

## ZONING CHANGE REVIEW SHEET

CASES: C14-2018-0026 - E Riverside DR and S Pleasant Valley Rd Tract 4  
C14-2018-0027 - E Riverside DR and S Pleasant Valley Rd Tracts 3 & 5  
C14-2018-0028 - E. Riverside Dr and 1109 S. Pleasant Valley Road Tracts 1 and 2  
C14-97-0010(RCT) - E. Riverside Dr. and S. Pleasant Valley Rd. Tract 4  
C14-72-204(RCA5) - E. Riverside Dr and S. Pleasant Valley Rd. Tracts 1-5

DISTRICT: 3

ZONING REQUESTS FROM: East Riverside Corridor (ERC) district - Neighborhood Mixed Use (NMU) and Urban Residential (UR) subdistricts

TQ: East Riverside Corridor (ERC) district – Corridor Mixed Use (CMU) subdistrict

ADDRESSES: 1600 Wickersham Lane, 1515 Wickersham Lane, 4700 E Riverside Drive, 4600 Elmont Drive, 1109 S Pleasant Valley Road

SITE AREA: 97.6 Acres

OWNERS: NRE Town Lake Property Owner LLC, Ballpark Austin LLC, BP Riverside West LLC, NRE Zone, NRE Edge

APPLICANT: Armburst & Brown, PLLC (Michael Whellan)

CASE MANAGER: Jerry Rusthoven, 512-974-3207 [jerry.rusthoven@austintexas.gov](mailto:jerry.rusthoven@austintexas.gov)

### STAFF RECOMMENDATION:

For the geographic area of the zoning requests within one half mile of the intersection of Riverside and Pleasant Valley, as delineated by the private drive north of 1401 S Pleasant Valley Road (Dollar General Store), and south of 1109 S Pleasant Valley Road (the Town Lake apartments), Staff recommends:

- Amendment 1 – (ERC Plan, Figure 1-2, Subdistrict Map) – Change the ERC subdistricts of the properties from Neighborhood Mixed Use (NMU) and Urban Residential (UR) subdistricts to Corridor Mixed Use (CMU)
- Amendment 2 – (ERC Plan, Figure 1-6, Hub Map) Include designated area in the Hub boundary
- Amendment 3 – (ERC Plan, Figure 1-8, Bonus Height Map) Make designated area eligible for up to 160 feet of height, with development bonus
- Amendment 4 – (ERC Plan, Figure 1-4, Active Edge Map) – Extend active edges north on Pleasant Valley to Elmont, and on Riverside from Wickersham to Crossing Place
- Amendment 5 – (ERC Plan, Figure 1-7, Base Height Map) Amend to reflect changes to Figure 1-2 above, described in Amendment 1
- For the area of the rezoning requests beyond one half-mile from the intersection of Riverside and Pleasant Valley, Staff does not support zoning changes or changes to the ERC regulating plan.

- Staff supports amending restrictive covenant C14-72-204(RCA4), to remove the subject properties from the restrictive covenant, which limits the number of dwelling units. Staff supports termination of restrictive covenant C14-97-0010(RCT), which requires one parking space per bedroom, and a six-foot fence around the property.

- Staff recommends that the rezoning requests described in this report be subject to the conditions outlined the attached traffic impact analysis (TIA) memorandum. ***Please see Exhibit L- TIA Memorandum.***

Copies of the Figures listed above are attached with this report. ***Please see Exhibits C through H – Subdistrict Map, Active Edges Map, Collector Street Map, Hub Map, Base Height Map, Bonus Height Map.***

***For a summary of the basis of Staff's recommendation, see page 10.***

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

June 11, 2019: For cases C14-2018-0026, C14-2018-0027, and C14-2018-0028, vote to grant Applicant's request ERC-CMU zoning district and:

1. Amend ERC Plan, Figure 1-6, Hub Map to include designated area in the Hub boundary;
2. Amend ERC Plan, Figure 1-8, Bonus Height Map to make designated area eligible for up to 160 feet of height, with development bonus;
3. Amend ERC Plan, Figure 1-4, Active Edge Map) to extend active edges north on Pleasant Valley to Elmont, and on Riverside from Wickersham to Crossing Place;
4. Amend ERC Plan, Figure 1-7, Base Height Map to reflect changes to Figure 1-2; and,
5. All properties shall be subject to the associated Traffic Impact Analysis (to be attached by public restrictive covenant.)

Additionally, to grant termination and amendments for cases C14-97-0010(RCT) and C14-72-204(RCA4) as requested by Applicant.

VOTE: 7-4. [C. Kenny- 1st, J. Shieh- 2nd; K. McGraw, R. Schneider, P. Seeger, and T. Shaw-Nay; F. Kazi, J. Schissler- Recused.]

**CITY COUNCIL ACTION:**

August 8, 2019:

**ORDINANCE NUMBER(S):**

ISSUES:

The rezoning requests outlined in this Staff Report propose to rezone the subject tracts and amend to the East Riverside Corridor (ERC) Regulating Plan. When the ERC plan was adopted in 2013, the adopting ordinance established that any changes to Figure 1-2 (subdistrict designation) would then be reflected in Figures 1-7 (base height) and 1-8 (bonus height). These changes are subject to rezoning procedures, including notification and public hearings at Planning Commission and City Council.

Per scheduling requirements set out in City Code § 25-2-282 (E), the public hearings of these rezoning cases must be heard at the June 11, 2019 Planning Commission meeting.

City Code does not allow a rezoning request to cross public right-of-way (ROW), so the related rezoning requests have been filed under three separate applications. The associated restrictive covenant termination (RCT) and restrictive covenant amendment (RCA) requests also apply to several of the properties. The Staff Report for all five cases are combined into one, with distinctions made where appropriate. ***Please see Exhibits A and B- Tract and Application Map, Aerial Exhibit.***

Case Number	Type	Case Name	Address(es)
C14-2018-0026	Rezoning	E Riverside DR and S Pleasant Valley Rd Tract 4	1600 Wickersham Lane
C14-2018-0027	Rezoning	E. Riverside Dr and S. Pleasant Valley Rd. Tracts 3 & 5	4700 E Riverside Drive; 1515 Wickersham Lane
C14-2018-0028	Rezoning	E. Riverside Dr and 1109 S. Pleasant Valley Road Tracts 1 and 2	1109 S Pleasant Valley Road; 4600 Elmont Drive
C14-97-0010(RCT)	Restrictive Covenant Termination	E. Riverside Dr. and S. Pleasant Valley Rd. Tract 4	160 Wickersham Lane
C14-72-204(RCA4)	Restrictive Covenant Amendment	E. Riverside Dr and S. Pleasant Valley Rd. Tracts 1-5	<i>Includes all addresses above</i>

APPLICANT REQUEST:

The Applicant proposes redeveloping these properties as a cohesive mixed use development or activity center that would be built on a new street grid (***See Exhibit I***). The proposal as outlined in a letter provided by the Applicant includes the following elements:

- Approximately 4,709 multifamily units
- Approximately 600 hotel rooms
- Approximately 4,000,000 square feet of office
- Approximately 60,000 square feet of medical / dental office space
- Approximately 435,000 square feet of ground floor commercial space

In order to implement their proposal, the Applicant proposes the following changes to the current zoning on the properties:

- Change the ERC subdistricts of the properties from Neighborhood Mixed Use (NMU) and Urban Residential (UR) subdistricts to Corridor Mixed Use (CMU)
- Include the entire property in a Hub (a portion of the property that fronts on Riverside Drive is already within the Hub– (*See Exhibit F*) to allow participation in the density bonus/community benefits program
- Allow a maximum of 160 feet in height through the density bonus program (a portion of the property that fronts on Riverside Drive is currently eligible for bonus height up to 65 ft)
- Terminate restrictive covenant C14-97-0010, which requires one parking space per bedroom, and a 6 foot fence around the property
- Amend the restrictive covenant C14-72-204, which limits dwelling units and density; to remove the subject properties

Additional requirements to any rezoning or site plan in the ERC area: Figure 1-5 in the ERC shows existing streets and required new collector streets (*See Exhibit E*). Relevant to this application are the extension of Lakeshore Boulevard east of Pleasant Valley, the extension of Elmont east of Wickersham to Crossing Place, and the extension of Wickersham north of Elmont to connect with the extension of Lakeshore Boulevard. The ERC also establishes minimum block lengths and perimeters for any new development. In consideration of this requirement the Applicant proposes a revised street grid and has submitted a preliminary plan subdivision for the same area. Per City Code, the preliminary plan may not be approved prior to the approval of the zoning case. *Please see Exhibit J- Applicant Letter.*

#### EXISTING CONDITIONS:

There are currently five apartment complexes located on the subject properties: The Ballpark North, Town Lake, and the Quad East, West, and South. These complexes include a total of 1,308 rental units which includes one, two, three, and four-bedroom units. A unit breakdown is shown in the table below. Altogether, there are a total of 3,702 bedrooms across the five existing developments.

The existing apartments were constructed between 1995 and 2003. For 2019, the median rent in the City of Austin is \$1,170/month for a one-bedroom unit. The monthly rent for a one-bedroom unit at the existing complexes vary but are generally below the Citywide median. The units are not currently regulated in terms of rent; consequently, rents can rise at any time. The only avenue to ensure that the existing units remain affordable over the long term would be to purchase and/or subsidize the preservation of the units (at a likely cost of over \$150 million). These properties are subject to the City's Tenant Relocation Ordinance, which requires advance notification of demolition to residents, but does not require the payment of relocation expenses. Funds may be available from the City's Tenant Relocation Assistance Program for tenant displacement.

*Table 1: Existing Apartments Units*

	1 bed	2 bed	3 bed	4 bed	Units	Beds
Town Lake	36	36	36	108	216	648
Ballpark North	78	24	78	102	282	768
Quad West	24	144	0	120	288	792
Quad East	30	60	60	120	270	810
Quad South	48	72	36	96	252	684
Totals					1,308	3,702



If the properties are rezoned and the ERC density bonus program is utilized the properties could potentially result in the creation of 200 – 334 income-restricted affordable units [based on the Staff recommendation in addition to fees in in-lieu for affordable housing that would be calculated at the time of site plan]. However, the creation of these affordable units or in-lieu fees is dependent on the final proposed development, not the zoning entitlements granted.

The Applicant request proposes that the existing apartments be demolished and replaced with the new development to include buildings, roads, and infrastructure. The Applicant has stated that construction would begin in approximately 2023, and the full buildout could take as many as 20 years, to 2043.

#### SURROUNDING CONDITIONS:

The subject properties comprise approximately 97 acres in the ERC Regulating Plan area. The properties are located north of E Riverside Drive, east of South Pleasant Valley Road, south of Roy G. Guerrero Park, and West of Crossing Place. The properties have ERC district zoning. The area is within two different subdistricts – Neighborhood Mixed Use (NMU) for the area fronting on Riverside, and for the area south of Elmont Drive and west of Wickersham; and Urban Residential (UR) for the remainder.

Lakeshore Boulevard currently tees into Pleasant Valley Road – to the east of that intersection is the southwest corner of Roy G. Guerrero Park, which is zoned (P) Public. The Country Club Creek Trail ends at Pleasant Valley Road approximately 30 feet north of the subject property. Also to the north in this section of the park is part of a disc golf course. Further north are the Krieg baseball fields and Lady Bird Lake. The eastern edge of the 97 acres includes another section of the Country Club Creek Trail, and West Country Club Creek. Currently, this area is privately owned and is treated as part of the zoning case. However, this section is in the 100-year flood plain and Critical Water Quality Zone (CWQZ), and therefore no structures will be permitted in this area. Further east are tracts zoned MF-3-NP, and MF-2-NP, the site of two- and three-story multifamily complexes which take access to Crossing Place and Faro Drive. On the south side of Riverside, southeast of the subject properties are tracts zoned ERC-UR, the site of a two-story multifamily complex. Directly south of the subject property are tracts zoned ERC-NMU with a service station and food mart at the corner, and a three to four story multifamily complex in the rear. Fronting on Riverside, west of Wickersham and extending west to Pleasant Valley is a strip that is zoned ERC-CMU, which is the site of two and three-story multifamily apartments. At the northeast corner of Pleasant Valley and Riverside is a gas station. A pharmacy is at the southeast corner of Pleasant Valley and Riverside. On the west side of Pleasant Valley Drive and south of Elmont Drive are tracts zoned ERC-CMU. At the intersection of Riverside is an HEB grocery. North of the HEB is a lot that is currently vacant and appears to be used as a storage and staging area for construction. North of that is a five-story multifamily complex. West of Pleasant Valley and north of Elmont Drive is a tract zoned ERC-NMU, the site of a gas station and food mart at the corner, and two two-story multifamily complexes. North of these, and extending up to South Lakeshore Boulevard, is a tract zoned Public (P) that is the current site of the Parks and Recreation Department's Central Maintenance Complex. North of Lakeshore Boulevard is park land, including a hike and bike trail, and further north is Lady Bird Lake.

### APPLICABLE ADOPTED PLANS:

#### **East Riverside Corridor Master Plan**

The ERC Master Plan sets forth a vision for development along East Riverside Drive that will support mass transit and walkable development. The ERC Master Plan also establishes design guidelines that exceed basic Code standards for streetscapes, building articulation, active outdoor space and other elements that create a walkable and vital community. The plan supports the development of dense development and affordable housing through density bonuses which are available in the CMU areas at Activity Hubs. The properties addressed in this report are currently designated as the NMU and UR subdistrict on the on the future land use district map. The area is adjacent to the CMU subdistrict and just outside of a designated activity Hub area. A description of these subdistricts is provided below, as well as a table that compares some of the differing regulations among the subdistricts.

Urban Residential – UR is a residential subdistrict that allows for a range of housing types, including townhouses, rowhouses, condos, or multifamily dwellings. This subdistrict does not promote mixed use development; uses such as retail or office are not permitted but civic uses are. The majority of the proposed rezoning area is currently in the UR subdistrict. Development bonuses are not available in this subdistrict.

Neighborhood Mixed Use – The NMU subdistrict is intended to provide a transition between high-density activity hubs and lower density residential uses. The NMU subdistrict was envisioned to occupy the areas at edge and outside of a CMU district and allows opportunities for residential and smaller-scale commercial uses. The NMU area is intended to be denser than the predominantly single family residential districts and less dense than in the CMU district. Proposed uses include small commercial developments that would serve the local community, such as coffee shops. Recommended residential development includes townhouses, condos, or multifamily dwellings limited to 50 feet in height and a maximum density of 45 dwelling units per acre.

Corridor Mixed Use – This subdistrict is intended to be centered around primary transit stops along East Riverside Drive and generally coincides with the central core of the Hubs. It is the highest density district designation within the Corridor and ideally will contain buildings with multiple uses. Mixed use development is vital in this district. There is the potential for height and density bonuses within the hubs with the provision of community benefits.

Dense development in the ERC is intended to occur in development hubs where residential, commercial and mixed use developments will be in close proximity. The maximum density recommended by the plan is 55 dwelling units per acre. Additionally, it is envisioned by the plan that residents of these areas will be able to walk to a variety of nearby services. The site of the proposed zoning change is located about a half mile or less from the transit Hub on East Riverside that were planned for either rail or bus rapid transit. Any development in this area will have to provide pedestrian infrastructure to support greater walkability and access to transit. The ERC Master Plan identifies a significant need for more housing along the corridor, particularly more affordable housing. CMU areas allow additional entitlements provided that the developer builds or pays for affordable housing in the corridor area.

Table 2: Comparison of ERC Subdistricts

Permitted Land Uses in ERC Subdistricts			
	UR	NMU	CMU
Residential, attached	Permitted	Permitted	Permitted
Residential, detached	Not Permitted	Not Permitted	Not Permitted
Smaller-scale Retail (less than 50,000 sq ft)	Not Permitted	Permitted	Permitted
General Retail	Not Permitted	Not Permitted	Permitted
Office	Not Permitted	Permitted	Permitted
Warehousing & Light Manufacturing	Not Permitted	Not Permitted	Not Permitted
Education/Religion	Permitted	Permitted	Permitted
Hospitality (hotels/motels)	Not Permitted	Permitted	Permitted
Civic Uses (public)	Permitted	Permitted	Permitted
Development Standards in ERC Subdistricts			
	UR	NMU	CMU
Maximum Building Height *	40 ft	50 feet	60 feet
Maximum FAR*	0.75 to 1	1 to 1	2 to 1
Desired Minimum FAR	60%	60%	60%
Impervious Cover	65%	80%	90%

\* Maximum FAR waived and maximum height increased with development bonus.

### Imagine Austin

Imagine Austin addresses density, walkability, mobility, and transit on a Citywide scale. The plan has established goals and guidelines applicable to the ERC area. One of the primary themes of the IACP is to support the growth of Austin as a compact, connected city. Major challenges identified by the plan, and relevant to this case, include how to plan for additional population growth that is anticipated, how to increase housing supply near employment centers, and how to improve access to transit.

The Imagine Austin Growth Concept Map (IACP) identifies East Riverside Drive and South Pleasant Valley Road as suitable for High Capacity Transit. These corridors identify locations for rail or bus rapid transit that may provide transportation options and impact where businesses and people choose to locate. The map also identifies the East Riverside District as being within a Town Center. Town Centers are envisioned by the plan to be areas where people live and work as well as being important hubs in the transit network. ***Please see Exhibit K- Growth Concept Map.***

The following Imagine Austin Comprehensive Plan policies are applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- LUT P32. Assure that new development is walkable and bikable and preserves the positive characteristics of existing pedestrian friendly environments.

- HN P4. Connect housing to jobs, child care, schools, retail, and other amenities and services needed on a daily basis, by strategies such as:
    - Directing housing and employment growth to sites appropriate for Transit Oriented Development.
    - Coordinating and planning for housing near public transportation networks and employment centers to reduce household transportation costs and vehicle miles traveled.
  - HN P7. Reuse former brownfields, grayfields and vacant building sites to reduce negative impacts of vacancy and provide new mixed use and/or housing options.
- The Imagine Austin policies referenced above and the Growth Concept Map support growth along High Capacity Transit Corridors.

## PUBLIC INPUT

One of the conditions for rezoning in the ERC area is that a public meeting in the community is required, in addition to the public hearings at Planning Commission and City Council. Per Ordinance 20151015-086 a public meeting for this case was held on March 27, 2019 at the George Washington Carver Museum. Notification procedures were followed, and property owners, residents, and registered organizations within 500 feet of the property were notified of the meeting.

Planning and Zoning (PAZ) Staff delivered a presentation that covered information about the zoning process, the proposed rezoning, and the applicant's proposal. Staff also offered options for attendees to ask questions or provide input on the case. Staff from several other departments were in attendance and available for questions. ***Please see Exhibits O and P- Comment Cards, Correspondence.***

## TRANSPORTATION:

The alignment for the proposed segment of Lakeshore Boulevard, east of Pleasant Valley has been reviewed by the Austin Transportation Department. ATD indicated a preferred alignment which would allow traffic to flow straight through the intersection, and not "jog." This alignment would take the street first onto an existing unbuilt right of way which runs parallel to the property line, and then onto the subject property itself.

ATD first looked at the applicant's full request for height and density and determined the type of street and intersection that would be needed. It was determined that more right of way would be needed beyond the existing 90 feet in width, primarily around the intersection, and totaling approximately 11,000 square feet. Because this area is within existing parkland - the Roy G. Guerrero Park - state law would require a Chapter 26 process to convert it to public right of way (Texas Parks and Wildlife Code, Title 3, Ch. 26). The Chapter 26 process is separate from zoning and goes to the Parks and Recreation Board, which makes a recommendation to Council. The Staff recommendation proposes less development than what the Applicant has proposed. ATD's assessment of the Staff recommendation has therefore resulted in fewer estimated trip movements through the intersection. It was determined that, with Staff's recommendation, a narrower cross section of roadway would be sufficient to accommodate projected traffic. This cross section would fit entirely within the existing 90' public right of way, thus avoiding the need for a Chapter 26 process. In sum, if Staff's recommendation, or some lower density, is approved, the Chapter 26 will be unnecessary.

A Traffic Impact Analysis (TIA) was performed for this set of zoning cases and a Staff TIA Memorandum is attached as Exhibit L. A key concept of the TIA is that any new development will have traffic impacts on the area in which it is located. The TIA considers the existing traffic patterns and volumes, and based on a model of the applicant's proposal, compares the potential future traffic patterns and volumes.

If these future volumes exceed certain thresholds, mitigation may be needed in order to improve the transportation network so that it can accommodate the projected level of use. This mitigation – in the form of specific projects - is then required of the applicant, in an amount that is roughly proportional to the level of impact. Also included as part of this TIA was a Transportation Demand Management Plan (TDM), which applies strategies to reduce or redistribute travel demand.

#### CASE MANAGER COMMENTS:

As shown in the tables above, CMU generally allows for higher buildings, a denser floor-area-ratio (FAR), and higher impervious cover allowances.

The ERC density bonus program provides additional entitlements if utilized. The program is intended to:

- Encourage construction of projects with height or density greater than is allowed in the ERC Subdistrict in exchange for the provision of community benefits;
- Encourage the provision of affordable housing and mixed income communities;
- Encourage additional density while allowing new development to support public benefits that are important to achieve as the East Riverside Corridor area transforms into a pedestrian-friendly urban neighborhood. These public benefits include affordable housing, open space, improved bicycling facilities, commercial or office uses, and improved flood and water quality controls.

To be eligible for the development bonus described in Subsection 6.3.3, the Applicant must provide public benefits as described below:

- A minimum of 50% of the Bonus Area shall be earned through the provision of on-site affordable housing or payment of an in-lieu fee for affordable housing, as described in Subsection 6.4.1; and
- A minimum of 25% of the Bonus Area shall be earned through the provision of publicly accessible open space, as described in Subsection 6.4.2; and
- The remainder of the Bonus Area shall be earned through the provision of any combination of public benefit options for which the project is eligible, as described in Section 6.4.
- A project providing a public benefit that meets certain criteria will be granted cumulative Bonus Area for all benefits for which the criteria is met.

#### **Restrictive Covenants**

There are two restrictive covenants (RCs) being considered along with the zoning cases. Staff supports the requested termination and amendment of these RCs. ***Please see Exhibit M-Restrictive Covenants.***

1. C14-72-204, originally dating from 1975, and applied to 497 acres, of which the subject properties are a part. The restrictive covenant limits the total number of units. The Applicant requests that their property be released from the restrictive covenant. This has been done in prior cases such as C14-72-204 (RCA3).

2. C14-97-0010, originally dating from 1997, concerns only Tract 4, at 1600 Wickersham Lane. The restrictive covenant requires a 6-foot fence around the entire property and one parking space for each bedroom. The Applicant has requested termination of this restrictive covenant, citing that with the redevelopment of the property, parking requirements would need to be followed and that fencing would not be needed.

#### BASIS OF RECOMMENDATION:

The first basis of the recommendations is that a rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission. The subject properties are located in an area identified for higher density through several planning efforts and adopted plans. In Imagine Austin, the area is within a town center, defined as areas where many people live and work as well as being important hubs in the transit network.

The East Riverside Corridor master plan and regulating plan indicate that the intersection of Riverside and Pleasant Valley is intended as a center or hub. Although the Hub is not drawn as a perfect circle around the intersection, close proximity to the existing Hub is a key factor to be considered.

The Strategic Housing Blueprint was adopted as the city's 10-year housing policy in 2017. The blueprint calls for 135,000 new housing units, and to make 60,000 of these available to households earning 80% or below of Austin's median family income. The blueprint also identifies preventing households from being priced out of Austin as a key community value. Here, the implications of this zoning decision must be carefully weighed; many people could potentially be displaced in this location. However, using the density bonus tools could result in the construction of new units that are required to remain affordable at levels described in the blueprint.

The second basis is that intensive multi-family zoning should be located on major arterials and highways; and that zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors. In the Austin transportation network, Riverside and Pleasant Valley are both designated as arterial roadways. In addition, the Austin Strategic Mobility Plan (ASMP) labels the roadways as Level 3 roadways, typically associated with increased need for transit.

The East Riverside Corridor master plan and regulating plan were developed between 2010 and 2013, when it was expected that a rail line would be constructed along Riverside Drive. Although the political will was not present for the rail to be approved and funded by the time of this writing, a rail line, bus rapid transit, or some other form of higher efficiency transit would make sense to go along Riverside, one of the main arterials south of the river and leading directly into downtown.

The third basis is that the rezoning achieves the compact and connected goals of Imagine Austin and the ERC Plan. This citywide plan and this small area plan both focus on provide safe and convenient opportunities for bicycle and pedestrian connectivity beyond standard City Code. The proposal also increases connectivity for vehicular access in the area that will provide route options. The mixed use nature of the rezoning will allow retail, service, and employment opportunities in close proximity to residences.

EXISTING ZONING AND LAND USES:

	ZONING	ERC Subdistrict	LAND USES
Site	ERC	NMU, UR	multifamily
North	P-NP	-	parks and recreation
South	Riverside, then ERC	CMU, NMU	Riverside, then commercial, multifamily
East	Country Club Creek West, then ERC, MF-3-NP	UR	Country Club Creek West, then multifamily
West	Pleasant Valley, then ERC	CMU, NMU	Pleasant Valley, then commercial, multifamily

NEIGHBORHOOD PLANNING AREA: Pleasant ValleyTIA: Required, Received, and Accepted (*See Exhibit K*)WATERSHED: Country Club WestOVERLAYS: East Riverside Corridor Regulating Plan, Scenic Roadways (Riverside)SCHOOLS: Baty Elementary School, Ojeda Middle School, Del Valle High SchoolSCHOOL DISTRICT: An Education Impact Study (EIS) was conducted for this site by the Del Valle Independent School District. (*See EIS, Exhibit N*).NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
 Austin Neighborhoods Council  
 Crossing Gardenhome Owners Assn (The)  
 Del Valle Independent School District  
 East Riverside Corridor Staff Liaison  
 East Riverside/Oltorf Neighborhood Plan  
 El Concilio Mexican-American  
 Friends of Riverside ATX Neighborhood  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Pleasant Valley  
 Riverside Farms Road Neighborhood Assn  
 South Lakeshore Neighborhood Association  
 Waterfront Condominium Homeowners Association

Austin Innercity Alliance  
 Bike Austin  
 Del Valle Community Coalition  
 East Austin Conservancy  
 Preservation Austin  
 Friends of Austin Neighborhoods  
 Neighborhoods Seltexas  
 Tejana Bilingual Community  
 River Bluff Neighborhood Assoc  
 Sierra Club, Austin Regional Group

**RELATED CASES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2012-0111, NPA-2011-0021.02 East Riverside Corridor (ERC) Regulating Plan	ERC Zoning, land use recs of ERC Master Plan	10-23-12 – Apvd ERC zoning, with conditions	05-09-13 – Apvd ERC with conditions on 3 <sup>rd</sup> reading
NPA-2012-0021.02 East Riverside Corridor Regulating Plan (EROE NPA)	Neighborhood Plan Amendment (NPA) to change the use to Specific Regulating District	10-23-12 – Apvd NPA for ERC zoning districts	05-09-13 – Apvd with conditions on 3 <sup>rd</sup> reading
C14-05-0113 Pleasant Valley Neighborhood Plan Rezoning – City Initiated	Neighborhood Plan	06-13-06 – Apvd Staff Rec with conditions	11-16-06 – Apvd Neighborhood Plan
C14-05-0113.01 Pleasant Valley Neighborhood Plan Rezoning (Tract 300) 1005 ½ S Pleasant Valley Rd	From MF-3 and MF- 5 to P (initiated from Pleasant Valley Neighborhood Plan)	10-25-05 – Apvd P	03-09-06 – Apvd P
C14-02-0047, C14-02-0055 Jefferson Commons 1109 S Pleasant Valley Rd	From GO to MF-2 and GR-CO	06-04-02 – Apvd MF-2-CO w/ conditions, RR for floodplain, GR-CO w/ conditions	06-27-02 - APVD MF-2-CO (Tract 1-3) and RR (Tract 4), CO for limit of 216 units, limit of 2,000 trips per day; 08-01- 02 – Apvd GR-CO, CO to prohibit auto uses, limit of 2,000 trips per day
C14-00-2044 JPI at the Ballpark (Pleasant Valley Sportsplex) 1225 S Pleasant Valley Rd	From CS to MF-2	05-02-00 – Apvd MF-2-CO	06-01-00 – Apvd MF-2-CO (Tract 1) and RR (Tract 2), CO for limit of 17 residents per acre, and 310 overall), required fence, limit of 2,000 trips per day
C14-97-0010 Pleasant Valley Student Housing	MF-3-CO	04-15-97 – Apvd MF-3	06-12-97 – Apvd MF-3-CO, CO for a limit of 16 units per acre



Pleasant Valley at Elmont			
C14-72-204(RCA3) 1401 South Pleasant Valley Road	Terminate RC as it applies to subject property	01-27-15 – Apvd amendment to RC	02-26-15 – Apvd amendment to RC
C14-2016-0115 2222 Town Lake 2225 Elmont Drive	From ERC-NMU to ERC-CMU	03-28-17 – Apvd CMU, inclusion in Huband eligible for 120' height density bonus	04-20-17 - Apvd CMU, inclusion in Huband eligible for 120' height density bonus
C14-2014-0099 1500 S. Pleasant Valley	NMU-CMU Inclusion in hub, Height Map (60ft), Development Bonus Height Map (65 ft).	Forwarded to Council without a recommendation	11-6-14- Apvd CMU, Inclusion in hub, Height Map (60ft), Development Bonus Height Map (65 ft).
C814-06-0109 Lakeshore PUD S Lakeshore Blvd	Planned Unit Development	02-27-07 – Apvd Staff rec for PUD with conditions	05-03-07 – Apvd PUD on 2 <sup>nd</sup> and 3 <sup>rd</sup> Readings
C14-2018-0064 Town Lake Circle II 2215 and 2315 Town Lake Circle	ERC-NMU to ERC-CMU, inclusion in the hub, eligibility for bonus height up to 120'	01-22-19 – Apvd ERC-CMU, inclusion in the hub, eligibility for bonus height up to 120'	04-11-19 – Apvd ERC-CMU, inclusion in the hub, eligibility for bonus height up to 120'

## EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E Riverside Drive	120 feet	80 feet (divided)	Arterial	Yes	Yes, shared lane, route # 60	Yes
S Pleasant Valley Road	115 feet	75 feet	Arterial	Yes	Yes, bike lane, route # 61	Yes
Wickersham Lane	70 feet	45 feet	Collector	Yes	Yes, shared lane, route # 961	Yes
Elmont Drive	70 feet	45 feet	Collector	Yes	No	Yes

Crossing Place	100 feet	80 feet (divided)	Collector	Yes	No	Yes
----------------	----------	-------------------	-----------	-----	----	-----

## OTHER STAFF COMMENTS:

Environmental- All Cases

- The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.
- Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

- Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
- Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876.
- Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
- At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Environmental- Specific Cases

C14-2018-0026 According to floodplain maps there is a floodplain adjacent to the project location.

C14-2018-0027 - According to floodplain maps there is a floodplain within the project location.

•According to GIS, there is a wetland CEF on site and associated buffer.

•A major Critical Water Quality Zone exist on site, the buffer extends 300' from the creek centerline on both sides.

C14-2018-0028 - According to floodplain maps there is a floodplain within the project location.

COA GIS indicates Critical Water Quality Zones located within the project location.

Development is limited within the Critical Water Quality Zone per LDC 25-8-261 and 262.

Parks and Recreation – All Cases

PR1: FYI: The ERC requires parkland dedication at subdivision on large tracts. Due to the density being proposed, PARD will require parkland dedication in the form of pocket parks and urban plazas.

Parks and Recreation – Specific Cases

C14-2018-0028 - Due to the configuration required on ERC pedestrian priority collector streets, it is assumed that building edges in these tracts will face the park. Please provide more information about potential building frontages along the new Wickersham between Colorado River Park and the northernmost buildings.

PR4: FYI: Aligning Wickersham with Lakeshore Blvd would require a Chapter 26 process to be approved by the City Council. ATD would be the sponsoring department. PARD would require mitigation for the taking of parkland to be determined during the Chapter 26 process.

Site Plan- All Cases

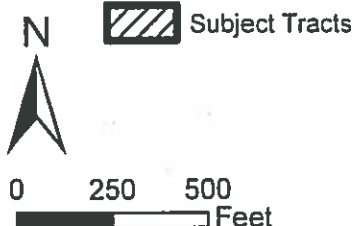
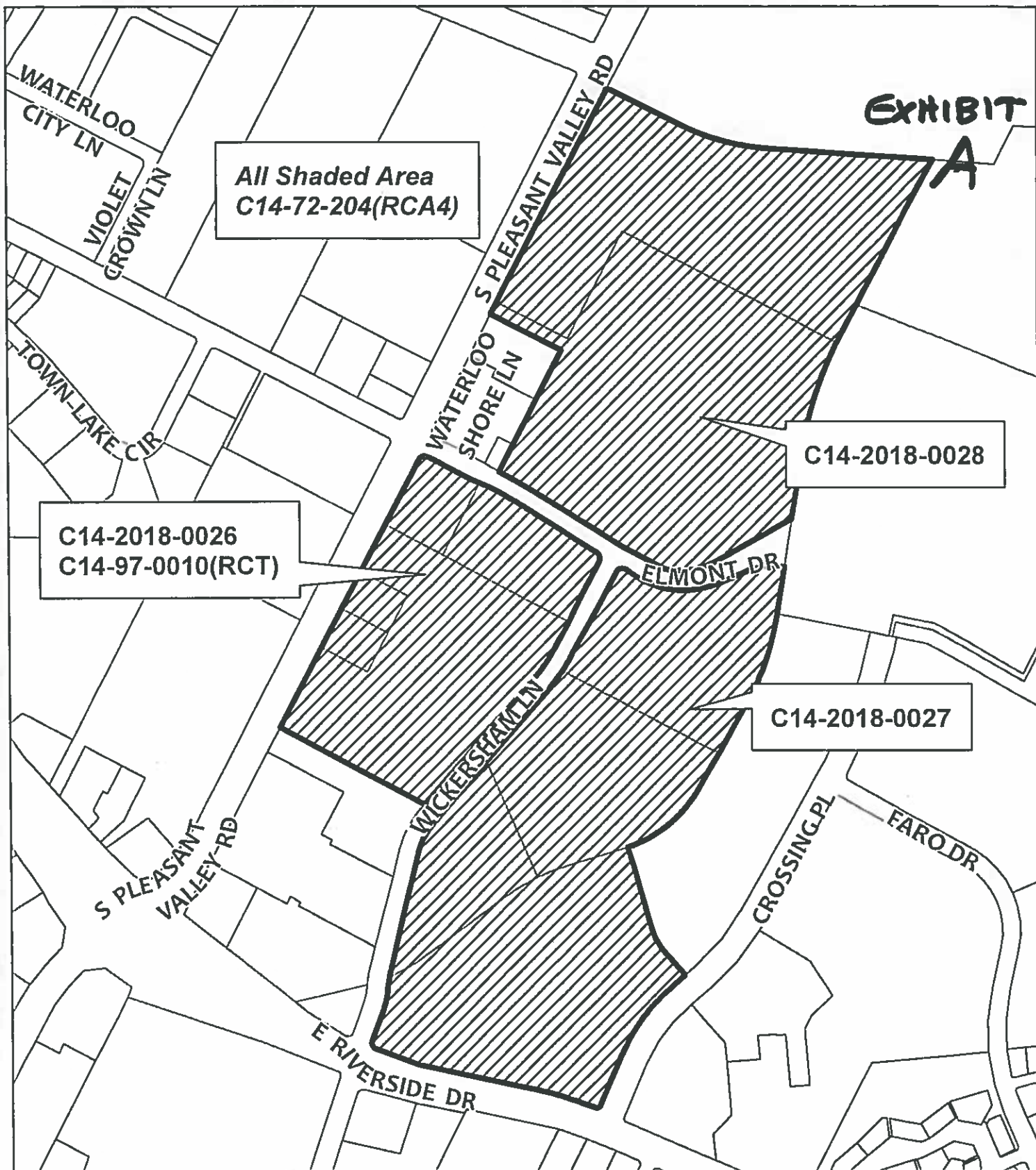
This site will be subject to the site development standards of the East Riverside Corridor's Corridor Mixed Use (CMU) Subdistrict (see Figure 1-9 of the ERC Regulating Plan).

Austin Water Utility

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

**INDEX OF EXHIBITS TO FOLLOW**

- A. Tract and Application Map
- B. Aerial Exhibit
- C. ERC, Fig 1-2, Subdistrict Map
- D. ERC, Fig 1-4, Active Edges Map
- E. ERC, Fig 1-5, Collector Street Map
- F. ERC, Fig 1-6, Hub Map
- G. ERC, Fig 1-7, Base Height Map
- H. ERC, Fig 1-8, Bonus Height Map
- I. Proposed Street Grid
- J. Applicant Letter
- K. Growth Concept Map
- L. Traffic Impact Analysis Memorandum
- M. Restrictive Covenants
- N. Education Impact Statement
- O. Comment Cards
- P. Correspondence



## ZONING APPLICATIONS - CASE NUMBERS

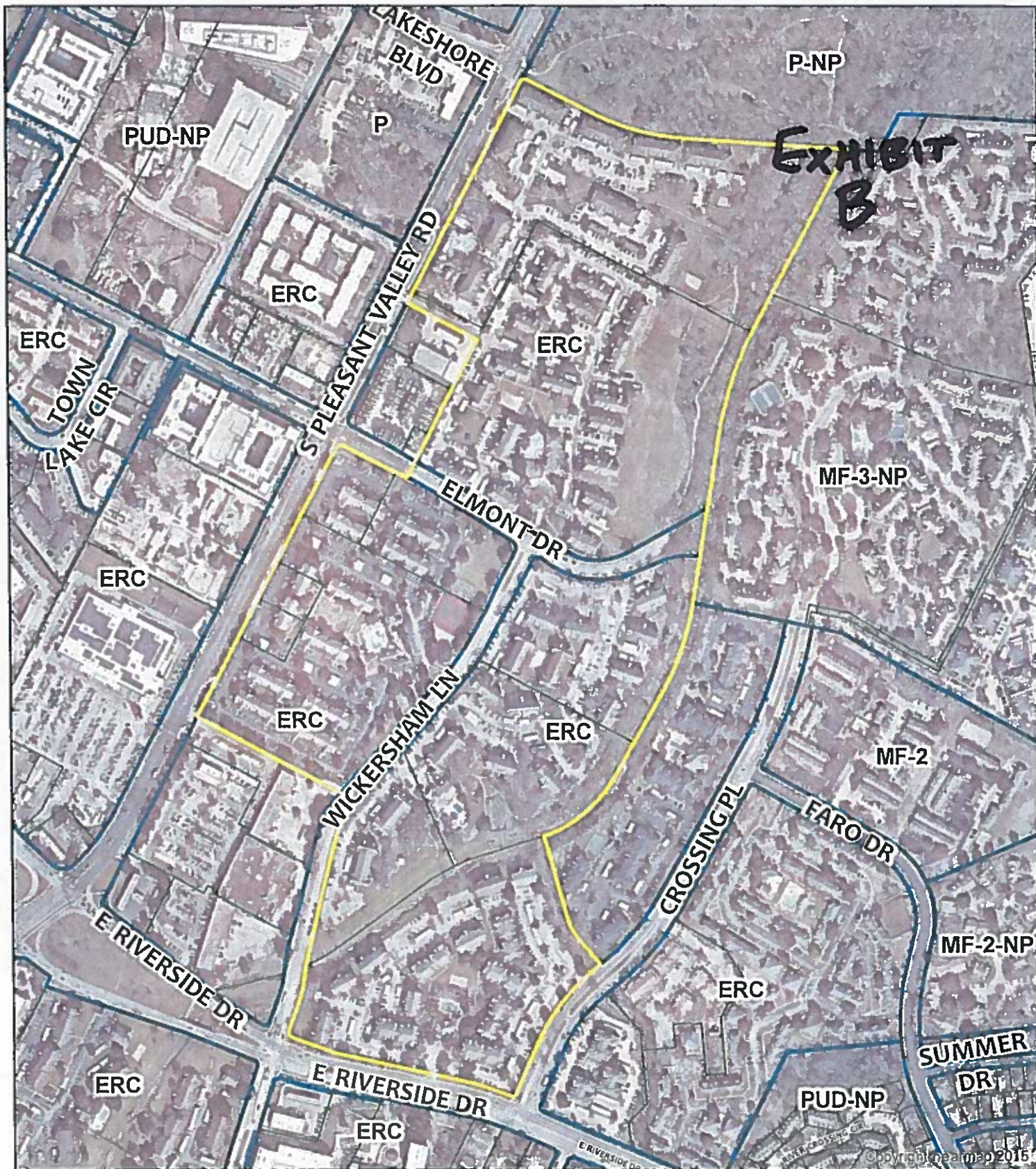
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 8/24/18





1 inch = 500 feet

0 250 500 Feet

- Subject Properties
- Zoning Boundary

## ZONING & VICINITY

Zoning Cases: C14-2018-0026  
C14-2018-0027  
C14-2018-0028  
C14-97-0010(RCT)  
C14-72-204(RCA4)

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



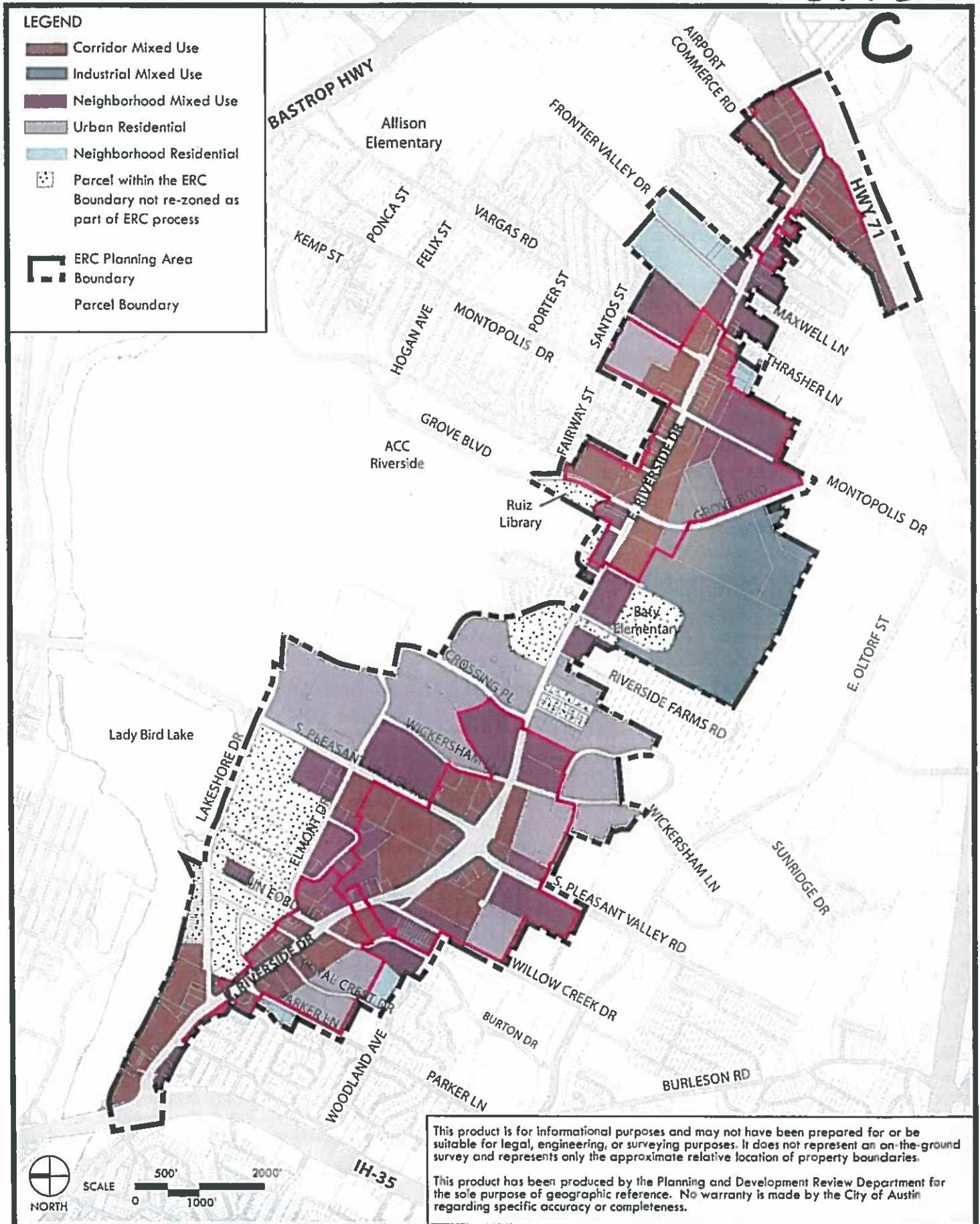


**FIGURE 1-2: East Riverside Corridor Subdistrict Map**

Identifies the subdistrict for each property within the ERC boundary.

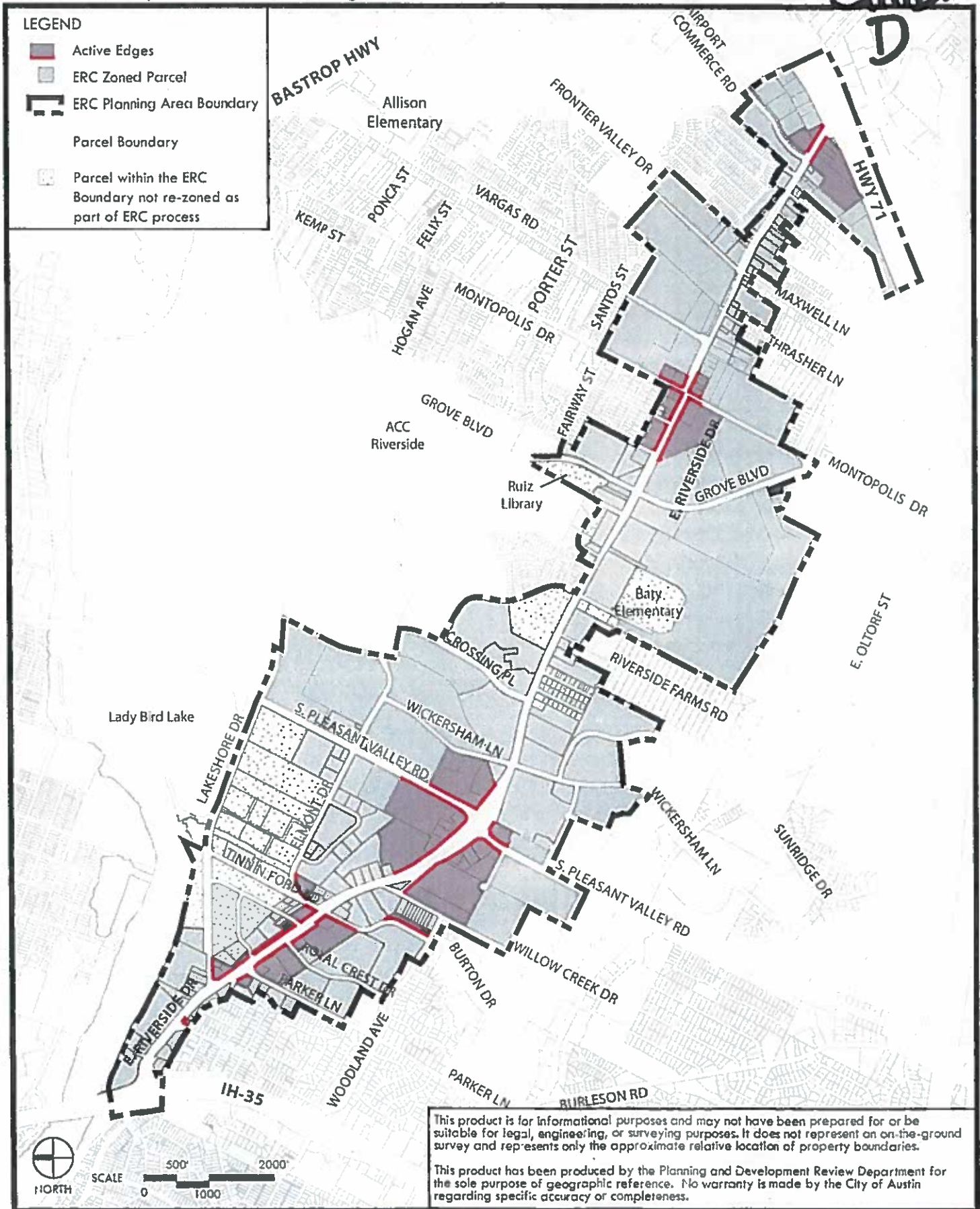
**Exhibit**

**C**



**Figure 1-4: East Riverside Corridor Active Edges Map**

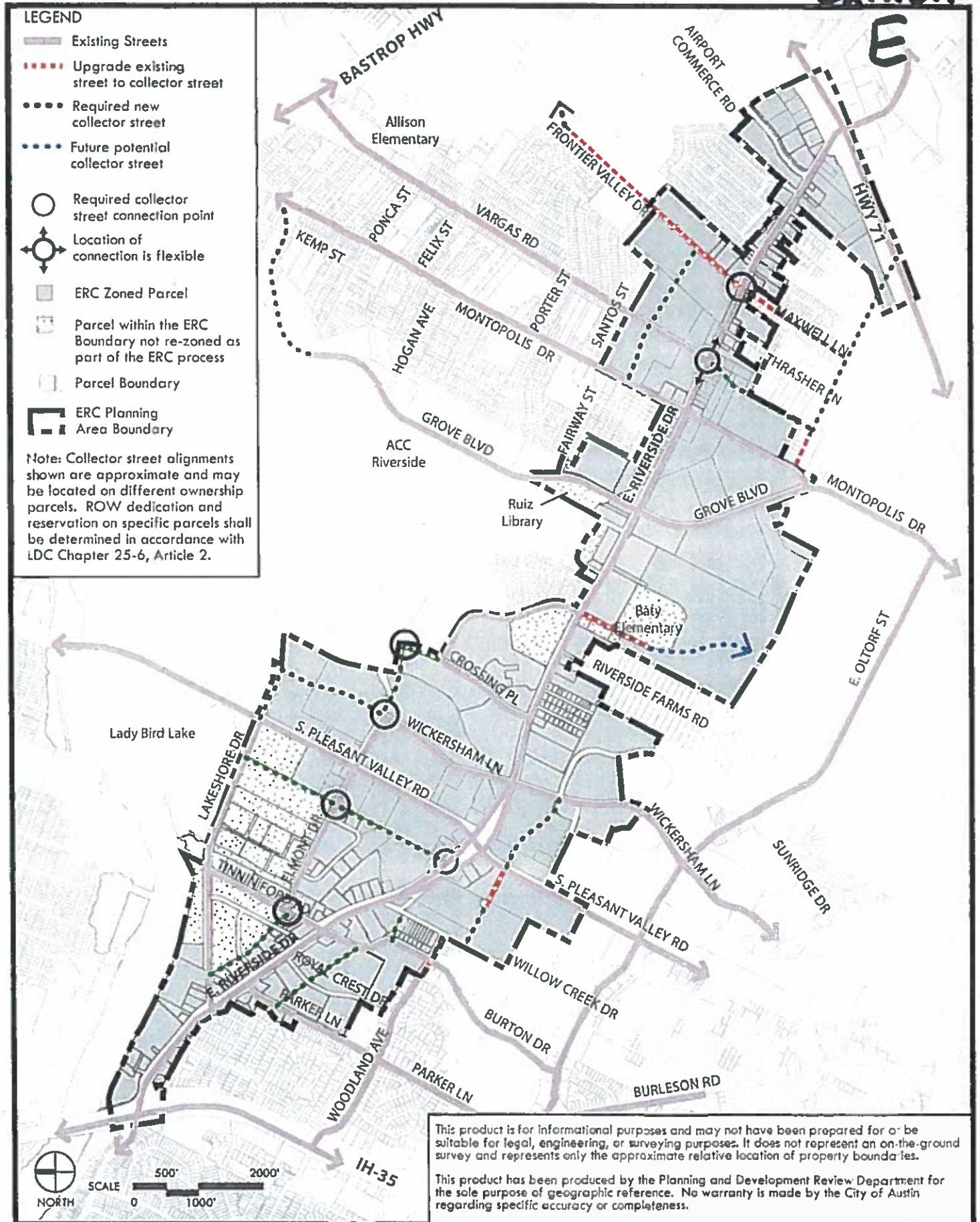
This map shows properties that have an active edge requirement and on which street face the active edge is located. The requirements for Active Edges can be found in Section 5.6 of this document.





**Figure 1-5: East Riverside Corridor Collector Street Map**  
Shows existing and new streets designated as Collector streets.

**EXHIBIT**





This map shows the Hubs within the ERC boundary. Properties located within a Hub are eligible for additional entitlements as outlined in Article 6.

**LEGEND**

- Hub Boundary
- ERC Planning Area Boundary
- Parcel Zoned ERC
- Parcel within the ERC Boundary not re-zoned as part of the ERC process

**Map Labels:**

**Streets:** BASTROP HWY, KEMP ST, PONCA ST, FELIX ST, VARGAS RD, PORTER ST, SANTOS ST, MAXWELL LN, THRASHER LN, MONTOPOLIS DR, GROVE BLVD, FAIRWAY ST, E. RIVERSIDE DR, RIVERSIDE FARMS RD, WICKERSHAM LN, S. PLEASANT VALLEY RD, CROSSING PL, BURTON DR, PARKER LN, WOODLAND AVE, ROYAL CREST DR, TINNIN FORD RD, ELMOUT DR, LAKESHORE DR, E. RIVERSIDE DR, BURLESON RD, WILLOW CREEK DR, SUNRIDGE DR, E. OLTORF ST, AIRPORT COMMERCE RD, HWY 71.

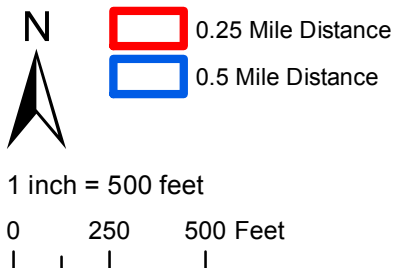
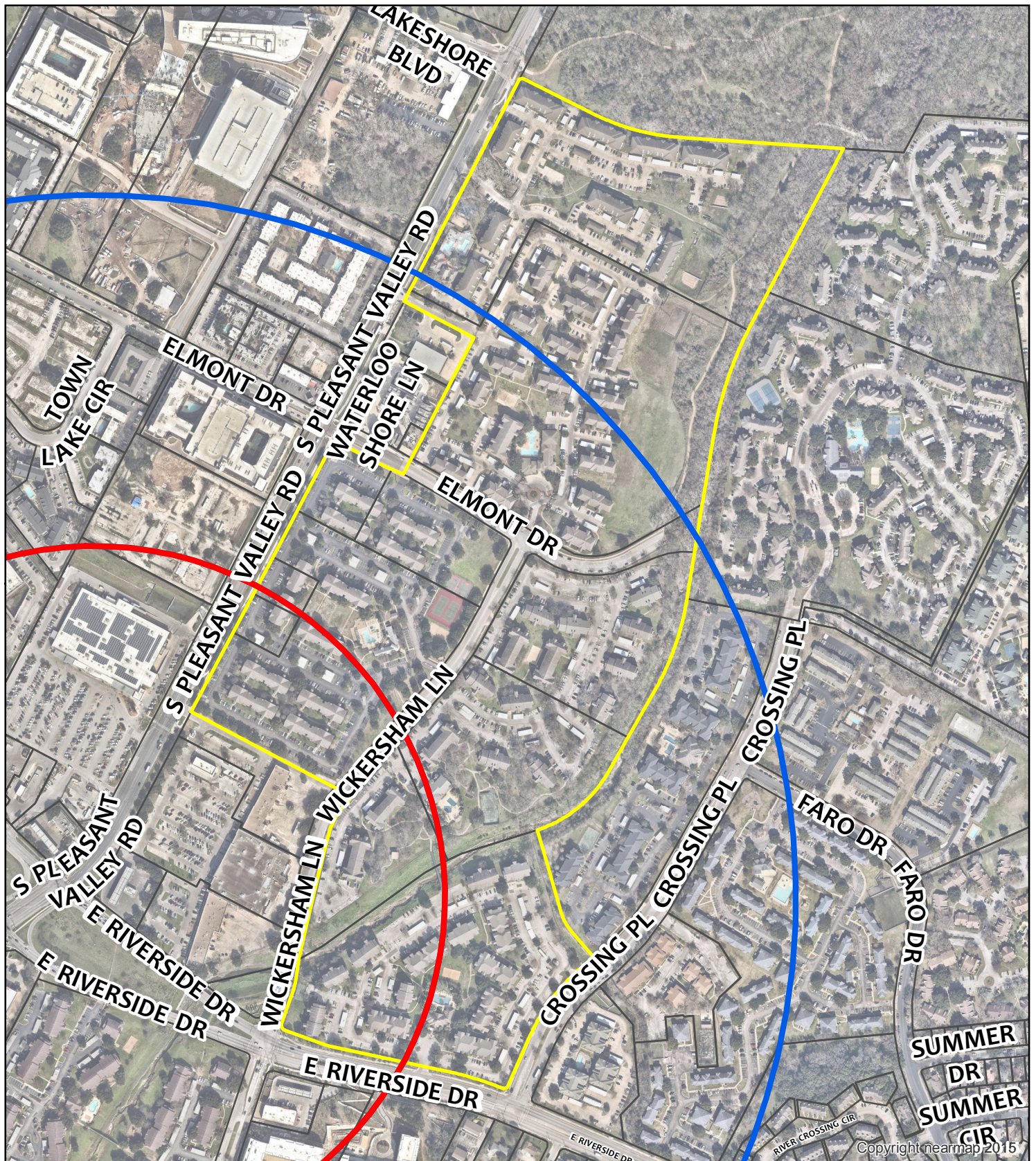
**Landmarks:** Allison Elementary, Ruiz Library, Baty Elementary, Lady Bird Lake.

**Scale:** 0, 500', 1000', 2000'

**North Arrow:** NORTH

**Disclaimer:** 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 the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





## Distance from Intersection of Riverside and Pleasant Valley

Zoning Cases: C14-2018-0026,  
C14-2018-0027,  
C14-2018-0028,  
C14-97-0010(RCT),  
C14-72-204(RCA4)

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**FIGURE 1-7: East Riverside Corridor Height Map**

This map shows allowable building heights on a parcel without a development bonus.

**EXHIBIT**

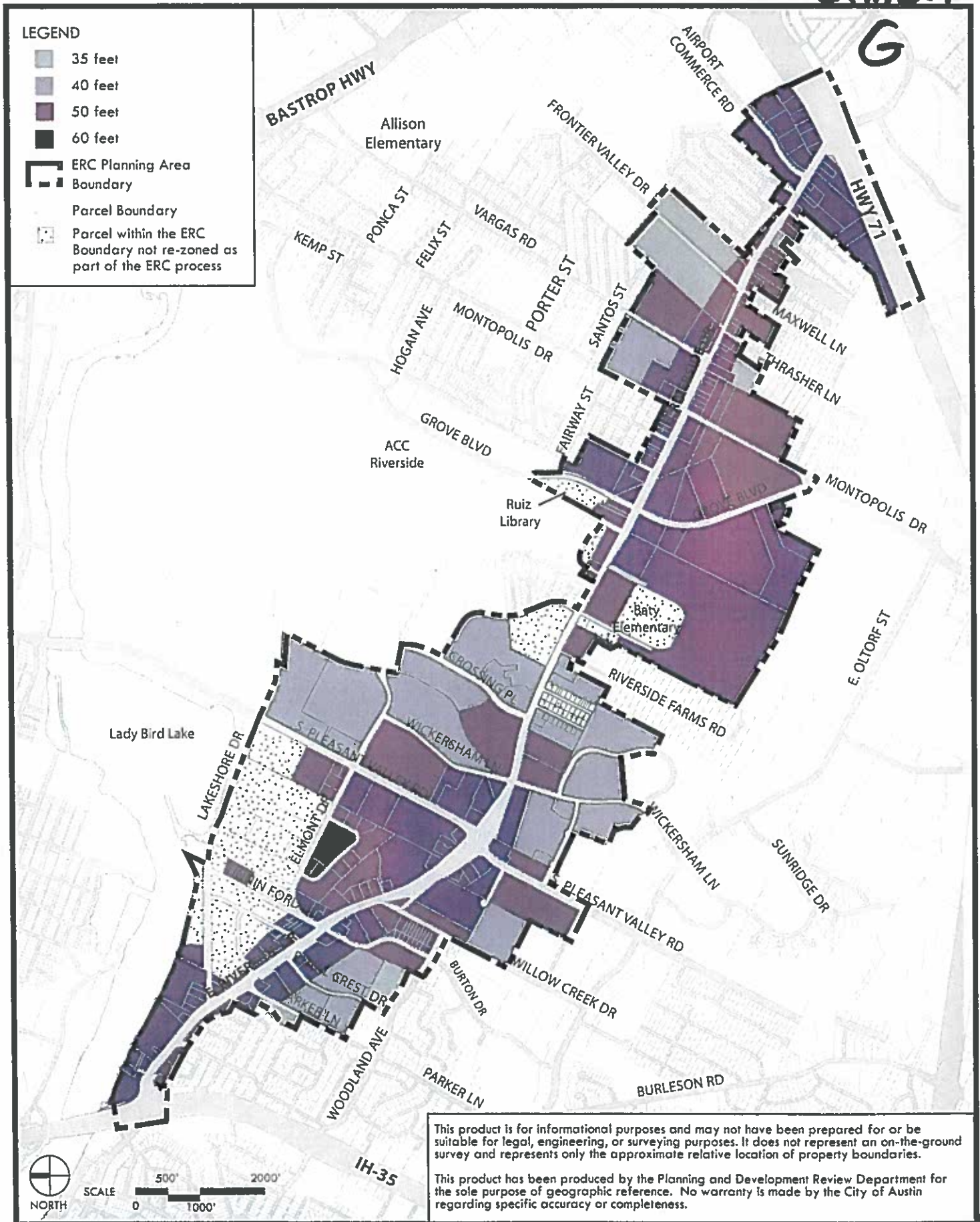


EXHIBIT  
H

EXHIBIT  
H





# PROPOSED BLOCK CONFIGURATION

# EXHIBIT I

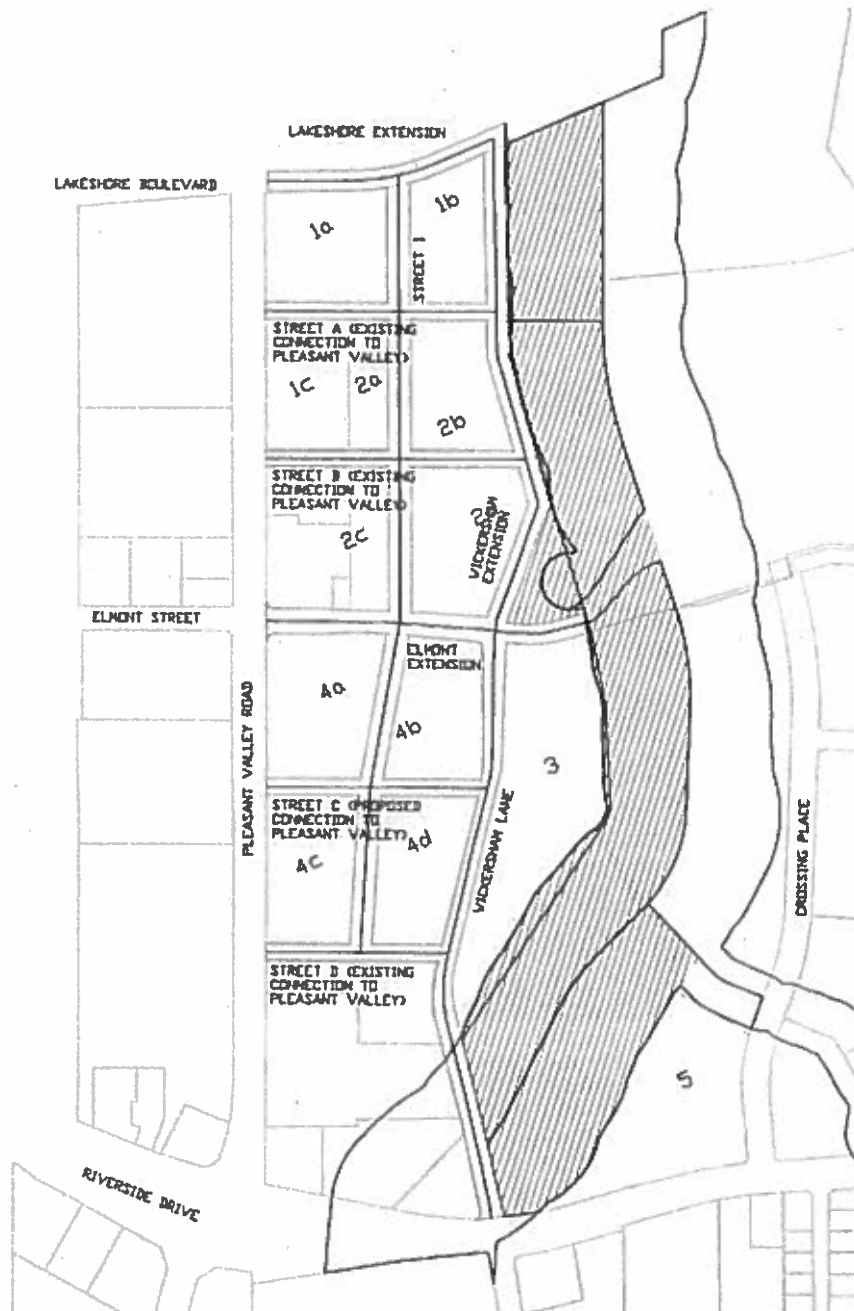


EXHIBIT  
J

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2350

MICHAEL J. WHELAN  
(512) 435-2320  
[mwhelan@abaustr.com](mailto:mwhelan@abaustr.com)

March 9, 2018

*Via Hand Delivery*

Greg Guernsey  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Rd., 5<sup>th</sup> Floor  
Austin, Texas 78704

Re: Applications Related to 97.09 acres at E. Riverside Dr. and S. Pleasant Valley Rd.

Dear Greg:

The rezoning applications attached to this letter seek to modify the zoning from a variety of categories with different site development regulations and, in some cases, no opportunity for a density bonus with affordable housing, to Corridor Mixed Use with the opportunity for additional height and a density bonus as provided in the Regulating Plan for the East Riverside Corridor Zoning District. See attached chart. The project goal is to establish a consistent set of site development standards that will allow for the creation of an urban village with housing, including affordable units pursuant to the regulating plan, ground floor retail, general office, medical/dental office, and hotel uses.

The 97.09-acre site at E. Riverside Dr. and S. Pleasant Valley Rd. currently has 1,308 apartment units. Because of the site's proximity to the Oracle campus, additional office space will create an independent employment node outside of downtown on a key transit corridor. In fact, this dense node outside downtown will complement the efforts to bolster E. Riverside Dr. as a transit corridor. A Traffic Impact Analysis will be submitted that reflects the improving transit and multi-modal opportunities due to the site's favorable location.

The redevelopment also has the potential to meaningfully boost Del Valle Independent School District's tax base. Based on a preliminary analysis, this redevelopment has the potential to provide up to tens of millions in tax revenue for Del Valle ISD. The Del Valle ISD school budget is a total of approximately \$95 mm in revenue (of which \$49 mm is from "local, intermediate and other sources"), and approximately \$109 mm is total expenditure; therefore, the potential payment to Del Valle ISD would represent at least 10% of the "local, intermediate and other" revenue.

Significant portions of the 97.09-acre site sit along Country Club Creek and is currently developed with impervious cover and buildings in the water quality transition zone and the (W0777483.4)

**ARMBRUST & BROWN, PLLC**

Page 2

floodplain. Upon full redevelopment, up to 9 acres of impervious cover within the water quality transition zones and floodplain may be removed. At the time these lots were developed, only tracts 1 and 2 were required to include water quality facilities; in contrast, the redevelopment will allow for the application of current environment code provisions, including water quality facilities adjacent to Country Club Creek. Moreover, because of the site's proximity to Ladybird Lake and trails, additional trail connections and parkland will help interconnect the City's trail system and public park space in the area.

Ultimately, the site could have up to 4,709 multi-family units, 600 hotel rooms, approximately 4,000,000 ft.<sup>2</sup> of office, 60,000 ft.<sup>2</sup> of medical/dental office space, and approximately 435,000 ft.<sup>2</sup> of ground floor commercial space. This urban village setting will create opportunities for seamless connectivity to Oracle and multimodal connections to key corridors.

In addition to the rezoning applications, there are two applications to modify or release the property from restrictive covenants; in particular, a 1975 restrictive covenant that limits the number of dwelling units on each tract and a 1997 restrictive covenant concerning fencing and parking.

Of course, as the zoning application process unfolds, we will be available to answer questions.

Very truly yours,



Michael J. Whellan

**ARMBRUST & BROWN, PLLC**

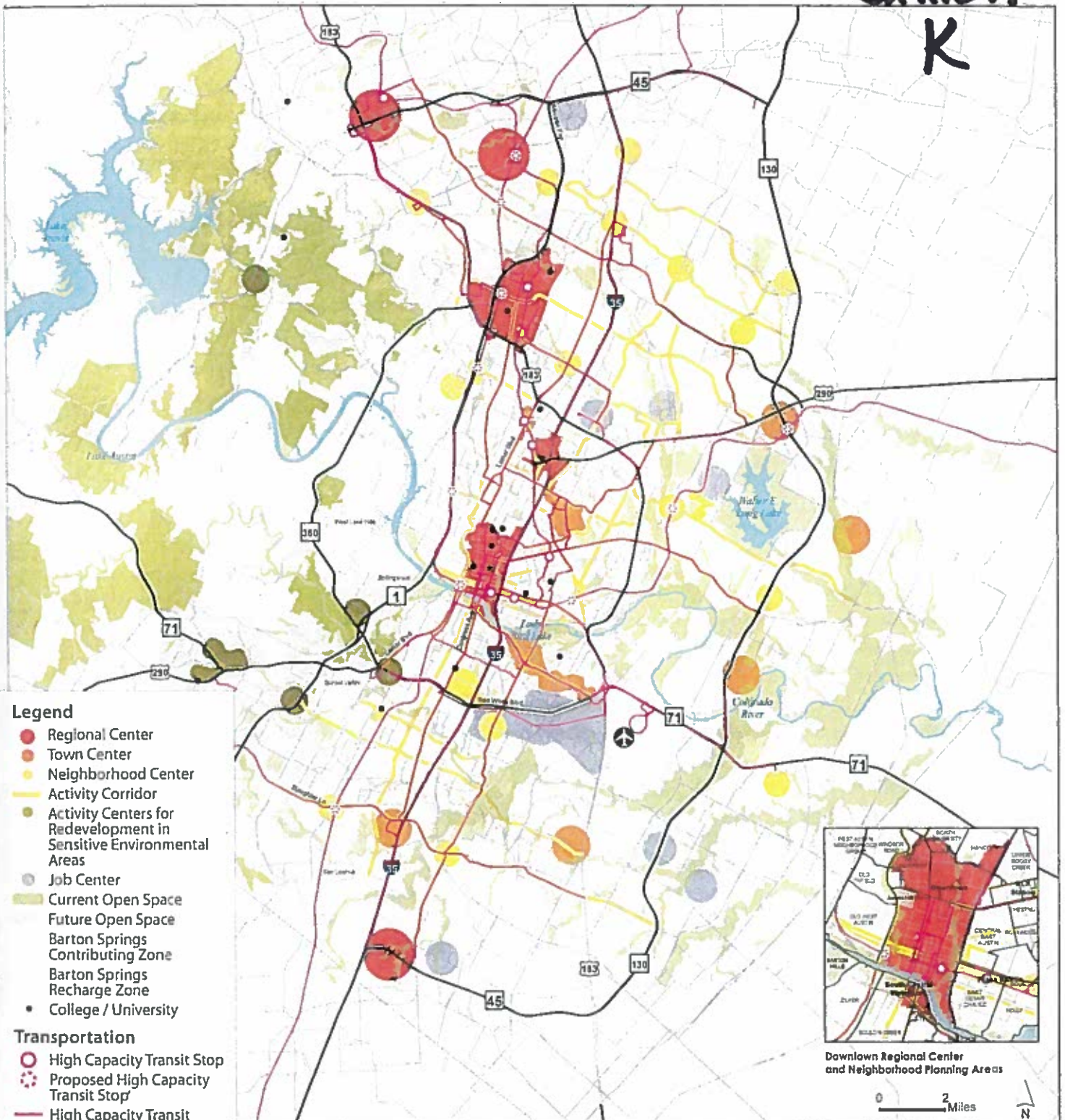
Page 3

Tracts	Address	Current Zoning	Proposed Zoning
1 and 2	1109 S. Pleasant Valley Rd. and 1225 S. Pleasant Valley Rd.	East Riverside Corridor– Urban Residential (ERC-UR)	East Riverside Corridor– Commercial Mixed Use (ERC- CMU)  Modify Figure 1-6 of the Regulating Plan to include in the Hub.  Modify Figure 1-8 of the Regulating Plan to allow for a maximum height of 160' with development bonus.
4	1600 Wickersham Ln.	East Riverside Corridor– Neighborhood Mixed Use (ERC-NMU)	East Riverside Corridor– Commercial Mixed Use (ERC- CMU)  Modify Figure 1-6 of the Regulating Plan to include in the Hub.  Modify Figure 1-8 of the Regulating Plan to allow for a maximum height of 160' with development bonus.
3 and 5	4700 E. Riverside Dr.	East Riverside Corridor– Neighborhood Mixed Use (ERC-NMU) and East Riverside Corridor–Urban Residential (ERC-UR)	East Riverside Corridor– Commercial Mixed Use (ERC- CMU)  Modify Figure 1-6 of the Regulating Plan to include in the Hub.  Modify Figure 1-8 of the Regulating Plan to allow for a maximum height of 160' with development bonus.



Figure 4.5 Growth Concept Map

EXHIBIT  
K



Map Disclaimers: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. 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 the gra for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT  
L

---

## MEMORANDUM

---

**Date:** June 4, 2019  
**To:** Joi Harden, Zoning Case Manager, Division Manager, Planning and Zoning Department  
**CC:** Bobak Tehrany, P.E., BOE Consulting Services, LLC  
Michael Whellan, Armbrust & Brown, PLLC  
Eric Bollich, P.E., PTOE, Austin Transportation Department  
Upal Barua, P.E., P. Eng., PTOE, Austin Transportation Department  
**Reference:** 4700 E Riverside Dr (97 Acres) (E Riverside Dr and S Pleasant Valley) –  
Transportation Impact Analysis Final Memo  
C14-2018-0026, C14-2018-0027, & C14-2018-0028

---

### Summary of the Transportation Impact Analysis (TIA):

The Austin Transportation Department (ATD) has thoroughly reviewed the "97 Acres TIA" dated May 7, 2019, prepared by BOE Consulting Services LLC (BOE Consulting). The development covers about 97 acres at the northeast corner of E Riverside Drive and S Pleasant Valley Road, in southeast Austin. The development is anticipated to be completed in five phases.

The Applicant has submitted a TIA (dated May 7, 2019) which assumes the intensity proposed by the applicant and that is beyond staff's recommended intensity. Therefore, the TIA submitted by the Applicant considers more trips than are recommended by City of Austin (COA) staff. COA Transportation staff considered this while reviewing the TIA and prepared the following memo summarizing the transportation recommendations based on the staff recommended (reduced) intensity.

Below is a summary of our review findings and recommendations:

1. The Applicant shall design and construct and fund 100% of the off-site improvements identified in Attachment C as part of their site development applications, as identified for each tract. Off-site improvements should be included within the first site plan for each identified tract. No temporary certificate of occupancy (TCO) shall be issued until the construction of the identified improvements is complete. Note: Cost estimates should not be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.

2. Fee in-lieu contribution to the City of Austin is recommended to be made for the improvements identified in Attachment D totaling \$4,006,000.00, before third reading at City Council.
3. The Applicant is required to achieve a vehicle trip reduction per phase as described in Table 5. The Applicant commits to implement the Transportation Demand Management (TDM) plan submitted with the TIA. Site plan applications submitted under this zoning should provide a letter demonstrating compliance with the TDM plan. Annual monitoring reports should also be submitted for the site to ensure compliance. If reduction targets are not met, site plan permits under all three zoning cases may be held based on the criteria described in the TDM plan.
4. The Applicant shall construct all on-site, public roadways to meet requirements of the ERC and required cross sections based on the results of the TIA.
5. The Applicant shall construct the Country Club Trail through the site to the cross section identified in the TIA.
6. Development of this property should not vary from the approved uses or deviate from the approved intensities and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, driveway locations, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
7. The Applicant shall provide two copies of the final, updated version of the TIA before 3<sup>rd</sup> reading, matching Council's approved intensity recommendation.
8. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of this memo, after which a revised TIA or addendum may be required.

Below are the notable differences in staff's recommendation from the applicant's TIA based on staff's recommended intensity:

1. Staff's recommendation reduces the number of trips generated.
2. A 26% overall TDM reduction target should be applied instead of proposed 37%.
3. The circulator shuttle service is not required to achieve the TDM reduction.
4. The Lakeshore Boulevard extension cross section will not require right-of-way (ROW) in the parkland and therefore would not require a Chapter 26 process.

### **Site Location and Existing Conditions**

The proposed 97 acres site is located at Pleasant Valley Road and East Riverside Drive. See Attachment A for the site location map. The surrounding roadways are described further below.

**East Riverside Drive** is a six-lane divided major arterial that provides east-west movements in the vicinity of the Project. The posted speed limit on East Riverside Drive between IH 35 and South Pleasant Valley Road is 35 miles-per-hour (mph), and between South Pleasant Valley Road and State Highway (SH) 71 is 40 mph. Based on traffic counts collected as part of the analysis on November 7, 2018, East Riverside Drive, east of Willow Creek Drive, experiences 19,783 vehicles per day (vpd) traveling eastbound and 22,750 vpd traveling westbound for a total of 42,533 vpd. The roadway is classified as Level 3 in the Austin Strategic Mobility Plan (ASMP)

**South Pleasant Valley Road** is a four-lane divided major arterial that provides north-south movements in the vicinity of the Project. The posted speed limit on South Pleasant Valley Road is 45 mph. Based on data collected as part of the analysis on November 7, 2018, South Pleasant Valley Road, south of East Riverside Drive experiences 7,603 vpd traveling southbound and 8,362 vpd traveling northbound for a total of 15,965 vpd. The roadway is classified as Level 3 in the ASMP.

**Oltorf Street** is a four-lane divided major arterial. The posted speed limit on Oltorf Street is 35 mph. The roadway is classified as Level 3 in the ASMP.

**Lakeshore Boulevard** is a two-lane City Collector that provides mobility between East Riverside Drive and South Pleasant Valley Road. The posted speed limit on Lakeshore Boulevard is 35 mph. The roadway is classified as Level 2 in the ASMP.

**Elmont Drive** is a two-lane City Collector that provides mobility between Tinnin Ford Drive and South Pleasant Valley Road. The roadway is classified as Level 2 in the ASMP.

**Wickersham Lane** is a two-lane City Collector that provides mobility between Elmont Drive and East Riverside Drive. The roadway is classified as Level 2 in the ASMP.

A trip generation study was conducted to determine the number of vehicle trips for the existing land uses. The existing land uses can be found in Table 1.

Table 1: Existing Trip Generation						
Proposed Land Use		Size / Unit		24-Hour Two Way Volume	AM	PM
220	Apartments (Tract 1)	216	DU	1668	85	98
220	Apartments (Tract 2)	282	DU	2,177	84	162
220	Apartments (Tract 3)	270	DU	2,084	86	140
220	Apartments (Tract 4)	288	DU	2223	91	140
220	Apartments (Tract 5)	252	DU	1,945	89	148
Total Existing				10,097	435	688

**Assumptions:**

1. The development will build out over five phases. The buildout of Phase 1 is anticipated to be complete in 2023 with another phase every 5 years, until final buildout in Phase 5 (2043).
2. Transportation Demand Management (TDM) measures will reduce trips by 26%.
3. Based on TxDOT AADT volume data, a two (2) percent annual growth rate was assumed from the existing condition to Phase 2 (2028) and then 1% from Phase 3 (2033) to project buildout (2043).
4. Considerations were made for the following projects in the analysis found in Table 2 below.

Table 2: Background Projects			
Project Name	Permit Number	Project Name	Permit Number
Presidium Apts. At Riverside	SP-2015-0066C	4711 E. Riverside Drive	SP-2015-0377C
Riverside III	SP-2015-0356C	Montopolis Recreation Center	SPC-2016-0582C
Ben White Self Storage Facility	SP-2015-0410C	1700 Willow Creek	SP-2017-0238C
Hotel on John Glenn	SP-2015-0577C	The Mont	SP-2017-0204C
Motel 6./Studio 6 at Airport Commerce	SP-2015-0578C	METCALFE Townhomes	SP-2017-0164C
The Waterfront (Phase 1)	SP-2016-0096C	AMD Highway 71 Campus	SP-2017-0094C
Aura Riverside	SP-2016-0512C	Lenox Oaks	SP-2017-0030C
AMLI South Shore (Phases 1 & 2)	SP-2011-0180C	JD's Gas Station	SP-2016-0525C
AMLI South Shore Phases II	SP-2016-0501C	TRU Hotel	SP-2016-0455C
6400 Riverside Mixed Use	SP-2017-0207C	Mariposa Flats	SP-2016-0431C
JD's Market No 8	SP-2017-0532C	Sunridge Condominiums	SP-2016-0422C

#### **Trip Generation and Land Use:**

A custom trip generation for the site was used based on traffic counts obtained at existing driveway locations for apartment and hotel land uses. Other land use's trip regenerations are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (9<sup>th</sup> Edition). The development will generate approximately 53,036 unadjusted average daily vehicles trips (ADT) at full build out.

Due the significant number of vehicle trips and the anticipated traffic load on the roadway network, the applicant has committed to a Transportation Demand Management (TDM) Plan to reduce their site vehicle trips by 26%. Table 3 shows the adjusted trip generation by land uses for the proposed development.



Table 3: Adjusted Trip Generation							
Proposed Land Use			Size / Unit		24-Hour Two Way Volume	AM	PM
Proposed Tract 1 (Phase 1 - 2023)							
220	Apartments	216	DU	1,234	52	83	
Total Proposed Tract 1				1,234	52	83	
Proposed Tract 2 (Phase 2 - 2028)							
220	Apartments	141	DU	806	34	54	
710	General Office	104,793	SF	4,204	710	884	
820	Shopping Center	25,592	SF	778	17	73	
Total Proposed Tract 2				5,787	761	1,010	
Proposed Tract 3 (Phase 3 - 2033)							
220	Apartments	1,280	DU	7,313	306	493	
310	Hotel	600	Keys	2,269	189	197	
710	General Office	69,375	SF	278	47	58	
720	Medical-Dental Office	60,000	SF	1,604	106	158	
820	Shopping Center	256,250	SF	7,788	172	724	
Total Proposed Tract 3				19,251	821	1,631	
Proposed Tract 4 (Phase 4 - 2038)							
220	Apartments	830	DU	4,742	198	320	
710	General Office	1,958,027	SF	7,854	1,327	1,651	
820	Shopping Center	138,957	SF	4,223	93	393	
Total Proposed Tract 4				16,819	1,618	2,364	
Proposed Tract 5 (Phase 5 - 2043)							
710	General Office	911,925	SF	3,658	618	769	
Total Proposed Tract 5				3,658	618	769	
Total Overall Proposed				46,749	3,869	5,857	
Total Net Increase				36,651	3,433	5,168	

### **Proposed Conditions**

#### **Intersection Traffic Operations:**

The nature of this development and its potential impact on traffic operations requires us to evaluate the site in an urban context. The East Riverside Corridor (ERC) regulating plan as outlined in the Imagine Austin Plan and Project Connect envisions a connected corridor, with a neighborhood center with ample access to multiple transit and multi-modal options in the area.

Metrics for traditional Level of Service (LOS) analysis used for a suburban context are not directly applicable to this development's site context. Table 4, below, lists each study intersection and identifies if traffic operations are acceptable in suburban and urban context. Acceptable suburban traffic operations follow the traditional LOS definition. In an

urban context, vehicle traffic must be functional to be considered acceptable and other modes of transportation must also be considered. The recently adopted Austin Strategic Mobility Plan (ASMP) tasks the City to include all modes when assessing a development's impact, and therefore, it is improper to use LOS as the only metric to evaluate the development's impact.

The traffic analysis considered 34 intersections. Of the 34 intersections, 27 require infrastructure improvements to achieve adequate traffic operations in a suburban context. However, only 14 intersections require further vehicular improvements if we consider an urban context. Of these 14 locations, 7 have been identified to be improved by the developer.

**Table 4 – Intersection Operation by Site Context**

Location	Acceptable		Acceptable with Improvements		Developer to Construct Improvements?
	Suburban Context	Urban Context	Suburban Context	Urban Context	
Oltorf Street & Parker Lane	Y	Y	Y	Y	N
Oltorf Street & Burleson Road	N	N	Y	Y	N
Oltorf Street & Douglas Street	Y	Y	NA	NA	N
Oltorf Street & Willow Creek Drive	Y	Y	NA	NA	N
Oltorf Street & Pleasant Valley Road	N	Y	Y	Y	N
Oltorf Street & Wickersham Lane	Y	Y	NA	NA	N
Oltorf Street & Montopolis/Private Drive	N	Y	Y	Y	N
Riverside Drive & Grove Blvd	N	Y	Y	Y	N
Riverside Drive & Faro Drive	Y	Y	NA	NA	N
Riverside Drive & Crossing Place/Private Drive	N	Y	Y	Y	N
Riverside Drive & Wickersham Lane	N	N	Y	Y	Y
Riverside Drive & Willow Creek Drive	N	Y	Y	Y	N
Riverside Drive & Tinnin Ford Road/Burton Drive	N	Y	N	Y	N
Riverside Drive & Royal Crest Drive	N	N	N	Y	N
Riverside Drive & Shore District Drive/Parker Lane	N	N	Y	Y	Y
Riverside Drive & Lakeshore Blvd	N	N	Y	Y	Y
Riverside Drive & IH 35 SBFR	N	N	NA	NA	N
Riverside Drive & IH 35 NBFR	N	N	NA	NA	N
Pleasant Valley Road & Elmont Drive	N	N	N	Y	Y
Pleasant Valley Road & Lakeshore Blvd/Driveway A	N	N	N	Y	Y
Pleasant Valley Road & King Fields Driveway	N	Y	Y	Y	Y
Pleasant Valley Road & Cesar Chavez Street	N	N	Y	Y	Y
Pleasant Valley Road & 7 <sup>th</sup> Street	N	N	Y	Y	N
Pleasant Valley E Crossover & WB Riverside Drive	N	Y	N	Y	N
EB Riverside Drive & Pleasant Valley W Crossover	N	Y	N	Y	N
Oltorf Street & Burton Drive	N	N	Y	Y	N
Montopolis Drive/Private Drive & Grove Blvd	N	N	Y	Y	N
Pleasant Valley Road & Commercial Driveway South	Y	Y	NA	NA	N
Pleasant Valley Road & Commercial Driveway North	Y	Y	NA	NA	N
Pleasant Valley Road & Town Lake/Ball Park Dwy	Y	Y	NA	NA	N
Pleasant Valley Road & Town Lake MF Driveway	Y	Y	NA	NA	N
Pleasant Valley Road & Driveway E	Y	Y	NA	NA	N
Pleasant Valley Road & EB Riverside Drive	Y	Y	NA	NA	N
Pleasant Valley Road & WB Riverside Drive	Y	Y	NA	NA	N

Of the locations identified, the developer shall be required to construct improvements on seven locations based on the pro-rata share of the development's impact. The proposed development would have direct impacts on these seven locations. Hence, it would be



essential for the Applicant to construct improvements that would ensure safe and efficient traffic operations.

There are other locations that were identified for improvements. However, those improvements did not appear feasible from an engineering perspective, or had less of an impact from the proposed development (low pro-rata share). Some of these improvements would be implemented by Mobility 35 Project or by 2016 Mobility Bond Project in the near future.

### Transportation Demand Management (TDM) Plan

The ASMP identifies TDM as an important strategy to encourage sustainable modes of transportation and discourage driving alone. Additionally, the site location and changing transportation environment along the East Riverside Corridor will allow TDM to be an effective way to reduce the demand on transportation infrastructure.

The Applicant has committed to a TDM plan to meet certain vehicle trip reduction targets. In the TDM plan the Applicant may select from a 'toolbox' of TDM measures which can be implemented to achieve the required vehicle trip reduction. This allows the development to tailor measures based on specific land use and provide flexibility as technology and transportation change over the life of the project. Annual reports are required to ensure that the development is reducing the number of vehicle trips.

Additionally, the Applicant is required to implement the following key TDM measures to achieve the goals of the TDM plan:

- Parking maximum at full buildout: 80% of LDC requirements; and
- Unbundled parking for all land use types

The Applicant has also committed to create, or act as, a Transportation Management Association (TMA), to coordinate the TDM plan across the entire development. The Applicant may then use the toolbox of measures to achieve the vehicle trip reduction targets established by phase. Trip benchmarks are shown in Table 5.

Table 5 - TDM Trip Reduction Benchmarks

Phase	Estimated Maximum Peak Hour Trip Range	Trip Reduction
1	From [0 - 150]	Represents a required reduction of 15% within this phase at full buildout of this phase.
2	From [150 - 1,500]	Represents a required reduction of 20% within this phase at full buildout of this phase.
3	From [1,500 - 3,700]	Represents a required reduction of 26% within this phase at full buildout of this phase.
4	From [3,700+]	Represents a required reduction of 26% within this phase at full buildout of this phase.
5		Represents a required reduction of 26% within this phase at full buildout of this phase.

If the site is not in compliance with the required trip reductions in the zoning ordinance, site plan permits may be held until the applicant revises their TDM plan, provides additional mitigations, or commits to more TDM measures. Specific compliance criteria and stages of compliance are described in more detail in the TDM plan included in the TIA report.

If the Applicant fails to set up a coordinated TMA, provide a letter of support, and/or provide ongoing annual reports for the overall site, each individual site shall be required to meet a 26% vehicle trip reduction percentage and meet the requirements of the TDM plan, unless an addendum to the TDM plan is submitted and approved by ATD. If the site cannot meet the requirements of the TDM plan, a new TIA or a revision to the TIA may be required.

#### **Internal Roadway Connections and Construction Requirements:**

- 1) The East Riverside Corridor (ERC) Regulating Plan, identifies the following Level 2 roadways for construction, including:
  - a) Extension of Lakeshore Boulevard from Pleasant Valley Road to Proposed Wickersham Lane;
  - b) Extension of Wickersham Lane from Elmont Drive to Proposed Lakeshore Boulevard;
  - c) Roadway connection across Country Club Creek. See Attachment B.
- 2) The ERC identifies connecting local streets to be constructed based on block length criteria. The proposed blocks can be seen in Attachment B.

#### **Transit:**

Transit is an important and critical component for the proposed development to fully leverage TDM measures and to provide alternate mode options to road users. Additionally, the East Riverside Corridor Plan and Imagine Austin Comprehensive Plan rely on transit to facilitate growth and establish 'Town Centers' and activity corridors for people to live and work. Project Connect, CapMetro's long range future planning effort, aims to increase transit service and ridership in the area. Also, the ASMP identifies the need for higher frequency transit and better amenities at transit stops to increase transit ridership.

CapMetro has identified several needs in the area to achieve both the City of Austin's and CapMetro's goals and have identified the proposed Bus Rapid Transit (BRT) line along Pleasant Valley as a critical improvement. To help facilitate transit, TDM plans, and alternative modes in the area, a contribution of \$1,606,000.00 fee in-lieu is recommended towards the Project Connect improvements along the Pleasant Valley BRT Light transit line.

Additionally, CapMetro staff identified several other needed transit improvements in the area. A pro-rata share of these improvements was determined and \$150,600.00 of improvements have been identified to be constructed by the Applicant. The identified improvements can be seen in Attachment C and Attachment D.

#### **Improvements to Active Modes (Pedestrian and Bicycle Infrastructure):**

Improvements to active modes infrastructure is required to fully leverage the TDM plan and to provide alternate mode options to all road users. Additionally, there are several trails and parks located around the project. The ASMP aims to identify and eliminate significant infrastructure gaps in the bicycle system. Therefore, the analysis identified many active modes infrastructure needs. The following were identified as needs in the area based on City identified plans and studies:

1. All-Ages Bike Facilities:
  - a. East Riverside Corridor

- b. Tinnin Ford Road
  - c. Elmont Drive
  - d. Lakeshore Boulevard Extension
  - e. Wickersham Lane Extension
- 2. Longhorn Pedestrian and Bike Bridge
- 3. Shared use path connections on along Pleasant Valley Rd.
- 4. Country Club Trail improvements; to include both pedestrian and bike trails connection through the site.
- 5. Pedestrian connectivity as required by the ERC.
- 6. Grade separated pedestrian access across Pleasant Valley Rd at Lakeshore Blvd.

**Staff Recommendations:**

1. The Applicant shall design and construct and fund 100% of the off-site improvements identified in Attachment C as part of their site development applications, as identified for each tract. Off-site improvements should be included within the first site plan for each identified tract. No temporary certificate of occupancy (TCO) shall be issued until the construction of the identified improvements is complete. Note: Cost estimates **should not** be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.
2. Fee in-lieu contribution to the City of Austin is recommended to be made for the improvements identified in Attachment D totaling \$4,006,000.00, before third reading at City Council.
3. The Applicant is required to achieve a vehicle trip reduction per phase as described in Table 5. The Applicant commits to implement the Transportation Demand Management (TDM) plan submitted with the TIA. Site plan applications submitted under this zoning should provide a letter demonstrating compliance with the TDM plan. Annual monitoring reports should also be submitted for the site to ensure compliance. If reduction targets are not met, site plan permits under all three zoning cases may be held based on the criteria described in the TDM plan.
4. The Applicant shall construct all on-site, public roadways to meet requirements of the ERC and required cross sections based on the results of the TIA.
5. The Applicant shall construct the Country Club Trail through the site to the cross section identified in the TIA.
6. Development of this property should not vary from the approved uses or deviate from the approved intensities and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, driveway locations, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
7. The Applicant shall provide two copies of the final, updated version of the TIA before 3<sup>rd</sup> reading, matching Council's approved intensity recommendation.
8. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of this memo, after which a revised TIA or addendum may be required.

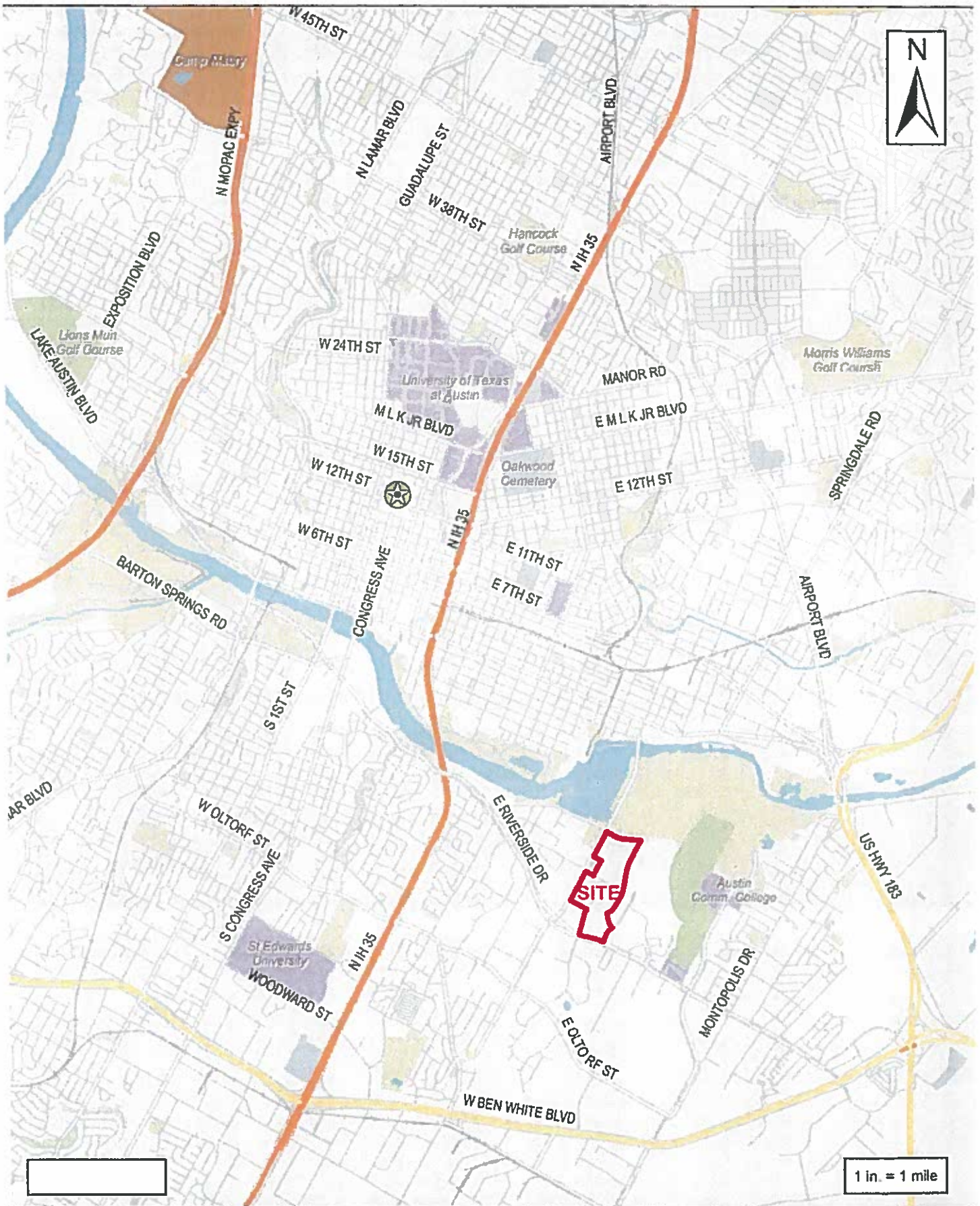
If you have any questions or require additional information, please contact me at 512-974-1449.

A handwritten signature in black ink, appearing to read 'Austin Jones', with a long horizontal flourish extending to the right.

Austin Jones, P.E.  
Austin Transportation Department

**List of Attachments**

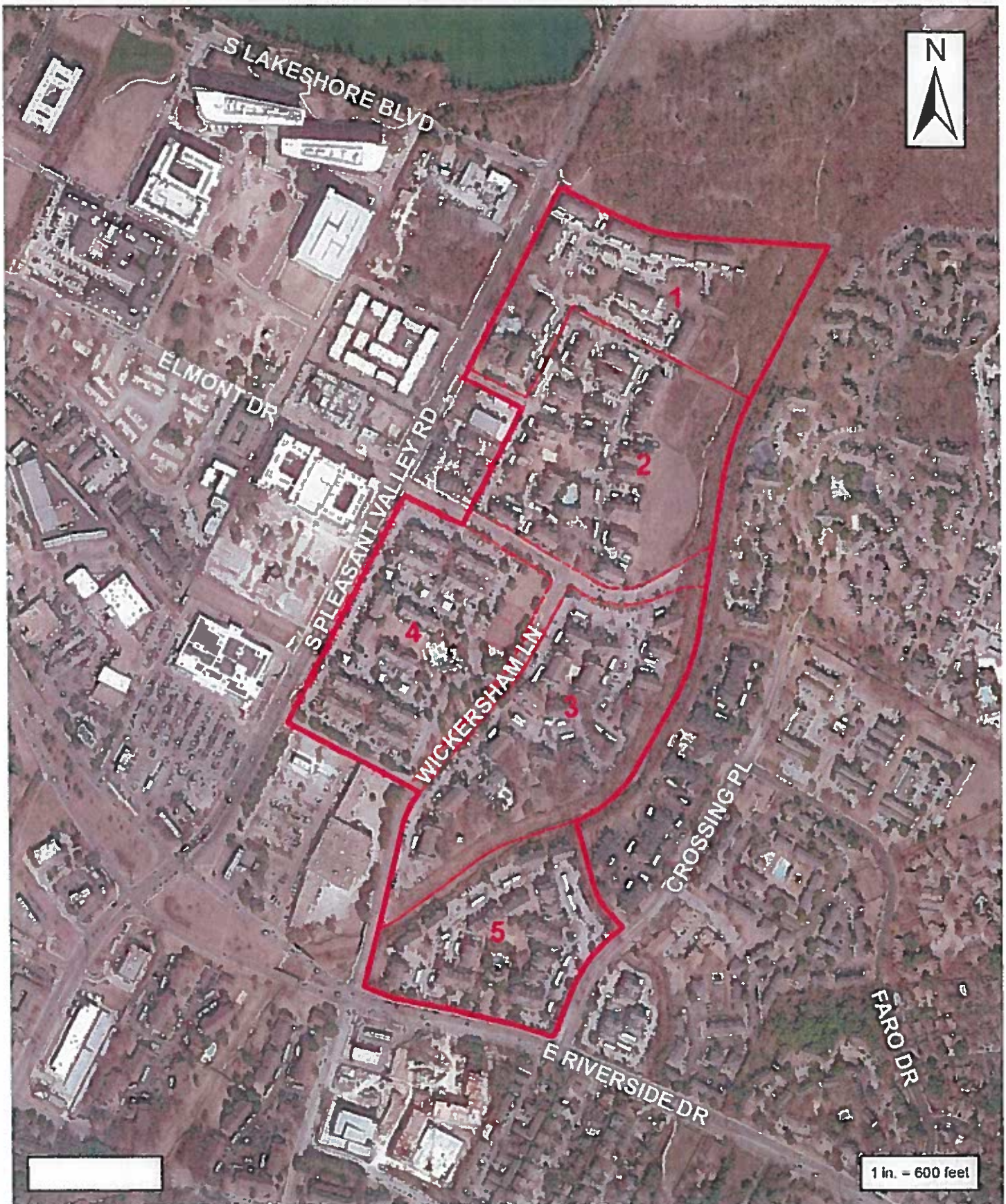
- A. Site Location Map
- B. Tract Map and Internal Roadway Map
- C. On and Off-site Improvements to be Constructed by the Applicant
- D. Fee In-Lieu to be paid to COA by the Applicant for Improvements



RIVERSIDE DR & PLEASANT VALLEY RD  
AUSTIN, TEXAS





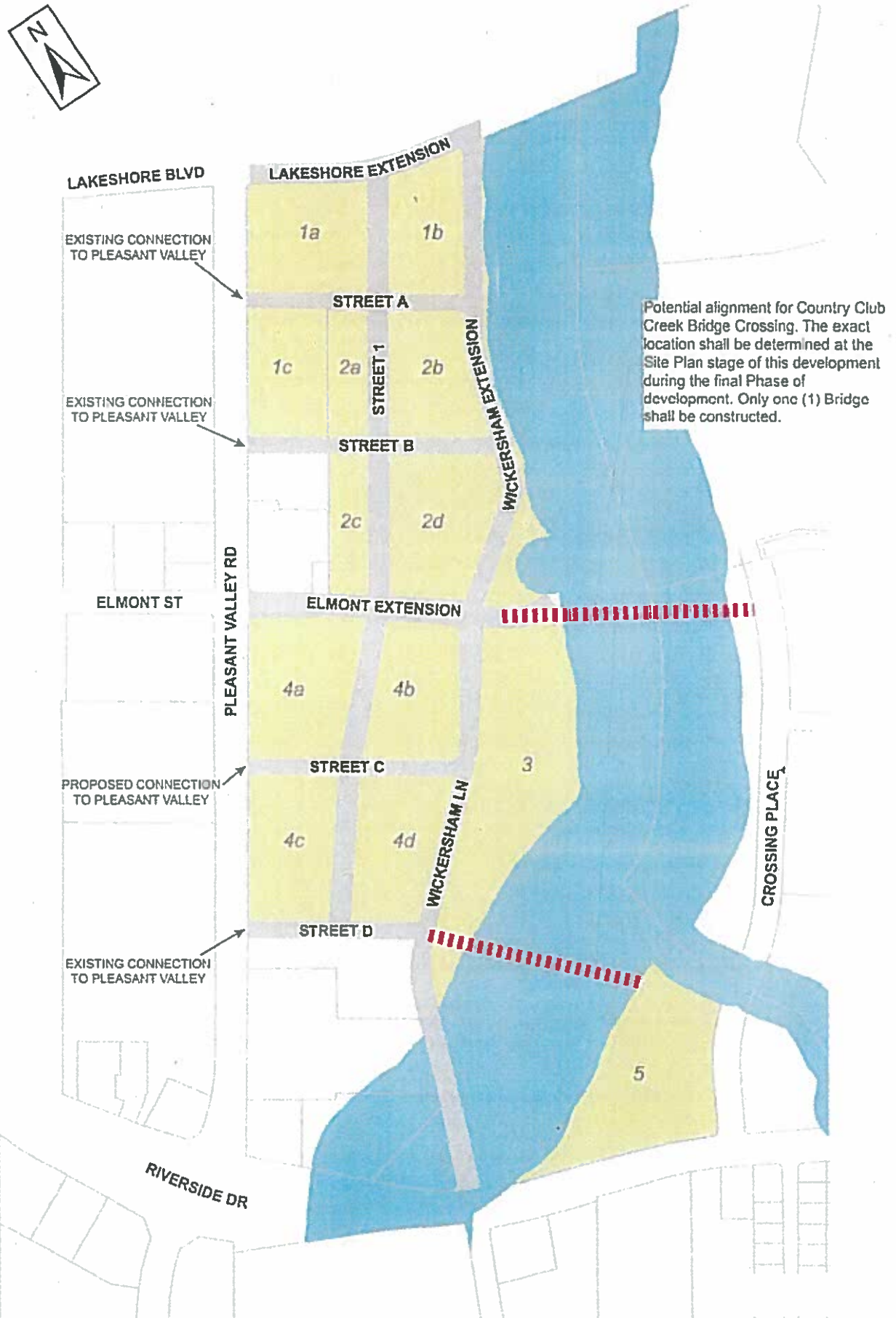


This exhibit is for graphical representation only and is based on the best information available and is subject to change without notice. Aerial imagery from Google Earth.

E. RIVERSIDE DR & S. PLEASANT VALLEY RD  
AUSTIN, TEXAS







# Attachment C On-Site Improvements to be Constructed by the Applicant

Type	Improvement	Construction Cost
Roadway	Lakeshore Extension (include all-ages bike facilities)	\$ 1,049,225.00
Roadway	Wickersham Extension (include all-ages bike facilities)	\$ 1,897,315.00
Roadway	Elmont Bridge Crossing	\$ 2,808,000.00
Roadway	Internal Streets	\$ 6,778,652.00
Active	Elmont all-ages bike facilities	\$ 16,154.00
Active	Country Club Trail	\$ 1,473,800.00
Total		\$ 14,023,146.00



## Off-Site Improvements to be Constructed by the Applicant

Type	Location	Improvement	Phase Identified in the TIA	Tract/Block Identified for Construction	Cost	Total Cost
Roadway	East Riverside Drive and Wickersham Lane	NB Pavement Marking Modifications	1	5	\$ 18,750.00	
Roadway	East Riverside Drive and Wickersham Lane	Southbound Right-Turn Deceleration Lane	1	5	\$ 312,500.00	
Roadway	East Riverside Drive and Wickersham Lane	Eastbound Right-Turn Deceleration Lane	1	5	\$ 187,500.00	
Roadway	East Riverside Drive and Wickersham Lane	Traffic Signal Modifications	1	5	\$ 187,500.00	
Roadway	East Riverside Drive and Wickersham Lane	Southbound Left Turn Lane (replace median)	1	5	\$ 312,500.00	
Roadway	East Riverside Drive and Tinnin Ford Road/Burton Drive	Southbound Right-Turn Deceleration Lane (creates dual right operation)	1	4c	\$ 187,500.00	
Roadway	East Riverside Drive and Tinnin Ford Road/Burton Drive	Traffic Signal Infrastructure Modifications	1	4c	\$ 62,500.00	
Roadway	East Riverside Drive and Tinnin Ford Road/Burton Drive	Westbound Right-Turn Deceleration Lane	3	4c	\$ 187,500.00	
Roadway	East Riverside Drive and Tinnin Ford Road/Burton Drive	Eastbound Left-Turn Lane Extension	4	4c	\$ 93,750.00	
Roadway	East Riverside Drive and Shore District Drive/Parker Lane	Eastbound Left-Turn Lane Extension	2	4b	\$ 93,750.00	
Roadway	East Riverside Drive and Shore District Drive/Parker Lane	Eastbound Right-Turn Deceleration Lane	1	4b	\$ 187,500.00	
Roadway	East Riverside Drive and Lakeshore Boulevard	Southbound Parking Curb/Pedestrian/Signal Infrastructure Modifications	1	2d	\$ 187,500.00	
Roadway	East Riverside Drive and Lakeshore Boulevard	Eastbound Left-Turn Lane (dual left operations)	1	2d	\$ 62,500.00	
Roadway	East Riverside Drive and Lakeshore Boulevard	Northbound Receiving Lane	1	2d	\$ 187,500.00	\$ 5,518,750.00
Roadway	East Riverside Drive and Lakeshore Boulevard	Traffic Signal Infrastructure Modifications	1	2d	\$ 187,500.00	
Roadway	South Pleasant Valley Road and Elmout Drive	Traffic Signal Infrastructure Modifications	1	4a	\$ 62,500.00	
Roadway	South Pleasant Valley Road and Elmout Drive	Eastbound Through/Right Turn Lane and Median Adjustment	1	4a	\$ 312,500.00	
Roadway	South Pleasant Valley Road and Elmout Drive	Eastbound Receiving Lane	1	4a	\$ 375,000.00	
Roadway	South Pleasant Valley Road and Elmout Drive	Westbound Right Turn Lane and Median Adjustment	1	4a	\$ 312,500.00	
Roadway	South Pleasant Valley Road and Lakeshore Boulevard	Traffic Signal Infrastructure Modifications	1	2c	\$ 62,500.00	
Roadway	South Pleasant Valley Road and Lakeshore Boulevard	Southbound addition of Left turn lane and required roadway adjustments	1	2c	\$ 375,000.00	
Roadway	South Pleasant Valley Road and Krig Fields Driveway	Southbound Left-Turn Lane	4	4d	\$ 312,500.00	
Roadway	South Pleasant Valley Road and Krig Fields Driveway	Traffic Signal Infrastructure Modifications	4	4d	\$ 93,750.00	
Roadway	South Pleasant Valley Road and Cesar Chavez Street	Northbound Left-Turn Deceleration Lane	1	3	\$ 312,500.00	
Roadway	South Pleasant Valley Road and Cesar Chavez Street	Northbound Right-Turn Deceleration Lane Extension	1	3	\$ 187,500.00	
Roadway	South Pleasant Valley Road and Cesar Chavez Street	Eastbound Right-Turn Deceleration Lane	1	3	\$ 187,500.00	
Roadway	South Pleasant Valley Road and Cesar Chavez Street	Southbound Right-Turn Deceleration Lane	3	3	\$ 187,500.00	
Roadway	South Pleasant Valley Road and Cesar Chavez Street	Westbound Right-Turn Deceleration Lane	3	3	\$ 187,500.00	
Roadway	South Pleasant Valley Road and Cesar Chavez Street	Traffic Signal Modifications	1	3	\$ 375,000.00	
Transit	South Pleasant Valley Road and Elmout Drive	Construct NB stop on PV at Elmout - far-side (use existing amenities)	1	4a	\$ 15,800.00	
Transit	South Pleasant Valley Road and Elmout Drive	Construct SB stop on PV at Elmout - far-side (use existing amenities)	1	4a	\$ 15,800.00	
Transit	South Pleasant Valley Road and Lakeshore Boulevard	Install shelter at existing SB bus stop on Pleasant Valley	1	2c	\$ 8,000.00	
Transit	South Pleasant Valley Road and Krig Fields Driveway	Construct NB stop on PV at Krig Field - far-side	1	4d	\$ 27,800.00	\$ 150,600.00
Transit	South Pleasant Valley Road and Krig Fields Driveway	Construct SB stop on PV at Krig Field - far-side	1	4d	\$ 27,800.00	
Transit	South Pleasant Valley Road and Cesar Chavez Street	Construct EB stop on Chavez at PV - far-side (use existing amenities)	1	3	\$ 23,800.00	
Transit	South Pleasant Valley Road and Cesar Chavez Street	Construct SB stop on PV at Chavez - far-side (use existing amenities)	1	3	\$ 15,800.00	
Transit	South Pleasant Valley Road and Cesar Chavez Street	Construct NB stop on PV at Chavez - far-side (use existing amenities)	1	3	\$ 15,800.00	
Active	South Pleasant Valley Road and Lakeshore Boulevard	Construct missing bike trail gao on the NW corner to Butler trail	1	1a	\$ 20,000.00	\$ 20,000.00
Construction Total					\$ 5,689,350.00	

# Attachment D

## Mitigation - Fee In-lieu to be paid to COA by the Applicant for Improvements

Type	Improvement	Cost	Total Cost
Active	Fee In-lieu for construction of Longhorn Pedestrian and Bike Bridge	\$ 2,400,000.00	\$ 2,400,000.00
Transit	Fee In-lieu for Project Connect BRT Light Rapid Transit	\$ 1,606,000.00	\$ 1,606,000.00
		Fee In-lieu Total	\$ 4,006,000.00

JUL 24 75 ACCH R 1011

13.50

EXHIBIT  
13 M

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

1-16-3158

WHEREAS, Dickson Properties and Roberta Dickson, as owners of approximately 497 acres in the City of Austin, Travis County, Texas, according to field notes prepared by S. A. Garza, Registered Professional Engineer, on August 1, 1972, a copy of which is attached marked Exhibit "A", by agreement with the City of Austin impressed upon said 497 acres certain covenants and restriction, dated January 3, 1973, wherein the development of said 497 was restricted.

WHEREAS, said covenants and restrictions require that any modification, amended or termination of said agreement be by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and, (b) by the owners of the above described property at the time of such modification, amendment, or termination.

WHEREAS, the owners have presented to the City of Austin a revised conceptual plan for the development of the 497 acres dated October 3, 1973, a copy of which is attached hereto and marked Exhibit "C".

WHEREAS, the Capitol National Bank as Trustee and Roberta Dickson, Dickson Properties, Inc., and Mark Eight Associates, a Texas Limited Partnership as beneficiaries were the owners of said 497 acres as of the date of said revised conceptual plan and are presently owners of approximately 402 of said 497 acres and Austin Country Club Estates, a Texas Limited Partnership has purchased 94.984 acres of said 497 acres, said 94.984 are described in the field notes prepared by Jeryl D. Hart, Registered Professional Engineer, on November 2, 1973, a copy of which is attached marked Exhibit "B", and is presently owner of said 94.984 acres as described, and these owners hereinafter shall be referred to as Owners.

DEED RECORDS  
Travis County, Texas

5234 2079

1-16-3159

WHEREAS, the City of Austin and the Owners have agreed that the covenants and restrictions dated January 3, 1973 should be terminated and that the above described property should be impressed with certain other covenants and restrictions running with the land and desire to set forth such agreement and such covenants and restrictions in writing.

NOW THEREFORE, the Owners for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land and which shall be binding on them, their successors and assigns, as follows, to wit:

1. The total number of dwelling units for the described 497 acres shall not exceed a total of 4,658.

2. The conceptual plan dated October 3, 1973 which shows the property divided into designated areas referred to as Tracts and numbered as Tracts 1 through 25, a copy of which is attached hereto and marked as Exhibit "C", is the official plan approved by the City of Austin and supercedes and replaces any and all previously adopted plans.

3. Those Tracts 1 through 25 which relate to residential uses on said official plan shall be restricted to the approximate densities and number of dwelling units shown thereon, the total of which shall not exceed 4,658 and subject to the following conditions:

Residential Tract Number	Acres	Density	Dwelling Units
1	12	8 DU/ac	96
2	20.5	5 DU/ac	103
3	12.4	8 DU/ac	99

1-16-3160

4	6.6	12 DU/ac	79
4a	8	20 DU/ac	160
5	22	20 DU/ac	440
10	28.87	20 DU/ac	577
11	9.52	20 DU/ac	190
12	41.44	22 DU/ac	912
13	21.82	22 DU/ac	480
16	4.2	20 DU/ac	50
18	30.2	20 DU/ac	604
21	45.18	10 DU/ac	452
22	20.56	10 DU/ac	200
23	18.52	10 DU/ac	179
24	3.67	10 DU/ac	37

4. The number of acres designated to each tract is approximate and adjustments to the total number of dwelling units for a specific Tract will be made based upon the true number of acres contained within a tract as shown on the preliminary plat and the total dwelling units for a specific tract will be shown on said preliminary plat and will be based upon the number of acres multiplied by the designated density provided for said tract as indicated above. The preliminary plat will indicate the density requirements as indicated above and all final subdivision plans must be in conformance with these density restrictions and must be so designated on the recorded plan(s). Although adjustments because of approximation as to acreage shall be allowed as set forth above the overall density limitation of 4,658 units shall not be exceeded unless otherwise agreed to by the City of Austin and the Owners.

1-16-3161

5. If any person, persons, corporations or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to presecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

6. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

7. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

8. This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and, (b) by the owners of the above described property at the time of such modification, amendment, or termination.

9. The purpose of this Covenant is to limit the development of the areas as to density and shall in no way be construed as a dedication of any street or area for specific use.

1-16-3162

EXECUTED this 31st day of January, A. D. 1975.

CAPITOL NATIONAL BANK IN AUSTIN  
AS TRUSTEE

(NO SEAL)

By: Richard W. Uote  
Richard W. Uote  
Trustee  
Roberta Dickson  
ROBERTA DICKSON

DICKSON PROPERTIES, INC.

(NO SEAL)

By: Roberta Dickson - Pres.

MARK EIGHT ASSOCIATES, A TEXAS  
LIMITED PARTNERSHIP

(NO SEAL)

By: MARK EIGHT CORPORATION  
A GENERAL PARTNER  
By: JOHN A. SBAROUNIS, PRESIDENT

John A. Sbarounis  
James F. Lively

AUSTIN COUNTRY CLUB ESTATES, A  
TEXAS LIMITED PARTNERSHIP

(NO SEAL)

By: MARK EIGHT ASSOCIATES, GENERAL  
PARTNER OF AUSTIN COUNTRY CLUB  
ESTATES

By: MARK EIGHT CORPORATION, GENERAL  
PARTNER OF MARK EIGHT ASSOCIATES

By: John A. Sbarounis  
President  
James F. Lively

5234 2033

1-16-3163

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared of DICKSON PROPERTIES, INC. of Austin, Travis County, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21 day of Feb, 1975.

NOTARY SEAL

Lee Gilbert  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared ROBERTA P. DICKSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21 day of Feb, 1975.

NOTARY SEAL

Lee Gilbert  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THE STATE OF ILLINOIS )

COUNTY OF WILL )

BEFORE ME, the undersigned authority, on this day personally appeared JOHN A. SBAROUNIS, President of Mark Eight Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6<sup>th</sup> day of February, 1975.

NOTARY SEAL

Rosa Elena Murray  
NOTARY PUBLIC, WILL COUNTY, ILLINOIS

NOTARY PUBLIC, ILLINOIS APRIL 5, 1973



THE STATE OF TEXAS

1-16-3164

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD W. CHOTE, Trust Officer, The Capital National Bank in Austin, Trustee, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and 'n the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of February, 1975.

NOTARY SEAL

W. C. Lane  
NOTARY PUBLIC, TRAVIS COUNTY,  
TEXAS

5234 2085

EXHIBIT "A"

1-16-3165

FIELD NOTES FOR THE ENTIRE DICKSON PROPERTY, SAID TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the iron stake at the southwest corner of the herein described tract of land, same iron stake also being in the north right-of-way line of Riverside Drive, same iron stake also being in the east right-of-way line of Pleasant Valley Road;

THENCE with the east right-of-way line of Pleasant Valley Road the following two (2) courses:

(1) N 30° 24' E, passing an iron stake at 1417.25 feet, 2287.93 feet to an iron stake;

(2) N 30° 13' E, passing an iron stake at 1583.20 feet, 1788.12 feet to an iron stake;

THENCE N 75° 53' E, 34.39 feet to an iron stake;

THENCE N 71° 55' E, 397.91 feet to an iron stake;

THENCE N 71° 29' E, 324.96 feet to an iron stake;

THENCE N 71° 56' E, 220.33 feet to an iron stake;

THENCE N 67° 47' E, 471.48 feet to an iron stake;

THENCE S 84° 30' E, 418.95 feet to an iron stake;

THENCE N 30° 11' E, 1975.20 feet to an iron stake;

THENCE N 24° 58' E, 214.15 feet to an iron stake in the south bank of the Colorado River for the northwest corner of the herein described tract of land;

THENCE with the south bank of the Colorado River the following twelve (12) courses:

(1) N 88° 53' E, 334.30 feet to an iron stake;

(2) S 88° 58' E, 369.60 feet to an iron stake;

(3) S 82° 06' E, 471.10 feet to an iron stake;

(4) S 77° 18' E, 316.76 feet to an iron stake;

(5) S 88° 32' E, 167.35 feet to an iron stake;

(6) S 81° 24' E, 292.00 feet to an iron stake.

FIELD NOTES

Page 2 of 3

DICKSON PROPERTY

1-16-3166

- (7) S 36° 42' E, 98.77 feet to an iron stake;
- (8) S 30° 13' E, 110.70 feet to an iron stake;
- (9) S 07° 28' E, 197.90 feet to an iron stake;
- (10) S 09° 44' E, 280.12 feet to an iron stake;
- (11) S 18° 10' E, 210.57 feet to an iron stake;
- (12) S 30° 31' E, 185.86 feet to an iron stake at the northeast corner of the herein described tract of land;

THENCE S 29° 33' W, 466.24 feet to an iron stake;

THENCE S 29° 47' W, 1104.50 feet to an iron stake;

THENCE N 69° 13' W, 1219.86 feet to an iron stake;

THENCE S 36° 10' W, 1305.03 feet to an iron stake;

THENCE S 41° 14' W, 448.81 feet to an iron stake;

THENCE S 21° 43' W, 645.80 feet to an iron stake;

THENCE S 02° 21' E, 281.82 feet to an iron stake;

THENCE S 02° 16' E, 889.86 feet to an iron stake;

THENCE S 02° 17' E, 698.12 feet to an iron stake;

THENCE S 02° 20' E, 790.45 feet to an iron stake;

THENCE S 29° 33' W, 480.73 feet to a concrete monument;

THENCE S 30° 06' W, 563.19 feet to a concrete monument in the north right-of-way line of Riverside Drive for the southeast corner of the herein described tract of land;

THENCE with the north right-of-way line of Riverside Drive the following eleven (11) courses:

- (1) N 57° 47' W, 626.34 feet to an iron stake;
- (2) N 58° 26' W, 194.97 feet to an iron stake;
- (3) N 60° 43' W, 299.92 feet to an iron stake;

ORIGINAL DIM.

5234 2087

FIELD NOTES

Page 3 of 3

DICKSON PROPERTY

1-16-3167

- (4) N 67° 59' W, 484.18 feet to an iron stake;
- (5) N 66° 18' W, 703.33 feet to an iron stake at a point of curvature;
- (6) With a curve to the left whose chord bears N 65° 17' W, 43.53 feet and whose arc measures 43.53 feet to an iron stake;
- (7) Continuing that same curve to the left an additional arc length of 247.45 feet and an additional chord which bears N 70° 23' W, 247.16 feet to an iron stake at a point of tangency;
- (8) N 75° 17' W, 342.35 feet to an iron stake at a point of curvature;
- (9) With a curve to the right whose chord bears N 67° 06' W, 396.50 feet and whose arc measures 397.85 feet to an iron stake at a point of tangency;
- (10) N 58° 55' W, 518.44 feet to an iron stake at a point of curvature;
- (11) With a curve to the right whose chord bears N 54° 39' W, 136.00 feet and whose arc measures 136.11 feet to the original point of beginning containing 496.80 acres of land.

Field Notes prepared in the offices of S. A. Garza Engineers, Inc.,  
503 Scarbrough Building, Austin, Texas, August 1, 1972.



*S. A. Garza*  
S. A. Garza  
Registered Professional Engineer

5234 2088



FIELD NOTES AROUND THE  
OUTBOUNDARY OF THE CROSSING PHASE 1

FIELD NOTES OF A 94.984 ACRE TRACT OUT OF THE SANTIAGO DEL VALLE GRANT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 94.984 ACRE TRACT BEING ALL OR A PORTION OF THE FOLLOWING: A 56.99 ACRE TRACT OF WHICH ONE-HALF INTEREST WAS CONVEYED TO THE CAPITAL NATIONAL BANK, TRUSTEE IN VOLUME 4588, PAGE 1640 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS; THE REMAINING ONE-HALF INTEREST OF THE 56.99 ACRE TRACT AND A 1/2 INTEREST IN AN ADDITIONAL 439.77 ACRES (496.76 ACRES IN TOTAL) BEING CONVEYED TO CAPITAL NATIONAL BANK, TRUSTEE BY DEED RECORDED IN VOLUME 4588, PAGE 1629; THE REMAINING ONE-HALF INTEREST IN THE 439.77 ACRE TRACT BEING CONVEYED TO CAPITAL NATIONAL BANK, TRUSTEE, BY DEED RECORDED IN VOLUME 4588, PAGE 1679 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 94.984 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron stake found at the most westerly corner of Lot 1, Penick Place, a subdivision in Travis County, Texas as recorded in Book 5, Page 147 of the Plat Records of Travis County, Texas; said point being on the northerly right-of-way line of Riverside Drive;

THENCE along the northerly right-of-way line of Riverside Drive the following five (5) courses:

1. N 57°-36' W., 627.22 feet to an iron stake found;
2. N 58°-03' W., 195.01 feet to an iron stake found;
3. N 60°-25' W., 299.64 feet to an iron stake found;
4. N 62°-39' W., 484.22 feet to an iron stake found;
5. N 63°-57' W., 702.96 feet to an iron stake found;

THENCE through the interior of the said 496.76 acre tract the following twelve (12) courses:

1. N 26°-00' E., 39.29 feet to an iron stake set;
2. S 64°-00' E., 37.96 feet to an iron stake set;
3. An arc distance of 23.56 feet along a curve to the left whose elements are:  $I=90^{\circ}-00'$ ,  $Rad.=15.00'$ ,  $Tan.=15.00'$  and whose longchord bears N 71°-00' E., 21.21 feet to the P.T. of said curve;

1-16-3169

4. N 26°-00' E., 205.00 feet to an iron stake set;
5. An arc distance of 314.49 feet along a curve to the right, whose elements are: I=26°-00', Rad.=693.04', Tan.=160.00' and whose longchord bears N 39°-00' E., 311.80 feet to the P.T. of said curve;
6. N 52°-00' E., 120.00 feet to an iron stake set;
7. An arc distance of 277.29 feet along a curve to the left, whose elements are: I=19°-30', Rad.=814.75', Tan.=140.00 feet and whose longchord bears N 42°-15' E., 275.96 feet to the P.T. of said curve;
8. N 32°-30' E., 635.00 feet to an iron stake set;
9. An arc distance of 476.15 feet along a curve to the left, whose elements are: I=17°-45', Rad.=1537.00', Tan.=240.00' and whose longchord bears N 23°-38' E., 474.25 feet to the P.T. of said curve;
10. N 14°-45' E., 40.00 feet to an iron stake set;
11. S 75°-15' E., 212.90 feet to an iron stake set;
12. S 57°-30' E., 1326.81 feet to an iron stake set on the east boundary of the said 496.76 acre tract; said point also being the most northeasterly corner of the said 56.69 acre portion of the 496.76 acre tract;

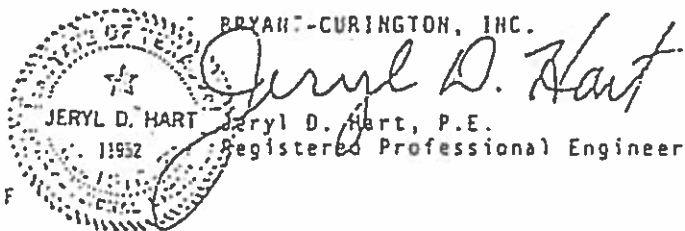
THENCE along the common boundary between the said 496.76 acre tract and a tract conveyed to Country Club of Austin as recorded in Volume 838, Page 189 of the Deed Records of Travis County, Texas the following three (3) courses:

1. S 01°-55' E., 400.00 feet to an iron stake found;
2. S 01°-57' E., 790.15 feet to an iron stake found;
3. S 30°-16' W., 480.66 feet to an iron stake found at a common corner with the said Penick Place subdivision;

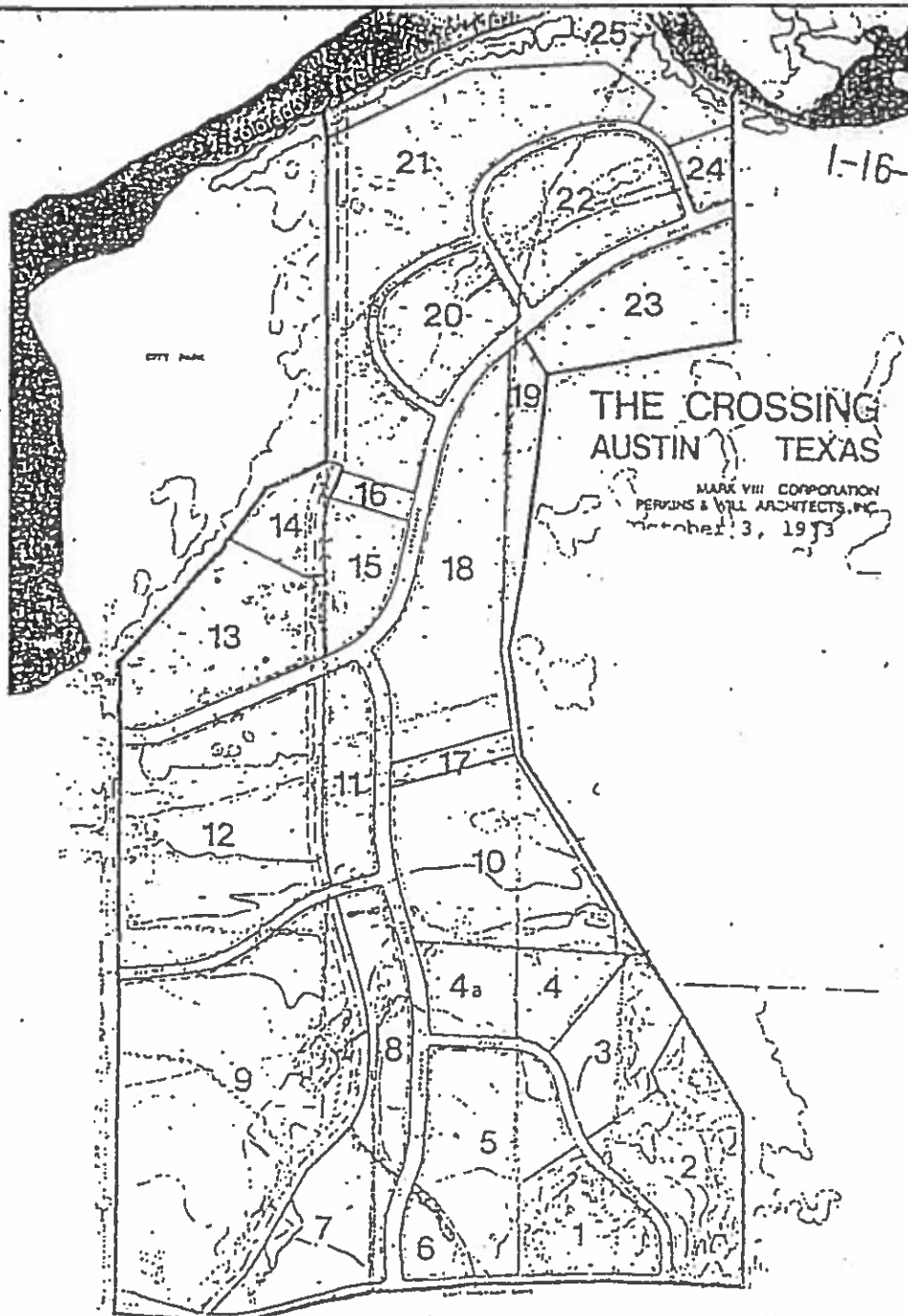
THENCE S 30°-23' W., 563.13 feet along the common boundary between the said 496.76 acre tract and the said Penick Place Subdivision to the POINT OF BEGINNING, containing 94.984 acres as surveyed and computed by Bryant-Curington, Inc., in October, 1973,

I HEREBY CERTIFY that these notes were prepared from an actual survey made on the ground under my supervision according to law and are true and correct to the best of my knowledge.

WITNESS MY HAND AND SEAL this 2nd day of November, 1973, A.D.



JDH:JWH/dd  
Job No. 73-62-F



PROPOSED DEVELOPMENT  
ALL ON PARTS OF THE 1977 ON THIS PAGE  
SHALL NOT BE SUBJECT TO ANY OTHER DEVELOPMENT

5234 2091

1-16-3171

JUL 24 8 38 AM '75

*L. H. Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

*Hand, change of name to:*  
LAW DEPARTMENT  
CITY OF AUSTIN  
P. O. BOX 1088  
AUSTIN, TEXAS 78761

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
24th day of the month of July 1975 and was duly  
RECORDED, in the Volume and Page of the public RECORDS  
of Travis County, Texas, as Stamped herein by me, on

JUL 24 1975



*L. H. Angeline*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

5234 2092



FILM CODE

**DECLARATION OF RESTRICTIVE COVENANT**

00005591951

STATE OF TEXAS       §  
                             §  
COUNTY OF TRAVIS   §

KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION OF RESTRICTIVE COVENANT (this "Declaration") is made on the 3rd day of June, 1997, by SK PROPERTIES, L.P., a Kansas limited partnership ("Declarant").

**WITNESSETH:**

A. Declarant is the fee simple owner of that certain approximately 19.128 acre tract of real property situated in the City of Austin, Travis County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"). Declarant currently intends to construct a multi-family project on the Property (the "Project").

B. Declarant desires for the restrictive covenant described herein to be established with respect to the Property.

NOW, THEREFORE, and in accordance with the doctrines of restrictive covenants and implied equitable servitude, Declarant, intending to bind itself, its assigns and successors, and all other persons hereafter having interest in the Property, does hereby declare, impose and subject the Property as follows:

1. Fence Restriction. Declarant hereby agrees to construct and maintain a fence around the Project which is at least six (6) feet in height and is constructed of decorative metal and/or masonry columns or provides substantially equivalent security and aesthetics. In no event shall a chain link fence comply with the foregoing requirement.

2. Parking Restriction. Declarant hereby agrees that it will provide at least one (1) parking space on the Property for each bedroom contained within the Project.

3. Binding Effect; Third Parties. It is intended that the provisions of this Declaration shall run with the land. No rights, privileges or immunities, however, shall inure to the benefit of any adjoining property owner or other third party as a result of this Declaration, nor shall any adjoining property owner or other third party be deemed to be a beneficiary of any of the provisions contained herein.

4. Modification. This Declaration may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin and (b) by the owner(s) of at least seventy-five percent (75%) of the gross land area of the Property at the time of such modification, amendment or termination.

5. Enforcement of Declaration.

(a) If any person or entity shall violate or attempt to violate this Declaration, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate this Declaration to prevent the person or entity from such actions, and to collect damages for such actions.

(b) If any part of this Declaration is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Declaration, and such remaining portion of this Declaration shall remain in full effect.

(c) If at any time the City of Austin fails to enforce this Declaration, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

IN WITNESS WHEREOF, Declarant has caused this Declaration of Restrictive Covenant to be executed as of the date and year first above written.

DECLARANT:

SK PROPERTIES, L.P.

By: Ross G. Tidemann  
its general partner

By: Ross G. Tidemann  
Name: \_\_\_\_\_  
Title: General Partner

STATE OF Kansas §  
COUNTY OF Sedgewick §

This instrument was acknowledged before me on this the 3rd day of June, 1997, by Ross G. Tidemann, as General Partner of SK Properties, L.P., the general partner of SK Properties, L.P., on behalf of said limited partnership.



B. Joanne Puckett  
Notary Public, State of Kansas

**EXHIBIT A**

**Property**

Lots 5, 6, 7, 8 and 9, Block A, PARKE GREEN, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 85, Page 161A, Plat Records of Travis County, Texas.

*Ref.*

City of Austin  
Development Review &  
Inspection Department  
P.O. Box 1088  
Austin, TX 78767

**FILED**

97 JUN 20 PM 2:35

CLOCK  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF TRAVIS

I hereby certify that this instrument was FILED on  
the date and at the time stamped hereon by me; and  
was duly RECORDED, in the Volume and Page of the  
said RECORDS of Travis County, Texas, on

JUN 20 1997



*Karla B. Sumner*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12960 0330

RECEIPT#: 960077016 TRANS#: 80332 FEE: REGULAR RECORD \$13.00  
CASHIER: MFR1 FILE DATE: 6/20/97 TRANS DATE: 6/20/97  
PAID BY: CHECK 8460

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**SPECIAL WARRANTY DEED**

This instrument prepared by:  
Mark Hockley, Esq.  
Locke Lord LLP  
111 S. Wacker Drive, Suite 4100  
Chicago, Illinois 60606

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

AUSTIN STUDENT VENTURE II, L.P., a Delaware limited partnership ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid in hand to Grantor by NRE ION, LLC, a Delaware limited liability company ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee all of Grantor's right, title and interest in and to that certain parcel of land located Travis County, Texas and legally described in Exhibit A attached hereto and incorporated herein by this reference, together with all buildings, improvements and fixtures located thereon and owned by Grantor as of the date hereof and all rights, privileges and appurtenances pertaining thereto including all of Grantor's right, title and interest in and to all rights-of-way, open or proposed streets, alleys, easements, strips or gores of land adjacent thereto (herein collectively called the "Real Property").

This conveyance is made by Grantor and accepted by Grantee subject to all covenants, conditions, restrictions, and other matters listed on Exhibit B attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Real Property together with all improvements located thereon all and singular the rights and appurtenances thereto in anywise belonging, subject to the Permitted Exceptions, unto Grantee, its legal representatives, successors and assigns, and Grantor does hereby bind itself, its legal representatives, successors and assigns, to WARRANT and FOREVER DEFEND all and singular the Real Property unto the Grantee, its legal representatives, successors and assigns, against Grantor and every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject to the Permitted Exceptions.



If any term or provision of this Deed or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Deed or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Deed shall be valid and enforced to the fullest extent permitted by law.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, this Deed has been executed by Grantor as of the 23 day of June, 2015.

**AUSTIN STUDENT VENTURE II, L.P.,**  
a Delaware limited partnership

By: **Austin Student Venture II GP, LLC**, a Delaware  
limited liability company, its General Partner

By: **Austin Student Venture II Partners, LLC**,  
a Delaware limited liability company,  
its sole Member

By: **TriBridge Co-Invest 1, LLC**, a  
Georgia limited liability company, its  
sole manager

By: **JLC Southeast Investments,**  
**LLC**, a Georgia limited liability  
company, its sole manager

By: 

Name: Jim Schroder

Title: Vice President

STATE OF Georgia §

§

COUNTY OF Fulton §

On June 12, 2015, before me, the undersigned, a notary public in and for said State, personally appeared Jim Schroder, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that, by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Kathy Giddens, Notary Public

My Commission Expires:

11-23-2018



AFTER RECORDING RETURN TO:

John Bruce  
Heritage Title Company of Austin, Inc.  
401 Congress, Suite 1500  
Austin, Texas 78701

## EXHIBIT A

### DESCRIPTION OF THE PROPERTY

#### DESCRIPTION

OF A 19.128 ACRE TRACT SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF LOTS 5, 6, 7, 8 AND 9, BLOCK "A" PARKS GREEN SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 85, PAGE 161A-161B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 19.128 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a P.K. nail found in the easterly line of Pleasant Valley Road South (R.O.W. varies), being the common westerly corner of Lot 4 and Lot 5, Block "A" of said Parks Green Subdivision;

**THENCE**, N30°24'56"E, along the easterly line of Pleasant Valley Road South, same being the westerly line of said Parks Green Subdivision, a distance of 1127.93 feet to a 1/2 inch iron rod found in the westerly line of Lot 8 for the point of curvature of a curve to the right;

**THENCE**, along said curve to the right, having a radius of 25.00 feet, a central angle of 98°23'27", an arc distance of 39.43 feet, and a chord which bears N75°23'12"E, a distance of 35.45 feet to a P.K. nail found in the southerly line of Elmont Drive (R.O.W. varies), same being the northerly line of said Lot 8;

**THENCE**, along the southerly line of Elmont Drive, same being the northerly lines of said Lot 8 and Lot 7, the following four (4) courses and distances:

- 1) S59°37'10"E, a distance of 173.01 feet to a P.K. nail found;
- 2) S62°33'17"E, a distance of 100.17 feet to a cut "X" set in concrete for the point of curvature of a curve to the right;
- 3) Along said curve to the right, having a radius of 2265.00 feet, a central angle of 04°29'57", an arc distance of 170.01 feet, and a chord which bears S57°25'38"E, a distance of 169.95 feet to a P.K. nail found for the point of tangency;
- 4) S55°08'46"E, a distance of 274.76 feet to a P.K. nail found for the point of curvature of a curve to the right;

**THENCE**, along said curve to the right, having a radius of 25.00 feet, a central angle of 85°34'11", an arc distance of 37.34 feet, and a chord which bears S12°18'13"E, a distance of 35.95 feet to a P.K. nail found in the westerly line of Wickerham Lane (R.O.W. varies), same being the easterly line of said Lot 9;

THENCE, along the westerly line of Wickertown Lane, same being the westerly lines of said Lot 8 and Lot 9 the following five (5) courses and distances:

- 1) S30°24'28"W, a distance of 148.00 feet to a P.K. nail found;
- 2) S27°46'22"W, a distance of 106.31 feet to a P.K. nail found;
- 3) S30°25'46"W, a distance of 100.00 feet to a 1/2 inch iron rod found for the point of curvature of a curve to the right;
- 4) Along said curve to the right, having a radius of 795.00 feet, a central angle of 13°25'22", an arc distance of 186.25 feet, and a chord which bears S37°01'06"W, a distance of 143.82 feet to a 1/2 inch iron rod found for the point of tangency;
- 5) S43°50'31"W, a distance of 385.04 feet to a cut "X" set being the common easterly corner of Lot 4 and Lot 5, Block "A" of said Park Green Subdivision;

THENCE, N59°34'43"W, along the common line of said Lot 4 and Lot 5, a distance of 414.18 feet to the POINT OF BEGINNING, containing an area of 19.128 acres (833,210 sq. ft.), more or less, within these notes and bounds.

I, MARK J. GELISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

11-GF# 20150025DC ALF  
RETURN TO: HERITAGE TITLE  
401 CONGRESS AVE., STE.1500  
AUSTIN, TEXAS 78701

Austin Student Housing/10n  
Special Warranty Deed



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana Debeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

June 24 2015 10:13 AM

FEE: \$ 46.00 2015099344



**Del Valle Independent School District**  
**Construction and Planning Department**  
2404 Shapard Lane  
Del Valle Texas 78617  
(512) 386-3124  
"Whatever it Takes"

**EXHIBIT**  
**N**

**MEMORANDUM**

**TO:** Michael Whellan  
**FROM:** Bill Myers  
**DATE:** 3/15/2019  
**SUBJECT:** Riverside Drive

Mr. Whellan,

Thank you for forwarding the information on the proposed Riverside Drive Development. Currently Baty elementary school is near capacity, so any additional housing units will have an educational impact on the district. We will review attendance boundaries next spring and it may become necessary to zone some neighborhoods in that area away from nearby schools to those on the outer edge of the district. Developers need to be aware of this so that they do not give out incorrect or misleading information to potential tenants. We also ask that in the planning of the Development that a Safe route to the school or to the bus pickup is considered

Do you have any forecast of completion timelines on this project you can share?

Thanks again for the information,

Bill Myers  
Office 386-3124  
Bmyers@dvisd.net

**Question or Comment:**

I walk in Roy Guerrero park every day. YOU will seriously impact this parkland, and arguing that it's a small piece of land doesn't negate what you're doing. This is the

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

last  
affordable  
area close to  
town with parkland  
and you are taking it AWAY.

**Question or Comment:**

I am strongly opposed to the demolition of student and low-income housing to build high-rise luxury apartments in the heart of our city. Moreover, we must not cede a single square foot of our beautiful, wild public parkland for the sake of personal profit or heedless development. To do so ~~is~~ would be to steal from and betray our children and grand-

children,  
Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

and would be  
a violation of the  
values that we claim  
to hold dear as  
Austinites.



**Question or Comment:**

Love the changes being made to the  
Riverside area. I am a Homeowner  
in the area. Austin is long overdue for a rebirth  
in many areas!  
I have lived in Austin for over 30 years and  
know it is an expensive place to live.  
I have struggled at times myself. One  
area of town or another I have lived  
in all parts as a renter and an owner.  
What can help those less fortunate? (at all)

Would you like someone to contact you with a response to your  
question? Yes / No

If so, please write your name and contact info:

to one's th  
Want help  
and are  
respectful

**Question or Comment:**

New Zoning is required to handle the growth of the  
city. I hope the project goes through.

Please, think about micro-mobility (bikes, scooters), transit.

Would you like someone to contact you with a response to your  
question? Yes / No

If so, please write your name and contact info:



**Question or Comment:**

As elected representatives, y'all have a responsibility to us, the people of Austin. How does displacing so many family units, driving up ~~the~~ rent prices and pricing out the people you represent benefit the people you're supposed to serve?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

**Question or Comment:**

~~THESE~~ AUSTIN'S INTERIOR PARKLANDS ARE A NON-RENEWABLE RESOURCE, ~~OF~~ PLEASE WORK HARD TO MINIMIZE IMPACTS TO ~~SE~~ REDUCTION OF PARKLANDS.

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:



**Question or Comment:**

Where are we, the residents of those apartments affected, supposed to go? I live at one of the Quads and I've been lucky to have affordable housing this close to work without a car. I'm not convinced that this redevelopment has a plan for where this many Austinites are supposed to move to. I feel like I'm living here off an hourglass of time before having to pack my bags and be pushed again throughout town, or worse, out of Austin all together.

**Would you like someone to contact you with a response to your question? Yes / No**

**If so, please write your name and contact info:**

**Question or Comment:**

Given the recent fight regarding taking parkland for private development, how can you even consider taking parkland for this development?

**Would you like someone to contact you with a response to your question? Yes / No**

**If so, please write your name and contact info:**



**Question or Comment:**

I am strongly opposed to the demolition of student and low-income housing to build high-rise luxury apartments in the heart of our city. Moreover, we must not cede a single square foot of our beautiful, wild public park land for the sake of personal profit or heedless development. To do so ~~is~~ would be to steal from and betray our children and grand

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

children,  
and would be  
a violation of the  
values that we claim  
to hold dear as  
Austinites.

**Question or Comment:**

I walk in Roy Guerrero park every day. YOU will seriously impact this parkland, and arguing that it's a small piece of land doesn't negate what you're doing. This is the

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

last  
affordable  
area close to  
town with parkland  
and you are taking it AWAY.



**Question or Comment:**

NO to this project, Please Listen to the community.

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

**Question or Comment:**

I dislike the term affordable housing in Austin because it automatically is equated with specific + limited guidelines of housing policies, regulations, etc. ~~that is~~ what I want to hear about is housing that people can afford. When will Austin care about creating and preserving neighborhoods that low, prev, moderate, and middle income people can afford? To take away from parkland to encourage a

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Domar or Domar - like developer in southeast Austin is ~~to be~~ disrespectful. The communities being displaced aren't your focus. Soon Austin will have only upper income neighborhoods, with the other brackets pushed out.



**Question or Comment:**

The ROW in Guernero Park :  
does it extend from South Pleasant  
Valley Road all the way to  
Grove Blvd.?

Would you like someone to contact you with a response to your  
question? Yes / No

If so, please write your name and contact info:

**Question or Comment:**

I consider this area Apt. City.  
more Water & Wastewater use.  
Need Fire station & ambulance use nearby.  
Will homeless people be moved?  
Lots more traffic.  
Parking!

Would you like someone to contact you with a response to your  
question? Yes / No

If so, please write your name and contact info:



**Question or Comment:**

- ① # of lost affordable housing  
# they "promise" of affordable housing
- ② # of trips per day now  
# of trips per day @ buildout?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

[REDACTED]

**¿Tiene alguna pregunta o comentario?**

Right now traffic is coping — with existing development/housing etc —  
ERC is not a basis to take public parkland — CH 26 was never part of ERC —  
EIS posted? Where?

¿Desea que nos pongamos en contacto con usted por teléfono o correo electrónico? Sí / No

Si la respuesta es sí, por favor, deje su nombre y su información de contacto:



What is the environmental feasibility study?

**Question or Comment:**

Already has bike/ped access that is safe, effective and utilized. Adding a road adds cars = less safe.

Where is your data for ~~an~~ improved safety?

What is your definition of affordable housing in this case? Studios, families,

Isn't there a public vote required to convert parkland <sup>what income level?</sup> to something else?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Derek Hansen 554-606-2825

**¿Tiene alguna pregunta o comentario?**

Esto es pura mierda.

BULLSHIT

¿Desea que nos pongamos en contacto con usted por teléfono o correo electrónico? Sí / No

Si la respuesta es sí, por favor, deje su nombre y su información de contacto:

City is ~~acting as a proxy~~ acting as a proxy.



Question or Comment: WHY IS THIS PROPOSAL EVEN BEING CONSIDERED? WHAT POSSIBLE POWERS TO

THE COMMUNITY COULD THIS PROJECT POSSIBLY HAVE?

HOW MANY PEOPLE LIVING IN CURRENT HOUSING ON

THE SITE WOULD BE DISPLACED? WHAT ARE THE DEMOGRAPHICS OF THOSE DISPLACED? MEDIAN INCOME? ETHNICITY? RACE?

IS THERE ANYTHING STRUCTURALLY WRONG WITH CURRENT BUILDING

WHAT IS THE LIFE EXPECTANCY OF EXISTING STRUCTURES?

IS ALL THIS PROPERTY NOW RENTAL? AVERAGE RENTAL?

WHAT ARE PROTECTED DEMOGRAPHICS OF NEW OCCUPANTS?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

STEFAN WRAY

CAN WE HAVE A

STUDY AND  
ASSESSMENT OF  
THE EXISTING  
STRUCTURES TO  
KNOW LIFE  
EXPECTANCY?

SEE BACK SIDE

¿Tiene alguna pregunta o comentario?

WHERE IS THE PROPOSED AFFORDABLE HOUSING  
THAT WOULD REPLACE FOR DENSITY BONDS?

HOW IS CONNECTIVITY TAKING LOAD OFF TRAFFIC  
IF WE ARE ADDING 4709 FAMILY UNITS?

HAS A TRAFFIC ANALYSIS BEEN DONE?

IF NOT, HOW CAN WE MAKE CONJECTURE  
ABOUT LOAD?

¿Desea que nos pongamos en contacto con usted por teléfono o correo electrónico? Sí / No

Si la respuesta es sí, por favor, deje su nombre y su información de contacto:

WILL YOU BRING THE CH 26

ISSUES BEFORE THE ENVIRONMENTAL

COMMISSION?

ROLE  
OF  
TXDOT



**Question or Comment:**

I am~~e~~ strongly against a road going through the park.

I am against this project.

Austin needs to stop catering to big business

Would you like someone to contact you with a response to your question? ☒ Yes / ☐ No

If so, please write your name and contact info:

Sarah

512-796-2475

**Question or Comment:**

I believe y'all are doing a great job. You have a unique opportunity to build a population dense neighborhood with energy efficiency. My concern is to make sure nature is our top priority. Currently the Wickersham Watershed is disgusting. We need to make sure all water reaching the Colorado is clean. Please establish large sections of intense biodiversity of native grasslands and trees. I am on your side. Feel free to contact if you would like to learn more.

Would you like someone to contact you with a response to your question? Yes / No ☒ If you would like to.

If so, please write your name and contact info:

[Redacted contact information]



**Question or Comment:**

I urge you not to <sup>(1)</sup> give away parkland  
to private developers <sup>(2)</sup> Destroy Affordable  
Housing in Return for vague promises of  
future Affordable housing + Extensive luxury  
Housing + Commercial Property.

Would you like someone to contact you with a response to your  
question? Yes / No

If so, please write your name and contact info:

ANDREA BLACK

[REDACTED]

I would like to be informed of ~~that~~ upcoming  
public hearing

**Question or Comment:**

Allowing 160' on all of the 97 acres  
allows for too much density along the  
corridor. Please set the area between Elmon  
north to Lakeshore (up to park land) at a  
lower height.

Would you like someone to contact you with a response to your  
question? Yes / No

If so, please write your name and contact info:

Jan Long

[REDACTED]

512-656-9586 (cell)



**Question or Comment:**

Contact info = Sherri Taylor Dg. must proceed

SOPHIE is a proposal to develop a 12 step home restoration procedure.

Standardizing Optimal Premises Hospitality Inspires Empowered Residents take care of their neighborhoods because they are rooted in memories. Current resources for upgrading existing homes and multi-family complex. Will you provide the names of the title company, real estate officials, and legal representatives for these projects?

Would you like someone to contact you with a response to your question? ☒ Yes / No

If so, please write your name and contact info:

**Question or Comment:**

This is class warfare, economic antagonism, & is harmful to people, tell me how it is not.

Would you like someone to contact you with a response to your question? ☒ Yes / No

If so, please write your name and contact info:

Brendan C. Dooley

[Redacted contact information]



**Question or Comment:**

Does this affect people homes to complete the proposal.

Would you like someone to contact you with a response to your question? ☒ Yes / No

If so, please write your name and contact info:

Hadley Stuart 512-785-0975

**Question or Comment:**

If you are going to put that bit of extra road can you also ask for a bike trail out to Montopolis with lights

Would you like someone to contact you with a response to your question? ☒ Yes / No

If so, please write your name and contact info:

[REDACTED]



**Question or Comment:**

Does the ERC include funding from the Austin Affordable housing bond to ensure that people are not displaced?

Would you like someone to contact you with a response to your question? ☒ Yes / No

If so, please write your name and contact info:

Erica Foster

[REDACTED]

**Question or Comment:**

Why was Presidium Group chosen for this big development project? Who decided this development group was the best for this project? Why is the COA getting involved w/ a development company who has hired + works w/ David Wallace?

What does 8121 of affordable housing look like in real numbers for the community of Austin / East Riverside esp in regard to

Would you like someone to contact you with a response to your question? ☒ Yes / No

current  
# of  
housing

If so, please write your name and contact info:

Nicole Clark

775-772-6269 or

[REDACTED]



**Question or Comment:**

If extending Lakeshore Blvd is not required for the development - as said by officials during the meetings - they drop it from the plan. Do not take parkland for it. If the extension is required for the traffic impact numbers to work, then it is part of the development. Leave the park alone.

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Gordon Kelley

512-809-9021

**Question or Comment:**

How many ~~apartments~~ multi-family units, hotel rooms, square feet of office space, square feet of medical/dental office space & ground floor commercial space currently exists in this zoning case?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Monica Sanchez 5127316399

~~7/10/1984~~ Ellen GIPPS

[Blue Comment Card]  
I'd like a response, please

~~to~~ Has an environmental impact statement been issued in regard to the taking of the "Sliver" of Parkland? If so, How may I view it?



### Question or Comment:

An environment impact study is needed on possible habitat destruction of the many species at Roy Guerrero Park, impact on plant life and possible contamination of Colorado River due to road construction at park. Will you request an environmental impact study?

Would you like someone to contact you with a response to your question? ☒ Yes ☐ No *Thru email*

If so, please write your name and contact info:

*Rodera* [REDACTED]

### Question or Comment:

Why is Planning Staff recommending non-compliance of the E. Riverside Corridor Plan? In other words, exceeding the current adopted ERC Master Plan.

Would you like someone to contact you with a response to your question? ☒ Yes ☐ No *thru email*

If so, please write your name and contact info:

*Rodera* [REDACTED]



**Question or Comment:**

Why is City Planning Staff recommending giving public park land to a private for profit corporation?

Would you like someone to contact you with a response to your question? ☒ Yes / No *thru email*

If so, please write your name and contact info:

[REDACTED]

**Question or Comment:**

Is the City Planning Staff obligated to file Chapter 26?

Would you like someone to contact you with a response to your question? ☒ Yes / No *thru email*

If so, please write your name and contact info:

*Podew...* [REDACTED]



Question or Comment:

Why is the City of Austin supporting gentrification?  
Why is the City of Austin supporting the displacement of students & working class families?

Where are they supposed to go?

What would be the cost of living in this area? How will this affect UT & AAC students? Where will they find affordable housing on the UT BUS route?

Would you like someone to contact you with a response to your question? ☒ Yes / ☐ No

If so, please write your name and contact info:

Sarahi Rojo

[REDACTED]

Question or Comment:

How many affordable multifamily units currently exist in this zoning case? How many affordable units will exist if zoning case is approved? How does this zoning case define an affordable unit as far as square footage per unit & cost of rent per month?

Would you like someone to contact you with a response to your question? ☒ Yes / ☐ No

If so, please write your name and contact info:

Monica Sanchez 512 731 6399

[REDACTED]



### Question or Comment:

IS THE AFFORDABLE HOUSING THAT WILL BE CREATED IN ORDER TO QUALIFY FOR HIGHER DENSITY LOCATED WITHIN THE PROJECT? AND ~~AND~~ WHAT PERCENTAGE OF THE HOUSING WILL BE DEDICATED TO AFFORDABLE HOUSING?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

NATALIA LOPEZ

  
512-348-0223.

### Question or Comment:

What will we do when we have no where else to go? Serious question. Will other affordable housing elsewhere? Riverside is the best area of Austin I can afford. :)

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:





### Question or Comment:

IN a city utterly lacking in beds in homeless shelters & sustainable post-shelter dwellings (homes for families at the 30% MFI) how can the city justify knocking down vital affordable housing stock to an equally vital low-barrier to entry? I work at the intersection of affordable housing & immigration, particularly with refugees & asylum-seekers. The housing in the Ballpark & on Riverside is a ~~an~~ tantamount resource in

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Kate - (339) 368 0888

[REDACTED]

our ability to help folks get out of detention & start life stably in Ariz. If we lose this housing stock, we lose an urgent resource in our toolbox to help asylum-seekers stay here.

### Question or Comment:

The proposed development offers 4,700 units that the city certainly needs - can the developers ensure that the total amount of proposed housing and commercial space become a reality to the city? ~~Yes~~,

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Andre Gouws

[REDACTED]



### Question or Comment:

THE PROJECT TIMELINE IS FROM 2023 - ~~2043~~ 2043. WILL RESIDENTS BE DISPLACED IN PHASES AS WELL? OR WILL THERE BE INHABITED/EMPTY LAND ~~WHILE~~ WHILE THE PROJECT IS BEING COMPLETED?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

NATALIA LOPEZ  
[REDACTED]

### Question or Comment:

I have lived in the same exact apartment on 2200 Willow Creek for 12 years. This neighborhood needs parks, bike lanes, lighting, and safety/traffic light adjustments. I need to know how you think people like me will be able to maintain my quality of life with 6,000 new units, reduced parkland, increased traffic, increased property value,  
Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Olivia Tamzarian  
[REDACTED]

Congestion,  
Increased homeless  
population, and  
so many other



**Question or Comment:**

Upal is way too vague, no specifics.  
What is the "connectivity"?  
Be specific of what public safety  
you are providing.  
Upal needs to stop smirking!  
And needs to not be texting while public is speaking!  
Would you like someone to contact you with a response to your  
question? (Yes) / No

If so, please write your name and contact info:

Kathy Panak

[REDACTED]

**Question or Comment:**

Would Lakeshore need to be extended  
if the developer was not asking for  
such density?

Would you like someone to contact you with a response to your  
question? (Yes) / No

If so, please write your name and contact info:

Jan Long

[REDACTED]

512-656-9586



### Question or Comment:

How many apartments can be built at the current base zoning?

Would you like someone to contact you with a response to your question? Yes / No thru email

If so, please write your name and contact info:

Poder [REDACTED]

### Question or Comment:

Questions for the 97 Acre Public Hearing on March 27<sup>th</sup>, 2019

Will the 97 Acre redevelopment case be reviewed by the Environmental Board and the Community Development Commission? If not, why?

Recommendation should be made that the Environmental Board and Community Development Commission review this zoning case.

Would you like someone to contact you with a response to your question? Yes / No thru email

If so, please write your name and contact info:

Poder [REDACTED]



**Question or Comment:**

To what extent do you foresee Chapter 26 interrupting the Roy G disc golf course? This course is one of the top professional level courses in Texas, and any disruption to the course <sup>would</sup> be devastating!

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Paul Wentzell

[REDACTED]

**Question or Comment:**

~~Will~~ Does the ROW for Lakeshore Blvd. extend all the way through Guerrero Park to Grove Blvd.?

Would you like someone to contact you with a response to your question? Yes / No

If so, please write your name and contact info:

Malcolm Yeatts

[REDACTED]



### Question or Comment:

- ① Please make sure there is built in infrastructure for alternative modes of transportation. Preserve or create as much green space as possible.
- ② Is it possible to re-align Lakeshore Blvd. so that when it extends east of Pleasant Valley, it doesn't require taking ~~public~~ park land?

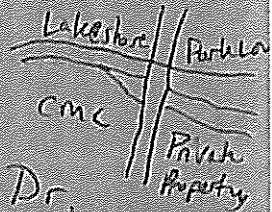
Would you like someone to contact you with a response to your question? Yes / ☒ No

If so, please write your name and contact info:

Sounthaly Outhavong

### Question or Comment:

- Is it not possible to realign the Lakeshore Dr. through the CMC property and stay within the private property?
- Is the developer contractually obligated to provide the number of housing units they say they will provide? (4,000)



Would you like someone to contact you with a response to your question? Yes / ☒ No

If so, please write your name and contact info:

Alex Chen

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~



**Grantham, Scott**

**EXHIBIT  
P**

**From:** Julia Von Alexander  
**Sent:** Wednesday, March 27, 2019 9:48 PM  
**To:** Grantham, Scott  
**Cc:** Cronk, Spencer; Adler, Steve; Garza, Delia; Renteria, Sabino; Casar, Gregorio; Kitchen, Ann; Flannigan, Jimmy; Pool, Leslie; Tovo, Kathie; Alter, Alison; Ellis, Paige; natasha.harpermadison@austintexas.gov  
**Subject:** NO to East Riverside Oltorf Combined Neighborhood Plan  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Grantham,

I am an Austin resident, an advocate for low-income housing and racial equity, and a regular visitor to the Roy G. Guerrero park.

I strongly oppose the rezoning of East Riverside. This is a neighborhood that has been home to people of color and low-income folks for decades. In recent years, as the cost of housing has risen astronomically, families have been forcibly displaced to make way for luxury and market rate housing.

Furthermore, destroying any part of the invaluable park land and wild spaces of Roy G. Guerrero Park is a step backwards from which our city will not recover. That habitat has been preserved through the hard work of many of Austin's communities, and every square foot of it must be protected.

A "new Domain" is not what District 2 or Riverside needs, and is not a part of the Austin I want to live in. I strongly oppose the proposed rezoning.

Thank you,  
Julia Von Alexander

--

Julia Von Alexander  
3707 Cedar St. Apt 202  
Austin, TX 78705  
512-294-7855

## Grantham, Scott

---

**From:** Leticia Urieta  
**Sent:** Thursday, March 28, 2019 3:32 PM  
**To:** Rivera, Andrew; Grantham, Scott  
**Subject:** Concern about development in East Riverside

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

I am a concerned citizen and former resident of the East Oltorf and Riverside area and would like to express my concerns about the further development of public land for luxury housing developments which have plagued East Austin for the last decade and displaced numerous long time residents of the area. I am especially concerned about the Presidium Group's plans to continue the progress on their developments on Riverside and the potential harm that could be done to the Roy G. Guerrero Park, which is a public community space that is vital to local residents. I am also very concerned about the damage that this would do to local residents and students in the Ballpark, Quad and other apartments in the area with rising rent prices and property taxes for residents, as well as outright displacement.

I am writing that you pass my concerns on to the planning commission and that I urge them to vote against this rezoning and accommodation of developers of the interests of Eastside residents.

Thank you, -  
Leticia Urieta

--

*Leticia Urieta*  
Community Teaching Artist  
Adjunct Professor-St. Edwards University  
Program Director-Barrio Writers Austin  
Founder of Lenguas Loc@s Writers Collective  
Twitter- @LeticiaUrieta

**From:** Amanda Cavazos Weems  
**To:** Grantham, Scott  
**Subject:** Domain Riverside Development  
**Date:** Wednesday, July 11, 2018 4:33:12 PM

---

Mr. Grantham,

I am writing to urge you to deny the permit to build another Domain in the Riverside neighborhood. As a resident of Austin for the past 20 years, I can say that we have more than enough shopping districts, and a dearth of affordable housing. This development would pave over the affordable housing this city desperately needs - please deny this permit.

Sincerely,  
*Amanda Cavazos Weems*  
512-706-5268



## Grantham, Scott

---

**From:** Jaguar Reow  
**Sent:** Thursday, March 28, 2019 8:23 PM  
**To:** Grantham, Scott  
**Subject:** Fwd: [uwsa-organizers] Fwd: NO to East Riverside Oltorf Combined Neighborhood Plan

Dear Mr. Grantham,

I am an Austin resident, an advocate for low-income housing and racial equity, and a regular visitor to the Roy G. Guerrero park.

I strongly oppose the rezoning of East Riverside. This is a neighborhood that has been home to people of color and low-income folks for decades. In recent years, as the cost of housing has risen astronomically, families have been forcibly displaced to make way for luxury and market rate housing.

Furthermore, destroying any part of the invaluable park land and wild spaces of Roy G. Guerrero Park is a backwards step from which our city will never recover. That habitat has been preserved through the hard work of many of Austin's communities, and every square foot of it must be protected.

A "new Domain" is not what District 2 or Riverside needs, and does not represent the Austin I want to live in. I strongly oppose the proposed re-zoning.

Thank you,  
Michael Blue

To: Scott Grantham, Planning Commissioners, and City Council Members

From: Ethan Judd, UT Student and PODER Intern

Date: 29 March, 2019

Subject: Zoning Cases C14-2018-0026, 0027 & 0028 and Chapter 26

## **Statement on Proposed Road Construction through Roy Guerrero Park**

City of Austin Community Meeting

Wednesday, March 27, 2019

This project should not be allowed to continue without a complete and thorough review by an environmental board. This review should certainly include a full-scale environmental impact report. In the proposal to extend Lakeshore Boulevard through Roy Guerrero Park, the city has yet to acknowledge a number of environmental effects that the road would have on the species of Roy Guerrero Park, and on the surrounding landscape. Likewise, before any further construction planning of the road happens, the city has a responsibility to acknowledge and account for health costs, pollution costs, and hidden economic costs.

We should first acknowledge that the construction of the road would lead to habitat destruction of many species in Roy G Park. Building the road would necessitate the clearing of dozens of trees -- the exact amount is unknown until the city produces the necessary tree inventory. These trees house many of the 230 bird species found in Roy G Park (Pfeil, 2018). Destruction of these trees will result in a loss of habitat for these species, causing ecosystem disruption as they're forced to relocate and build new nests.

We also risk future destruction of habitat through the creation of impervious surface. With the construction of the road, rainfall that would normally seep into the ground is now blocked from doing so. This water is expected to runoff to the Colorado River, causing higher-than-typical amounts of erosion. This erosion will likely compromise the habitat of a number of ground-dwelling species in Roy G Park.

The creation of impervious surface is also dangerous because it compromises the health of aquatic ecosystems and our own water supply. The proposed road would be built to connect to "Lakeshore Road" -- aptly named, as it lies literally on the shore of Town Lake, a primary water source of Austin. Articles from the Journal of Contaminant Hydrology estimate that up to 20% of pollutants emitted from vehicles are brought to water sources via stormwater on impervious surfaces (Göbel, 2007). These include road surface abrasion, tire abrasion, brake pad abrasion, drip loss from fuel, oil, antifreeze, and others. All of these contaminants would appear in our water at higher rates than they do now if the road is built. This isn't even to acknowledge the runoff into the water that would surely happen from the actual construction of the road, with the use of soil-breaking technologies. There can be no doubt that the construction of this road would lead to further contamination of the Colorado River, both in toxic chemicals and sediments. There can likewise be no doubt that this would consequently increase the strain on our water filtration

systems. After our city's water crisis of October 2018, a crisis which primarily affected the exact people who this development project seeks to displace, we should surely be more aware of issues pertaining our water sources. We at least require the due diligence of having a full report to document what impacts the construction of the road would have on Town Lake.

The proposed road would impact not only water pollution, but also air pollution. Given the enormity of the proposed development in the 97 acres south-southwest of the park, it's expected that this road would be heavily trafficked, especially during rush hour times. The vehicular organic compound emissions from automobile traffic in this area would not only impact the nearby park wildlife, but also the families living in the 97 acres and visitors to the park. Our best science to date suggests that this would significantly increase cases of asthma, bronchitis, and other respiratory afflictions among those living within a few hundred feet of the road (Kim, 2004). This increases economic strain on the city via increased healthcare costs for those living in the East Riverside Corridor.

Noise pollution is another item that an environmental committee will need to take a look at. Noise pollution is considered by the World Health Organization to be the third most hazardous type of pollution, yet we have failed to account for it in the proposed building of this road (Khilman, 2004). Roy Guerrero Park's main attraction point for visitors is the feeling of total separation one has from the urban landscape we live in. Noise pollution infringes on this feeling of separation. A study done in the journal of urban planning shows that the presence of a road near parkland increases the noise in the park by several decibels (Merchan, 2014). An analysis of this trend in the same article showed that this increase in noise greatly decreased visitor satisfaction with their park experience. This noise pollution will likely disrupt other animal species living near the border of the park, and has the potential to impact mating and behavior patterns of certain species. We will not know the full impact of the noise pollution from the road until the city necessarily researches it and reports on the findings.

The city cannot move forward with this project until full-scale impact reports are completed. To say that the only environmental impact of the road is the few acres of park it replaces is to be ignorant of the many other far-reaching ecosystem impacts we know will occur. The city is so eager to get the 97 acres development done that we've been neglecting its true costs, whether they be environmental, health-related, or economic. Citizens have a right to know all the impacts this road will have on their park, their communities, their water, and their health. At the very least, there should be more than a single community meeting about the topic. More discussion and research is required before anything regarding this road gets done.



### Sources Cited

- Göbel, P., et al. "Storm Water Runoff Concentration Matrix for Urban Areas." *Journal of Contaminant Hydrology*, vol. 91, no. 1-2, 2007, pp. 26–42.,  
doi:10.1016/j.jconhyd.2006.08.008.
- Khilman, T.: 2004, 'Noise pollution in cities, Curitiba and Göteborg as examples', in: *Proceedings of the Seminar – Environmental Aspects of Urbanization – Seminar in Honor of Dr. Mostafa Kamal Tolba*, Gothenburg, Sweden, in CD.
- Kim, Janice J., et al. "Traffic-Related Air Pollution near Busy Roads." *American Journal of Respiratory and Critical Care Medicine*, vol. 170, no. 5, 2004, pp. 520–526.,  
doi:10.1164/rccm.200403-281oc.
- Merchan, Carlos Iglesias, et al. "Noise Pollution in National Parks: Soundscape and Economic Valuation." *Landscape and Urban Planning*, vol. 123, 2014, pp. 1–9.,  
doi:10.1016/j.landurbplan.2013.11.006.
- Pfeil, Betsy. "Speak Up for Roy Guerrero Park." *Signal Smoke Newsletter*. Travis Audubon Society. Published 8 February, 2018. Accessed 20 March, 2019.  
<https://travisaudubon.org/uncategorized/speak-up-for-roy-guerrero-park>.

**From:** Carly Lucas  
**To:** Grantham, Scott  
**Subject:** [Released] No Domain on Riverside!!!  
**Date:** Thursday, July 12, 2018 9:05:22 AM

---

Dear Scott Grantham,

This is a message, not just to you, but for all workers of the city of Austin. I want to remind you of who you're affecting when you make your decisions. I want to remind you of the people who are struggling to survive at the place we've called home for so long. I want you to see the faces of the people you're actually supposed to work for. We are the workers that keep Austin running, us, not the developers, not the tech executives, and, sure as hell, not the CEOs. Our homes are being destroyed, our communities are being pushed further and further out from the city, the lives people have known for decades have been left to decay and now are being replaced because they're no longer profitable.

Primarily communities of color face a city that is becoming ever more hostile to them, with the cost of living rising, our communities left to rot, and the ever-present police that label us as criminals. I ask you today, do you have any humanity? If you answered yes, show it. If you answered no, then get the hell out of our city. We are the people making sure Austin, and the world, keep running, we will not be silenced, we will no longer be crushed under the foot of capital. We will fight for our homes, our communities, and our lives, and nothing can stop our power.

Sincerely,

Austin native Carly Lucas-melanson

**From:** Jacqueline  
**To:** Grantham, Scott  
**Subject:** No Domain on Riverside!  
**Date:** Thursday, July 12, 2018 8:08:06 AM

---

Hello Scott, I am a supporter of the Defend Riverside campaign and I do not want to see 4,000 people displaced. The rezoning of the Ballpark Apartments will have a negative affect on the community. Deny the application!

--  
--

**Jacqueline Ramos**



To: Scott Grantham, Planning Commissioners and City Council Members

From: John Dubois, Senior at UT Austin, PODER Intern

March 29, 2019

Subject: Zoning Case C14-2018-0026, 0027, 0028 and Chapter 26

### Brief Statement Regarding the Proposed Road through Guerrero Park

The proposed plan to build a new road through the Roy G. Guerrero park as a result of the new housing development plan on the East Riverside Corridor is one that should be reviewed and (in my opinion) revised going forward.

#### Housing Plan:

The road intends to abate traffic in the riverside area for the new housing plan proposed by a developer from California (which would construct 5,000+ new housing units). This housing plan would displace close to a thousand Austin families living in affordable East Austin housing, demolishing a housing complex known to many native Austinites as 'The Ballpark'. Not only this, but this complex would bring an enormous amount of population density to an area already struggling with great amounts of traffic and car pollution.

#### Guerrero Park:

The Roy G. Guerrero public park is an important part of Austin's urban ecosystem, containing over 500 recorded plant species and 230 unique Bird species. This public space serves not only as a unique, thriving and green habitat to this abundance of Austin species, but also serves as a metropolitan recreational space. The park provides baseball fields, disc golf, hike and bike trails, and bird watching opportunities to the local Austin community. This is a unique public space in a city of Austin's size that deserves to be preserved.

#### Proposed Road:

The proposed road would cut directly into the public parkland of Guerrero Park, and I would like to make the case that this is problematic. This project raises a whole host of concerns from an Environmental standpoint. The effects of the introduction of an increase of traffic in wildlife sensitive areas have been shown to increase the rates of wildlife fragmentation and loss;

this is caused by pollution from traffic (light, noise and emissions based), traffic and animal collisions, among many other road related factors. The introduction of streets and roads have been cited to be among the most devastating factors in regards to environmental habitat degradation and fragmentation (Ree, et. al, 2011).

In conclusion, this project deserves to have a deep review done by both the community and the City of Austin. The environmental and wildlife effects to Roy Guerrero park, and the surrounding Colorado River ecosystem, could be irreversible and as such need deserve serious research and consideration.

#### Sources Cited:

<file:///Users/JohnDubois/Downloads/ES-2011-3982.pdf>

<https://travisaudubon.org/uncategorized/speak-up-for-roy-guerrero-park>

<https://www.inaturalist.org/projects/circle-acres-biodiversity>

**From:** [Nicholas turkette](#)  
**To:** [Grantham, Scott](#)  
**Subject:** Pilot knob development and more!  
**Date:** Wednesday, July 11, 2018 5:12:28 PM

---

Hello Scott!

Hey it's been over a year and all seems to have settled out a little bit at pilots knob. The easement was never officially activated or used and I'm still kinda confused as to what might happen with that in the future. Anyways, thanks for engaging in that in 2016. Still cleaning up flood debris and rebuilding. It's been very difficult to reclaim that space from nature.

I also just wanted to say a quick few words on the issue of development on east riverside. I grew up in Del Valle, and had my first jobs on riverside dr. Thundercloud subs! The domain style riverside development plans would really tear that community apart and forever change the proud working class and student vibe and history, of ballpark apartments and riverside in general. I know there's more money in razing and rebuilding a new tech playground OZ style palace. But please consider all the families and businesses that will be priced out. Also consider the unfair, sometimes clearly classist and seemingly racist gentrification of east Austin in general. We're rooting for the city planners and folks in yalls positions to make the calls that forever determine the neighborhoods we live in and want to share with our children. Hope yer on the right side of the votes, plans, history etc.

Thanks

Nick turkette

On Mar 15, 2016, at 11:23 AM, Grantham, Scott <[Scott.Grantham@austintexas.gov](mailto:Scott.Grantham@austintexas.gov)> wrote:

Thank you for your message. I will be out of the office until Monday, March 21, and will respond to your message when I return. If require immediate assistance, please contact Michael Simmons-Smith at [Michael.Simmons-Smith@austintexas.gov](mailto:Michael.Simmons-Smith@austintexas.gov) or Christine Barton-Holmes at [Christine.Barton-Holmes@austintexas.gov](mailto:Christine.Barton-Holmes@austintexas.gov).

Take care!

Best - Scott

**Scott Grantham. AICP**

Planner III | Development Services Department  
[scott.grantham@austintexas.gov](mailto:scott.grantham@austintexas.gov)  
512.974.2942



To: Scott Grantham, Planning Commissioners, and City Council Members  
From: Autumn Gallardo; UT Student, PODER Intern  
Date: March 29th, 2019  
Subject: Zoning Case C14-2018-0026, 0027, 0028, & Chapter 26

**Statement Regarding the Importance of Roy G. Guerrero Park on  
Historically Oppressed Residents**

City of Austin Community Meeting  
Wednesday, March 27th, 2019

Austin, TX is well-known for its harmonious melding of urban and natural environments. In a 360 degree turn, you can see the hustle and bustle of Downtown, 6th Street, and South Congress, as well as the beautiful serenity of Lady Bird Lake, Zilker Park, and Auditorium Shores. However, Austin has also gained notoriety for its absurd rising housing costs and inequality, consistently making top ten lists for the most gentrified cities in America.<sup>12</sup> It is more and more evident every day that Austin tends to cater to the white and the wealthy, and this proposed "development" of Riverside from NRE ION LLC (97 Acre Zoning Cases: C14-2018-0026, 0027 & 0028) is a perfect exemplification of this skewed partiality. This private developer wants to demolish 1,308 affordable housing units and has proposed putting a road through the Roy G. Guerrero park. This is a blatant disregard for people of lower socioeconomic status (who are also typically of Hispanic/Chicano/Latinx origin) by displacing those residents and creating new, more expensive, multi-family units, hotel rooms, and office space through this high density project. The people that are not directly being dislocated from their affordable living arrangements will still be affected, as this proposed project will cause exorbitant price hikes in rent and other living costs to nearby areas as more developers frantically land-grab and perpetuate the driving out of people of color, much like Austin has historically since the early 1900's with the segregation associated with I-35.

Not only are private developers like NRE ION LLC aiding and abetting the racism and inequality ingrained in Austin's housing market, but they are also attacking the biggest public park land available to these same disadvantaged

---

<sup>1</sup> <https://www.governing.com/gov-data/census/gentrification-in-cities-governing-report.html>

<sup>2</sup> <https://www.realtor.com/news/trends/10-surprising-cities-that-are-gentrifying-the-fastest/>

groups. Roy G. Guerrero park is a place of solace for many people of lower socioeconomic status, and even the smallest intrusion into this park would be a slap in the face to those already facing so much adversity.

The physical, social, and mental health benefits are abundant with regards to accessibility of green spaces and exposure to nature. A plethora of research and studies have been conducted on this association and it is well known in the scientific community that contact with nature reduces stress, improves attention, increases longevity, reduces the risk of cardiovascular diseases and obesity, and provides a vast assortment of other restorative effects.<sup>3</sup> Just existing in nature encourages physical activity, brings about mental peace, and fosters social cohesion, all of which facilitates a healthier, happier life than one without greenness.<sup>4</sup> Our human connection to the environment has been well known for decades; Edward O. Wilson described this innate tendency to seek connection with nature and other forms of life in the *biophilia hypothesis*, which he proposed and popularized in 1984.<sup>5</sup> Similarly, the term *nature deficit* (and moreso, *nature deficit disorder*), coined by Richard Louv in *Last Child in the Woods* describes the detrimental physiological and neurological conditions like obesity, attention disorders, and depression is partly due to a decrease in people's (particularly children's) lack of exposure to nature.<sup>6</sup>

To impede upon the residents of East Austin/Riverside's access to physical and mental health as well as social capital via the destruction/alteration of Roy G. Guerrero park would be a disgrace. This park (and these affordable housing units) are important to people, and Austin needs to support communities, not capitalism. Enough is enough - listen to the people affected by this "development" (i.e. gentrification) and save both Riverside and Roy Guerrero Park.

---

<sup>3</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2760412/>

<sup>4</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4500194/>

<sup>5</sup> "Biophilia hypothesis." Encyclopedia Britannica.

<sup>6</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2760412/>

# Conor Kenny

Vice Chair,  
City of Austin Planning Commission

512-968-3050  
[bc-conor.kenny@austintexas.gov](mailto:bc-conor.kenny@austintexas.gov)

---

June 14, 2019

Dear Members of the Austin City Council,

On behalf of the Planning Commission, I am writing to offer additional insight into our recommendation (by 7-4 vote) to approve the entitlements and restrictive covenant changes requested by the applicant for the properties at – or adjacent to – 4700 East Riverside Drive, and to reject the staff recommendation to limit height in the northern portion of the site.

By the same vote, the Commission authorized this letter to advise City Council to request from the relevant city departments the feasibility and status of the following conditions from the East Riverside/Oltorf Combined (EROC) Neighborhood Planning Area Contact Team, which also endorsed the applicant's request, contingent on those conditions (presented below verbatim with relevant departments added), many of which are more questions for city staff than for the applicant:

1. The additional street Right of Way needed to extend Lakeshore Blvd. to connect to Wickersham will be granted by the city, but all existing street Right of Way in Guerrero Park east of Wickersham will be vacated (likely a question for the Parks and Recreation Department and Austin Transportation Department);
2. No storm water will be allowed to enter Country Club Creek from this development. All storm water from the development will be diverted to the Colorado River below Longhorn Dam (likely a question for the Wastewater Protection Department);
3. The City will buy as parkland the Water Quality Protection Zone land along Country Club Creek south of Guerrero Park (likely a question for the Wastewater Protection Department and the Parks and Recreation Department);
4. The County Club Creek Trail will be rerouted at developer expense before any construction begins (likely a question for the Austin Transportation Department); and
5. The city will create a Recreational Use Easement in the drainage easement along Country Club Creek between Elmont Drive and Wickersham (likely a question for the Wastewater Protection Department and the Parks and Recreation Department).

The Commission also advises that Council seek clarity from the applicant regarding:

1. Any agreement to offer "right of return" and tenant relocation assistance to existing residents who have been tenants for as short as one year; and
2. Analysis of the minimum required / agreed-upon residential portion of each site needed to achieve parking reductions in the Traffic Impact Analysis and the attendant on-site income-restricted affordable housing units required under the East Riverside affordable housing bonus.

Respectfully submitted,

Conor Kenny  
Vice Chair, City of Austin Planning Commission

Cc: Planning Commission members, Parks and Recreation Department, Austin Transportation Department, Watershed Protection Department, Planning and Zoning Department, East Riverside/Oltorf Combined (EROC) Neighborhood Planning Area Contact Team, Armbrust & Brown, PLLC



## **SLIDE 1**

ROY GUERRERO PARK IS THE ONLY MAJOR PARK IN THE EROC AREA, AND THE EROC CONTACT TEAM WANTS TO ENSURE THAT ANY NEW DEVELOPMENT DOES NOT IMPACT THE PARK AND THE COUNTRY CLUB CREEK TRAIL THAT CONNECTS THE EROC NEIGHBORHOODS TO THE PARK. THE EROC CONTACT TEAM HAS VOTED TO SUPPORT THIS DEVELOPMENT AND THE INCREASE IN HEIGHT THROUGH THE DENSITY BONUS PROGRAM. THIS SUPPORT COMES WITH THE UNDERSTANDING THAT THE CITY WILL PROTECT THE PARK FROM THE IMPACT OF THIS DEVELOPMENT. THE EROC CONTACT TEAM WISHES TO GO ON RECORD AS REQUESTING THESE 5 CONDITIONS THAT WILL PROTECT THE PARK AND THE TRAIL:

## **SLIDE 2**

THE CITY WILL VACATE ALL STREET RIGHT OF WAY EAST OF THE PROPOSED INTERSECTION OF LAKESHORE AND WICKERSHAM. THIS SLIDE SHOWS HOW THE EXISTING ROW AT THE INTERSECTION OF LAKESHORE AND SOUTH PLEASANT VALLEY ROAD WOULD BE USED TO EXTEND LAKESHORE EAST INTO THE PARK. NOTE HOW THE EXISTING ROW EXTENDS EAST OFF THE DRAWING.

## **SLIDE 3**

THIS SLIDE SHOWS THE TRAVIS COUNTY RECORDS FOR THE STREET RIGHT OF WAY INTO GUERRERO PARK. THE EXISTING ROW EXTENDS EAST THROUGH THE PARK ACROSS COUNTRY CLUB CREEK TO CONNECT TO CROSSING PLACE. THERE IS ALSO AN EXTENSION OF GROVE BLVD. INTO THE PARK TO CONNECT TO LAKESHORE. THESE ROW WERE NEGOTIATED WITH PRIVATE LANDOWNERS BEFORE THE CITY PURCHASED THESE TRACTS TO ADD TO GUERRERO PARK. THESE PARK ROWS ARE NOT NEEDED FOR NEW CONNECTIONS. ROW ON PRIVATE PROPERTY CAN ACHIEVE THE SAME CONNECTIVITY.

## **SLIDE 4**

THIS SLIDE SHOWS THE STREET RIGHT OF WAY ON THE WEST SIDE OF SOUTH PLEASANT VALLEY ROAD THAT HAS BEEN USED AS PARKLAND FOR DECADES BUT CONTAINS A STREET ROW. THIS ROW SHOULD ALSO BE VACATED.

## **SLIDE 5**

NO STORM WATER FROM THE NEW DEVELOPMENT WILL BE ALLOWED TO ENTER COUNTRY CLUB CREEK. CURRENTLY, STORM WATER ENTERS COUNTRY CLUB CREEK THROUGH GIANT CULVERTS LIKE THIS ONE AT THE END OF ELMONT DRIVE, WITH NO DETENTION PONDS.

## **SLIDE 6**

THERE IS CURRENTLY A \$12 MILLION PROJECT TO CONTROL EROSION IN GUERRERO PARK. THIS ZONING CASE IS AN OPPORTUNITY TO RECTIFY THE SITUATION THAT CREATED THE EROSION PROBLEM IN GUERRERO PARK. ALL STORM WATER FROM THE DEVELOPMENT SHOULD BE TRANSPORTED IN STORM DRAIN-PIPES TO THE COLORADO RIVER BELOW LONGHORN DAM.

## **SLIDE 7**

THE PROJECT TO CREATE A NEW STORM DRAIN IS A GOAL IN THE EROC PLAN. THIS IS THE RELEVANT SECTION OF THE EROC PLAN.

## **SLIDE 8**

THERE IS A CIP PROJECT, PROJECT NUMBER 6039-105, TO ALLEVIATE FLOODING IN THE SOUTH PLEASANT VALLEY ROAD – ELMONT DRIVE AREA. THIS IS A PAGE FROM THE PRELIMINARY ENGINEERING REPORT.

**SLIDE 9**

THE CITY WILL ACQUIRE 15 ACRES OF CREDITED PARKLAND IN THE WATER QUALITY PROTECTION ZONE LAND ALONG COUNTRY CLUB CREEK SOUTH OF GUERRERO PARK. THIS PURCHASE WILL PROTECT GUERRERO PARK AND ADD PARKLAND FOR THE DENSE DEVELOPMENT THAT IS PLANNED FOR THIS AREA.

**SLIDE 10**

THIS SLIDE SHOWS THE TWO ENTRANCES TO THE COUNTRY CLUB CREEK TRAIL THAT WILL BE DESTROYED BY THE NEW DEVELOPMENT. THE COUNTRY CLUB CREEK TRAIL WILL BE REROUTED AT DEVELOPER EXPENSE BEFORE CONSTRUCTION BEGINS. THIS WILL ENSURE THAT CONNECTIVITY TO THE PARK WILL NOT BE INTERRUPTED FOR THE TENS OF THOUSANDS OF RESIDENTS THAT HAVE WAITED DECADES FOR THIS TRAIL TO BE COMPLETED.

**SLIDE 11**

THE CITY WILL WORK WITH THE PROPERTY OWNER TO CREATE A RECREATIONAL USE EASEMENT ALONG COUNTRY CLUB CREEK BETWEEN ELMONT DRIVE AND WICKERSHAM.

**SLIDE 12**

THIS EASEMENT WILL ALLOW RESIDENTS OF THE AREA SOUTH OF RIVERSIDE TO USE THE PEDESTRIAN UNDERPASS UNDER RIVERSIDE DRIVE THAT HAS EXISTED FOR YEARS BUT CANNOT BE USED BECAUSE OF LACK OF ACCESS.

**SLIDE 13**

THE EROC CONTACT TEAM REQUESTS THAT THESE FIVE REASONABLE CONDITIONS TO PROTECT GUERRERO PARK FOR FUTURE GENERATIONS BE COMPLETED BY CITY STAFF AS PART OF THE REDEVELOPMENT OF THIS PROPERTY.

**From:** Malcolm Yeatts

**Sent:** Monday, June 10, 2019 12:38:40 PM

**To:** Burkhardt, William - BC; Thompson, Jeffrey - BC; Kenny, Conor - BC; Seeger, Patricia - BC; Flores, Yvette - BC; Shieh, James - BC; Kazi, Fayez - BC; Shaw, Todd - BC; Howard, Patrick - BC; Schneider, Robert - BC; Anderson, Greg - BC; McGraw, Karen - BC; Teich, Ann - BC

**Cc:** [joie.hardin@austintexas.gov](mailto:joie.hardin@austintexas.gov)

**Subject:** Zoning Cases C14-2018-0026 - 28

RE: Zoning Cases C14-2018-0026 - 28

The East Riverside/Oltorf Combined (EROC) Neighborhood Planning Area Contact Team has voted on these cases. These properties are no longer in the EROC Planning Area, they are in the East Riverside Corridor, but this development will impact the largest park in this area, the Roy Guerrero Park. The EROC Contact Team wishes to go on record as supporting the zoning changes with the understanding that the City of Austin will protect Roy Guerrero Park by following these 5 conditions:

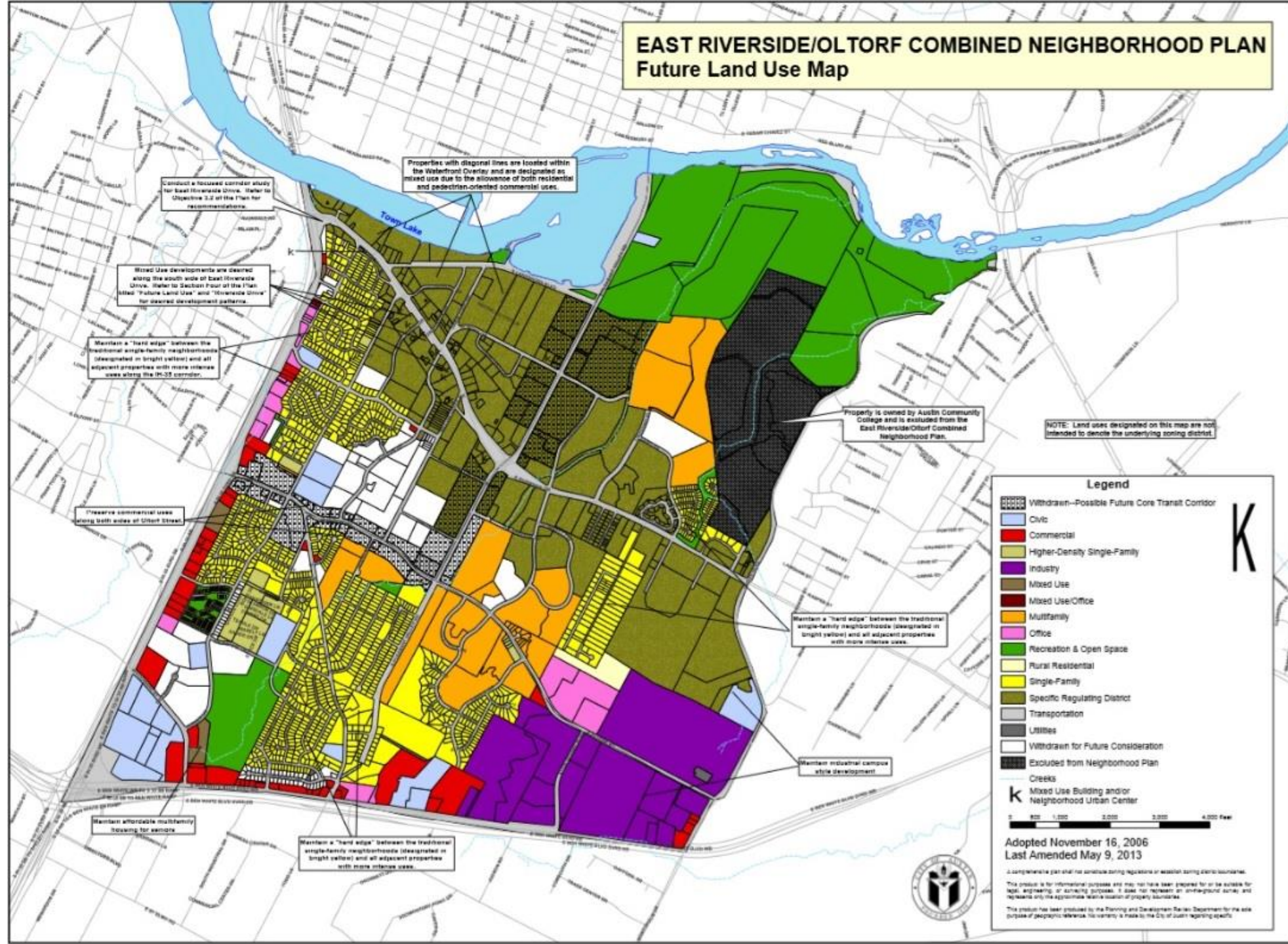
1. The additional street Right of Way needed to extend Lakeshore Blvd. to connect to Wickersham will be granted by the city, but all existing street Right of Way in Guerrero Park east of Wickersham will be vacated.
2. No storm water will be allowed to enter Country Club Creek from this development. All storm water from the development will be diverted to the Colorado River below Longhorn Dam.
3. The City will buy as parkland the Water Quality Protection Zone land along Country Club Creek south of Guerrero Park.
4. The Country Club Creek Trail will be rerouted at developer expense before any construction begins.
5. The city will create a Recreational Use Easement in the drainage easement along Country Club Creek between Elmont Drive and Wickersham.

These conditions are designed to protect Roy Guerrero Park for future generations. Please help the citizens of Austin to preserve this park.

Malcolm Yeatts Chair, EROC Contact Team

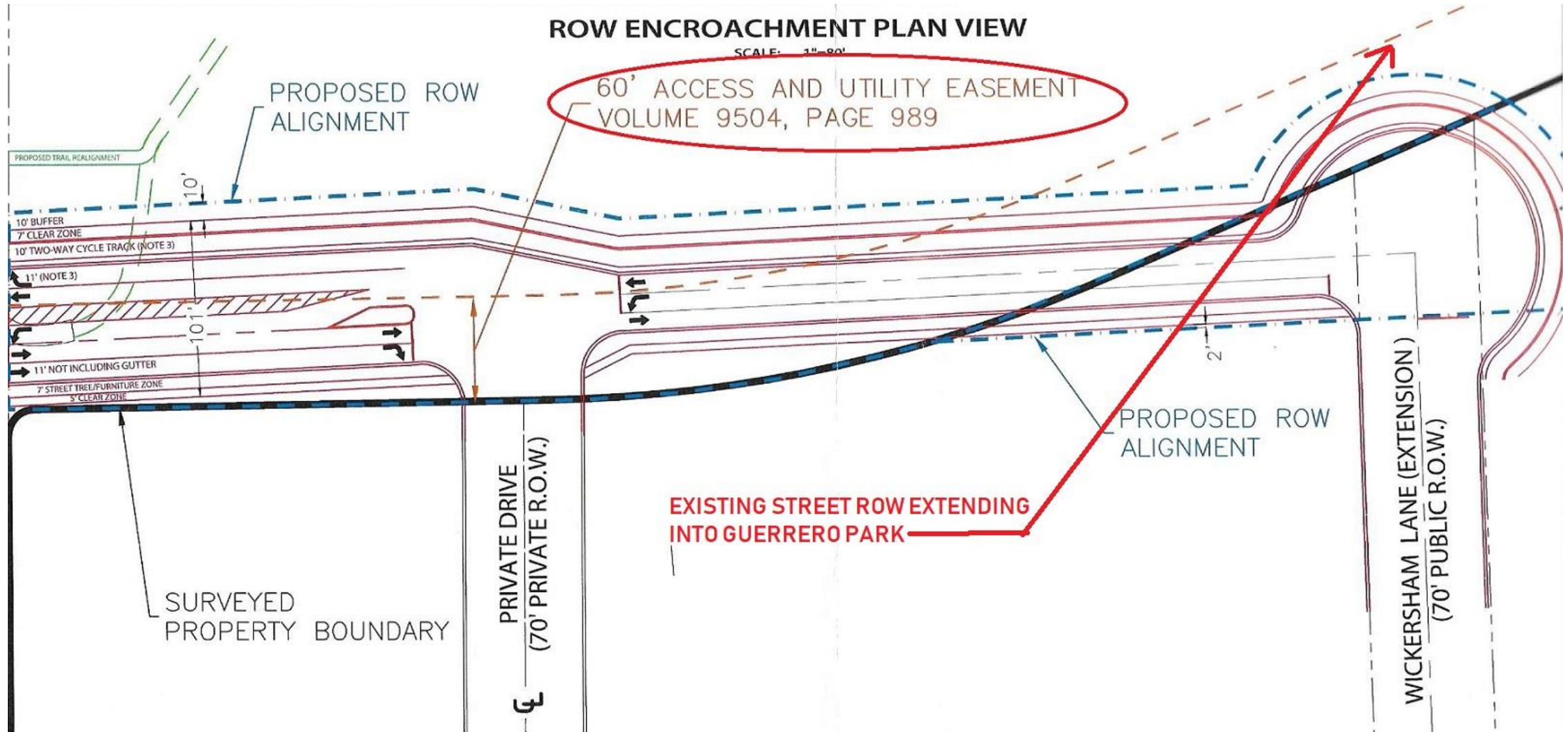


# EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN Future Land Use Map

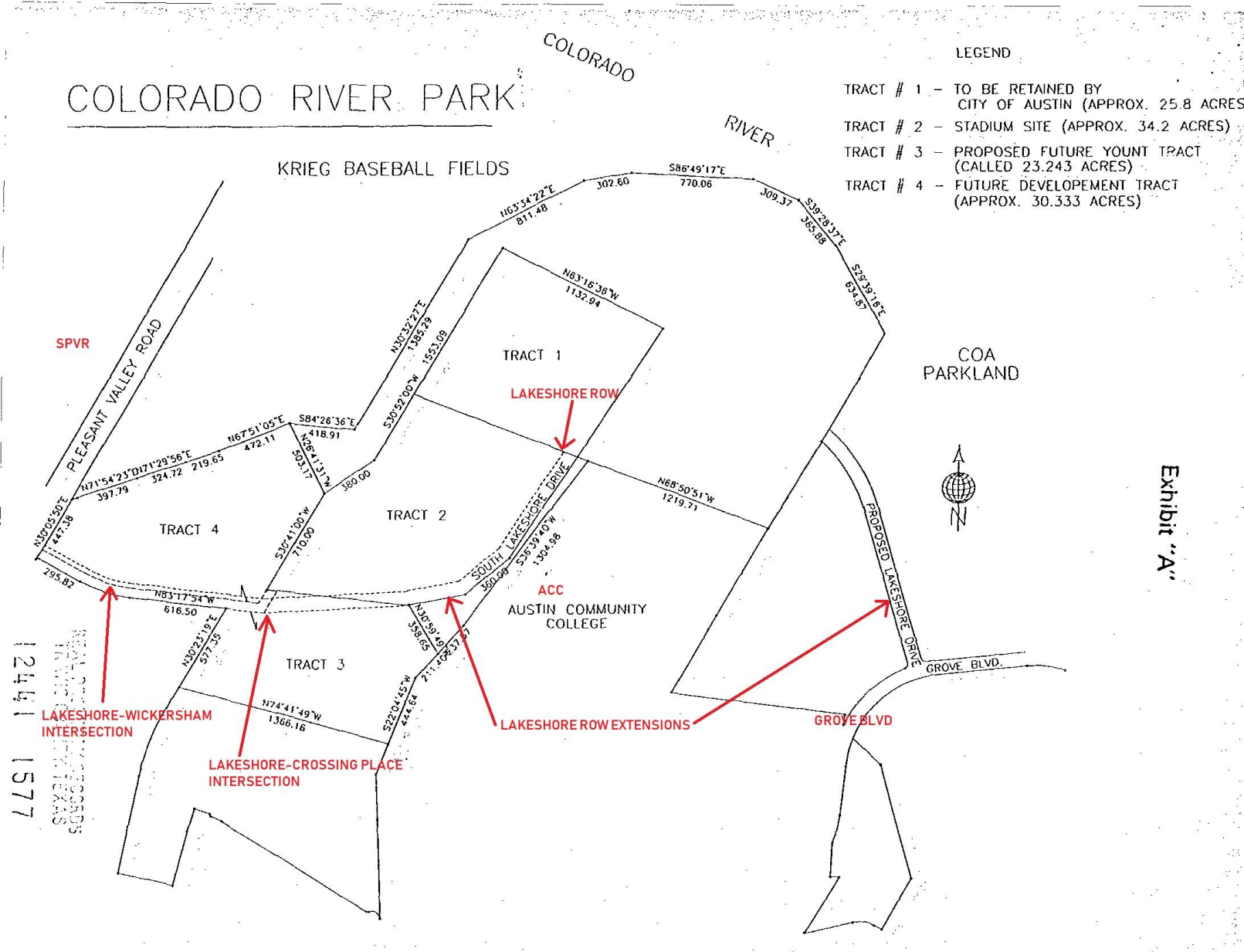




# 1. VACATE STREET ROW EAST OF WICKERSHAM



# LAKE SHORE ROW 1997 AMENDMENT





# VACATE ROW WEST OF S. PLEASANT VALLEY ROAD



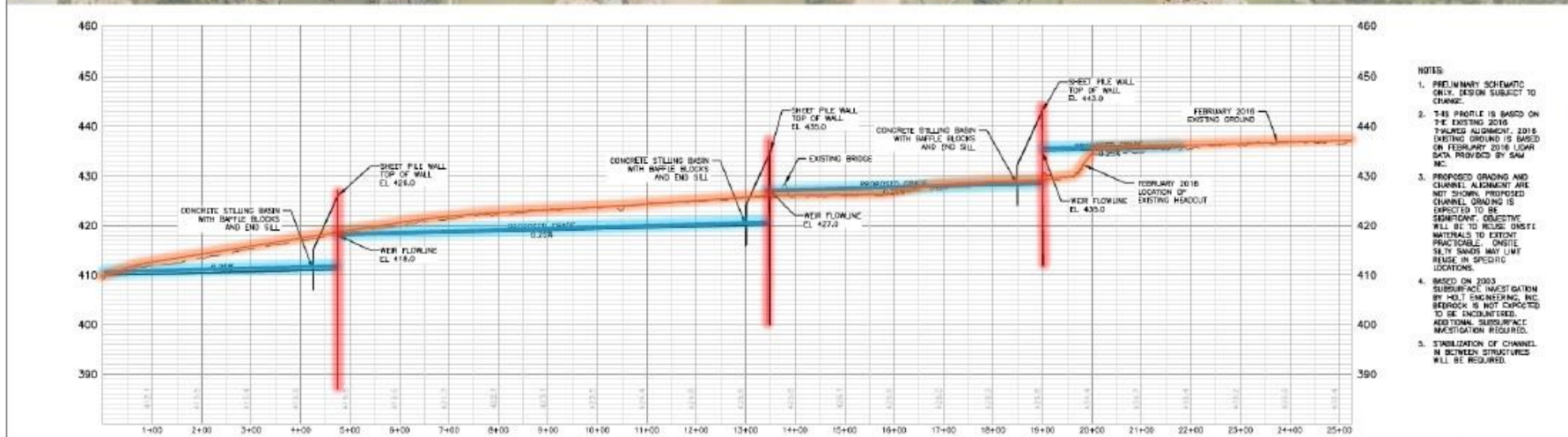


## 2. NO STORM WATER INTO CC CREEK





Image courtesy of USGS ImagePatch.com Earth 71 Geographics, SD © 2016 Microsoft Corporation



**NOTES:**

1. PRELIMINARY SCHEMATIC ONLY. DESIGN SUBJECT TO CHANGE.
2. T-81 PROFILE IS BASED ON 2" EXISTING DRAINAGE DITCH. PLANNED ALIGNMENT, 2016 EXISTING GROUND IS BASED ON 2016 SURVEY DATA. CLEAR DATA PROVIDED BY SAH INC.
3. PROPOSED GRADING AND CHANNEL ALIGNMENT ARE NOT SHOWN. PROPOSED CHANNEL GRADING IS EXPECTED TO BE SIGNIFICANT. OBJECTIVE WILL BE TO REDUCE ONSITE EROSION TO EXTENT PRACTICABLE. ONSITE SLOTTED SANDS MAY LIMIT FLOW IN SPECIFIC LOCATIONS.
4. BASED ON 2003 SUBSURFACE INVESTIGATION REPORT BY GEOTECHNICAL/GEOPHYSICAL ENGINEERING, INC. UNDERGROUND ROCK IS NOT EXPECTED TO BE ENCOUNTERED. ADDITIONAL SUBSURFACE INVESTIGATION REQUIRED.
5. STABILIZATION OF CHANNEL BY BRICKEN STRUCTURES WILL BE REQUIRED.

[illegible]

THIS DOCUMENT IS  
RELEASED FOR THE  
PURPOSE OF REVIEW  
UNDER THE AUTHORITY OF  
ERIC J. STEWART  
DEAS P.E. NO. 95807  
DATE: MAY 25, 2016

IT IS NOT TO BE USED  
FOR CONSTRUCTION OF  
ANY OTHER PURPOSE



ROY G. GUERRERO PARK  
CHANNEL STABILIZATION

Austin, Texas

## ALTERNATIVE 2 CHANNEL STABILIZATION PLAN & PROFILE



FILENAME	PROPOSED_ALTERNATIVE
SCALE	H: 1/4"=100' V: 1/8"=10'

FIG 6-4



# EROC PLAN PROJECTS

## East Riverside/Oltorf Combined Neighborhood Plan Implementation Tracking Chart

Action Item/ Rec #	Plan page #	Action Item/ Recommendation	Priority Ranking and Fiscal Year	Status	Staff Comments	Contact Team Comments	Primary Resource
68	38	Improve storm water drainage along Pleasant Valley Road between Riverside Drive and Lakeshore Blvd., especially at Elmont and Lakeshore.	# Not Ranked	Partially Complete	<p>8/2014 (WPD): The draft preliminary engineering report is due August 8, 2014. The improvements referenced in the text below reduced flooding frequency but buildings are still being flooded.</p> <p>1/2014 (PDRD): A project to improve Stormwater Conveyance along Pleasant Valley Road in and near the intersection of Elmont Drive is in the preliminary phase.</p> <p>2/2011 (WPD): This area is planned for re-evaluation of drainage system capacity within the next 5 years. Additional projects may be identified as a result of that study.</p> <p>2/2010 (WPD): Drainage Improvements for Pleasant Valley Road downstream of the intersection of Elmont and S. Pleasant Valley to just south of Lake Shore Drive were completed as part of a settlement agreement. The City's portion of the project was \$200,000. Additionally, the reconstruction of Pleasant Valley Road by PW included culvert upgrades to improve drainage. WPD cost participated in this project and contributed funding for the culvert upgrade.</p> <p>Stormwater runoff along S. Pleasant Valley Rd. between E. Riverside Dr. and Lakeshore Blvd. is conveyed by roadside ditches. A large amount of runoff has caused drainage concerns at the intersection of S. Pleasant Valley Rd. and Elmont Dr. No projects have been identified for this area at this time, however this area will be re-evaluated for storm drain upgrades in the near future.</p>	9/2011: Pleasant Valley's #6 priority for FY 2012-13. 10/2008: Pleasant Valleys #4 priority for FY 2009-10.	Watershed Protection Department

# PER FOR CIP PROJECT 6039-105

AECOM

Country Club West Creek – Pleasant Valley/ Elmont  
Stormwater Conveyance Improvements

PRELIMINARY  
ENGINEERING REPORT

ES-4

**Alignment 1** includes the addition of a storm drain system along Pleasant Valley Road from Riverside Drive to Elmont Drive with proposed grate inlet connections along the existing west and east roadside ditches. The system collects stormwater at the PVRED intersection via four (4) new curb inlets and a 36-inch RCP storm drain on Elmont Drive west of the intersection. The system then continues east along Elmont Drive, parallel to the existing Elmont storm drain to the outfall at CCWC. The proposed storm drain consists of 6-foot by 4-foot CBC, selected due to depth and cover constraints. A segment of proposed 6-foot by 4-foot CBC crosses over an existing Austin Water Utility (AWU) 60-inch steel waterline (built in 1987) on the east side of the PVRED intersection. Per the stated design priorities, the initial preliminary layout was designed to avoid the 60-inch waterline altogether; however, the maximum achievable clearance between the top of the waterline and the bottom of the CBC was limited to approximately 10-inches, and the initial design would require compromising the slope and/or cover design priorities for the upstream storm drain system. In meetings with AWU and the WPD project manager, it was established that relocating/lowering the 60-inch Water Transmission Main (WTM) at this location is feasible if limited to specific timeframes and other contractual terms. The resulting Memorandum of Understanding (MOU) was developed as shown in **Appendix N** should Alignment 1 proceed to final design with the 60-inch waterline relocation. Considering the 60-inch WTM relocation, the design priorities were re-examined for this alignment such that the preliminary design maximizes the storm drain slopes and cover limited by the outfall elevation and flat topography. A map of the proposed Alignment 1 conveyance system is shown in **Figure 3.7**, and **Exhibit I** shows preliminary plan and profiles, including the utility crossing information.

**Alignment 2** includes the addition of a storm drain system along Pleasant Valley Road from Riverside Drive to Elmont Drive with grate inlet connections along the existing west and east roadside ditches south of Elmont Drive. Alignment 2 collects stormwater at the PVRED intersection via four (4) new curb inlets and a 24-inch RCP storm drain on Elmont Drive west of the intersection. The system then continues north along Pleasant Valley Road to an outfall at the Colorado River downstream of Longhorn Dam, east of Pleasant Valley Rd. Two additional grate inlet connections tie into the system along the west roadside ditch, just south of Lakeshore Boulevard. The proposed system consists of 60-inch RCP collector pipe with a transition to 8-foot by 5-foot CBC and drop structure near the outfall. A map of the proposed Alignment 2 conveyance system is shown in **Figure 3.8**, and **Exhibit J** shows preliminary plan and profiles.

**Alignment 3** includes the addition of a storm drain system along Pleasant Valley Road from Riverside Drive to Elmont Drive with grate inlet connections along the existing west and east roadside ditches south of Elmont Drive. Alignment 3 collects stormwater at the PVRED intersection via four (4) new curb inlets and a 24-inch RCP storm drain on Elmont Drive west of the intersection. The system then continues north to an outfall into Lady Bird Lake in the 'Longhorn Shores' area across from 'Krieg Softball Complex' and adjacent to the 'Ann and Roy Butler Hike and Bike Trail' on the west side of Pleasant Valley Road. Two additional grate inlet connections tie into the system along the west roadside ditch, just south of Lakeshore Boulevard. The proposed system consists entirely of 60-inch RCP collector pipe with inlet laterals. A map of the proposed Alignment 3 conveyance system is shown in **Figure 3.9**, and **Exhibit K** shows preliminary plan and profiles.

A detail of the proposed TxDOT 'Type H' grate inlets is shown in **Exhibit L**. All three alignments assume that the existing roadside ditches, driveway culverts, and east side concrete channel remain in place with no modifications. The existing roadside ditches and driveway culverts will no longer serve as primary conveyance once the new storm drain and inlet system is constructed. In part, the reason for eliminating these systems from serving as the primary conveyance for stormwater is the COA DCM criterion which requires that 100-year flood flows be conveyed within the public right-of-way. With privately owned structures and property hydraulically connected, via private storm drains, to the roadside ditches, the proposed hydraulic grade lines (HGLs) in the roadside ditches need to be adequately lowered such that they do not allow

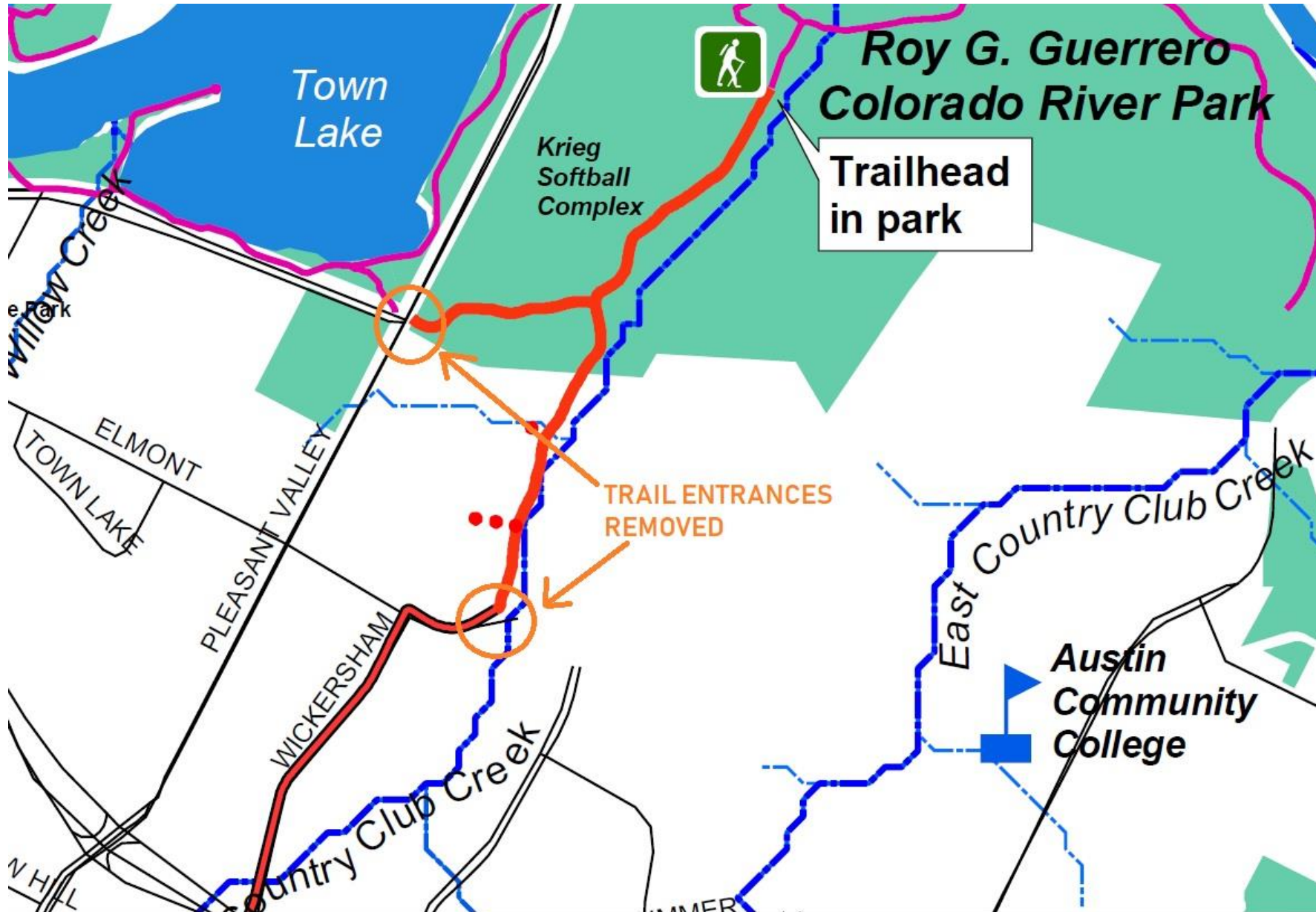


### 3. EXPAND GUERRERO PARK





## 4. REROUTE CCC TRAIL





## 5. CREATE RECREATIONAL USE EASEMENT





# RIVERSIDE DRIVE UNDERPASS





# EROC RECOMMENDATIONS TO COUNCIL

- VACATE STREET ROW IN GUERRERO PARK EAST OF WICKERSHAM AND WEST OF S. PLEASANT VALLEY ROAD
- NO ADDITIONAL STORM WATER INTO COUNTRY CLUB CREEK
- BUY 15 ACRES OF CREDITED PARKLAND SOUTH OF GUERRERO PARK
- REROUTE THE CCC TRAIL BEFORE CONSTRUCTION
- CREATE RECREATIONAL USE EASEMENT ALONG CREEK TO WICKERSHAM