

**ZONING CHANGE REVIEW SHEET**

**CASE:** C814-06-0106.01/  
Hyatt PUD Amendment

**W.P.A.B. DATE:** August 12, 2013  
**P.C. DATE:** August 27, 2013

**ADDRESS:** 208 Barton Springs Road

**TOTAL PUD AREA:** 9.567 acres

**AREA OF AMENDMENT :** 6.79 ACRES

**OWNER:** Tantallon Austin Hotel, LLC (Terry M. Shaikh)

**APPLICANT:** Graves, Dougherty, Hearon & Moody, P.C. (Michael J. Whellan)

**ZONING FROM:** PUD-NP; Planned Unit Development-Neighborhood Plan

**ZONING REQUEST TO:** PUD-NP; Planned Unit Development-Neighborhood Plan, to  
change a condition of zoning

**NEIGHBORHOOD PLAN AREA:** Bouldin Creek Neighborhood Plan Area

**SUMMARY STAFF RECOMMENDATION:**

To grant the requested PUD amendment to allow commercial off-street parking as a permitted use on the West and South Parcels.

**WATERFRONT PLANNING ADVISORY BOARD RECOMMENDATION:**

August 12, 2013: *To grant the requested PUD amendment, as Staff recommended  
[E. Schultz; T. Zickert – 2nd] (6-0) 1 vacancy on the Board*

**DEPARTMENT COMMENTS:**

The subject property is south of Lady Bird Lake, between S Congress Avenue and S 1<sup>st</sup> Street, north of the Barton Springs Road & W Riverside Drive intersection (please see Exhibits A). The property is adjacent to S 1<sup>st</sup> Street and across from Auditorium Shores to the west; S Congress Avenue, and the Austin American Statesman campus lie to the east. A mixture of uses, including multifamily, offices, restaurant and retail uses complete the block.

This 9.567-acre Planned Unit Development (PUD) was approved in 2007 by the Planning Commission and City Council, prior to the PUD ordinance revisions adopted in 2008. The PUD property is a developed one, with the existing Hyatt Regency Austin, a 448-room hotel, surface parking to the west adjacent to S 1<sup>st</sup> Street, and a ballroom/parking garage under construction to the south, fronting Barton Springs Road. The hotel has occupied this site since 1980. The property lies within the South Shore Central Waterfront Overlay District, and a portion of the Town Lake Hike & Bike Trail crosses the property.

In 2005, FF Realty, an affiliate of Fairfield Residential, LLC, purchased the property. Arrangements were made to continue the Hyatt's hotel operations, but Fairfield wished to further develop the property with a mixed-use development, which necessitated a zoning change from then-existing CS-1-NP and L-NP. As approved in the Fairfield/Hyatt PUD (see Exhibit B), two 200-foot tall additional mixed-use buildings were allowed, along with the potential for retail, parking, office, and residential uses. Prohibited uses and site development standards were identified for each of three tracts, or parcels – the Hotel Parcel, the South Parcel, and the West Parcel, as depicted on the Land Use Plan (see Exhibit C).

C11/2

The requested amendment does not result in any new development on the property or change any site development standard. It concerns only the South and West Parcels, 6.97 acres of the PUD site, and only involves the request to allow for commercial off-street parking as a permitted use on these Parcels (see Exhibit D for request and proposed ordinance amendments).

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	PUD-NP	Hotel and Parking
<i>North</i>	P-NP; Unzoned; L-NP	Trail & Private Boat Access; Lady Bird Lake; Trail Access
<i>South</i>	L-V-NP; PUD; LI-NP; CS-1-V-NP; LI-PDA-NP	Office Uses; Mixed-Use (under development); Restaurants; and Vacant
<i>East</i>	PUD-NP	Office Uses
<i>West</i>	P-NP	Auditorium Shores

**AREA STUDY:** No

**WATERSHED:** Lady Bird Lake Watershed

**CAPITOL VIEW CORRIDOR:** No

**TIA:** Not Required

**DESIRED DEVELOPMENT ZONE:** Yes

**HILL COUNTRY ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

Bouldin Creek Neighborhood Assn.	127
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Save Town Lake.Org	1004
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Waterfront Planning Advisory Board	1243
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Waterfront Planning Advisory Board	1366
Beyond2ndNature	1409
Preservation Austin	1424

**SCHOOLS:**

Austin Independent School District  
 Travis Heights Elementary School

Fulmore Middle School

Travis High School

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic Count
Barton Springs Road	Varies (80'-100')	Varies (60'-80')	Minor Arterial Divided 4-lanes (MNR 4)	Not Available
S 1 <sup>st</sup> Street	Varies (approx. 135')	Varies (approx. 80')	Major Arterial Undivided 6-lanes (MAU 6)	Not Available

**ABUTTING TRANSIT:**

Name	Sidewalks	Capital Metro Bus Service	Existing Bicycle Facility	Recommended Bicycle Facility (2009 Plan)
Barton Springs Road	Yes	Yes	Yes	Bicycle Lane
S 1 <sup>st</sup> Street	Yes	Yes	Yes	Multi-use Path

**CASE HISTORIES:**

In addition to specific cases noted below, property to the west of S Congress Avenue is part of the Bouldin Creek Neighborhood Plan, adopted in 2002. The related zoning case, C14-02-0031, was approved in May 2002 and applied the Neighborhood Plan (NP) combining district zoning. Related, in January 2008 the Vertical Mixed Use Building (V) option was adopted for the Bouldin Creek Neighborhood (Case C14-2007-0220).

Property to the east of S Congress Avenue is in the South River City Neighborhood, and was part of the Greater South River City Neighborhood Plan adopted in 2005, along with its associated NP combining district ordinance (in Case C14-05-0139). Vertical mixed use building was also adopted for the South River City area in December 2007 (in Case C14-2007-0224).

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
155 S 1 <sup>st</sup> Street C14P-73-037	6 Story Office Building on L, 2 <sup>nd</sup> & 4 <sup>th</sup> H&A		Approved; 07/09/1981
201 S 1 <sup>st</sup> Street & 422 W Riverside C814-2012-0071	LI-NP to PUD	Recommended; 09/11/2012	Approved Broadstone on the Lake PUD; 10/18/2013
507 S 1 <sup>st</sup> Street and 507 Barton Springs Road C14-2007-0220(Part)	CS-1-NP to CS-1-V-NP	Recommended; 12/11/2007	Approved; 01/08/2008

166 Block of East Riverside & 305 S Congress Avenue C814-89-0003	From L, CS, & CS-1 to PUD	Recommended; 06/08/1989	Approved Austin American Statesman PUD; 07/20/1989
C814-89-0003	From PUD to PUD	Recommended; 10/26/1993	Approved PUD Amendment**; 12/02/1993
222 and 300 East Riverside Drive C814-2008-0165	From L-NP & L-V-NP to PUD	Recommended; 08/26/2008	Approved East Riverside PUD; 10/16/2008
801 ½ S 1 <sup>st</sup> St C14-2011-0032	From UNZ to SF-2-NP	Recommended; 05/24/2011	Approved; 06/09/2011
C14-2011-0159	SF-2 to NO-NP	Recommended; 12/13/2011	Approved; 01/12/2012

\* This tract was part of the neighborhood vertical mixed use building opt-in program, but was delayed because of a concern over a Neighborhood Plan Amendment. The tract covers both City-owned property and a private hotel.

\*\* The PUD amendment extended from 5 years to 8 years the length of time to relocate existing vehicle maintenance facilities to an alternate site.

#### **RELATED CASE HISTORIES:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
400-430 W Riverside; 108-124 Barton Springs Road; & 170-300 E Riverside C14-72-161	From "C" Commercial & "D" Industrial, 1 <sup>st</sup> , 2 <sup>nd</sup> , & 4 <sup>th</sup> H&A to "L" Lake	Recommended	Approved; 08/10/1972
108-302 Barton Springs Road & 131-153 S 1 <sup>st</sup> St C14-79-137	L, 1 <sup>st</sup> & 4 <sup>th</sup> H&A to C-2, 4 <sup>th</sup> H&A	Recommended	Approved; 08/09/1979
208 Barton Springs Road C14P-79-27	Site Plan Approval		Approved for Commercial Boat Dock Construction & Rock Stair Retaining Wall on Town Lake for Hyatt; 04/29/1982
208 Barton Springs Road C814-06-0106	CS-1-NP & L-NP to PUD-NP	Recommended; 11/28/2006	Approved Fairfield/Hyatt PUD; 02/15/2007

**CITY COUNCIL DATE:** September 26, 2013

#### **ORDINANCE READINGS:**

1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

CW/B

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail address: wendy.rhoades@austintexas.gov

**PHONE:** 512-974-7719

C17/6

**STAFF RECOMMENDATION****C814-06-0106.01**

To grant the requested PUD amendment to allow commercial off-street parking as a permitted use on the West and South Parcels.

**BASIS FOR RECOMMENDATION**

At the time the PUD was proposed in 2006, staff recommended that all conditional uses under CS-I-NP and L-NP should remain as conditional uses in the proposed PUD. A list of prohibited uses was specified for each of the PUD's Parcels, but commercial off-street parking was not listed as a prohibited use on any Parcel. Rather, commercial off-street parking is a conditional use under L zoning; it is a permitted use in CS-1 zoning.

This is a developed site with a hotel, parking garage under construction, and surface parking. It is fair to state that general parking for the public in this area is challenging, especially for weekend or special events. The applicant has indicated that the Hyatt may have excess parking after completion of the new parking garage on the South Parcel. The Hyatt simply wishes to make this extra capacity available, as the opportunity presents itself.

Staff's recommendation of approval of the original Fairfield/Hyatt PUD was based on the following considerations: 1) The proposed land uses are compatible with existing and proposed commercial development; 2) The Bouldin Creek Future Land Use Map designates this site for mixed-uses; 3) Recommended conditions will yield a superior development vs. traditional rezoning; and 4) All other terms and conditions in of Ordinance No 020523-33 (the Bouldin Creek Neighborhood Plan) shall remain in place.

The addition of allowing commercial off-street parking does not conflict with staff's previous assessment nor does it alter the existing PUD in any fundamental way. In short, there is accessory parking on the South and West parcels now. Allowing commercial off-street parking on these tracts, as the capacity requirements of the hotel allow, can serve a community need with minimal, if any, detrimental impact on hotel guests, adjacent commercial and future residential properties, or the larger community.

C11/7

**SITE CHARACTERISTICS, EXISTING CONDITIONS, & REVIEW COMMENTS**

The existing Planned Unit Development (PUD) covers 9.567 acres; the proposed amendment affects 6.79 acres of the site, identified as the West and South Parcels on the associated land use plan. The primary structure on the site is the existing Hyatt Regency Austin, a 448-room hotel that occupies the Hotel Parcel. The South Parcel, which abuts Barton Springs Road, is being developed with a Ballroom and Parking Garage. The West Parcel, which abuts S 1<sup>st</sup> Street, is currently use for surface parking.

The property lies within the Shore Central Waterfront Overlay District, and a portion of the Town Lake Hike & Bike Trail crosses the property at the edge of Lady Bird Lake.

**PDR Comprehensive Planning Review**

August 7, 2013 (KF)

Approved with no additional comments.

**PDR Environmental Review**

July 26, 2013 (MM)

No environmental review comments.

**Fire Department – For Site Plan Review**

July 31, 2013 (RC)

PUD Amendment is approved subject to the following comment:

Any parking reconfiguration cannot overlap or impede access to designated fire lanes.

**PDR Site Plan Review**

June 14, 2013 (MSS)

SP 1. The applicant proposes to amend the existing Planned Unit Development agreement to include Commercial Off-Street Parking as a permitted use. There are no Site Plan comments to be provided at this time.

**PDR Transportation Review**

August 7, 2013 (CG)

TR1. A traffic impact analysis was previously completed with zoning case C814-06-0106.

C11/4

**TR2. Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Daily Traffic
Barton Springs Road	Varies (80'-100')	Varies (60'-80')	Minor Arterial Divided 4-lanes (MNR 4)	Not Available

TR3. There are existing sidewalks along Barton Springs Road.

TR4. Additional comments may be provided by Eric Dusza in the Neighborhood Connectivity Department regarding mobility enhancement and facilities.

TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle lanes exist along Barton Springs Road.

TR6. Capital Metro bus service (route nos.5, 10, and 30) is available along Barton Springs Road.

**PDR Water Quality Review**

---

August 7, 2013 (BH)

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY, AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

This site is located at 208 Barton Springs Road in the Town Lake Watershed, which is classified as an Urban Watershed.

WQ1. There is no outstanding water quality related issue.

All water quality comments are cleared.

**Austin Water Utility Review**

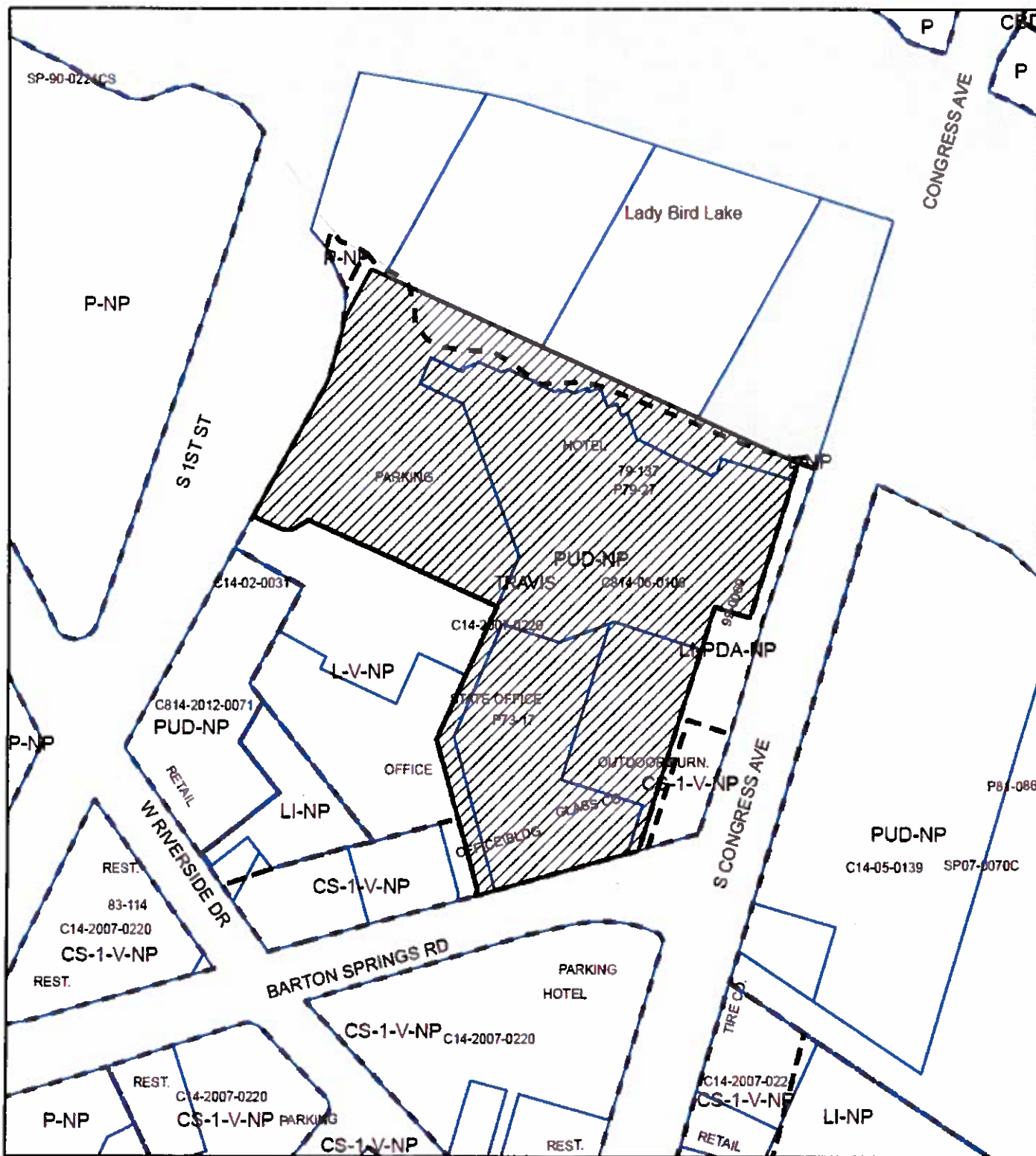
---




July 22, 2013 (NK)

WW1. No comments to this PUD revision



C17/9



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**PLANNED UNIT DEVELOPMENT**  
**ZONING CASE#: C814-06-0106.01**

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.



## Exhibit A - 1 Zoning



CIM 10



Imagery: 2013-03

Exhibit A - 1  
Aerial and Zoning



C12/11

**ORDINANCE NO. 20070215-043**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE FAIRFIELD/HYATT PUD PROJECT LOCATED AT 208 BARTON SPRINGS ROAD IN THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA FROM LAKE COMMERCIAL-NEIGHBORHOOD PLAN (L-NP) COMBINING DISTRICT AND COMMERCIAL-LIQUOR SALES-NEIGHBORHOOD PLAN (CS-1-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base zoning district from lake commercial-neighborhood plan (L-NP) combining district and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in File C814-06-0106 on record at the Neighborhood Planning and Zoning Department, as approximately 9.567 acres of land, being more particularly described by metes and bounds in Exhibit A (*Description of Property*) incorporated into this ordinance (the "Property"), locally known as the property located at 208 Barton Springs Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit B (*Zoning Map*).

**PART 2.** This ordinance, together with the attached Exhibits A through J, are the land use plan for the Fairfield/Hyatt planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the Fairfield/Hyatt planned unit development land use plan (the "Land Use Plan"). If this ordinance and the attached exhibits conflict, the ordinance applies. If either the Land Use Plan attached as Exhibit C, or the Land Use Plan with Maximum Shoreline Reclamation attached as Exhibit I, conflicts with a requirement, prohibition or other provision of Exhibit D, E, or F, the requirement, prohibition, or other provision of Exhibit D, E, or F, applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City, including Ordinance No. 020523-33, in effect on the effective date of this ordinance apply to the PUD.

**PART 3.** The Property is subject to Ordinance No. 020523-33 that established the Bouldin Creek neighborhood plan combining district.

C11  
12

**PART 4.** The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A:	Description of Property
Exhibit B:	Zoning Map
Exhibit C:	Land Use Plan
Exhibit D:	Phasing Plan
Exhibit E:	Permitted Uses Table
Exhibit F:	Site Development Regulations
Exhibit G:	Field Notes for former CS-1-NP Portion of South Parcel
Exhibit H:	Existing Conditions Plan
Exhibit I:	Land Use Plan with Maximum Shoreline Reclamation
Exhibit J:	Green Building Program

**PART 5. Definitions.**

A. In this ordinance:

1. **PARCEL.** The PUD is divided into three separate Parcels: the Hotel Parcel, the West Parcel and the South Parcel which shall be used and developed according to the Phasing Plan.
2. **HOTEL PARCEL** means the area shown on the Land Use Plan generally along Town Lake on the north where the existing hotel is located and on which certain uses and site development regulations apply.
3. **WEST PARCEL** means the area shown on the Land Use Plan generally along the South First Street on the west and on which certain uses and site development regulations apply.
4. **SOUTH PARCEL** means the area shown on the Land Use Plan generally located along the Barton Springs Road to the south and on which certain uses and site development regulations apply.
5. **PHASING PLAN** means the plan of development for the PUD as shown in Exhibit D. Any portion of any Parcel may be developed as a phase and any phase may be implemented at any time.



B. All other terms have the meaning provided in the Code.

C 12/13

**PART 6. Use Regulations.**

- A. The locations of the Parcels and land use areas within the PUD are shown on Exhibit C (*Land Use Plan*).
- B. Permitted, conditional and prohibited uses applicable to each Parcel land use area are shown in Exhibit E (*Permitted Uses Table*).

**PART 7.** In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the site development regulations as shown on Exhibit F (*Site Development Regulations*) apply to the PUD instead of otherwise applicable City regulations.

**PART 8.** This ordinance takes effect on February 26, 2007.

**PASSED AND APPROVED**

February 15, 2007      §  
§  
§      Will Wynn  
Will Wynn  
Mayor

**APPROVED:** David Allan Smith  
David Allan Smith  
City Attorney

**ATTEST:** Shirley A. Gentry  
Shirley A. Gentry  
City Clerk

9.567 Acres  
Fairfield Town Lake/Zilker LP.  
Travis County, Texas

EXHIBIT A -

FN 4121(EMD)  
March 03, 2006  
SAM, Inc. Job No. 25184-01

C12  
14

**9.567 ACRES**

DESCRIPTION OF A 9.567 (416,730 SQ. FT.) ACRE TRACT OF LAND, BEING ALL OF THAT CALLED TRACT 1 AND TRACT 2, AS DESCRIBED IN THE DEED TO FAIRFIELD TOWN LAKE/ZILKER LP., AS RECORDED IN DOCUMENT NO. 2005191745, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9.567 (416,739 SQ. FT.) TRACT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found in the north right-of-way line of Barton Springs Road (100' Right-of-Way), same being the southwest corner of a called 0.575 acre tract of land, described in deed to Bathhaus Ltd. as recorded in Document No. 2001174688 of the Official Public Records of Travis County, Texas, for the most southerly southeast corner of said Tract 1, and the tract described herein;

**THENCE**, with the north right-of-way line of Barton Springs Road, S 76°21'17" W, a distance of 266.27 feet to an "X" cut in the concrete at the most southerly southwest corner of said Tract 1, and the southeast corner of that called Lot 5B of the Resubdivision of T.L. Subdivision No. 1 as per plat duly recorded in Document No. 200200297, of the Official Plat Records of Travis County, Texas, same being the southeast corner of a 30' Access Easement recorded in Volume 68, Page 52 of the Plat Records of Travis County, Texas;

**THENCE** with the common line of said Tract 1, and said Lot 5B and the east line of said 30' Access Easement, N 12°44'42" E, a distance of 11.11 feet to a cotton spindle found;

**THENCE** continuing with said common line, N 13°40'38" W, a distance of 244.01 feet to a cotton spindle found;

**THENCE** continuing with said common line, N 26°12'00" E, a distance of 228.38 feet to a cotton spindle found;

**THENCE**, with the common line of said Tract 1 and a called Lot 5A, of said Resubdivision, the following four (4) courses and distances:

1. N 63°46'01" W, a distance of 327.55 feet to a 1/2-inch iron rod found;
2. S 62°04'24" W, a distance of 22.51 feet to a concrete nail found at a point of non-tangent curve from which a pk nail with washer stamped "UDG" bears N 12°05'20" E, a distance of 1.44 feet;
3. with a non-tangent curve to the right a distance of 28.01 feet, through a central angle of 53°29'14" having a radius of 30.00 feet, and whose chord bears N 89°43'07" W, a distance of 27.00 feet to a concrete nail found from which a pk nail with washer stamped "UDG" bears N 22°19'24" E, a distance of 1.35 feet, and
4. N 63°48'50" W, a distance of 45.28 feet to a 1/2-inch iron rod found for the southwest corner of said Tract 1 and the northwest corner of said Lot 5A same being in the east right-of-way line of the frontage road of South First Street (variable width);

**THENCE**, with the common line of the frontage road of South First Street and said Tract 1, N 30°54'58" E, a distance of 150.66 feet to a 1/2-inch iron rod found for the common west corner of said Tract 1 and said Tract 2;

**THENCE** leaving said common corner, with said east right-of-way line, same being the west line of said Tract 2, the following five (5) courses and distances:

1. N 30°55'24" E a distance of 90.79 feet to a 1/2-inch iron rod found,
2. N 18°03'56" E, a distance of 44.36 feet to a 1-inch iron pipe found at a point of non-tangent curve,

9.567 Acres  
Fairfield Town Lake/Zilker LP.  
-- Travis County, Texas

FN 4121(EMD)  
March 03, 2006  
SAM; Inc. Job No. 25184-01

C 12/15

3. with a non-tangent curve to the left a distance of 32.39 feet, through a central angle of 03°55'54" having a radius of 471.96 feet, and whose chord bears N 17°57'38" E, a distance of 32.38 feet to a 1-inch iron pipe found,
4. with a non-tangent curve to the left a distance of 23.25 feet, through a central angle of 07°36'20" having a radius of 175.17 feet, and whose chord bears N 10°52'46" E, a distance of 23.24 feet to a 1/4-inch iron rod with a "SAM, Inc." plastic cap set, and
5. N 30°54'48" E, a distance of 91.48 feet to a 1/4-inch iron rod found, for the northwest corner of said Tract 2 and the tract described herein;

THENCE with the north line of said Tract 1 and said Tract 2, S 63° 49' 09" E, a distance of 739.28 feet to a point, submerged in Town Lake for the northeast corner of said Tract 1 and the northwest corner of said 0.575 acre tract, same being the northeast corner of the tract described herein;

THENCE leaving the south line of Town Lake and with the common line of said Tract 1 and said 0.575 acre tract, the following three (3) courses and distances:

1. S 18°59'21" W, passing at a distance of 17.65 feet a 1/4" iron rod found and continuing a total distance of 254.16 feet to a 1/4-inch iron rod found,
2. S 70°56'01" W, a distance of 58.30 feet to a punch hole in concrete for the most westerly northwest corner of said 0.575 acre tract same being an inside ell corner, and

S 19°00'21" W, a distance of 400.15 feet to the POINT OF BEGINNING, and containing 9.567 (416,730 sq. ft.) acres of land, more or less.

**Bearing Basis:**

Cotton Spindles at an inside ell corner of said 9.567 acre tract and being the common line with said Lot 5A and Lot 5B. Called bearing and distance between these Cotton Spindles is N 26°12' E - 228.39 feet. Held called bearing of N 26°12'00" E and found actual distance to be 228.38 feet.

STATE OF TEXAS

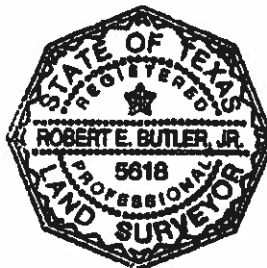
KNOW ALL MEN BY THESE PRESENTS:


COUNTY OF TRAVIS

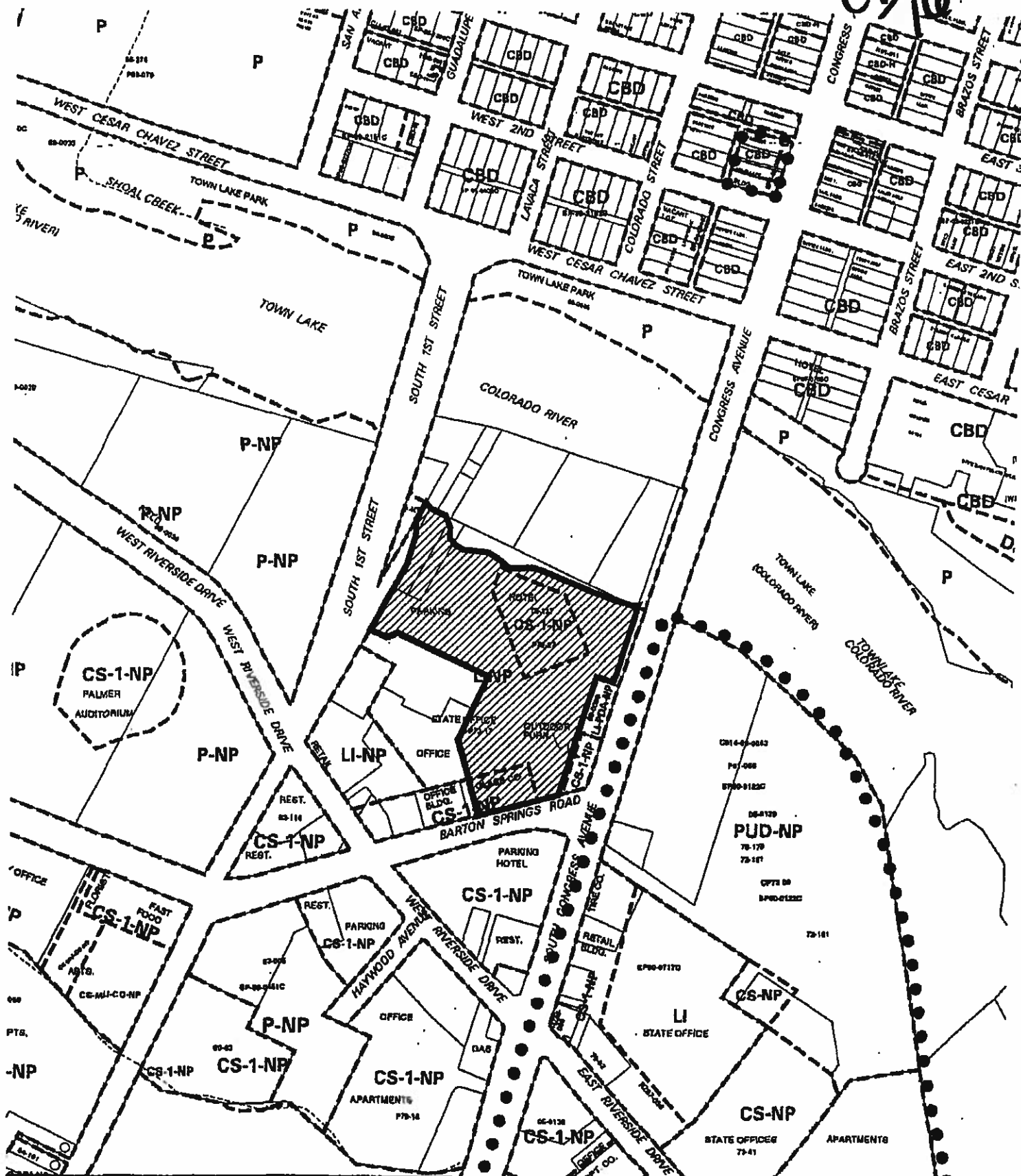
That I, Robert E. Butler, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 3<sup>rd</sup> day of March, 2006 A.D.

SURVEYING AND MAPPING, Inc.  
5508 West Highway 290, Building B  
Austin, Texas 78735



  
Robert E. Butler, Jr.  
Registered Professional Land Surveyor  
No. 5618 - State of Texas

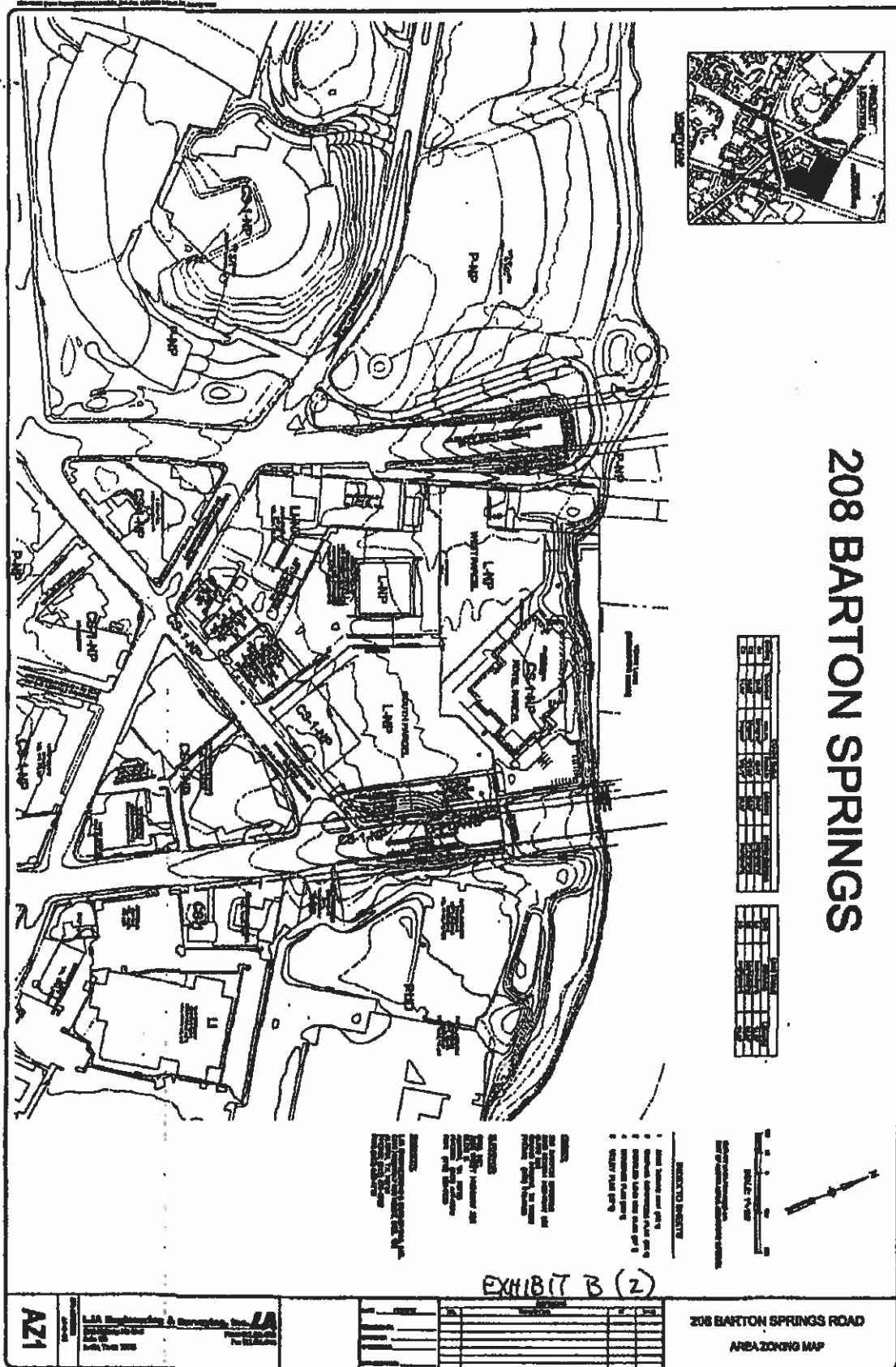


 1" = 400'	SUBJECT TRACT		<b>EXHIBIT B (1)</b> <b>PLANNED UNIT DEVELOPMENT</b>		CITY GRID REFERENCE NUMBER J21
	PENDING CASE				
	ZONING BOUNDARY				
	CASE #: C814-06-0106				
	ADDRESS: 208 BARTON SPRINGS RD				
CASE MGR: J. ROUSSELIN		DATE: 06-05		INTLS: 6M	
SUBJECT AREA (acres): N/A					

**Exhibit B - 6**



C13  
17



C12  
18

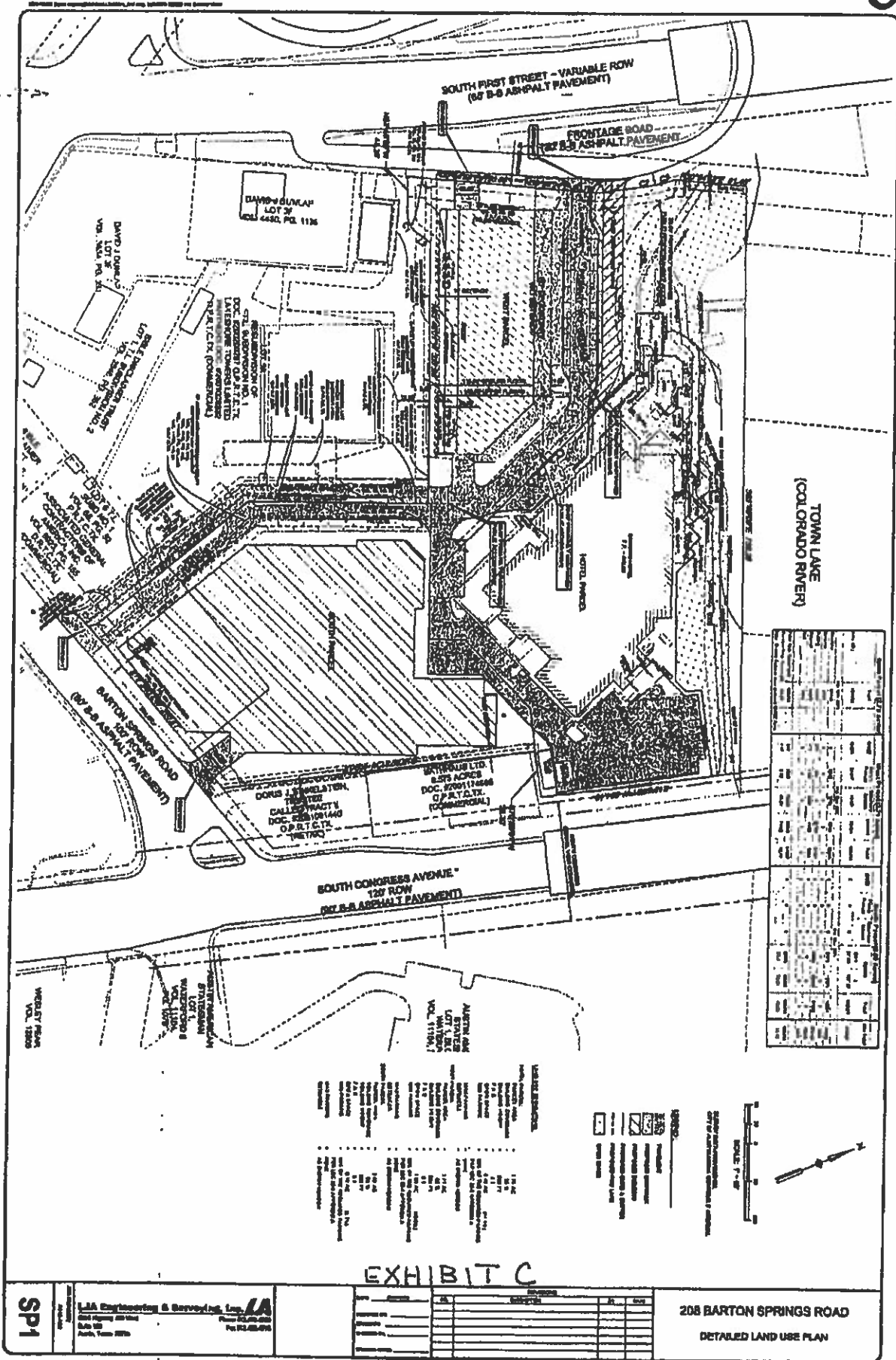


EXHIBIT C

SP1

LJA Engineering & Surveying, Inc. LA  
 10000 Highway 100  
 Suite 100  
 Austin, Texas 78758  
 Phone 512-440-4800  
 Fax 512-440-4800

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PREPARED			
2	CHECKED			
3	APPROVED			
4	REVISION			
5	REVISION			
6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			

208 BARTON SPRINGS ROAD  
 DETAILED LAND USE PLAN

C12  
19

## EXHIBIT D

### PHASING PLAN -

A. The PUD is divided into three separate parcels identified on the Land Use Plan as the Hotel Parcel, the West Parcel and the South Parcel. The PUD shall be developed in phases to accommodate the redevelopment of the existing parking improvements and to meet market demand. The existing hotel on the Hotel Parcel shall continue to be used and operated during the construction of any and all of the phases of the redevelopment of the PUD. Any portion of any parcel may be included in a phase and more than one parcel may be involved in a phase.

B. Impervious cover, building coverage, floor to area ratio, parking, landscaping and required open space are reflected on the Land Use Plan and are calculated on the cumulative gross site area of the PUD. The portions of the property included in any phase and the site plan of each phase are not required to satisfy those requirements on a stand alone basis and shall be approved if consistent with the Land Use Plan for such phase.

C. During construction of any phase a minimum 250 parking spaces on-site and off-site shall be provided for use of the Hotel Parcel.

D. The West Parcel may be developed in two phases. The first phase may be construction of the lower portion of a building that will contain enclosed parking spaces and pedestrian-oriented uses. The second phase may be the completion of the remainder of the building, containing residential, multifamily or condominium units.

E. Following development of the West Parcel, the South Parcel may be developed and include enclosed parking spaces for the Hotel Parcel. Upon completion of either the West Parcel or South Parcel, the required parking for hotel use shall be provided on a cumulative basis on the entire PUD property. After completion of the first phase of the West Parcel, it is currently contemplated that the South Parcel would be developed to provide, among other things, permanent enclosed parking for the Hotel Parcel. The foregoing sequence is what is currently contemplated, however, the number and location of the phases and the sequence of the development shall be as the owner shall determine. As a result of the loss of the existing surface parking satisfying the required parking for the use of the Hotel Parcel during the construction of the improvements on the West Parcel and the South Parcel, it is intended that the continued use of the Hotel Parcel shall be permitted during the construction of a phase on the West Parcel or the South parcel, so long as upon completion of such phase the required parking for the use of the hotel is provided on a cumulative basis on all of the PUD property.

F. During construction of any phase of the PUD, the requirements under Section 25-2-721 (*Waterfront Overlay Combining Regulations*) are modified to allow the following:

C 11/20

1. Construction staging areas, including laydown area for building materials, temporary construction office, storage of building construction equipment and vehicles, and daytime parking of personal vehicles, shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) within the waterfront overlay district primary and secondary setback areas within the West Parcel. Landscaping shall be installed on the Town Lake side of the construction staging areas to screen the staging areas from Town Lake.
2. Construction and temporary security fencing around the limits of construction and the construction staging areas shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) in the waterfront overlay district primary and secondary setback areas within the West Parcel.
3. A temporary access road, including a temporary curb cut, to South First Street as shown on the Land Use Plan shall be permitted in the waterfront overlay district primary and secondary setback areas within the West Parcel until the permanent internal circulation drive is installed in the West Parcel upon completion of the final phase of the building and related improvements in the West Parcel.

G. During construction of any phase of the PUD, the requirements under Section 25-2-691 (C) (*Pedestrian Oriented Uses*) are modified to allow the following:

To accommodate the construction of subsequent phases of the buildings to be constructed on the West Parcel and the South Parcel, until the earlier of a) the completion of the final phase of such building, or b) the number of years after the issuance of a Certificate of Occupancy for the first phase of such building as indicated below.

1. Permanent landscaping and related improvements are not required to be installed until two years after the issuance of a Certificate of Occupancy for the first phase of such building.
2. Occupancy and use of the first floor of the first phase of a building for pedestrian oriented uses are not required until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building.
3. The facade of the lower floors of the first phase of a building including enclosed parking shall be permitted to remain with concrete finish, until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building.

H. During construction of a subsequent phase of a building, a construction office and a sales and leasing office may be located in the retail or garage portions of the first phase of such building.

C12  
21

I. In the event that construction activity associated with a phase on any of the parcels ceases for six months or longer, the City shall require that the original number of parking spaces on the Property be reestablished.

J. At no time shall construction, or staging of materials or equipment, obstruct, intrude upon, or require detour of existing Town Lake Hike and Bike Trail through the property as shown in the Existing Conditions Plan (Exhibit H), unless authorized or permitted by the City, or unless such construction or staging of materials or equipment is for the sole purpose of improving the Town Lake Hike and Bike Trail, or unless the south Town Lake shore is filled and extended north from its present location, as shown in the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) and set forth in more detail in the Site Development Regulations (Exhibit F, Subsection IV.A )

EXHIBIT E

PERMITTED USES TABLE

CM 22

Hotel Parcel.

- A. All uses in effect on the date of this ordinance specified as permitted uses, conditional uses, or pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code are permitted uses in the Hotel Parcel, except as set forth in Subsection A. 2 and Subsections B and C.

1. The following uses are additional permitted uses:

Hotel-motel

Hotel-motel accessory uses (meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premise consumption only; cocktail lounge not to exceed 20,000 square feet gross floor area, fitness center, business center, bike rentals, guest laundry, concierge services, secretarial services, swimming pool, and spa) or other uses as determined by the City of Austin.

2. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B. All uses specified as conditional uses in the commercial-liquor sales (CS-1) district which are not specified as permitted uses in Subsection A, are conditional uses, except the following uses set forth below are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
	Communication service facilities
	Group residential

Adult oriented businesses

CM  
23

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

II. West Parcel.

- A. All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A. 2 and Subsections B and C.

1. In addition, a residential use that is permitted in a multifamily base district is also a permitted use.
2. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B. All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
	Service station
	Outdoor entertainment

Local utility services  
Telecommunication tower  
Adult oriented businesses

Communication service facilities  
Group residential

CP  
24

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

III. South Parcel.

- A. All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A. 3 and Subsections B and C.

1. In addition, a residential use that is permitted in a multifamily base district is also a permitted use.
2. In addition, only the following hotel accessory uses are permitted: meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premises consumption only, fitness center, business center, bike rentals, guest laundry, secretarial services, pool, spa and indoor entertainment, provided that parking on all accessory uses shall be determined as though each use is a principal use as opposed to an accessory use.

3. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)  
Automotive sales  
Local utility services

Automotive repair services  
Automotive washing (of any type)  
Service station  
Outdoor entertainment  
Communication service facilities



Telecommunication tower      Group residential  
Adult oriented businesses

C12  
25

- B. All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

EXHIBIT F

CM  
26

SITE DEVELOPMENT REGULATIONS TABLE

Except as otherwise provided in this ordinance and the attached Exhibits, development of the Hotel Parcel, the West Parcel and the South Parcel of the Property shall comply with the site development regulations for the lake commercial (L) district in effect on the date of this ordinance.

I. Hotel Parcel.

- A. Except as otherwise provided in the PUD, the footprint and height of a building, structure, or improvement on the Hotel Parcel as shown on the Land Use Plan (Exhibit C) and Existing Conditions Plan (Exhibit H), may not be increased, enlarged, remodeled, expanded, relocated, reconstructed, changed, or improved over what is legal and permitted according to the rules, regulations, codes and ordinances of the City of Austin applicable to the Hotel Parcel in effect as of November 14, 2006.
- B. An existing building, structure, parking area, loading area and other improvement located in the Hotel Parcel may be maintained, repaired, restored, modified, altered, renovated, improved, replaced and upgraded under the following conditions:
  - 1. Within a building envelope for that portion of the Existing Hotel as shown on the Existing Conditions Plan (Exhibit H) that is less than 60 feet in height, the alteration, modification, replacement, addition, and other improvements:
    - a) may not enlarge the existing hotel building footprint greater than 25 linear feet;
    - b) may not exceed 30 feet in height where currently there is no building;
    - c) may not exceed 60 feet in height to a building existing as of the date of this ordinance; and
    - d) may not be within the primary or secondary setbacks of the South Shore Central waterfront overlay subdistrict.
  - 2. For an accessory building, pool, deck, patio, parking area, and loading area, the alteration, modification, replacements, addition and other improvements:

C11  
27

- a) may not increase the existing amount of impervious cover in the Hotel Parcel;
  - b) may not exceed their respective heights existing as of the effective date of this ordinance; and
  - c) may not extend closer to Town Lake than the existing deck, patio, and other improvements.
3. In the event the existing structures on the Hotel Parcel (the "Hotel Structures") are destroyed or damaged by a natural catastrophe, fire, acts of terrorism, or other casualty, the following applies:
- a) The size of the restored building is limited to the size of the destroyed or damaged building, including height, footprint and floor-to area ratio, provided that the damaged building was in compliance with this PUD. Otherwise, such restoration is limited to the size of the structure as it existed on the effective date of this ordinance.
  - b) For purposes of this Exhibit F (Site Development Regulations Table), a structure, building, footprint or other improvement shall be deemed existing, if a building permit, or certificate of occupancy was issued for such structure, building footprint, or other improvement as of the effective date of this ordinance, or if such structure, building, footprint, or other improvement is shown on the Existing Conditions Plan (Exhibit H).
4. If a structure on the Hotel Parcel is intentionally demolished or destroyed by the owner, then it may only be rebuilt according to the City Code in effect at the time of such rebuilding.
5. The interior portions of the existing Hotel Structures may be remodeled, renovated, maintained, repaired, restored, modified, altered and upgraded.
- C. Section 25-2-492 (*Site Development Regulations*), Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*), and Section 25-8-261 (*Critical Water Quality Zone Development*) are modified to allow improvements, repairs, additions, and replacements along and adjacent to the hike and bike trail and drainage easements along Town Lake, including existing landscaping and associated irrigation systems, existing slope stabilization structures, existing retaining walls and similar

C11  
28

improvements, and existing screening of the existing parking and loading areas shown on the Existing Conditions Plan (Exhibit H).

- D. Parallel parking and sidewalks along any portion of the internal circulation are permitted.
- E. Prior to the issuance of a final Certificate of Occupancy for a building on the South Parcel or the West Parcel, a vegetative screen that complies with the provisions of the Environmental Criteria Manual of the City of Austin shall be provided along the northern property line of the Hotel Parcel adjacent to the surface parking lot on the east side of the Hotel Parcel.
- F. The height of a new structure, expansions and renovations constructed after November 14, 2006 shall be measured as the vertical distance from the average of the highest natural grade and lowest natural grade adjacent to the building:
  - 1. for a flat roof, to the highest point of the coping;
  - 2. for a mansard roof, to the deck line;
  - 3. for a pitched or hip roof, to the mid-point of the highest gable; and
  - 4. for other roof styles, to the highest point of the roof.

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006 as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature.

- G. Green Building. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006 to achieve a minimum two-star rating. (See Exhibit J). A hotel-motel use is not a residential use and is not subject to this requirement.

## II. West Parcel.

- A. Except as otherwise provided in the PUD ordinance and attached exhibits, the provisions of Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*) apply to development of the West Parcel.
  - 1. Within the 150 foot primary setback as defined in Section 25-2-712 (*Definitions*):
    - a) The existing improvements and impervious cover, including specifically, but without limitation, the existing boat docks and facilities as shown on the Land Use Plan (Exhibit C), are permitted. These improvements may be upgraded, improved,

CH  
29

and, if and only if the shoreline is reconstructed in accordance with Section IV. A of this exhibit, may be relocated within the boundaries of the West Parcel, as long as they do not encroach further into any setback from the relocated shoreline.

- b) The internal circulation drive and impervious cover are permitted and may be upgraded, improved and relocated within the boundaries of the West Parcel.
  - c) Sidewalks along the internal circulation drive are permitted.
  - d) No structures, pavement, or buildings not existing as of the effective date of this ordinance are permitted except as shown on the Land Use Plan (Exhibit C).
  - e) Temporary construction areas and construction offices are permitted on existing pavement as shown on the Existing Conditions Plan (Exhibit H).
2. Within the 50 foot secondary setback as defined in Section 25-2-712 (*Definitions*):
- a) The internal circulation drive and impervious cover as shown on the Land Use Plan (Exhibit C) are permitted and may be upgraded, improved and relocated within the boundaries of the West Parcel.
  - b) Sidewalks along the internal circulation drive are permitted.
  - c) No structures, pavement, or buildings not existing as of the effective date of this ordinance are permitted, except as shown on the Land Use Plan (Exhibit C).
  - d) Temporary construction areas and construction offices are permitted on existing pavement shown on the Existing Conditions Plan (Exhibit H).
3. Parallel parking along the internal circulation drive is permitted.
4. Entries to parking garages as generally shown on the Land Use Plan (Exhibit C) are permitted.
- B. Except as otherwise provided in the PUD, the provisions of Section 25-8-261 (*Critical Water Quality Zone Development*) apply to development of the West Parcel.

C 11 30

1. Improvements, repairs, additions, and replacements that consist only of landscaping and associated irrigation systems, slope stabilization and retaining walls, and screening of the existing parking and loading area, including associated retaining walls, are permitted along and adjacent to the hike and bike trail and drainage easement along Town Lake.
  2. Existing boat docks and associated facilities as shown on the Land Use Plan (Exhibit C) are permitted.
- C. Green Building. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006 to achieve a minimum two-star rating. (See Exhibit J).
- D. Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, an access easement shall be provided to the City that allows i) public access to the internal drive as shown on the Land Use Plan; ii) public access from the internal drive to the Town Lake hike and bike trail as shown on the Land Use Plan; and iii) a dedicated bike lane no less than five feet in width for each of two directions of travel either on the internal drive shown on the Land Use Plan or elsewhere on the Property following the alignment of the internal drive.
- E. Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, at least ten bicycle parking mechanisms shall be provided within the portion of the public access easement area from the internal drive to the Town Lake hike and bike trail as shown on the Land Use Plan, at such location(s) as may be determined by the owner of the West Parcel at the time. Bicycle parking requirements and standards shall be City of Austin, Class III Style Bicycle Parking as set forth under Standard No. 710S-1 of the Transportation Criteria Manual, adopted on February 17, 2000.
- F. Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, a dedicated bike lane shall be constructed, differentiated by a different surface color from that of the internal circulation drive and sidewalk as shown on the Land Use Plan. The bike lane shall be no less than five feet in width for each of two directions of travel either on the internal drive shown on the PUD Land Use Plan or elsewhere on the Property following the alignment of the internal drive. Bike lane improvements are permitted uses within the primary and secondary setback and shall be constructed of pervious material such as crushed granite.

CM  
31

- G. The height of a structure shall be measured as the vertical distance from the average of the highest finished grade and lowest finished grade adjacent to the building:

1. for a flat roof, to the highest point of the coping;
2. for a mansard roof, to the deck line;
3. for a pitched or hip roof, to the mid-point of the highest gable; and
4. for other roof styles, to the highest point of the roof.

Finished grade for purposes of measuring height on all portions of the West Parcel within the one hundred-year floodplain shall be no higher than either i) three feet above the one hundred-year flood elevation, or ii) the minimum number of feet above the one hundred-year flood elevation required for compliance by applicable law, whichever is lower.

Finished grade for purposes of measuring height on all portions of the West Parcel outside the one hundred-year floodplain shall be no higher than two feet above natural grade.

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006, as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature.

### III. South Parcel.

- A. The South Parcel is not within any primary or secondary setback of the South Central Subdistrict waterfront overlay district.
- B. Green Building. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006, to achieve a minimum two-star rating. (See Exhibit J).
- C. The height of a structure shall be measured as the vertical distance from the average of the highest finished grade and lowest finished grade adjacent to the building:
1. for a flat roof, to the highest point of the coping;
  2. for a mansard roof, to the deck line;
  3. for a pitched or hip roof, to the mid-point of the highest gable; and
  4. for other roof styles, to the highest point of the roof.

Finished grade for purposes of measuring height on all portions of the West Parcel within the one hundred-year floodplain shall be no higher than either i) three feet above the one hundred-year flood elevation, or ii)

C 11 32

the minimum number of feet above the one hundred-year flood elevation required for compliance by applicable law, whichever is lower.

Finished grade for purposes of measuring height on all portions of the West Parcel outside the one hundred-year floodplain shall be no higher than 454 feet mean sea level.

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006, as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature.

The maximum height is 90 feet for a building or structure existing on the portion of the South Parcel zoned CS-1-NP as of November 14, 2006. (See Exhibit G-field notes)

#### IV. General Regulations Applicable to all Parcels.

- A. If the Town Lake shoreline is reclaimed as shown on the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) in accordance with all applicable local, state, federal and other governmental regulations, the primary setback is 150 feet and the secondary setback is 200 feet from the reconstructed shoreline. In no event shall the reclaimed shoreline be relocated more than 15 feet to the north of its current location as shown on Exhibit I. The Land Use Plan may be administratively amended to show the new shoreline.
- B. A payment instead of structural controls under Section 25-8-214 (*Optional Payment Instead of Structural Controls in Urban Watersheds*) of the City Code shall be permitted and is approved for each Parcel. The amount of such payment for each Parcel shall be calculated and paid at the time the first site development permit ("SDP") for each Parcel is released.
- C. The following transportation related standards apply:
  - 1. The internal circulation drive as depicted on the Land Use Plan is permitted. Access to South First Street in the locations as depicted on the Land Use Plan is permitted and shall be included in the applicable SDP.
  - 2. A minimum of one loading area and a minimum of one loading space shall be provided:
    - a) within or adjacent to a proposed building as shown on the Land Use Plan (Exhibit C) constructed on the West Parcel; and



CW 33

- b) within or adjacent to a proposed building as shown on the Land Use Plan (Exhibit C) constructed on the South Parcel.
3. Except as set forth in the Phasing Plan (Exhibit D) of this ordinance the following applies:
- a) The minimum number of required off-street parking spaces shall be 80 percent of the number otherwise required under Appendix A (*Tables of Off-Street Parking and Loading Requirements*) of Chapter 25-6 (*Transportation*) of the City Code. A maximum number of off-street parking spaces are not required. Surface, structured and underground parking facilities are permitted; and
  - b) During construction activities of the PUD property, the minimum number of off-street parking spaces is not required and off-site parking is permitted at the option of the owner.
- D. A voluntary donation made by the owner of the property to the City of Austin for park purposes shall be applied toward any parkland dedication requirements that may be required for the development.
- E. Pole signage is prohibited.
- F. Except as otherwise provided in this ordinance the provisions of Section 25-8-281 (*Critical Environmental Features*) apply to the PUD. The provisions of Section 25-8-282 (*Wetland Protection*) does not apply to the PUD.
- G. The 50-foot wetlands setback located along Town Lake in the northwest portion of the Property does not apply to i) the hike and bike trail located on the Property, or ii) any portion of the Property to the south of the hike and bike trail.
- H. The following drainage related standards shall apply:
- 1. Fill dirt required by federal, state, or local regulations for the purpose of raising the area required for the construction and lateral support of buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements shown on the Land Use Plan (Exhibit C) and located within the 100-year base flood elevation is permitted but may not exceed three feet above the 100-year base flood elevation.

C12  
34

2. Fill dirt required to raise the area required for the construction and lateral support of buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements-shown on the Land Use Plan (Exhibit C) and located outside the 100-year base flood elevation is permitted but may not exceed four feet above the natural grade as it exists on the date of this ordinance as shown on the Existing Conditions Plan (Exhibit H) and may in no instance exceed 454 feet above mean sea level.
  3. The requirements of Section 25-7-93 (*General Exceptions*) of the City Code apply to improvements including buildings and boat docks as shown on the Land Use Plan (Exhibit C). The existing floodplain within the PUD may be modified in connection with and at the time of approval of each SDP.
  4. The requirements of Section 25-7-94 (*Exceptions in Central Business Area*) do not apply to any SDP for any portion of the Property.
  5. The requirements of Section 25-7-31 (*Director Authorized to Require Drainage Studies*) and Section 25-7-61 (*Criteria for Approval of Plats, Construction Plans and Site Plans*) do not apply to any SDP.
  6. A request for modification of the FEMA floodplain submitted by the owner that reflects the modifications to the existing floodplain as shown in Subsection H (1) shall be promptly processed by the Director of the Watershed Protection and Development Review Department, or its successor department, according to applicable FEMA regulations.
- I. All construction staging area and construction offices on the Property shall be screened from view outside the boundaries of the Property by an opaque screen eight feet in height, and any and all construction staging areas, trailers, offices, and other facilities shall be removed from the Property within 30 days following the granting of a final Certificate of Occupancy for the structure with which the staging areas, trailers, offices, or other facilities are associated. In the event that construction associated with a staging area, trailer, office, or other facility ceases for a period of 120 days or more, all such construction staging areas, trailers, offices, and facilities shall be removed immediately. With regard to the West Parcel, upon removal of the construction staging areas, trailers, offices, and other facilities, the then owner of the West Parcel shall immediately remove all pavement or other improvements not shown on and in compliance with the Land Use Plan (Exhibit C). Notwithstanding anything to the contrary, with regard to all parcels included in this ordinance, no construction staging

CM 35  
areas, trailers, offices, or facilities may remain i) in the primary setback of the waterfront overlay district for a period longer than one year, or ii) in the secondary setback of the waterfront overlay district for a period longer than two and one-half years, from the date said staging areas, trailers, offices, or facilities are placed within the waterfront overlay district.

- J. All rooftop mechanical equipment and machinery on new construction shall be screened from view of adjacent property by screening up to the height of such machinery and equipment, and the noise level of all mechanical equipment and machinery may not exceed 70 decibels at the property line.

**EXHIBIT G**

0.491 acre (21,375 sq. ft.)

SAM, Inc. Job No. 26267-04

FN4352(ALG)  
November 8, 2006

CM  
36

DESCRIPTION OF A 0.491 ACRE (21,375 SQ. FT.) TRACT OF LAND BEING A PORTION OF THAT CALLED LOT A OF THE T.L. SUBDIVISION 3A AS PER PLAT DULY RECORDED IN VOLUME 82, PAGE 380, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND FURTHER DESCRIBED AS TRACT 1, IN THE DEED TO FAIRFIELD TOWN LAKE/ZILKER LP, AS RECORDED IN DOCUMENT NO. 2005191745, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.491 ACRE (21,375 SQ. FT.) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found in the north right-of-way line of Barton Springs Road, a 100-foot wide right-of-way, same being the south common corner of said Lot A, and a called 0.575 acre tract of land described in the deed to Bathhaus Ltd., as recorded in Document No. 2001174688, of the Official Public Records of Travis County, Texas, from which a punch-hole in concrete found for the northwest corner of said 0.575 acre tract, also being an interior ell corner of said Lot A, bears N 19° 00' 21" E, a distance of 400.15 feet;

THENCE with said north right-of-way line, S 76° 21' 17" W, a distance of 60.33 feet to calculated point, for the southeast corner and the POINT OF BEGINNING of the tract described herein;

THENCE continuing with said north right-of-way line, S 76° 21' 17" W, a distance of 171.00 feet to a calculated point, for the southwest corner of the tract described herein, from which an "X" cut in concrete found in said north right-of-way line, same being a south common corner of said Lot A and a tract of land (Tract 3), described in the deed to Fairfield Town Lake/Zilker LP, as recorded in Document No. 2005191745, of the Official Public Records of Travis County, Texas, bears S 76° 21' 17" W, a distance of 34.94 feet;

THENCE leaving said north right-of-way line, crossing through the interior of said Lot A, the following three (3) courses and distances:

1. N 13° 40' 38" W, a distance of 125.00 feet to a calculated point,
2. N 76° 21' 17" E, a distance of 171.00 feet to a calculated point, and

**EXHIBIT "A"**

0.491 acre (21,375 sq. ft.)

SAM, Inc. Job No. 26267-04

FN4352(ALG)  
November 8, 2006

C12  
34

3. S 13° 40' 38" E, a distance of 125.00 feet to the **POINT OF BEGINNING** and containing 0.491 acre (21,375 sq. ft.) of land more or less.

BEARING BASIS: Cotton spindles at an inside ell corner of Lot A and a point of intersection in a west line of Lot A of T. L. Subdivision 3A, a subdivision of record in Volume 82, Page 380, of the Plat Records of Travis County, Texas. Called bearing and distance between these cotton spindles is N26°12'E - 228.39 feet. Held called bearing of N26°12'00"E and found actual distance to be 228.38 feet.

This description is accompanied by a separate plat; see "Sketch to Accompany Field Note No. 4352", attached hereto and made a part hereof.

THE STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, C. M. Solomon., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 8<sup>th</sup> day of November A.D.

SURVEYING AND MAPPING, Inc.  
5508 West Highway 290, Building B  
Austin, Texas 78735

  
C. M. Solomon  
Registered Professional Land Surveyor  
No. 5734 - State of Texas



### LEGEND

▲ CALCULATED POINT  
 ○ PUNCH IN CONCRETE  
 ○ 1/2" IRON ROD FOUND UNLESS NOTED  
 ✕ "X" CUT IN CONCRETE  
 O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS  
 D.R.T.C.TX. DEED RECORDS OF TRAVIS COUNTY, TEXAS  
 P.R.T.C.TX. PLAT RECORDS OF TRAVIS COUNTY, TEXAS  
 P.O.B. POINT-OF-BEGINNING  
 P.O.C. POINT-OF-COMMENCEMENT



GRAPHIC SCALE  
SCALE: 1" = 100'  
NOVEMBER 2008  
TRAVIS COUNTY, TEXAS

**FAIRFIELD TOWN LAKE/ZILKER LP  
(TRACT 1)  
DOC. NO. 2005191745  
O.P.R.T.C.TX.**

LOT A  
T.L. SUBDIVISION 3A  
VOL. 82, PG. 380  
P.R.T.C.TX.

LOT 5A  
RESUBDIVISION OF  
T.L. SUBDIVISION NO. 1  
DOC. #200200297  
O.P.R.T.C.TX  
LAKESHORE TOWERS LIMITED PARTNERSHIP  
DOC. #2001026832  
O.P.R.T.C.TX  
(COMMERCIAL)

LOT 5B  
RESUBDIVISION OF  
T.L. SUBDIVISION NO. 1  
DOC. #200200297  
O.P.R.T.C.TX  
LRC LAKEVIEW PROPERTIES, LTD  
DOC. #2003222211  
O.P.R.T.C.TX  
(COMMERCIAL)

FAIRFIELD TOWN LAKE/ZILKER LP  
(TRACT 3)  
30' ACCESS EASEMENT  
DOC. NO. 2003191745 —  
O.P.R.T.C.TX.

LOT 8  
T.L. SUBDIVISION NO. 1  
VOL. 68, PG. 52  
P.R.T.C.TX  
ASSOCIATED GENERAL  
CONTRACTORS OF AMERICA, INC.  
VOL. 6923, PG. 155  
D.R.T.C.TX  
(COMMERCIAL)

BATHMANUS LTD.  
CALLED 0.575 AGRES  
DOC #2001174088  
(COMMERCIAL)

400.15°  
 19°00'21"E  
 J. FRANKELSTEIN, TRUSTEE  
 CALLED TRACT #  
 0.00000000

SOUTH CONGRESS AVENUE  
(1st MAX BOST-OF-1911)

21°17'E 171.00'

0.491 ACRE  
(21,375 SQ. FT.)

S13°40'38"E  
125.00'

P.O.B.

S76°21'17"W 171.00'

BARTON SPRINGS ROAD  
(100' WIDE RIGHT-OF-WAY)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S75°21'17"W	60.33'
L2	S76°21'17"W	34.94'

**BEARING BASIS:**

COTTON SPINDLES AT AN INSIDE ELL CORNER OF LOT A AND A POINT OF INTERSECTION IN A WEST LINE OF LOT A OF T. L. SUBDIVISION 3A, A SUBDIVISION OF RECORD IN VOLUME 82, PAGE 380 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. CALLED BEARING AND DISTANCE BETWEEN THESE COTTON SPINDLES IS N26°12'E - 228.39 FEET. HELD CALLED BEARING OF N26°12'00"E AND FOUND ACTUAL DISTANCE TO BE 228.38 FEET.



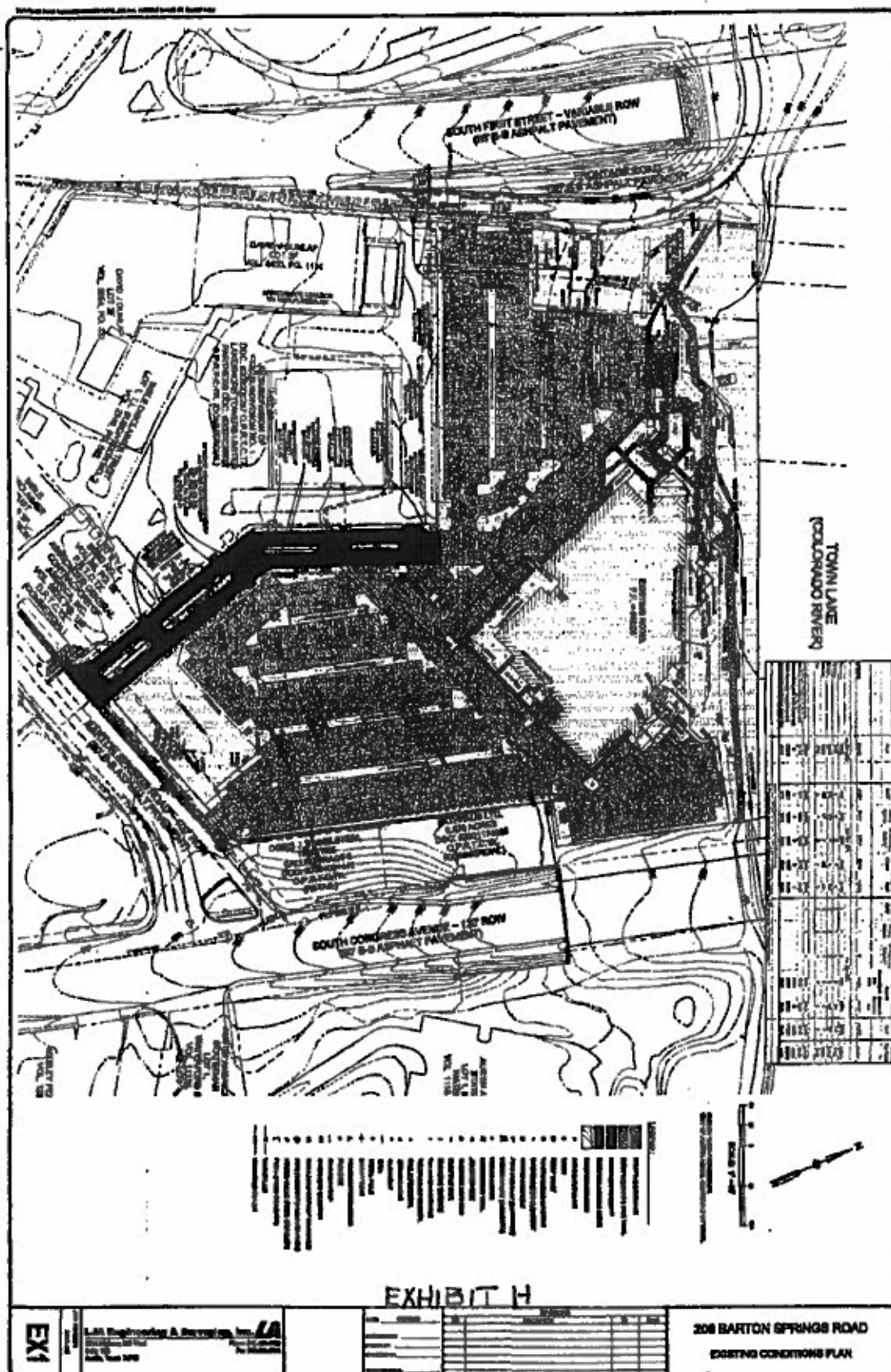
PERSON	HYATT REGENCY
JOE HANSON	26227-24
MAIL	NOVEMBER 8, 2002
EMERSON	5/2
FRY CHRY	MA
TELEPHONE	MA
POSTAGE	PAID/CA/100
TELEPHONE	ALO
MAILING	PAID/CA/100
MAIL	1" x 100"



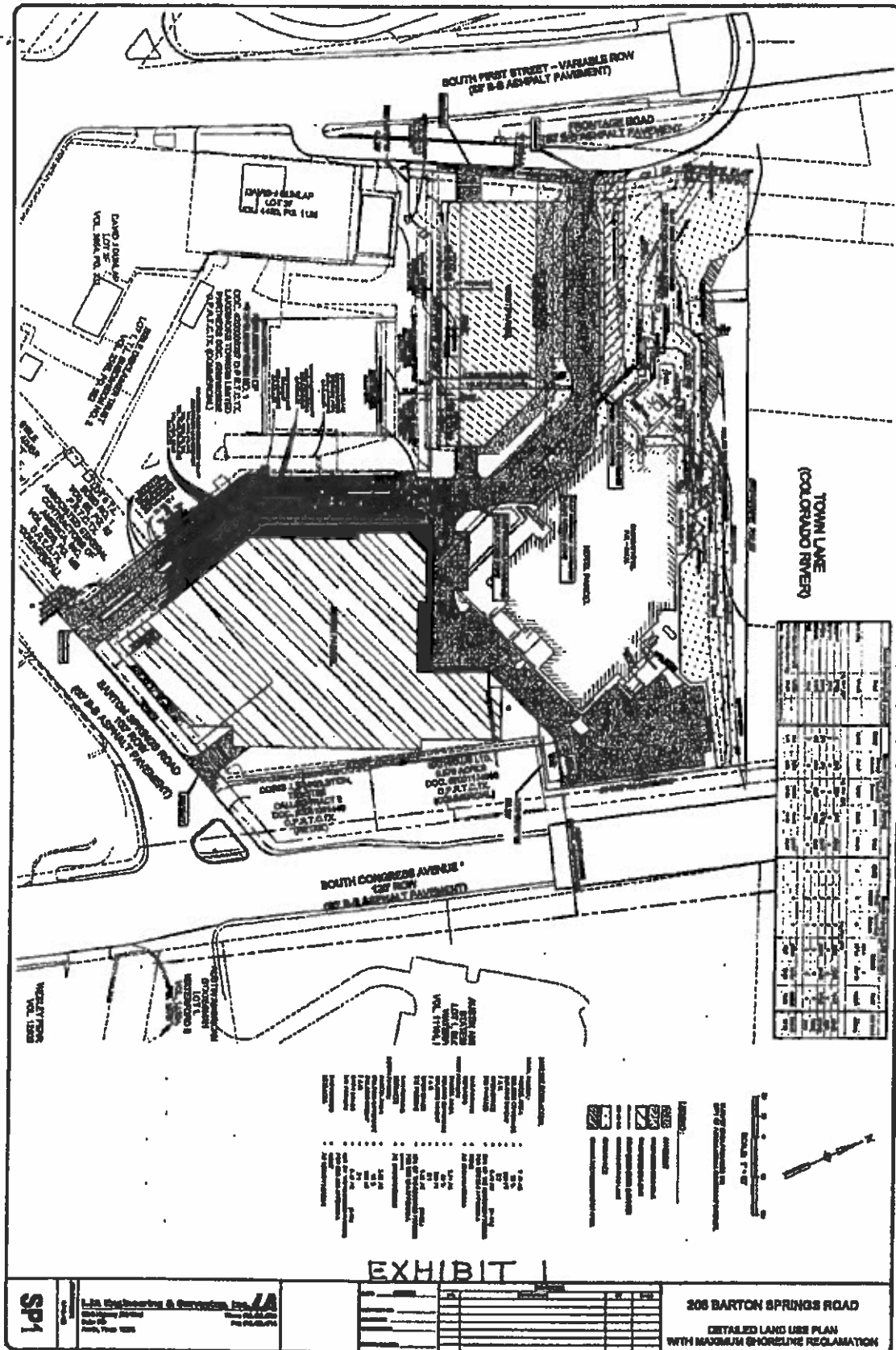
5508 WEST HIGHWAY 200  
BURLING &  
AUSTIN TEXAS, 78735  
(512) 667-0575  
FAX: (512) 320-3020  
EMAIL: SALES@AMTCAUS.COM

**SKETCH TO ACCOMPANY  
FIELD NOTE No. 4352  
PAGE 3 OF 3**

CM 39



CM  
40





# GREEN BUILDING PROGRAM EXHIBIT J

## COMMERCIAL RATING

### PROJECT:

CM  
41

Point Requirements for Star Ratings		Star Rating	
★	Basic Requirements	Sub-Totals: Basic Reqs	0
★★	30-36 points	Not Achieved	
★★★	37-43 points		
★★★★	44-58 points		
★★★★★	59 or more points		
To the best of my knowledge, this project meets requirements for the rating I am requesting.		Team	0
Signature _____ Date _____		Site	0
		Energy	0
		Water	0
		IEQ	0
		Materials	0
		Innovation	0
		Total Points:	0

Project Information Summary	Project Team Summary
Physical Address:	GBP Representatives:
Primary Use of Building(s):	Building Owner/Developer:
Green Building Zoning: Requires 1 star	(000) 000-0000
Description:	Architect:
Type of Construction:	(000) 000-0000
Approx. Sq. Ft.: 0,000	Mechanical Engineer:
# of Floors:	(000) 000-0000
Project Cost: \$0,000.00	Structural Engineer:
Estimated Completion Date: 01/01/04	(000) 000-0000
Actual Completion Date: 01/01/04	Electrical Engineer:
Demand and Energy Savings - Calculated:	(000) 000-0000
kW	General Contractor:
kWH/yr.	(000) 000-0000
CCF/yr.	Commissioning Authority:
Water and Solid Waste Savings - Calculated:	(000) 000-0000
Building Water 0 Gallons or reduction over Code	Professional Title:
Irrigation Water 0 Gallons or reduction over Code	(000) 000-0000
Construction Waste Management 0 Tons or diverted from landfill	Professional Title:
	(000) 000-0000
	Professional Title:
	(000) 000-0000

Instructions
1. Use the "Worksheet" to indicate the green building measures implemented.
2. An X will be automatically marked in the green boxes below when the corresponding measure on the Worksheet is implemented.
The Rating Score Sheet reports the green building measures implemented and assigns a Star Rating.
It is directly linked to the Worksheet.

**Basic Requirements**

A building must fulfill all 8 items on this page to qualify for a Rating.  
An X in the green box indicates implementation of the measure.

CH  
42

**1. Building Systems Commissioning**

A commissioning agent with documented commissioning experience on at least two other building projects, will verify and ensure that mechanical and electrical systems are installed, and calibrated to operate according to the design intent and the owner's operational needs. The following commissioning activities will be completed:



Develop design intent and basis of design documentation.



Develop and utilize a commissioning plan.



Include commissioning requirements in the construction documents.



Verify installation, functional performance, training, and documentation.



Complete a commissioning report.

**2. Storm Water Run-off & Water Quality Control**

Meet current city drainage and water quality standards applicable in the watershed where the project is located.

**3. Roofing to Reduce Heat Island - Reduce heat island effects to minimize the impact on microclimate and human wildlife habitat.**

Use ENERGY STAR compliant, high-reflectance roofing (according to the EPA Energy Star Roof Criteria), for a minimum of 75% of the total roof area.



Vegetated roofing material for a minimum of 50% of the total roof area.



Roofing materials are a combination of vegetated roofing and ENERGY STAR compliant high-reflectance roofing for a combined total of at least 75% of the total roof area.

**4. Exceed Energy Code by 15%**

Reduce building lighting and envelope energy use compared to the current City of Austin Energy Code by 15%.

**5. Building Water Use Reduction by 15%**

Reduce planned indoor water consumption below the current City of Austin Plumbing Code by 15%.

**6. Low VOC Interior Paints and Coatings**

All paint used in the interior of the building must meet Green Seal Standards; all coatings used in the building interior meet South Coast Air Quality Management District (SCAQMD) standards.

**7. Storage and Collection of Recyclables**

Provide an easily accessible area that serves the entire facility and is dedicated to the separation, collection, and storage of materials for recycling including, at a minimum, the top two identified recyclable waste stream items. Building loading dock or pick-up location must be sized appropriately to handle the recycling material volumes generated by the building occupants.

**8. Construction Waste Plan**

Recycle or salvage at least 50% (by weight) of construction, demolition, and land clearing waste.



**BASIC REQUIREMENTS WERE NOT FULFILLED.**

## Voluntary Measures

### TEAM: Integrating the design team, setting and achieving sustainability goals

- 1. Integrated Design Team**
- ☒ Choose design team professionals and consultants early in design phase who are experienced in sustainable design, especially Austin Energy Green Building Program (AE-GBP) members and / or other LEED Accredited Professionals.
  - ☒ During Schematic Design, hold a sustainable design charrette to form goals and initial design criteria. Involve sustainability specialists and end users in this charrette.
  - ☒ During DD & CD Phases, hold a sustainability meeting with entire team: restate project goals and design intent.
  - ☒ Incorporate the green elements of the project and proposed certification into the pre-construction meeting with all subcontractors who will be affected by them, include, at a minimum, project goals and design intent.
  - ☒ Throughout the Programming, Schematic Design, DD & CD, and Construction phases, track the progress toward meeting the project's goals and obtaining a Green Building Program Star Rating.
- 2a. Goal Setting - Financial**
- ☒ Establish and document financial goals, objectives, & constraints; determine an appropriate minimum return on investment (ROI) for evaluating sustainable options; utilize life cycle analysis; and submit report demonstrating how financial goals were met.
- 2b. Goal Setting - Sustainability**
- ☒ Establish and document sustainability goals. Communicate the sustainability goals throughout the design process to Project Team and check progress toward meeting them. Clearly explain the sustainability goals in the Specifications.

0 Total Team Points

### SITE: Sustainability through site selection...

- 1. Site Selection - Avoid development of environmentally sensitive sites and reduce the environmental impact from the location of the building structures on the site.**
- ☒ a. Environmental Sensitivity
    - ☒ Project site is not located in an environmentally sensitive area.
  - ☒ b. Preferred Location
    - ☒ Project site is located within a desired development corridor.
  - ☒ c. CBD/RMMA Location
    - ☒ Project site is located within the Central Business District.
- 2. Urban Development - Develop sites within existing municipal infrastructures to increase localized density, protect greenfields and preserve habitat and natural resources.**
- ☒ a. Municipal Infrastructure
    - ☒ Project utilizes existing infrastructure, is in close proximity to basic services and is not a greenfield.
  - ☒ b. Mixed-Use Development
    - ☒ Project supports mixed-use development.
- 3. Brownfield Redevelopment - Rehabilitate sites where development is complicated by environmental contamination.**
- ☒ Project demonstrates effective remediation of site contamination (using established technologies that have minimal disruption on the site's natural features above and below ground).
- 4. Environmental Site Assessment - Reduce the impact of the structures to the environment and optimize building placement on a site.**
- ☒ Evaluate the proposed site's environmental characteristics. Document existing water elements, soil conditions, ecosystems, trees and other vegetation; and map all potential natural hazards including traffic and pollution sources. Plan to maintain or restore existing site features.
- 5. Transportation Alternatives - Reduce pollution and development impact from automobile use.**
- ☒ a. Public Transportation
    - ☒ Building is located within 1/4 mile of at least 2 bus stops or within 1/2 mile of a rail stop (or future rail stop with proposed completion within 5 years).
  - ☒ b. Bicycle Use
    - ☒ Project incorporates bicycle securing areas and shower / changing facilities that accommodate 10% or more of the building occupants.
  - ☒ c. Parking Capacity
    - ☒ Parking does not exceed minimum local zoning requirements and provides preferred parking for carpools for at least 5% of building occupants.
- 6. Site Disturbance - Limit site disturbance or restore damaged open areas to provide habitat and promote biodiversity.**
- ☒ a. Protect or Restore Open Areas
    - ☒ On greenfield sites plan to limit disturbance to 40 ft beyond the building perimeter, 5 ft beyond roadways and utility trenches and 25 ft beyond any previous paving areas that require additional staging. On previously developed sites, restore at least 50% of the remaining open area through re-vegetation.
  - ☒ b. Reduce Development Footprint
    - ☒ Development footprint exceeds local zoning open space requirements by at least 25%.

**SITE Cont'd: Sustainability through site selection...**

0 **7. Site Impervious Surfaces to Reduce Heat Island** - Reduce heat island effects to minimize the impact on microclimate and human wildlife habitat.

☒ Open-grid pavement system, (net impervious area of less than 50%) above an underground water quality, retention facility for a minimum of 50% of the parking lot area.

OR At least 50% of the parking spaces are located underground.

OR High-albedo materials applied and include calculations demonstrating that these materials are installed on at least 30% of the non-roof impervious surfaces.

OR All non-roof impervious surfaces that will be shaded and include calculations demonstrating that at least 30% of the impervious surfaces will be shaded within five years.

0 **8. Light Pollution Reduction** - Minimize light trespass from the building and site, improve night sky access and reduce development impact on nocturnal environments.

☒ Lighting meets "An Ordinance to Improve Outdoor Lighting in the City of Alpine, TX" adopted May 23, 2000 Section 4(A,B,C2, D,& E), Section 5(A), and Section 7(A).

0 **9. Integrated Pest Management** - Preserve the site's ecological integrity, enhance biological diversity, and protect wildlife by employing least toxic grounds management practices while supporting building performance and integration into surrounding landscapes.

☒ Implement an Integrated Pest Management Plan and practices.

0 **10. Outdoor Environmental Quality - Outdoor Spaces** - Provide outdoor places on site to enable building occupants and visitors to connect to and enjoy the natural environment

☒ Usable outdoor areas accommodate shaded seating for 10% or more of the building's occupants.

0 **Total Site Points**

---

**ENERGY:**

0 **1. Additional Energy Use Efficiency** - Reduce environmental impacts associated with excessive energy use.

Energy model shows building performs:

☒ 20% better than City of Austin Energy Code.

☒ 25% better than City of Austin Energy Code.

☒ 30% better than City of Austin Energy Code.

☒ 35% better than City of Austin Energy Code.

☒ 40% better than City of Austin Energy Code.

0 **2. Green Energy** - Encourage the use of

☒ Have a 10 year Green Power contract in place for 50% of building's non-renewable energy needs.

0 **3. Renewables** -

☒ Install on-site renewable energy system for 2% of energy needs.

☒ Install on-site renewable energy system for 5% of energy needs.

0 **4. Additional Commissioning** -

In addition to the Building Systems Commissioning Pre-Requisites the following must be completed:

☒ Commissioning agent shall at a minimum conduct design document review prior to 50% CD's.

☒ Demonstrate that all building systems operate according to design intent narrative.

☒ Demonstrate building structure and envelope perform according to design intent narrative.

☒ Provide seasonal re-commissioning through warranty period.

☒ Complete a commissioning report.

0 **5. District Cooling** -

☒ Tie into Austin Energy's district cooling and heating loop for all HVAC building energy needs.

0 **Total Energy Points**

---

**WATER: Better water quality, water conservation, rainwater catchment**

0 **1. Irrigation Water Reduction** - Reducing the use of potable water for landscape irrigation purposes reduces the load on municipal water systems, saving water and energy.

Irrigation potable water consumption is reduced by at least:

☒ 50%

☒ 75%

☒ 100%

0 **2. Indoor Potable Water Use Reduction**

Total indoor potable water use is reduced by at least:

☒ 25%

☒ 35%

☒ 45%

☒ 55%

0 **3. Stormwater Management** - Limit the disruption of natural water flows by reducing stormwater runoff, increasing on-site infiltration and eliminating contaminants.

**Rate and Quantity**

☒ For sites with less than 50% imperviousness, there is no net increase in the rate and quantity of stormwater runoff.

OR For sites with greater than 50% imperviousness, decrease the rate and quantity of stormwater runoff by 25% or more.

0 **Total Water Points**

CIP  
44

Indoor Environmental Quality: Better indoor environmental quality, humidity control, comfort	
0	1. Indoor Air Quality Monitoring <input checked="" type="checkbox"/> Install permanent carbon dioxide monitoring system that provides feedback in a usable form to make adjustments to ventilation system. Commission all systems to the preferred set point parameters and optimal performance for all operating conditions.
0	2. Indoor Chemical & Pollutant Sources For areas of identified point source pollution, including copy rooms and print shops, copy machines, break rooms, laboratories, and janitorial chemical storage rooms: <input checked="" type="checkbox"/> Provide ventilation directly to the outside of the building and provide drains for appropriate disposal. <input checked="" type="checkbox"/> Construct a structural floor-to-floor partition between these areas and occupied spaces. <input checked="" type="checkbox"/> Operate at a negative pressure relative to surrounding areas under all operating conditions by testing.
0	3. Daylighting <input checked="" type="checkbox"/> Integrate daylighting systems, electric lighting systems, and controls to optimize daylighting strategies and minimize energy consumption and heat generation.
0	4. Views to the Outside <input checked="" type="checkbox"/> Glazing systems and interior partitions allow for a minimum of 75% of regularly occupied spaces a view of vision glazing (between 2'-6" and 7'-6" from finished floor height) and a view of the outdoors.
0	5. Thermal Comfort <input checked="" type="checkbox"/> Install mechanical systems (thermal, ventilation, and dehumidification) and monitoring systems to ensure optimal parameters for thermal comfort for all operating conditions according to ASHRAE 55-1992 (1995 Addenda).
0	6. Individual Controllability <input checked="" type="checkbox"/> Install and commission systems for individual occupant controllability for visual and thermal comfort.
0	7. Low-Emitting Materials - To reduce the quantity of indoor air contaminants that are odorous or potentially irritating to provide installer and occupant health and comfort
0	a. Sealants & Adhesives <input checked="" type="checkbox"/> All installed sealants and adhesives meet South Coast Air Quality Management District (SCAQMD) standards.
0	b. Carpet & Carpet Pad <input checked="" type="checkbox"/> All installed carpet and carpet pad meets Carpet & Rug Institute's (CRI) Green Label Plus minimum standards.
0	c. Composite Wood <input checked="" type="checkbox"/> All installed composite wood contains no added urea-formaldehyde.
0	d. Insulation <input checked="" type="checkbox"/> All installed insulation meets GreenGuard certification standards.
0	8. Moisture Prevention <input checked="" type="checkbox"/> No vinyl wallcoverings or other vapor barrier may be installed as the finish material on the interior of any exterior wall. <input checked="" type="checkbox"/> Ensure proper installation of building envelope drainage systems, including flashing and overhang systems. Provide on-site training and inclusion in sub-contractor contracts. <input checked="" type="checkbox"/> Ensure positive building pressure prior to occupancy.
0	9. Acoustic Quality <input checked="" type="checkbox"/> Install wall systems and sound deadening materials and devices to optimize acoustics and meet ANSI NC (American National Standards Institute Noise Criteria) ratings.
0	10. Outdoor Pollutant Sources <input checked="" type="checkbox"/> Entrances, operable windows and fresh air intakes shall be located a minimum 30 feet away from designated smoking areas. Install appropriate signage to clearly designate where smoking is permitted and not permitted. <input checked="" type="checkbox"/> Install permanent entryway systems.
0	11. Construction Indoor Air Quality <input checked="" type="checkbox"/> Implement Construction Indoor Air Quality Management Plan, such as the Sheet Metal and Air Conditioning National Contractor's Association (SMACNA) Guidelines for Occupied Buildings Under Construction. The plan should include each of these key areas of IAQ protection: Scheduling, Source Control, HVAC Protection, Pathway Interruption, and Housekeeping.
0	Total Indoor Environmental Quality Points

CM  
45

**MATERIALS & RESOURCES:**

- ☐ 1. **Additional Construction Waste Management** - Divert construction, demolition, and land clearing debris from landfill disposal. Redirect recyclable material back to the manufacturing process.  
☒ 75% (by weight) diverted from landfill.
- ☐ 2. **Building Reuse** - Extend the life cycle of existing building stock, conserve resources, retain cultural resources, reduce waste, and reduce environmental impacts of new buildings as they relate to materials manufacturing and transport.
- ☐ a. **Existing Building Shell and Structure**  
☒ Incorporate at least 40% (surface area) of existing building shell and structure in order to conserve the use of building materials and reduce demolition effects where practicable.  
☒ Incorporate at least 80% (surface area) of existing building shell and structure in order to conserve the use of building materials and reduce demolition effects where practicable.
- ☐ b. **Interior Non-structural Elements**  
☒ Incorporate at least 50% (surface area) of interior non-structural elements in order to conserve the use of building materials and reduce demolition effects where practicable.
- ☐ 3. **Salvaged Materials** - Extend the life cycle of targeted building materials by reducing environmental impacts related to materials manufacturing and transport. Salvaged or refurbished materials account for:  
☒ 5% (dollar value) of project building materials.  
☒ 10% (dollar value) of project building materials.
- ☐ 4. **Recycled Content** - Increase demand for building products that have incorporated recycled content materials, therefore reducing the impacts resulting from the extraction of new materials.  
 Building materials contain recycled content (the sum of post-consumer recycled content plus one-half of the post-industrial content) of at least:  
☒ 5% (dollar value) of the materials in the project.  
☒ 10% (dollar value) of the materials in the project.
- ☐ 5. **Rapidly Renewable Material** - Reduce the use and depletion of finite raw, and long-cycle renewable materials by replacing them with rapidly renewable materials.  
☒ At least 5% (dollar value) of the project materials are made from rapidly renewable sources.
- ☐ 6. **Regionally Sourced Material** - Increase demand for materials that are manufactured locally, thereby reducing the environmental impacts resulting from their transportation and supporting the local economy.  
 Building materials and products are extracted and/or manufactured (final assembly) regionally within the state of Texas for at least:  
☒ 30% (dollar value)  
☒ 50% (dollar value)
- ☐ 7. **Certified Wood** - Encourage environmentally responsible forest management.  
☒ At least 50% (dollar value) of wood-based materials are certified in accordance with the Forest Stewardship Council (FSC) guidelines for wood building components.
- ☐ 8. **Low VOC Exterior Materials** - To reduce the quantity of air contaminants that are odorous or potentially irritating to provide installer health and comfort.  
 Exterior sealants, coatings and adhesives meet South Coast Air Quality Management District (SCAQMD) standard; exterior paints meet Green Seal standard; and exterior composite wood products contain no added urea formaldehyde by at least:  
☒ 50% (dollar value)  
☒ 100% (dollar value)

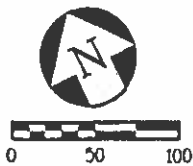
0 Total Materials &amp; Resources Points

**INNOVATION:**

- ☐ 1 Title -
- ☐ 2 Title -
- ☐ 3 Title -
- ☐ 4 Title -
- ☐ 5 Title -
- ☐ 6 Title -
- ☐ 7 Title -
- ☐ 8 Title -
- ☐ 9 Title -
- ☐ 10 Title -

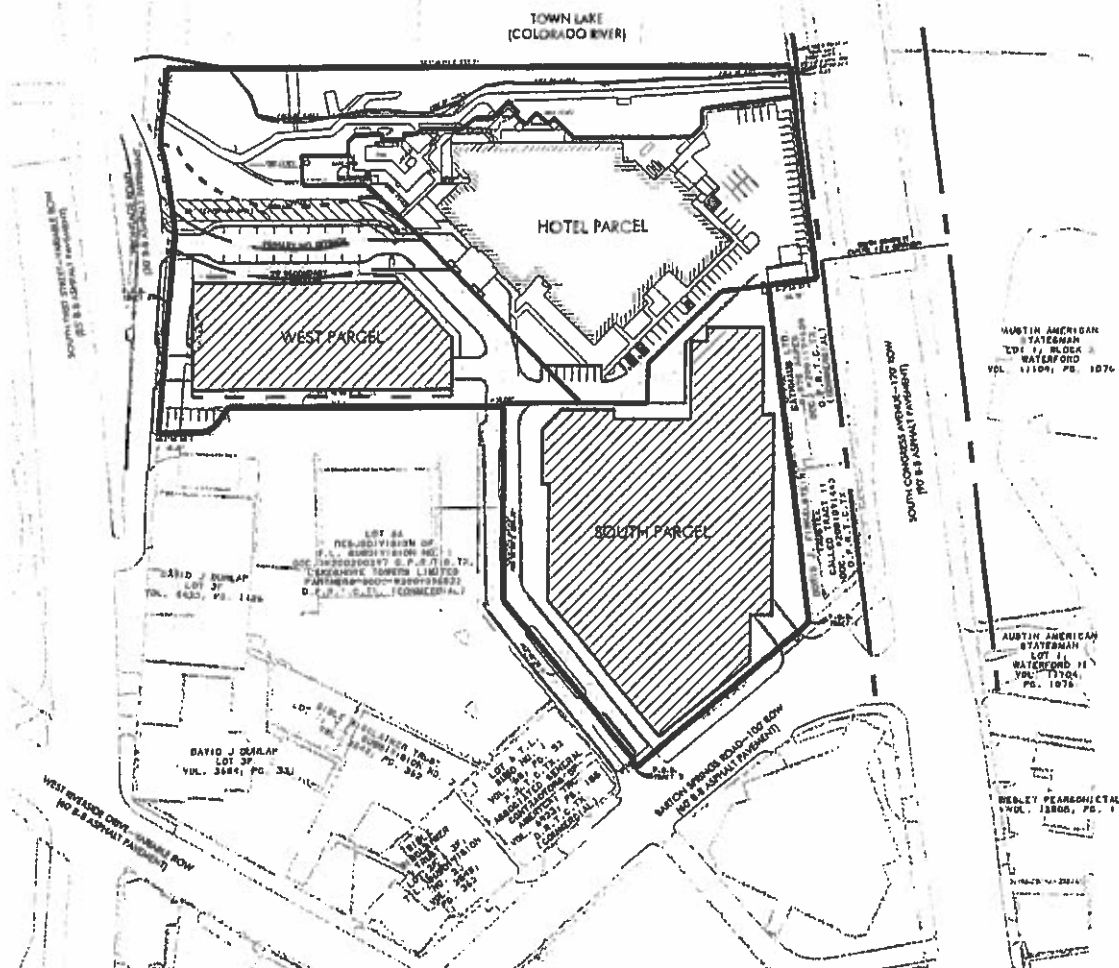
0 Total Innovation Points

C 46



# EXHIBIT 'A'

CM  
47



## LAND USE REGULATIONS

### HOTEL PARCEL:

- PARCEL AREA = 2.78 AC
- BUILDING COVERAGE = 95 %
- BUILDING HEIGHT = 200 FT
- FAR = 8:1
- MIN PARKING = 80% OF THE REQUIRED PARKING PER LDC 25-6 APPENDIX A
- MAX PARKING = NONE

### WEST PARCEL:

- PARCEL AREA = 3.71 AC
- BUILDING COVERAGE = 50 %
- BUILDING HEIGHT = 200 FT
- FAR = 8:1
- MIN PARKING = 80% OF THE REQUIRED PARKING PER LDC 25-6 APPENDIX A
- MAX PARKING = NONE

### SOUTH PARCEL:

- PARCEL AREA = 3.09 AC
- BUILDING COVERAGE = 95 %
- BUILDING HEIGHT = 200 FT
- FAR = 8:1
- MIN PARKING = 80% OF THE REQUIRED PARKING PER LDC 25-6 APPENDIX A
- MAX PARKING = NONE

Hotel Parcel (2.78 Acres)		West Parcel (3.71 Acres)					South Parcel (3.09 Acres)					Site Total
	Total	CWOZ	Primary Setback	35' Secondary Setback	Uplands	Total	CWOZ	Primary Setback	35' Secondary Setback	Uplands	Total	
Area (SF)	121083	66629	81617	11236	68555	161408	0	0	0	134327	134327	416816
Total Imp. Cover (sf)	100891	646	7550	10115	51328	68993	0	0	0	103210	103210	273094
Percent Imp. Cover (%)	83.32	1.27	9.25	90.02	74.87	42.74				76.83	76.83	65.62

Note: Primary Setback Area includes CWOZ Area

**LC LONGARO & CLARKE**  
Consulting Engineers

Land Development • Stormwater Management • Water Resources

1801 Capital of Texas Highway South • Building C • Suite 308 Austin, Texas 78740  
512.308.0778 • www.LongaroClarke.com • 512.308.0336 fax

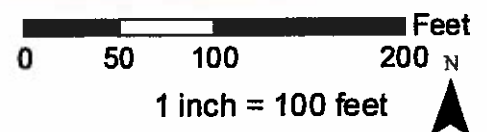
## 208 BARTON SPRINGS





Imagery: 2013-03

Exhibit C - 2  
PUD Parcels & Aerial







**GRAVES DOUGHERTY HEARON & MOODY**  
A PROFESSIONAL CORPORATION

Michael J. Whellan  
512.480.5734  
512.480.5834 (fax)  
mwhellan@gdhm.com

MAILING ADDRESS  
P.O. Box 98  
Austin, TX 78767

C 12/49

July 16, 2013

VIA HAND DELIVERY

Mr. Greg Guernsey  
Director of Planning and Development Review Department  
City of Austin  
301 W. 2<sup>nd</sup> Street  
Austin, Texas 78701

Re: 208 Barton Springs Road; PUD Amendment to Allow Commercial Off-Street  
Parking - No other changes to the PUD

Dear Mr. Guernsey:

Enclosed please find a PUD Amendment Application in which the applicant seeks to add as a permitted use Commercial Off-Street Parking on two of the parcels within the PUD. We have confirmed that we do not need a project assessment for a simple amendment on property with an existing PUD zoning district designation. The South and West Parcels (identified in the PUD for 208 Barton Springs Road) will have excess parking that could be utilized to accommodate parking needs in the area.

To implement this change, the Applicant only seeks to modify Exhibit E to the PUD ordinance, entitled "Permitted Uses Table." In Exhibit E under subparagraph II (West Parcel) and subparagraph III (South Parcel), paragraph A.1. in each section would be modified as follows:

In addition, a residential use that is permitted in a multifamily base district and commercial off-street parking are ~~is also a permitted uses~~. See attached redline.

If you have any questions, please feel free to contact me.

Very truly yours,

GRAVES, DOUGHERTY, HEARON & MOODY  
A Professional Corporation

Michael J. Whellan

MJW/pd  
Enclosure

cc: Tantallon Austin Hotel, LLC

CD  
50

EXHIBIT E

PERMITTED USES TABLE

Hotel Parcel.

- A. All uses in effect on the date of this ordinance specified as permitted uses, conditional uses, or pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code are permitted uses in the Hotel Parcel, except as set forth in Subsection A. 2 and Subsections B and C.

1. The following uses are additional permitted uses:

Hotel-motel

Hotel-motel accessory uses (meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premise consumption only; cocktail lounge not to exceed 20,000 square feet gross floor area, fitness center, business center, bike rentals, guest laundry, concierge services, secretarial services, swimming pool, and spa) or other uses as determined by the City of Austin.

2. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B. All uses specified as conditional uses in the commercial-liquor sales (CS-1) district which are not specified as permitted uses in Subsection A, are conditional uses, except the following uses set forth below are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
	Communication service facilities
	Group residential

Adult oriented businesses

C12/51

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

II. West Parcel.

- A. All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A. 2 and Subsections B and C.

1. In addition, a residential use that is permitted in a multifamily base district and commercial off street parking are is also a permitted uses.
2. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B. All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses: .

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
	Service station
	Outdoor entertainment

Local utility services                      Communication service facilities  
Telecommunication tower Group residential Adult  
oriented businesses

C 12  
52

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

### III. South Parcel.

- A. All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A. 3 and Subsections B and C.

1. In addition, a residential use that is permitted in a multifamily base district and commercial off street parking are is also a permitted use.
2. In addition, only the following hotel accessory uses are permitted: meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premises consumption only, fitness center, business center, bike rentals, guest laundry, secretarial services, pool, spa and indoor entertainment, provided that parking on all accessory uses shall be determined as though each use is a principal use as opposed to an accessory use.

3. The following uses are prohibited uses:

Automotive rentals (not  
including taxicab  
parking and dispatching)  
Automotive sales Local  
utility services

Automotive repair services  
Automotive washing (of any type)  
Service station  
Outdoor entertainment  
Communication service facilities

C 12/53

Telecommunication tower      Group residential  
Adult oriented businesses

- B. All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)