applicant to include part of the non-public open space towards the open space requirement. This has been listed in previous staff reports as one of the six proposed modifications to the LDC sought in the PUD.

Such a modification, or variance, is not required. An ordinance adopted in December 2011 provides for Private Common Open Space and Private Personal Open Space, and addresses how Condominium Residential Use open space requirements are to be met in conjunction with Design Standards and Mixed Use. Essentially, this ordinance recognizes that a private residential building on private property but with public interfaces and spaces, may have different open space needs or offer different amenities than a multifamily or non-mixed use project. It also recognizes there is a difference between open space that can be used by residents and their guests, versus the general public. Upon refinement of the proposed development, the applicant has determined their common open space amount, which includes a public plaza, outdoor sitting areas, and certain-sized landscaping amenities, is 3,446 square feet. The Private Common Open Space, which includes a pool area and residents'-only patio, will be approximately 5,882 square feet; above grade open space is credited at a 30% rate, or in this case 1,391. Taken together, the public open space (3446) and private common open space (1391) equals 4837, which is above the 4,636 required by Tier 2.

The balconies serving the individual units are considered Private Personal Open Space, but are not required to be included in meeting open space requirements. Similarly, water quality treatments – which can be included in meeting open space requirements, have not been included in the public or private common open space calculations.

The Tier 1 & 2 Compliance Table and Land Use Plan included with this report (please see Exhibits B) reflects this update (see Land Use Plan note # 37). Compliance with open space requirements is the purview of the City's Parks and Recreation Department. Staff from that Department have reviewed the proposed open space provisions, and have concurred with the applicant's proposal (see Exhibit D – 99).

Board and Commission Consideration and Recommendations

The proposed PUD application does not seek any variances to the Waterfront Overlay District/Butler Shores Subdistrict land uses or development regulations under LDC Section 25-2; nor does it seek environmental variances under LDC Section 25-8. Nonetheless, presentation to, and consideration by, the Waterfront Planning Advisory Board and the Environmental Board were required.

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

C7
4

To help evaluate the superiority of the proposed PUD, the applicant developed summary tables that highlighted compliance with the Waterfront Overlay requirements and Environmental code, as well as identifying those proposals which provided superiority (please see Exhibit E). Although Environmental review staff had concluded the application was environmentally superior as pertains to the proposed water quality controls and tree preservation, the Environmental Board did not concur the project was environmentally superior, and a motion to recommend the proposed environmental features as such failed. The Environmental Board also specifically approved a recommendation to not make a recommendation as to whether the property should be rezoned PUD. The WPAB considered the PUD application on April 8, and a recommendation to deny PUD zoning was approved.

The WPAB and Environment Board are advisory boards. The Planning Commission and City Council are not bound by their recommendations, and with one exception a simple majority is required in terms of voting requirements. The exception is that should the Planning Commission recommend denial of a PUD request, a supermajority of the Council is required to approve such a request.

Petition

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

Illustrations

In response to a request from the Waterfront Planning Advisory Board, the applicant has provided illustrations of the project (see Exhibit I). A site plan, renderings, or other illustrations may be conceptual in nature, may not necessarily comply with all aspects of the Land Development Code, have not been reviewed by staff for compliance, are not required as part of the rezoning request, and are not in any way binding on the applicant or formally incorporated into an application.

DEPARTMENT COMMENTS:

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

The property contains an existing Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract has approximately equal frontage on each of the abutting streets, perhaps slightly more on West Riverside Drive, where it lies across from the Pfluger Pedestrian Bridge (please see Exhibit A-2). To the west is City-owned property housing the Zach Theatre, which was recently redeveloped, and Parks and Recreation Department

C7
5

headquarters; to the east is also City-owned property, currently used as the Butler Park Pitch and Putt. To the south lie the Paggi House restaurant and the Bridges On The Park, a residential condominium development (please see Exhibit A-3 for a recent aerial image).

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

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

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

- 1) Allow a maximum height of 96 feet;
- 2) Allow a minimum front yard setback of 0 feet;
- 3) Allow a minimum street side yard setback of 0 feet;
- 4) Allow a maximum floor-to-area ratio of 5:0; and
- 5) Allow maneuvering in the right-of-way along Lee Barton Drive (as pertains to loading and unloading facilities 9.3.0 #3 of the TCM)

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

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

C7
6

updates to clear any remaining comments or questions (see Exhibit D for application and staff comment materials).

As the application was reviewed and refined, there were several iterations of the Tier 1 & 2 Compliance Table and Land Use Plan, especially as it related to water quality and transportation. Other modifications reflected confirmation of specific terms, such as the size and duration of providing space for the City's Parks and Recreation Department. None of these iterative copies have not been included in exhibits (save for the initial submittal and first response in Exhibit D), in part because they were interpreted by staff as "current" and not necessarily "final" versions, and because the most up-to-date version of the Table and Plan were always provided to Boards and the Commission as a separate exhibit (see Exhibit B). The versions of the Plan and Table included with this report reflect changes to notes numbered 22 (a clarification of the design characteristics of the building) and 37 (an update to the provision of open space since a waiver is not required).

EXISTING ZONING AND LAND USES:

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

AREA STUDY: No

TIA: Not Required

CAPITOL VIEW CORRIDOR: No

WATERSHED: Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Original Austin Neighborhood Association	57
Zilker Neighborhood Assn.	107
Bouldin Creek Neighborhood Assn.	127
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Save Town Lake.Org	1004
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224

C7
7

Sierra Club, Austin Regional Group
 The Real Estate Council of Austin, Inc.
 Austin Heritage Tree Foundation
 BPOE 201 Elks Lodge
 SEL Texas
 Bridges on the Park

1228
 1236
 1340
 1346
 1363
 1368

SCHOOLS:

Austin Independent School District

Zilker Elementary School

O Henry Middle School

Austin High School

ABUTTING STREETS:

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

CASE HISTORIES:

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

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
East of Lamar (north to south)			
Town Lake Park C14-89-0039	CS; CS-1; LI; & SF-3 to P	Approved; 07/25/1989	Approved; 08/24/1989
201-219 S Lamar Blvd; 200-218 Barton Drive; & 1301-1319 Riverside Drive C14-70-050	From "A" 1 st H&A & "C" 1 st H&A to "C" 1 st H&A	Granted	Approved; 05/14/1970
211 S Lamar Blvd CD-2012-0021	Development Assessment	N/A	12/06/2012; Briefing
C8-2012-0122	Subdivision (under review)	No action yet required	
SP-2012-0271C	Site Plan (under review)	No action yet required	
Paggi House	"C" to "C-H"	Granted	Approved; 11/21/1974

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

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

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

CITY COUNCIL ACTION:

June 6, 2013	Postponed to June 20, 2013 at the request of City staff.
May 23, 2013	Postponed to June 6, 2013 at the request of City staff.
April 25, 2013	Postponed to May 23, 2013 at the request of City staff.
March 28, 2013	Postponed to April 25, 2013 at the request of City staff.
April 25, 2013	Postponed to May 23, 2013 at the request of City staff.

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

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9**STAFF RECOMMENDATION**

C814-2012-0160

To Grant Planned Unit Development (PUD) District Zoning

BACKGROUND

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

SUMMARY STAFF RECOMMENDATION

To grant PUD district zoning

BASIS FOR LAND USE RECOMMENDATION

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

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

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

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

C7
10

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

Staff thinks the PUD proposal offers an improvement over what would otherwise be required of standard CS or CS-V development requirements. In short, the proposed PUD does exceed code requirements; therefore, by LDC definition it is superior. However, it is City Council that has the authority and desecration to determine whether PUD zoning is appropriate - regardless of whether the proposed development meets the standards prescribed by the Tier 1 and 2 requirements of a PUD.

Relating to these standards, a Tier 1 requirement states that all PUDs must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. There is no truly unique topography on the site, as it is relatively flat. However, it is surrounded on three sides by public right-of-way, and public parkland beyond those rights of way. It is further constrained on the fourth side by an existing historical site and a recently constructed condominium project. There is simply no feasible way for the property to expand in terms of acreage. Even if the entire block were somehow incorporated into a redevelopment project, the acreage involved would be only 3.26 acres. Staff thinks the existing public infrastructure, public property and private property constraints do characterize the property with special circumstances. But again, this assessment of special circumstances is subject to Council deliberation.

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

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

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

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

A primary driver of the PUD request is to allow for additional height of built structures. Similarly situated properties, that is, those of less than 10 acres and south of Lady Bird

Lake, have received similar favorable allowances. For example, the PUD-NP on the Hyatt Hotel property at 208 Barton Springs Road, approved in 2007, allows up to 200 feet in building height. The old AquaTerra site at 222-300 East Riverside site also allows development up to 200 feet and was approved in 2008. Closer to this site and more recently approved PUDs include The Park PUD at 801 Barton Springs Road, approved in Spring 2011, which allows for a 96-foot tall building, and the Broadstone PUD, at 201 S 1st & 422 W Riverside, approved in Autumn 2012 and allows for a 76-foot tall building.

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

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

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

One concern expressed to staff and a discussion point of previous Board meetings has been the applicant's request for a variance to open space requirements, proximity to City parkland and hike-and-bike trails notwithstanding. As noted in the "Issues" section, there is no longer a variance related to the provision of open space, as the application fully complies with the City's open space requirements. Open space is a desirable amenity, and the applicant is providing more than the amount required with public, private common, and private personal open space.

Zoning should allow for a reasonable use of the property.

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

C7
12

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

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



City of Austin

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13

Neighborhood Housing and Community Development
P.O. Box 1088, Austin, TX 78767-1088
1000 East 11th Street, Ste 200, Austin, TX 78702
(512) 974-3100 • Fax: (512) 974-3161 • www.austintexas.gov/housing

Date: May 9, 2013

To: Greg Guernsey, Director
Planning and Development Review Department

From: Elizabeth A. Spencer, Director
Neighborhood Housing and Community Development

Copy for Betsy Spencer

Subject: Planned Unit Development Affordability Requirements
211 South Lamar PUD

The purpose of this memorandum is to provide affordability requirements in the 211 South Lamar Planned Unit Development (PUD), in accordance with the Planned Unit Development zoning district of the Land Development Code. This item is scheduled for a public hearing at Planning Commission on May 14, 2013.

The PUD Ordinance outlines a variety of ways affordable housing may be incorporated in a development – on site; land donation; or fee in lieu of on-site affordability. Affordable housing is a Tier Two option, which indicates that it is a part of a menu of criteria that a developer may pursue to achieve superiority. Affordability does however, become a required element when the development proposes to exceed baseline site development regulations for maximum height, floor area ratio (FAR), and building coverage. The South Lamar PUD proposes to exceed FAR and height; and therefore affordability is required.

The current recommendation by the Planning and Development Review Department (PDRD) proposes a bonus that is calculated on the delta between the FAR the applicant proposes and the FAR that would be achieved pursuant to existing zoning and existing site development regulations. This interpretation results in a calculation that accounts for the bonus area exceeding the baseline entitlements. In addition, PDR is proposing the fee to be calculated only for 10% of that bonus square footage. Likewise, if units were provided on site, it would be 10% of the units in the bonus square footage.

As the ordinance is currently written, the calculation for determining number of affordable units is based on the total number of units or total habitable square footage within the PUD. The fee in lieu donation is the established fee multiplied by each square foot of climate controlled space within the PUD. The ordinance designates this square footage as both residential and non-residential square footage.

C7
14

A component of the ordinance requires PDRD to establish baseline entitlements. The South Lamar PUD site area is 40,641 square feet with 2:1 FAR. Due to increased entitlements achieved through the Waterfront Overlay, PDRD established the baseline square footage at 130,051.

The development proposes a 5:1 FAR to build 203,207 square feet that includes 175 units and 11,000 square feet of retail. Bonus square footage would be 73,154. This information provides the basis for determining the fee in lieu.

The following illustrates the calculation of the proposed fee in lieu based on (1) PDRD's recommendation and calculation of the fee in lieu; (2) the developer's calculation and proposed fee in lieu; and (3) NHCD staff's calculation and recommendation for the fee in lieu.

(1) PDRD staff's calculated fee is based on 10% of the bonus square footage:

$$73,154 \times 10\% = 7,315 \times \$6 = \$43,890 \text{ fee in lieu}$$

(2) The developer's proposed fee is based on the overall bonus square footage:

$$73,154 \times \$6 = \$438,924 \text{ fee in lieu}$$

(3) NHCD's recommended fee in lieu is based on the total square footage within the PUD:

$$203,207 \times \$6 = \$1,219,242 \text{ fee in lieu}$$

NHCD staff recognizes the importance of the many competing benefits as Austin continues to develop in an evolving and dynamic environment. With a central focus to maximize existing affordable housing policy tools, NHCD recommends a fee in lieu that is aligned with the strictest interpretation of the PUD ordinance.

Please contact me if additional information is required. I can be reached at 512.974.3182.

cc: Bert Lumbreras, Assistant City Manager
Sue Edwards, Assistant City Manager



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May 20, 2013

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

Via Electronic Mail

Re: 211 South Lamar PUD Case C814-2012-0160 – Affordable Housing Calculation

Dear Mr. Guernsey,

On behalf of the applicant for the above-mentioned zoning case, we have reviewed the memorandum dated May 9, 2013, regarding various interpretations of affordability requirements applicable to the project as a planned unit development ("PUD").

The memorandum contains a recommendation from the Neighborhood Housing and Community Development Department ("NHCD") that proposes a new interpretation of the PUD ordinance, generating a fee-in-lieu based upon the total square footage within the requested PUD, including square footage that is currently available to be developed under existing zoning. It is important to note that the PUD ordinance was adopted by Council on June 18, 2008, and the fee-in-lieu for every PUD that has been considered by the City Council since that date has been based upon the overall *bonus* square footage, and not the over-all size of the project. There has been no change in the ordinance language, yet apparently NHCD has determined a new, and ill-advised, manner in which to read the ordinance.

The applicant has made a commitment to provide fee-in-lieu funding based upon the overall bonus square footage, the standard that has been applied to every other similarly-situated PUD. This represents, as the memorandum cites, a contribution of \$438,924.00 to the affordable housing trust fund. Although high, this is an amount that can be absorbed by the applicant into the project, although like all development costs, it will be at least partially passed along to future tenants or residents of the project. But imposing a required fee-in-lieu amount of \$1,219,242.00, as proposed by NHCD, upon the project far exceeds what can be absorbed into the project.

The position of NHCD detailed in the May 9 memorandum reflects a complete lack of understanding of the economic realities of a mixed-use, multi-family or condominium project.

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16

NHCD's position is premised on the idea that developers can pay any new cost that the City may charge. Such a position ignores the market-rate returns demanded by capital in all development projects, as well as the cap that buyers or renters will pay for residential product.

If adopted by the City Council, NHCD's position will actually result in fewer dollars available for affordable housing, rather than more dollars. Multi-family or condominium developers face a choice: either build a project that does not exceed FAR and height limitations, or request permission to build a project that exceeds existing FAR or height limitations. The former carries with it no affordable housing requirement. The latter carries with it an affordable housing requirement. If the affordable housing requirement is unreasonable and excessive, it will more than offset the value of the additional FAR or additional height, and the multi-family or condominium developer will not simply elect to build a project that complies with FAR and height requirements. That decision will yield zero dollars for affordable housing.

The applicant, if subjected by the City Council to the fee-in-lieu amount of \$1,219,242.00 as proposed by NHCD, will withdraw the PUD zoning case, and will immediately submit a site plan for a zoning-compliant, multi-family structure on this site. The zoning compliant project will be a stick-built apartment complex, with no ground floor retail, and the "U-shaped" design will be reversed so that the open portion of the "U" faces Lady Bird Lake. In addition to the loss of the other community benefits proposed by the PUD, the zoning compliant project will contain no affordable housing, and it will provide no contribution to the affordable housing trust fund, as opposed to the contribution of \$438,924.00 to the fund offered via the PUD. I have discussed this issue at length with my client, and I made the same statement to the City Council in December of 2012 when the City Council undertook its preliminary review of the Project. There has been, and there will not be, a change in my client's position on that issue.

Sincerely,

 FOR

Stephen O. Drenner

cc: Jerry Rusthoven, Planning and Development Review Department, *via electronic mail*
Lee Heckman, Planning and Development Review Department, *via electronic mail*
Elizabeth Spencer, Neighborhood Housing and Community Development, *via electronic mail*
Sue Edwards, Assistant City Manager, *via electronic mail*
Bert Lumbreras, Assistant City Manager, *via electronic mail*
Will Cureton, Ascension Development, *via electronic mail*
Scott Rodgers, Ascension Development, *via electronic mail*

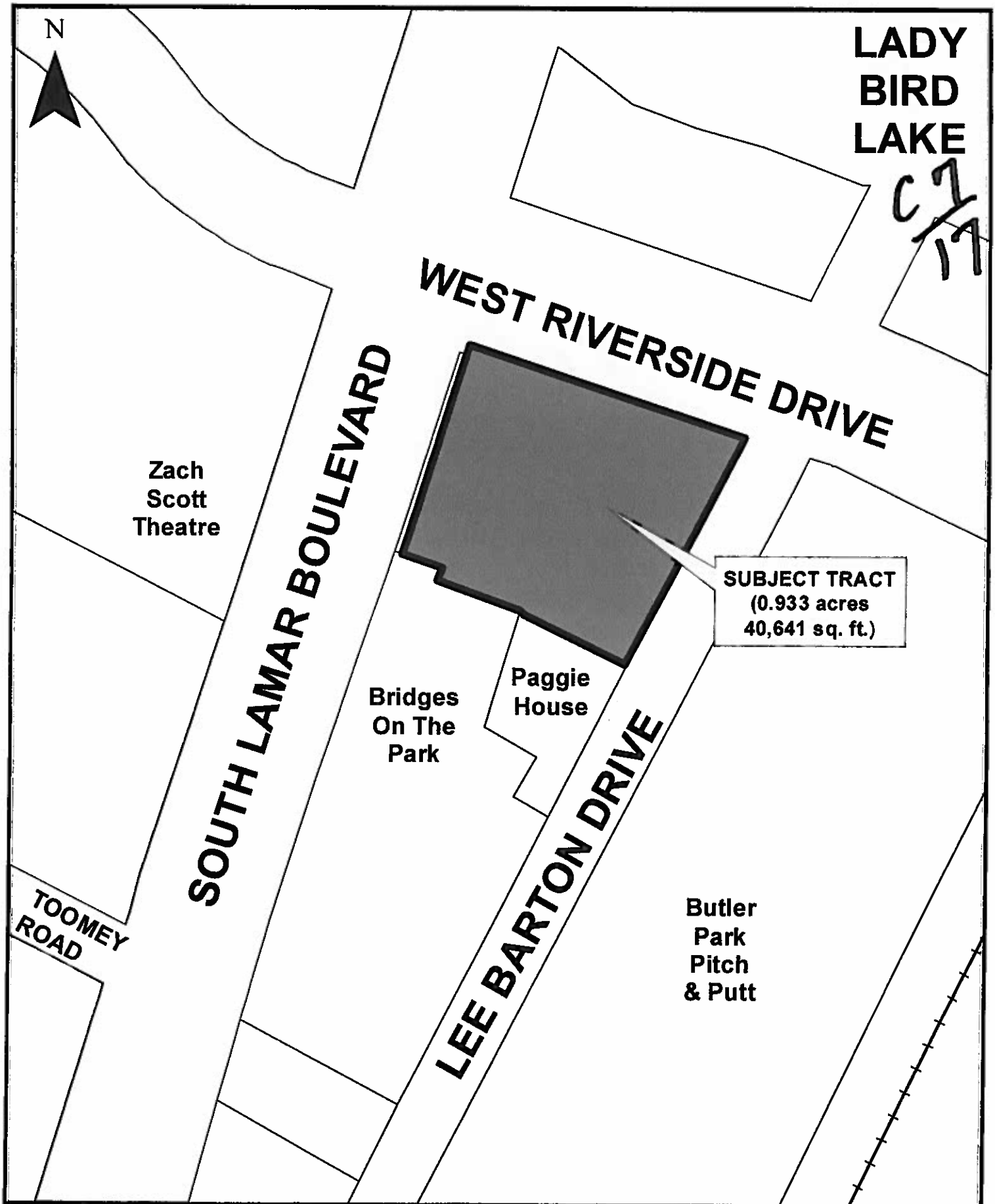
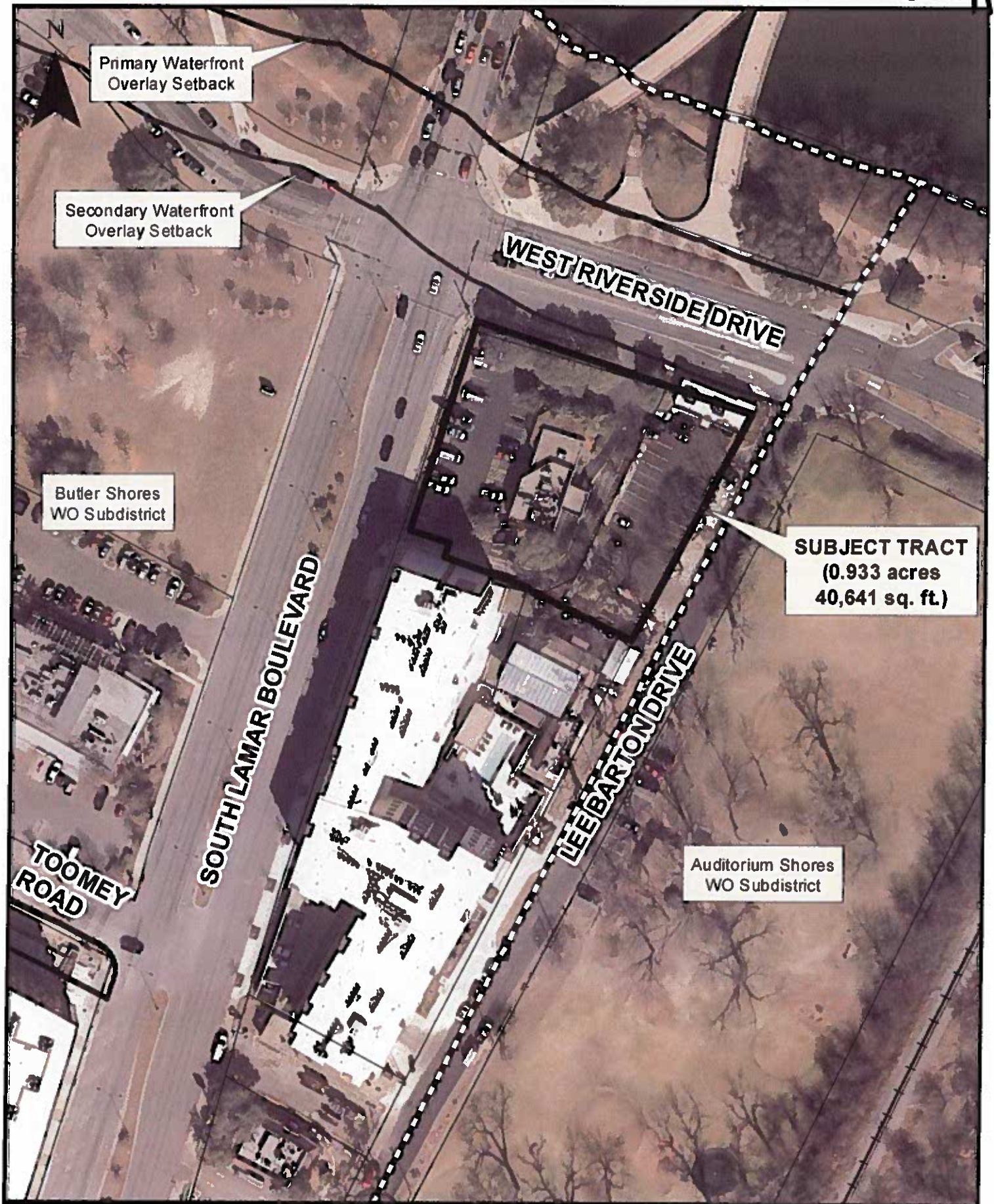


Exhibit A-1: Location

0 50 100 200 Feet

1 inch = 100 feet

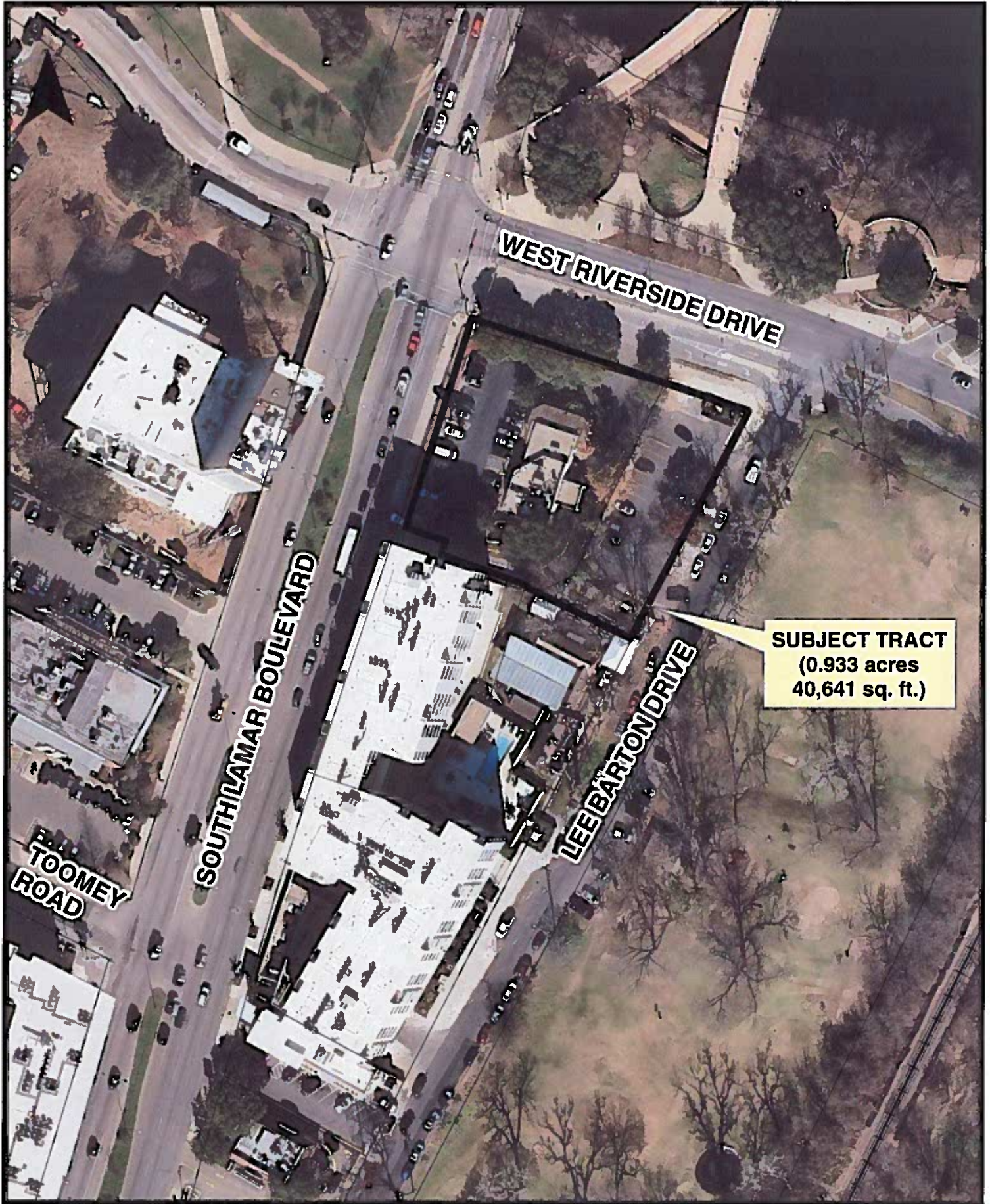


Imagery: 2009

Exhibit A-2: Site Context

0 50 100 200
Feet

1 inch = 100 feet

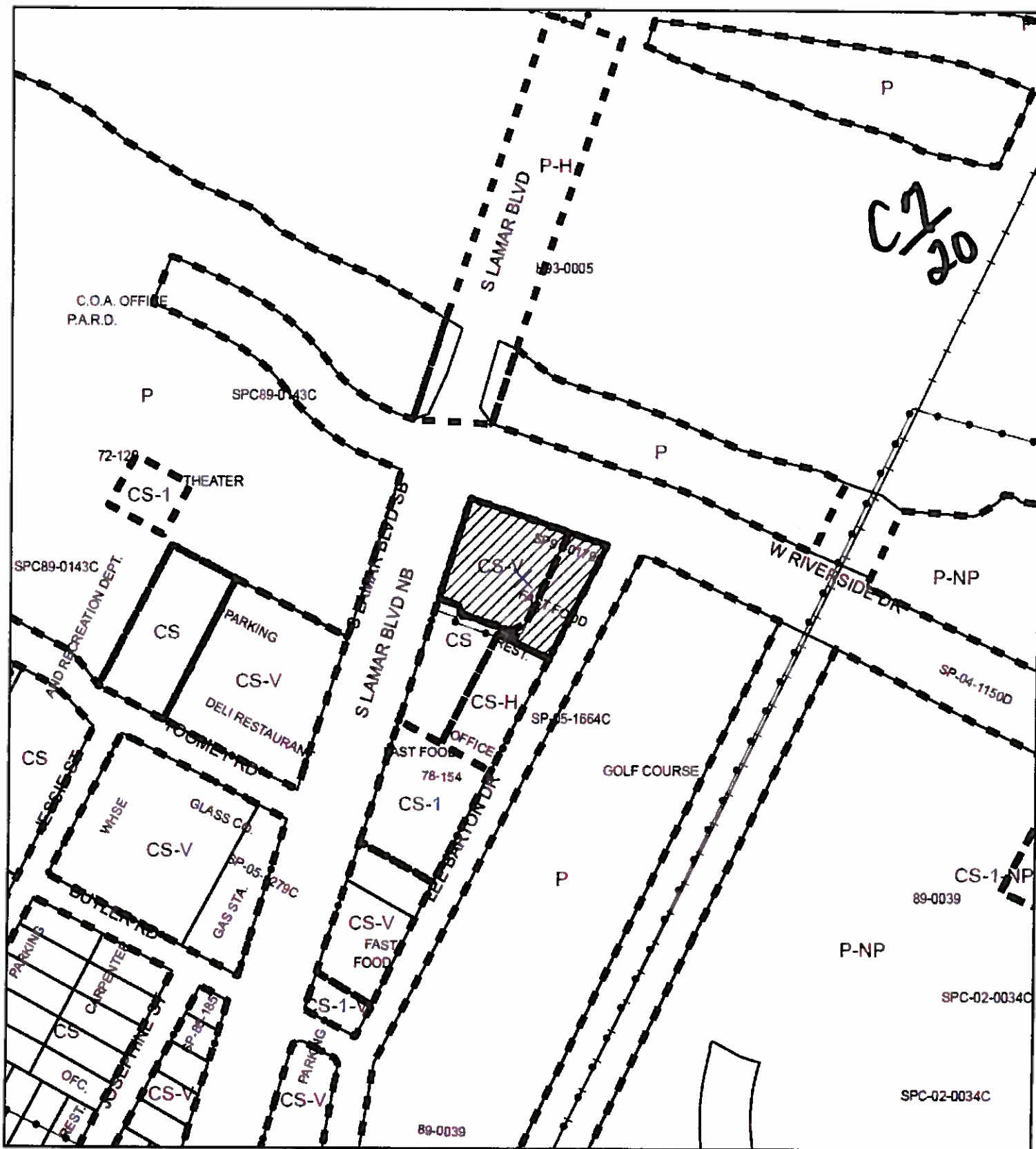


Imagery: 2012

Exhibit A-3: Aerial

0 50 100 200 Feet

1 inch = 100 feet



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C814-2012-0160

1" = 200'

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.



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.	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.	See notes described below, especially the following: 3, 4, 6, 7, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37 and 38.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than the development under the regulations in the Land Development Code.	Yes.	■ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Drive that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and	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 DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND

C7
2/1

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		treatment of untreated off-site stormwater. ▪ 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	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.
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a "storefront". The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Drive. ▪ The proposed off-site improvements include additional sidewalks along Lee Barton Drive and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. ▪ This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project. ▪ See additional notes referenced in this chart for other terms described herein.			
3. Provide a total amount of	Yes.	The PUD is required to provide 4,215 square feet of	NOTE 37.	THE	MINIMUM

Exhibit B - ¹³ C7 / 23

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.		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 4,636 square feet of open space.	AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 4,636 SQUARE FEET WHICH IS 10% ABOVE THE TIER 1 MINIMUM. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2 SUBCHAPTER E SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.
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 district regulations, historic area and landmark regulations and compatible	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 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	NOTE 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA. NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

with adjacent property and land uses.	parkland across Lee Barton Drive to the east of the project, by having the "U" opening towards the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage. • The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. • The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a significant 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.	STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE 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. 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
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		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). <u>NOTE 22.</u> THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND
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C7
26

Exhibit B -

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			(C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE; AND II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART 1 ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. <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 AND AS LONG AS THE PAGGI HOUSE REMAINS IN ITS CURRENT SIZE (INCLUDING USABLE OUTDOOR SPACE), 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
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C7
28
Exhibit B -

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			THE PROJECT'S PARKING GARAGE. 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 DRIVE. 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.
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical	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	NOTE 25. THE DEVELOPMENT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER

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29/7

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

environmental features, soils, waterways, topography and the natural and traditional character of the land.	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". 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.	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 PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF AND A MINIMUM 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 RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL
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630
Exhibit B -

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CURRENT ENVIRONMENTAL CRITERIA MANUAL'S APPENDIX T (REQUEST FOR FEE IN LIEU) AT THE TIME OF THIS PUD'S APPROVAL (\$_____). THE CALCULATED FEE SHALL BE BASED ON THE FULL BUILD OUT OF THE DEVELOPMENT WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT INTO THE URBAN WATERSHEDS STRUCTURAL CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS OF RECEIPT OF NOTICE FROM THE CITY OF AUSTIN FOLLOWING THE REMOVAL OF SAID WATER QUALITY FACILITIES. NOTE 32. THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE HALF-CRITICAL ROOT ZONES 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 DEVELOPMENT PERMIT
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C7
31
Exhibit B - 1

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			PROCESS THAT INCORPORATES THE FOLLOWING CONSTRUCTION PHASE PROTECTIONS, ALL OF WHICH SHALL BE DONE IN CONCERT WITH A CERTIFIED ARBORIST THAT HAS EXPERIENCE IN TRAVIS COUNTY, TEXAS: TREE PRUNING AS NECESSARY TO REMOVE LIMBS EXTENDING INTO THE BUILDING ENVELOPE (BUT NOT TO EXCEED ¼ OF THE CANOPY), CHAINLINK FENCING AROUND THE HALF CRITICAL ROOT ZONE, USE OF AN AIR SPADE TO LOOSEN COMPACTED SOILS AND BACKFILLING WITH QUALITY TOPSOIL, USE OF MULCH AT THE BASE OF TREES, VITAMINS INJECTED INTO TREE TRUNKS, AND REGULAR WATERING AND WASHING OF TREE LEAVES. NOTE 38. THE PROJECT WILL PROVIDE AND MAINTAIN THE THREE CURB INLET FILTERS IN THE EXISTING INLETS ON SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE, AND LEE BARTON DRIVE ADJACENT TO THE SITE.
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

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.	- 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.	<u>NOTE 23.</u> 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.	The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program. 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide	<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.

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		(Note: 90% is required under base regulations); 100% of the all landscaping on site will be irrigated by either stormwater 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).	<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 OR CITY OF AUSTIN RAIN GARDEN PLANT LIST. <u>NOTE 17.</u> 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORMWATER RUNOFF CONVEYED TO RAIN GARDENS OR 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.
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.	- 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	<u>NOTE 24.</u> THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS: A. A SIDEWALK ON LEE BARTON DRIVE FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK

37
34

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton Drive and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton Drive (crossing Lee Barton Drive at Riverside Drive). Two charging stations for electric vehicles will be provided in the parking garage.	PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON DRIVE); B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON DRIVE 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; C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON DRIVE AT THE INTERSECTION OF LEE BARTON DRIVE AND RIVERSIDE DRIVE. ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR SUCH 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.
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<u>NOTE 28.</u> 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. <u>NOTE 12.</u> NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD (HOWEVER RESIDENT PARKING AREAS MAY BE GATED). <u>NOTE 7.</u> DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE 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.
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.)	
11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	- 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 and remains in its current size, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently	

Exhibit B - 63/36

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		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.	<u>NOTE 22.</u> THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES)
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C7
37

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			FROM THE PROJECT'S SOUTHERN PROPERTY LINE; AND II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART 1 ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER
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C7
38

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. NOTE 31. 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 AND AS LONG AS THE PAGGI HOUSE REMAINS IN ITS CURRENT SIZE (INCLUDING USABLE OUTDOOR SPACE), 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. NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH
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C7
39/19
Exhibit B - 19

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. 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.		
	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.	12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. Yes.

C7
40

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

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.	<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 (§2.7.3.C & D). <u>NOTE 22.</u> THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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-

03/21

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE; AND II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE
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CM
22
5/2

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			PROJECT'S SOUTH LAMAR BOULEVARD (EDGE), WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART 1 ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE.
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</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

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Sidewalk and Building Placement).		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).
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.	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 DRIVE 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).

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier II Requirement	Compliance	Superiority	PUD Note
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.	Yes.	The PUD is required to provide 4,215 square feet of open space to meet the Tier I PUD requirements and 4,636 square feet of open space to meet the Tier II PUD requirement of 10% above the Tier I requirement. The PUD will meet or exceed 4,636 square feet of openspace onsite without seeking an alternative interpretation for the calculation of open space.	NOTE 37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 4,636 SQUARE FEET WHICH IS 10% ABOVE THE TIER I MINIMUM. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2 SUBCHAPTER E SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.
2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater	Yes.	• This PUD will not request any exceptions or modifications of environmental regulations. • The project will provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart "d" through the use of rain gardens and bio-filtration areas. • The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.	NOTE 25. THE DEVELOPMENT SHALL 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

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious		ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTUALLY AGREED UPON BY THE CITY 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 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 RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CURRENT ENVIRONMENTAL CRITERIA MANUAL'S APPENDIX T (REQUEST FOR FEE IN LIEU) AT THE TIME OF THIS PUD'S APPROVAL (\$_____). THE CALCULATED FEE SHALL BE BASED ON THE FULL BUILD OUT OF THE DEVELOPMENT WITHOUT REDEVELOPMENT CONSIDERATIONS AS PAYMENT
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C3
46

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may contribute to air or water quality pollutants. k. Employ other creative or innovative measures.			INTO THE URBAN WATERSHEDS STRUCTURAL CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS OF RECEIPT OF NOTICE FROM THE CITY OF AUSTIN FOLLOWING THE REMOVAL OF SAID WATER QUALITY FACILITIES. NOTE 38. THE PROJECT WILL PROVIDE AND MAINTAIN THE THREE CURB INLET FILTERS IN THE EXISTING INLETS ON SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE, AND LEE BARTON DRIVE ADJACENT TO THE SITE. SEE LIST OF PROHIBITED USES ON PAGE 1 OF THE LAND USE PLAN.
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	Yes.	The project will meet the Austin Green Builder program at a 3-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.
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.	NOTE 18. 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

Exhibit B - 27
C7
47

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			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 (<i>Design Standards and Mixed Use</i>)	Not applicable.	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).	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

C7
48
Exhibit B - 20

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

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 a reservation basis, and subject to reasonable rules and regulations.	(§2.7.3.C & D). NOTE 26. 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.
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" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area or in the planting or supplemental zone of adjacent streets. • The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. • The project will provide funding for off-site pedestrian improvements along Lee Barton Drive and Riverside Drive (including sidewalks and a	NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS: A. A SIDEWALK ON LEE BARTON DRIVE 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

C7
49

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		crosswalk) to increase the walking connectivity in the general area of the site.	PAVED PORTION OF LEE BARTON DRIVE); B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON DRIVE 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; C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON DRIVE AT THE INTERSECTION OF LEE BARTON DRIVE AND RIVERSIDE DRIVE. 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. NOTE 27. THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			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
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C7
51

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			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.
8. Building Design – Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	Yes.	The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet. The project will obtain a minimum of 13 points by providing a variety of design options.	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. 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

C17
52

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			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: A. THE PROJECT WILL ACHIEVE A 3 STAR RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM - 3 POINTS B. THE PROJECT WILL HAVE 2 LINER STORES IN THE PROJECT'S GROUND FLOOR RETAIL AREA - 2 POINTS 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 D. A PRIMARY ENTRANCE WILL BE DEMARKED BY INTEGRAL PLANTERS, ENHANCED EXTERIOR LIGHT FIXTURES, AND ARCHITECTURAL DETAILS - 1 POINT E. THE PROJECT WILL HAVE A DISTINCT ROOF DESIGN - 1 POINT F. 100% OF THE GLAZING USED ON THE GROUND FLOOR FACADE FACING STREETS OR
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C7
5/3
33

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			PARKING WILL HAVE A VISIBLE TRANSMITTANCE OF 0.6 OR HIGHER - 1 POINT G. 75% OF THE FACADE FACING THE PRINCIPAL STREET WILL BE STOREFRONT WITH A MINIMUM OF 2 SEPARATE ENTRANCES - 2 POINTS H. THE PROJECT WILL HAVE A 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	- 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%.	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 DRIVE 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. NOTE 36. THE CUMULATIVE

C7
54

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

10. Affordable housing programs to achieve affordable housing.	Yes.	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	AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON DRIVE 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).
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			

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		either providing on-site units or by paying a fee-in-lieu (calculated consistent with the assumptions above).	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 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).
11. Historic Preservation - Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	- 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 and remains in its current size, 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	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. NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE 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

C7
56

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

	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. EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED. NOTE 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. 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. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE PROJECT'S LEE BARTON DRIVE EDGE GENERALLY FROM THE PROJECT'S
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57

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 45 FEET (EXCLUDING BALCONIES) FROM THE PROJECT'S SOUTHERN PROPERTY LINE; AND II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT EXTEND ALL THE WAY TO THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE); WRAPPING THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER, AND EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I ABOVE; C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B
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C7
38

Exhibit B - 38

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE. NOTE 31. 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 AND AS LONG AS THE PAGGI HOUSE REMAINS IN ITS CURRENT SIZE (INCLUDING USABLE OUTDOOR SPACE), 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. NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL
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39

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. 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 TYPE A UNIT HAS SOME ELEMENTS THAT ARE CONSTRUCTED FOR ACCESSIBILITY [E.G., 32-INCH CLEAR WIDTH DOORS FOR

6/3
C3
Exhibit B -

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		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. 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 DRIVE. 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
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6/17

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.		
NOTE 13. 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.	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.	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.

C7
62

23

Exhibit B-43

0814-2012-0080

Page 1 of 4

SHEET
PROJECT NO. 108791-10003
REVISIONS BY: JMS
DATE: 07/17/12

211 SOUTH LAMAR
POST PAGEI, LLC

LAND USE PLAN

Bury+Partners
201 West 10th Street, Suite 100
Austin, Texas 78703
Tel: 512.476.1111
Fax: 512.476.1112
www.burypartners.com

PLANTING ZONE

CLEAR ZONE

SUPPLEMENTAL ZONE ONLY

PLAZA AND OUTDOOR SEATING AREA (AND SUPPLEMENTAL ZONE)

HALF-CRITICAL TREE ROOT ZONE

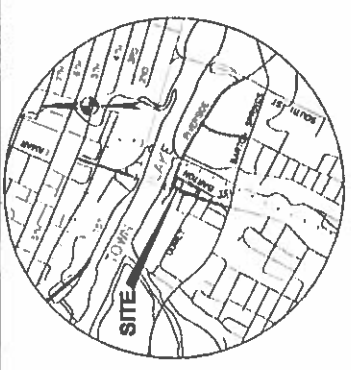
EXISTING DRIVE LOCATION. PROPOSED ON-STREET PARKING AREA SUBJECT TO APPROVAL FROM AUSTIN TRANSPORTATION DEPARTMENT DURING SITE PLAN PROCESS.

ACREAGE: 0.933

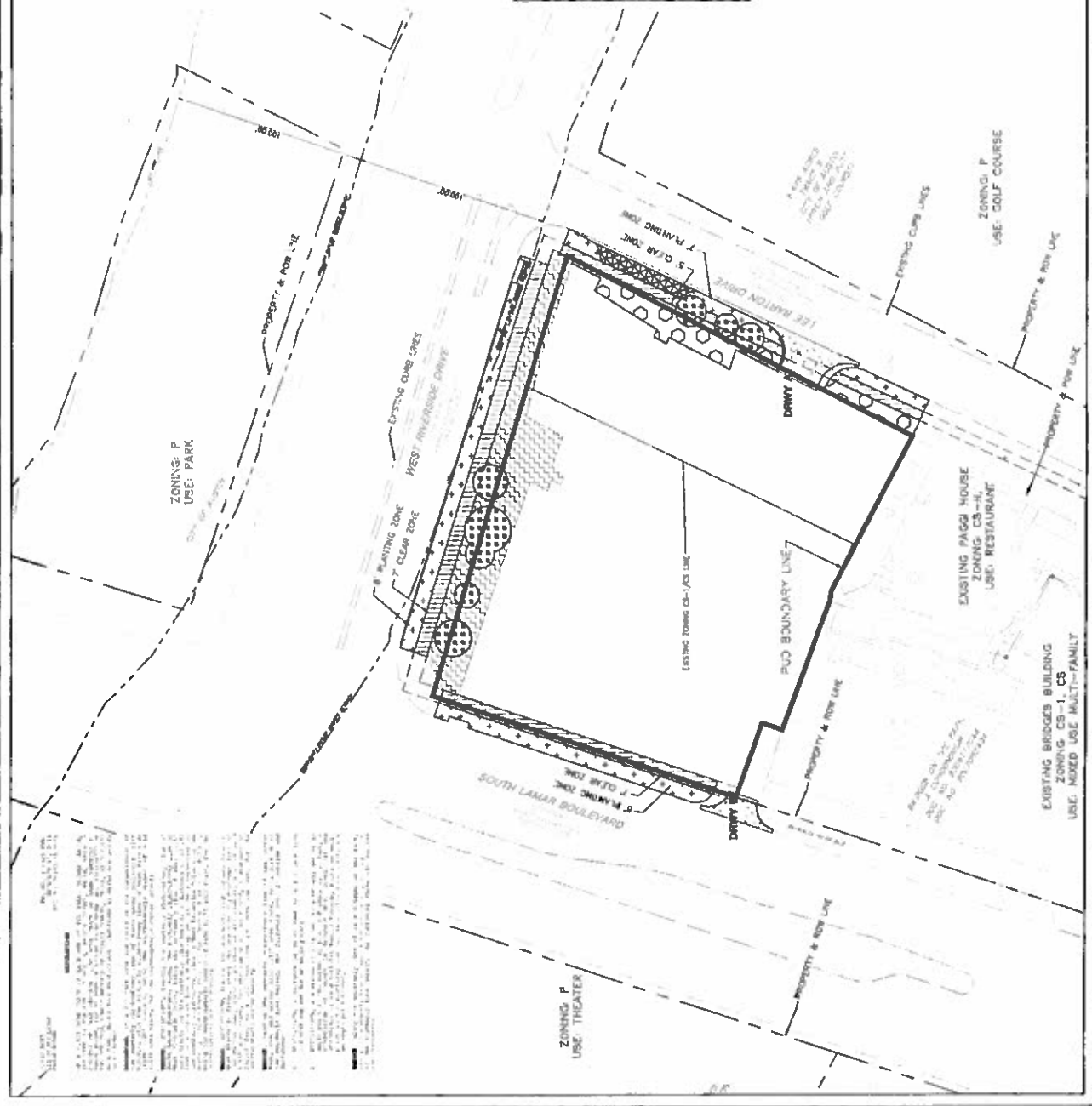
SITE DEVELOPMENT INDUSTRY: BASE DISTRICT: CS

USE	AREA
PLANTING ZONE	0.10
CLEAR ZONE	0.10
SUPPLEMENTAL ZONE ONLY	0.10
PLAZA AND OUTDOOR SEATING AREA (AND SUPPLEMENTAL ZONE)	0.10
HALF-CRITICAL TREE ROOT ZONE	0.10
EXISTING DRIVE LOCATION. PROPOSED ON-STREET PARKING AREA SUBJECT TO APPROVAL FROM AUSTIN TRANSPORTATION DEPARTMENT DURING SITE PLAN PROCESS.	0.10
TOTAL	0.933

PROPOSED USES	
RESIDENTIAL, SINGLE-FAMILY	RESIDENTIAL, SINGLE-FAMILY
RESIDENTIAL, TWO-FAMILY	RESIDENTIAL, TWO-FAMILY
RESIDENTIAL, THREE-FAMILY	RESIDENTIAL, THREE-FAMILY
RESIDENTIAL, FOUR-FAMILY	RESIDENTIAL, FOUR-FAMILY
RESIDENTIAL, FIVE-FAMILY	RESIDENTIAL, FIVE-FAMILY
RESIDENTIAL, SIX-FAMILY	RESIDENTIAL, SIX-FAMILY
RESIDENTIAL, SEVEN-FAMILY	RESIDENTIAL, SEVEN-FAMILY
RESIDENTIAL, EIGHT-FAMILY	RESIDENTIAL, EIGHT-FAMILY
RESIDENTIAL, NINE-FAMILY	RESIDENTIAL, NINE-FAMILY
RESIDENTIAL, TEN-FAMILY	RESIDENTIAL, TEN-FAMILY
RESIDENTIAL, ELEVEN-FAMILY	RESIDENTIAL, ELEVEN-FAMILY
RESIDENTIAL, TWELVE-FAMILY	RESIDENTIAL, TWELVE-FAMILY
RESIDENTIAL, THIRTEEN-FAMILY	RESIDENTIAL, THIRTEEN-FAMILY
RESIDENTIAL, FOURTEEN-FAMILY	RESIDENTIAL, FOURTEEN-FAMILY
RESIDENTIAL, FIFTEEN-FAMILY	RESIDENTIAL, FIFTEEN-FAMILY
RESIDENTIAL, SIXTEEN-FAMILY	RESIDENTIAL, SIXTEEN-FAMILY
RESIDENTIAL, SEVENTEEN-FAMILY	RESIDENTIAL, SEVENTEEN-FAMILY
RESIDENTIAL, EIGHTEEN-FAMILY	RESIDENTIAL, EIGHTEEN-FAMILY
RESIDENTIAL, NINETEEN-FAMILY	RESIDENTIAL, NINETEEN-FAMILY
RESIDENTIAL, TWENTY-FAMILY	RESIDENTIAL, TWENTY-FAMILY
RESIDENTIAL, TWENTY-ONE-FAMILY	RESIDENTIAL, TWENTY-ONE-FAMILY
RESIDENTIAL, TWENTY-TWO-FAMILY	RESIDENTIAL, TWENTY-TWO-FAMILY
RESIDENTIAL, TWENTY-THREE-FAMILY	RESIDENTIAL, TWENTY-THREE-FAMILY
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RESIDENTIAL, THIRTY-FAMILY	RESIDENTIAL, THIRTY-FAMILY
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RESIDENTIAL, THIRTY-NINE-FAMILY	RESIDENTIAL, THIRTY-NINE-FAMILY
RESIDENTIAL, FORTY-FAMILY	RESIDENTIAL, FORTY-FAMILY
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RESIDENTIAL, FORTY-THREE-FAMILY	RESIDENTIAL, FORTY-THREE-FAMILY
RESIDENTIAL, FORTY-FOUR-FAMILY	RESIDENTIAL, FORTY-FOUR-FAMILY
RESIDENTIAL, FORTY-FIVE-FAMILY	RESIDENTIAL, FORTY-FIVE-FAMILY
RESIDENTIAL, FORTY-SIX-FAMILY	RESIDENTIAL, FORTY-SIX-FAMILY
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RESIDENTIAL, FORTY-NINE-FAMILY	RESIDENTIAL, FORTY-NINE-FAMILY
RESIDENTIAL, FIFTY-FAMILY	RESIDENTIAL, FIFTY-FAMILY
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RESIDENTIAL, FIFTY-TWO-FAMILY	RESIDENTIAL, FIFTY-TWO-FAMILY
RESIDENTIAL, FIFTY-THREE-FAMILY	RESIDENTIAL, FIFTY-THREE-FAMILY
RESIDENTIAL, FIFTY-FOUR-FAMILY	RESIDENTIAL, FIFTY-FOUR-FAMILY
RESIDENTIAL, FIFTY-FIVE-FAMILY	RESIDENTIAL, FIFTY-FIVE-FAMILY
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RESIDENTIAL, FIFTY-SEVEN-FAMILY	RESIDENTIAL, FIFTY-SEVEN-FAMILY
RESIDENTIAL, FIFTY-EIGHT-FAMILY	RESIDENTIAL, FIFTY-EIGHT-FAMILY
RESIDENTIAL, FIFTY-NINE-FAMILY	RESIDENTIAL, FIFTY-NINE-FAMILY
RESIDENTIAL, SIXTY-FAMILY	RESIDENTIAL, SIXTY-FAMILY
RESIDENTIAL, SIXTY-ONE-FAMILY	RESIDENTIAL, SIXTY-ONE-FAMILY
RESIDENTIAL, SIXTY-TWO-FAMILY	RESIDENTIAL, SIXTY-TWO-FAMILY
RESIDENTIAL, SIXTY-THREE-FAMILY	RESIDENTIAL, SIXTY-THREE-FAMILY
RESIDENTIAL, SIXTY-FOUR-FAMILY	RESIDENTIAL, SIXTY-FOUR-FAMILY
RESIDENTIAL, SIXTY-FIVE-FAMILY	RESIDENTIAL, SIXTY-FIVE-FAMILY
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RESIDENTIAL, SIXTY-EIGHT-FAMILY	RESIDENTIAL, SIXTY-EIGHT-FAMILY
RESIDENTIAL, SIXTY-NINE-FAMILY	RESIDENTIAL, SIXTY-NINE-FAMILY
RESIDENTIAL, SEVENTY-FAMILY	RESIDENTIAL, SEVENTY-FAMILY
RESIDENTIAL, SEVENTY-ONE-FAMILY	RESIDENTIAL, SEVENTY-ONE-FAMILY
RESIDENTIAL, SEVENTY-TWO-FAMILY	RESIDENTIAL, SEVENTY-TWO-FAMILY
RESIDENTIAL, SEVENTY-THREE-FAMILY	RESIDENTIAL, SEVENTY-THREE-FAMILY
RESIDENTIAL, SEVENTY-FOUR-FAMILY	RESIDENTIAL, SEVENTY-FOUR-FAMILY
RESIDENTIAL, SEVENTY-FIVE-FAMILY	RESIDENTIAL, SEVENTY-FIVE-FAMILY
RESIDENTIAL, SEVENTY-SIX-FAMILY	RESIDENTIAL, SEVENTY-SIX-FAMILY
RESIDENTIAL, SEVENTY-SEVEN-FAMILY	RESIDENTIAL, SEVENTY-SEVEN-FAMILY
RESIDENTIAL, SEVENTY-EIGHT-FAMILY	RESIDENTIAL, SEVENTY-EIGHT-FAMILY
RESIDENTIAL, SEVENTY-NINE-FAMILY	RESIDENTIAL, SEVENTY-NINE-FAMILY
RESIDENTIAL, EIGHTY-FAMILY	RESIDENTIAL, EIGHTY-FAMILY
RESIDENTIAL, EIGHTY-ONE-FAMILY	RESIDENTIAL, EIGHTY-ONE-FAMILY
RESIDENTIAL, EIGHTY-TWO-FAMILY	RESIDENTIAL, EIGHTY-TWO-FAMILY
RESIDENTIAL, EIGHTY-THREE-FAMILY	RESIDENTIAL, EIGHTY-THREE-FAMILY
RESIDENTIAL, EIGHTY-FOUR-FAMILY	RESIDENTIAL, EIGHTY-FOUR-FAMILY
RESIDENTIAL, EIGHTY-FIVE-FAMILY	RESIDENTIAL, EIGHTY-FIVE-FAMILY
RESIDENTIAL, EIGHTY-SIX-FAMILY	RESIDENTIAL, EIGHTY-SIX-FAMILY
RESIDENTIAL, EIGHTY-SEVEN-FAMILY	RESIDENTIAL, EIGHTY-SEVEN-FAMILY
RESIDENTIAL, EIGHTY-EIGHT-FAMILY	RESIDENTIAL, EIGHTY-EIGHT-FAMILY
RESIDENTIAL, EIGHTY-NINE-FAMILY	RESIDENTIAL, EIGHTY-NINE-FAMILY
RESIDENTIAL, NINETY-FAMILY	RESIDENTIAL, NINETY-FAMILY
RESIDENTIAL, NINETY-ONE-FAMILY	RESIDENTIAL, NINETY-ONE-FAMILY
RESIDENTIAL, NINETY-TWO-FAMILY	RESIDENTIAL, NINETY-TWO-FAMILY
RESIDENTIAL, NINETY-THREE-FAMILY	RESIDENTIAL, NINETY-THREE-FAMILY
RESIDENTIAL, NINETY-FOUR-FAMILY	RESIDENTIAL, NINETY-FOUR-FAMILY
RESIDENTIAL, NINETY-FIVE-FAMILY	RESIDENTIAL, NINETY-FIVE-FAMILY
RESIDENTIAL, NINETY-SIX-FAMILY	RESIDENTIAL, NINETY-SIX-FAMILY
RESIDENTIAL, NINETY-SEVEN-FAMILY	RESIDENTIAL, NINETY-SEVEN-FAMILY
RESIDENTIAL, NINETY-EIGHT-FAMILY	RESIDENTIAL, NINETY-EIGHT-FAMILY
RESIDENTIAL, NINETY-NINE-FAMILY	RESIDENTIAL, NINETY-NINE-FAMILY
RESIDENTIAL, HUNDRED-FAMILY	RESIDENTIAL, HUNDRED-FAMILY



NEIGHBORHOOD MAP



4. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

[illegible]

Exhibit B-45

C814-2012-0160

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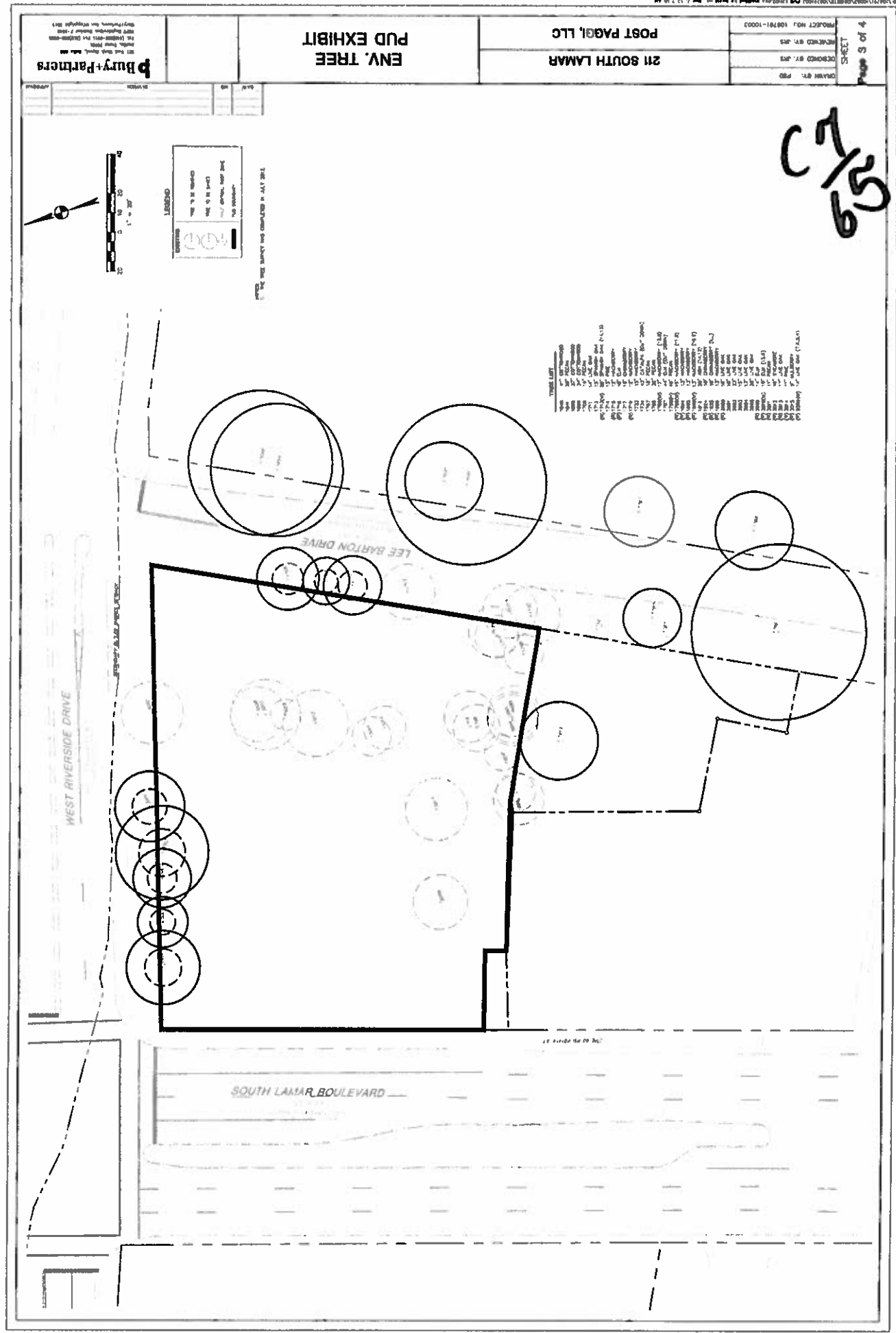
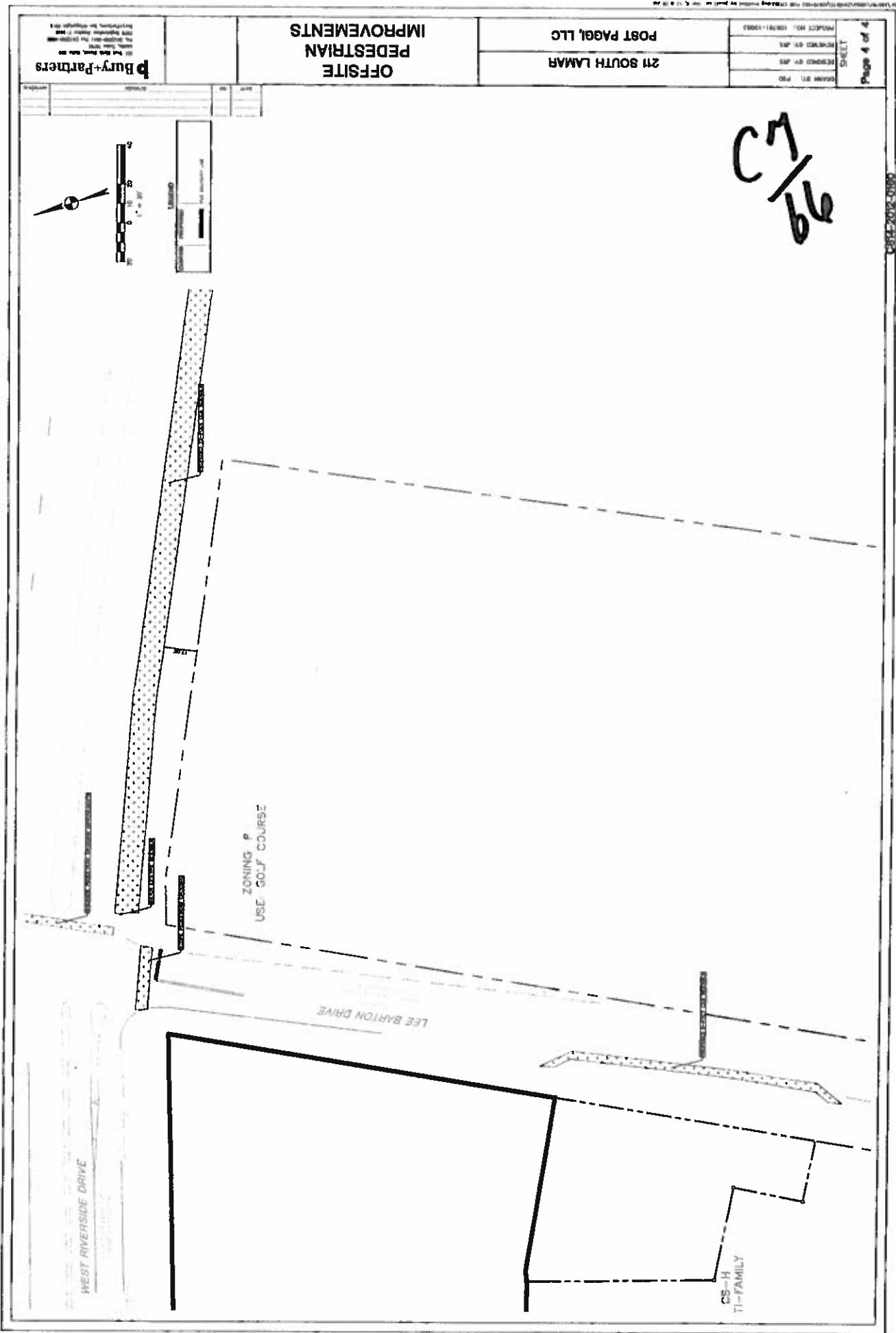


Exhibit B-46



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

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69

Dear Mr. Heckman,

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

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

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

We appreciate your attention and support.

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

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

C7
68

File Number: CD-2012-0021

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

To: Austin City Council

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

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

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