

## ZONING CHANGE REVIEW SHEET

CASE: C814-2012-0160.01 – 211 South Lamar

DISTRICT: 5

ZONING FROM: PUD

TO: PUD, to change conditions of zoning

ADDRESS: 211 South Lamar Boulevard Northbound and 1211 West Riverside Drive

SITE AREA: 0.933 acres (40,641.48 square feet)

PROPERTY OWNER: 16 Piggybank, Ltd.  
(Huston Street)

AGENT: Drenner Group, PC  
(Amanda Swor)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

### STAFF RECOMMENDATION:

The Staff recommendation is to grant an amendment to planned unit development (PUD) district zoning, as shown in the proposed revised ordinance and Land Use Plan as provided in Exhibits B-1 and C. *For a summary of the basis of Staff's recommendation, see pages 3 and 4.*

The Restrictive Covenant includes all recommendations listed in the Transportation Mitigation Memo, dated July 16, 2019, as provided in Attachment A.

### SMALL AREA PLANNING JOINT COMMITTEE RECOMMENDATION:

**August 14, 2019: TO FORWARD TO PLANNING COMMISSION WITHOUT A RECOMMENDATION**

***[J. THOMPSON; J. SHIEH – 2<sup>ND</sup>] (4-0) E. GOFF, C. HEMPEL, P. HOWARD – ABSENT***

***Note: Individual Committee Members to submit their comments to Staff no later than August 21<sup>st</sup>, 2019 to be forwarded to the Planning Commission***

### ENVIRONMENTAL COMMISSION RECOMMENDATION:

**August 21, 2019: TO FORWARD TO PLANNING COMMISSION WITHOUT A RECOMMENDATION**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**August 27, 2019: APPROVED PUD DISTRICT ZONING WITH CONDITIONS AS STAFF RECOMMENDED, WITH AN ADDITIONAL PUBLIC RESTRICTIVE COVENANT TO BE CREATED BY THE NEIGHBORHOOD HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT, THE APPLICANT AND FOUNDATION COMMUNITIES FOR A TOTAL \$2.5 MILLION DOLLAR CONTRIBUTION BY THE APPLICANT TO FOUNDATION COMMUNITIES**

***[G. ANDERSON; J. SHIEH – 2<sup>ND</sup>] (13-0)***

July 23, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 27, 2019*

*[P. SEEGER; A. AZHAR – 2<sup>ND</sup>] (10-0) R. SCHNEIDER, T. SHAW, J. THOMPSON – ABSENT*

June 25, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JULY 23, 2019*

*[P. HOWARD; C. KENNY – 2<sup>ND</sup>] (11-0) P. SEEGER, J. SHIEH – ABSENT*

May 14, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JUNE 25, 2019*

*[J. SHIEH; C. KENNY – 2<sup>ND</sup>] (13-0)*

**CITY COUNCIL ACTION:**

**September 19, 2019:**

August 8, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO SEPTEMBER 19, 2019 (11-0)*

June 20, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 8, 2019. VOTE: 11-0.*

**ORDINANCE NUMBER:**

**ISSUES:**

The Owner and the Bridges on the Park Condominium Association, Inc. have amended the Covenants, Conditions and Restrictions on the subject property, a document recorded on June 11, 2019. Please refer to Supplemental Information section of this report.

On August 7, 2019, the Applicant met with the Zilker Neighborhood Association (ZNA). The ZNA is opposed to the proposed PUD amendment and has submitted correspondence outlining their position, attached at the very back of this report.

**CASE MANAGER COMMENTS:**

The proposed amendment to the 211 South Lamar PUD contains a vacant restaurant (limited) use and is located at the southeast corner of South Lamar Boulevard and West Riverside Drive. Land uses surrounding the PUD consist of Lake Bird Lake and the Pfluger Bridge to the north (P), a City-owned pitch and putt golf course across Lee Barton Drive to the east (P), condominiums, a professional office and retail to the south (CS; CS-H, CS-1), and a theater, City offices, a restaurant (limited) and a mixed use development across Lamar Boulevard to the west (P; CS-1, CS-V). *Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.*

The Applicant proposes to amend the PUD approved by Council in October 2013 to alter the building configuration; remove the requirement for parking at grade (all parking would be underground); and to allow hotel as a permitted land use. The proposed project would permit

the construction up to 27 residential units (planned as condominiums), 108 hotel rooms, and 18,000 sf of non-residential, non-hotel ground floor space. Please note that other than the added use of hotel-motel, no changes are proposed to the maximum 96-foot height limit, the two notes shown on page 2 of the Land Use Plan, or the Open Space and Parkland, Environmental, Water Quality, Public Facilities or Art components of the adopted PUD ordinance. ***Please refer to Exhibit B and C – Proposed Revisions to the 2013 PUD Ordinance and Land Use Plan.***

The proposed modifications to the PUD ordinance and accompanying land use plan are summarized below:

- Places the parking garage entirely below grade
- Includes a U-shaped design for the hotel-motel to accommodate a ground-level courtyard and drop-off / pick-up area
- Changes the west (first) building block to move the maximum 96-foot height further from (west of) Lee Barton Drive (from 40 – 48 feet, to 56 feet)
- Increases the height of the (second) east building block from 78 to 86 feet
- Increases the setback along the southern property line (adjacent to the Bridges on the Park Condominiums) from 7 ½ to 11 feet
- Updates the use of the historic Paggi House to office and implements accessibility measures during project construction
- Reduces the number of residential units from 175 to 27, adding a maximum of 108 hotel rooms and increasing non-residential, non-hotel space from 11,000 to 18,000 sf
- Adds a provision requiring all new perimeter trees to be installed with a minimum of 1,000 cubic feet of soil volume (with sharing provisions between trees) and a minimum 3' soil depth
- Updates the Affordable Housing Program to meet or exceed current PUD regulations, with participation by either providing onsite units or paying a fee-in-lieu
- Adds sections requiring funding for the transportation improvements outlined in the Traffic Mitigation Memo (Attachment A), prior to final Council approval of the PUD amendment or construction of the improvements prior to issuance of any Certificate of Occupancy
- Adds language requiring the Owner to construct 100% of the Corridor Bond Improvements along the property's Lamar and Riverside frontages, in accordance with the improvements identified in the adopted South Lamar Corridor Improvements Program plan
- Removes on-street parking from Lee Barton Drive
- Reduces the daily vehicle trip limit from 3,335 to 2,320, based on the current proposal which reduces the building square footage by approximately 20,000 sf and the change from residential to hotel use
- On a southern portion of the South Lamar frontage, redefines the 100' Point as the 90' Point (defined as the point 90 feet north of the Property's southwestern corner on Lamar) (*refer to exhibit in Supplemental Information section of this report*)
- Removes portions of the ordinance, related land use plan and code modifications that are not applicable to the proposed hotel, residential and retail project

- Building construction using a purple pipe system to receive reclaimed water supply from the City for non-potable water uses, and extension of the future reclaimed line along the West Riverside Drive frontage.
- Upsizing the stormwater pipe along Riverside Drive from 18" to 24";
- Upsizing the stormwater pipe along Riverside to Lady Bird Lake from 18" to 30"

**BASIS OF STAFF RECOMMENDATION:**

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

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

The proposed PUD amendment still offers a development on the subject property that can create a distinct space that complements the Zach Theatre and gateway to the area south of Lady Bird Lake. The PUD provides pedestrian-oriented uses on the ground floor, upper story hotel and residential uses, underground vehicular parking, charging stations for electric vehicles, landscaping with 100% native and adapted plants, rainwater harvesting, and a purple pipe system to receive reclaimed water supply from the City. In addition, the proposed PUD amendment supports affordable housing initiatives, continues the usability of the historic structure, preserves onsite and offsite trees, provides for offsite pedestrian improvements, provides a space onsite for the City of Austin Parks and Recreation Department and community meeting space, contains a public plaza with art, a 3-star rating under the Austin Green Building program, and will provide additional bike parking for patrons and residents, and provide a public bike share kiosk.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of major arterials and major collectors.*
3. *Zoning should allow for a reasonable use of the property.*

The site is bounded by two major arterials and a collector, and there are mixed use projects, being developed throughout Austin on major arterials, including Lamar Boulevard and Riverside Drive. The proposed PUD amendment involves a change in land use from a primarily residential project to one that reduces the number of residential units, adds hotel use, increases the amount of non-residential square footage, and requires underground parking. Since the original PUD's approval in 2013, a Corridor Planning Office has been established and plans adopted that requires new development on certain major corridors including South Lamar to implement street improvements identified in the adopted plans and related bond projects. Similarly, Code revisions have enhanced the affordable housing provisions for PUDs, and the proposed project will comply with or exceed the current regulations. Many of the remaining modifications are the result of



negotiations between the Applicant and the adjacent condominium ownership for a hotel, residential and commercial use project.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	Restaurant (vacant)
<i>North</i>	P	COA Park and Pfluger Pedestrian Bridge Landing
<i>South</i>	CS; CS-H; CS-1	Condominiums; Professional Office; Retail
<i>East</i>	P	COA Parkland (Pitch and Putt golf course)
<i>West</i>	P; CS-1; CS-V; CS	COA Park, PARD Headquarters, Zach Theatre; Schlotzky's restaurant (currently proposed as a PUD); Mixed use development

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (Zilker) – Suspended

AREA STUDY: Town Lake Corridor Study (1985)

WATERFRONT OVERLAY: Yes, Butler Shores Subdistrict  
(Property is outside of primary and secondary setbacks)

TRANSPORTATION MITIGATION: Is required – Please refer to Attachment A

WATERSHED: Lady Bird Lake – Urban

CAPITOL VIEW CORRIDOR: No      SCENIC ROADWAY: West Riverside Drive

CORE TRANSIT CORRIDORS: West Riverside Drive and South Lamar Boulevard

SCHOOLS: Zilker Elementary School      O. Henry Middle School      Austin High School

NEIGHBORHOOD ORGANIZATIONS:

57 – Old Austin Neighborhood Association	107 – Zilker Neighborhood Association
127 – Bouldin Creek Neighborhood Association	498 – South Central Coalition
511 – Austin Neighborhoods Council	742 – Austin Independent School District
943 – Save Our Springs Alliance	1074 – Bouldin Creek Neighborhood Planning Team
1107 – Perry Grid 614	1228 – Sierra Group, Austin Regional Group
1368 – Bridges on the Park	1363 – SEL Texas
1424 – Preservation Austin	1528 – Bike Austin
1530 – Friends of Austin Neighborhoods	1550 – Homeless Neighborhood Association
1571 – Friends of Zilker	1596 – TNR BCP - Travis County Natural Resources
1616 – Neighborhood Empowerment Foundation	

### AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-2018-0121 – 218 S. Lamar (Schlotzky's)	CS-V to PUD	Scheduled for October 8, 2019	To be Scheduled
C14-2008-0060 – Zilker Vertical Mixed Use Building (V) Rezoning Opt- In/Opt Out Process – Lady Bird Lake on the north, UPRR tracks, W Oltorf St, S Lamar Blvd to the east, Barton Skyway to the south, and Robert E Lee Rd, Rabb Rd and Rae Dell Ave to the west	Rezoning selected tracts with –V and amending the boundary to exclude certain tracts, on 124 acres	Apvd –V to certain tracts (73 acres), exclude certain tracts (51 acres), and an affordability level of 60% mfi for 10% of rental units in a VMU building	Apvd (10-16-2008).
C14H-76-004 – Landmarks Committee – 200 Lee Barton Rd	C, First Height and Area to C-H, First Height and Area on an 18,000 sf tract of land	To Grant	Apvd (11-21-1974).

### RELATED CASES:

#### *PUD Zoning cases*

On October 17, 2013, Council approved PUD district zoning for the subject Property, sometimes referred to as the Taco PUD. As a summary, the PUD allowed up to 96 feet in height, required development standards and design characteristics for buildings or structures greater than 60 feet; required at least 1,000 sf of first floor retail space for PARD on a 'rent-free' basis for 25 years, required a local business component at a reduced rental rate; addressed parking and access for the historic Paggi House; limited the number of residential units and non-residential ground floor space; required a public plaza onsite and a minimum amount of open space; established environmental and water quality standards; required a minimum 250 sf room for meeting space; established an affordable housing program; required pedestrian improvements, bicycle facilities and ground floor structured parking; and required provisions for public art.

Approved Code modifications were for a minimum of 60% parking requirement, Alternative Equivalent Compliance standards for sidewalks, connectivity and private open space and

pedestrian amenities, development of a minimum of 75% of the cumulative frontage with pedestrian-oriented uses and including a restaurant component, a maximum of to 96 feet with modified setbacks, a maximum 5 : 1 F.A.R., equal restaurant and retail parking ratios, and additional permitted and prohibited uses (C814-2012-0160).

Although the land uses and development standards approved have not been built since the PUD's approval in October 2013, the property's PUD zoning remains valid and does not expire. Development of the property can proceed in accordance with the Council-approved PUD zoning and related subdivision and site plan applications, or the Applicant can propose to amend the PUD. The subject PUD amendment is considered a substantial amendment and must be approved by the City Council.

On November 20, 2018, the Applicant filed an amendment to the PUD to amend the land use plan, and the City has verified that the correct type of application was filed. In addition, there is not a limit on the number or scope of changes to a PUD that would constitute a requirement to submit a new PUD.

#### *Subdivisions and Site Plan*

The property is platted as Lot 1, Block A of the Paggi House Subdivision, a one lot subdivision consisting of 1.155 acres recorded on August 2, 2013 (C8-2012-0122.0A). A revised preliminary plan is in process to create a two lot preliminary (C8-2016-0055.01 – Riverside and Lamar Resubdivision). ***Please refer to Exhibit D.***

A site plan is in process for an 8-story mixed use development with a 100+ room hotel, 26 condominiums, retail, restaurant and office uses, including two levels of underground parking (SP-2019-0056C – South Lamar and Riverside Mixed Use). ***Please refer to Exhibit E.***

#### EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Lamar Boulevard	120 feet	MAD 4	Arterial	Yes	Yes	Yes
West Riverside Drive	120 feet	MAD 4	Arterial	Yes	Yes	Yes
Lee Barton Drive	55 feet	30 feet	Collector	No	No	No

## OTHER STAFF COMMENTS:

### Comprehensive Planning

This PUD amendment case is located on the southeast corner of S Lamar Blvd and W Riverside Drive, and abuts Lee Barton Drive on the eastern edge of the property. The subject property is approximately 0.933 acres in size and is the former location of a fast food restaurant. This case is located within the boundaries of the Zilker Park NP, which does not have an adopted neighborhood plan. Surrounding land uses include Lady Bird Lake and Trail, and Downtown Austin to the north; to the south is a multi-family condo building, a restaurant, retail uses, and the Dougherty Arts Center; to the east is Butler Park; and the west is the Zach Theater, Butler Shores Park, and an office building.

### **Connectivity**

The site is located within 350 ft. to a public transit stop. Public sidewalks are located along Riverside Drive, and S. Lamar Blvd., but only partially along Lee Barton Drive. The Walkscore for this area is 86/100, **Very Walkable**, meaning most errands can be accomplished on foot. The site is within 1000 ft. of an existing urban trail. The mobility and connectivity options in this area are excellent.

### **Imagine Austin**

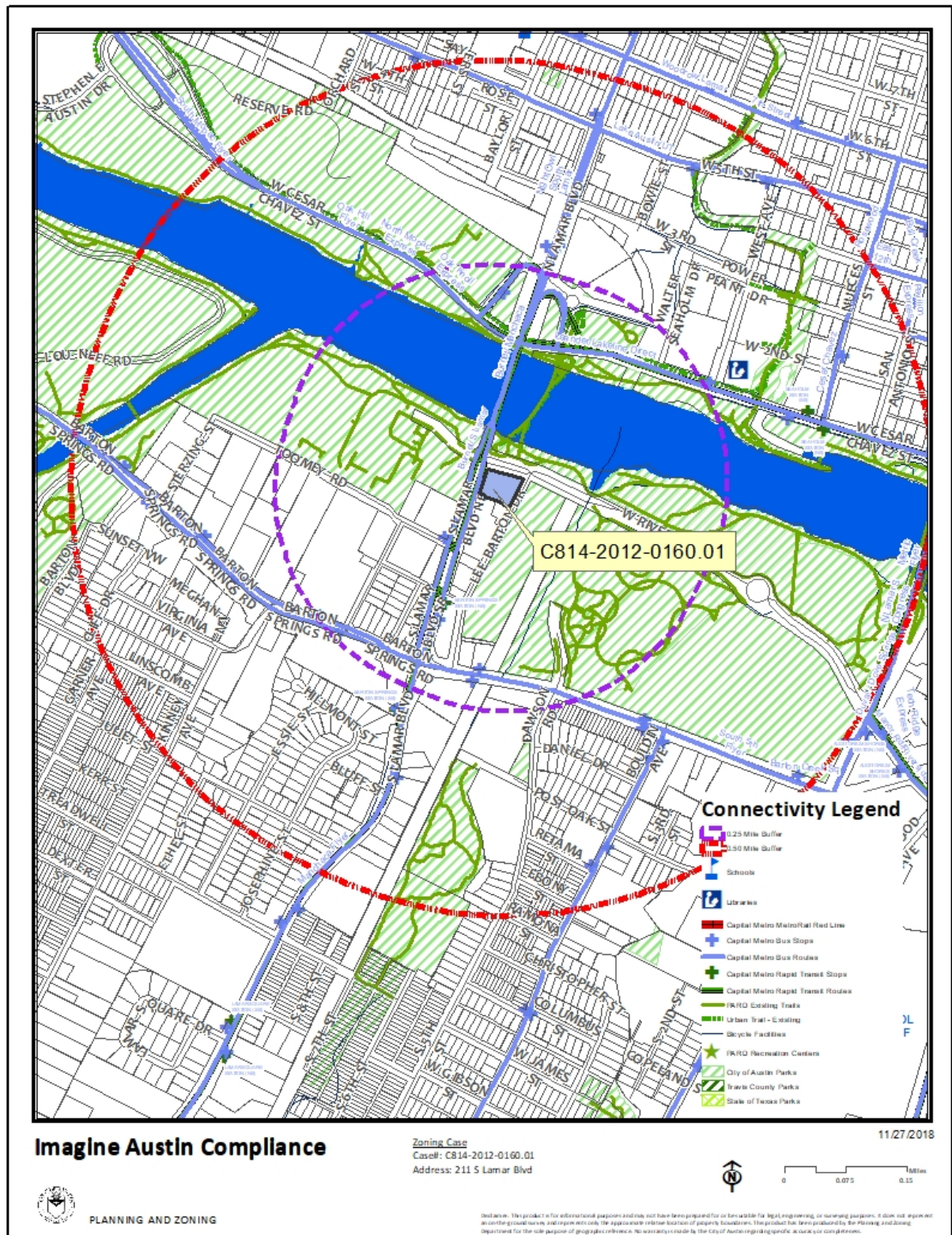
The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of South Lamar Boulevard and Riverside Drive as **Activity Corridors**. The property is also located by the **Downtown Regional Center**. Activity corridors are the connections that link activity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

The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

Based on this property being located along two Activity Corridors and by a Regional Center, and the Imagine Austin policies referenced above that promotes both mixed use and commercial development, the proposed PUD amendment appears to support the policies of the Imagine Austin Comprehensive Plan. Regarding the amended PARD agreement for space

within this development, this request is out of the scope of the Imagine Austin Comprehensive Plan.



### Electric Review

The site must comply with safety clearances and setback requirements from the utility criteria manual if underground and/or overhead electrical facilities are present.

### Impervious Cover

The maximum impervious cover allowed by the PUD is based on the CS zoning district previously assigned to this property and is 95%, which is based on the more restrictive zoning regulations. The site plan in process proposes 94.49% impervious cover for the hotel / condominium / retail project and 74.39% impervious cover (no change) for the Paggi House.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lady Bird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and / or redevelopment when 8,000 s.f. cumulative is exceeded an on-site control for the two-year storm.

### Floodplain Review

Lot appears to be in WBO 500yr floodplain, however, it also appears that this floodplain is resultant of backwater conditions with the Colorado River. The WSE at xs 877 for the 0.2% chance event is 446.49 ft MSE; per GIS, the lowest elevation on the lot is ~448.

FYI: Please note that current floodplain regulations require that Finished Floor Elevations (FFE) of the proposed buildings adjacent to the 100-year floodplain must be one foot greater than the 100-year water surface elevation. City of Austin staff is currently proposing changes to the floodplain regulations to require FFEs be two feet above the current FEMA 500-year floodplain or Atlas 14 100-year floodplain. FFE requirements will be based on current code at time of application.

FYI: Our understanding of flood risk in Austin is changing. What is now known as the 500-year floodplain is a good representation of what the 100-year floodplain will be according to a National Weather Service publication called Atlas 14. This could affect the layout of this development/future developments on this site, including the location of drainage easements, buildings, and parking areas. The City will likely be using the current 500-year floodplain as the design floodplain for future site plans and commercial building permit review by the end of 2018. In order to minimize flood risk to our community and better ensure that this lot can

be developed in the future, the City of Austin recommends that you consider the 500-year floodplain as a surrogate for the 100-year floodplain when designing this development. Please contact this reviewer if you have any questions.

For this application, Atlas 14 will not have an impact on the review, but be aware that future permits for the site may fall under Atlas 14 regulations depending upon when they are requested. It is likely that by the time construction is complete for this building/subdivision that Atlas 14 will be in effect for Austin thus changing the floodplain in the area and it is recommend that the Applicant and the Applicant's Engineer discuss flood resiliency and alterations which could be made to plan to reduce the risk of flooding of the proposed development (e.g. elevation of Finished Floors to be above current 500-year floodplain, floodproofing of areas below current 500-year floodplain, utilizing 500-year floodplain in place of the 100-year floodplain, etc.)

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

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- A-1: Aerial Map
- B and B-1: Applicant's Summary Letter and Proposed Revisions to 2013 PUD Ordinance
- C: Proposed Revisions to the Land Use Plan
- D: Proposed Resubdivision
- E: Proposed Site Plan

#### INDEX OF ATTACHMENTS TO FOLLOW

- A: Traffic Mitigation Memo and Mitigation Fee In-Lieu
- B: Carbon Impact Statement
- C: Comments from Members of the Small Area Planning Joint Committee
- D: Environmental Superiority Memo from the Environmental Officer

#### SUPPLEMENTAL INFORMATION

- Waterfront Overlay – Primary and Secondary Setbacks
- Proposed Ground Floor with the 90' Point Area Dimensioned

- Amended and Restated Declaration of Covenants, Conditions and Restrictions with Bridges on the Park Condominium Association, Inc.

Correspondence Received









## 211 SOUTH LAMAR

ZONING CASE#: C814-2012-0160.01  
 LOCATION: 211 S. LAMAR BLVD  
 SUBJECT AREA: .933 ACRES  
 GRID: H22  
 MANAGER: WENDY RHOADES

*Exhibit A-1*



1" = 200'

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





# DRENNER GROUP

July 30, 2019

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

Via Hand Delivery

Re: 211 South Lamar PUD Amendment - C814-2012-0160.01 – PUD Amendment for the 0.933-acre piece of property located at 211 South Lamar Boulevard and 1211 West Riverside Drive and known as the 211 South Lamar PUD located in Austin, Travis County, Texas (the “Property”).

Dear Mr. Guernsey:

As representatives of the owner of the Property, we submitted a PUD amendment application for the 211 South Lamar PUD referenced in zoning case C814-2012-0160.01 on November 20, 2018.

The purpose of the PUD amendment is primarily to allow a hotel as a permitted use in the PUD. In addition, as a result of discussions with interested parties and staff review, there have been minimal alterations to the building configuration, parking and modifications to provide clarity and bring development of the Property up to current standards. This PUD amendment does not request an increase in height, nor does the PUD amendment modify the superiority items established in the PUD. These changes are outlined in greater detail as follows:

1. Hotel-motel use is added as a permitted use and as a pedestrian-oriented use in the PUD and removed from the prohibited uses list;
2. The parking garage will be entirely subgrade. Previously, the parking garage included area at the first level;
3. The “U-shaped” building design is modified to include a ground-level hotel courtyard and drop-off area in the open portion of the “U.” Previously, the open portion of the “U” was to be used for a private courtyard and amenity deck and was to be located on the second level;
4. The first building block will extend to a point no closer than 56 feet from Riverside Drive to the project’s southern property line along the project’s Lee Barton Drive edge; this is increased from the original 40 feet;
5. The second building block will have a maximum height of 86 feet, which is increased from the original 78 feet;
6. Part 4.H.1.c of the ordinance restricting the enclosure of the portion of the Property between the two building blocks and the southern edge of the Property line is removed in its entirety to reflect the removal of building in this area;

**EXHIBIT B**

7. The setback from the building along the southern side is setback 11 feet, increased from 7 ½ feet, from the Property's most southerly property line;
8. Part 4.H.1.d(ii) of the ordinance subjecting the above setback in item #6 to any portion of the project's garage and first level is removed in its entirety as at-grade parking is no longer requested;
9. Part 4.K of the ordinance pertaining to the elevator operation at Paggi House is removed as ADA access to the Paggi House now exists at grade;
10. Part 4.K is modified to add that during construction, the existing sidewalk access for persons with disabilities from Lee Barton Drive to the Paggi House will remain;
11. The number of multifamily residential units is reduced from 175 to 27;
12. A maximum of 108 hotel rooms are added to the project;
13. Allowable non-residential, non-hotel ground floor space is increased from 11,000 square feet to 18,000 square feet;
14. Part 6.G, a new section, is added to the ordinance which requires that all new perimeter right-of-way trees installed as part of the PUD will be with a minimum soil volume of 1,000 cubic feet at a minimum soil depth of 3 feet. Such soil volume may be shared up to 25% between trees at the request of the City Arborist's office;
15. Part 9 of the ordinance pertaining to the Affordable Housing Program is replaced with the following language:

*The project will comply with the requirement for affordable housing options in accordance with the established PUD regulations. Participation will be provided by either providing on-site units or by paying a fee-in-lieu. The fee will be the greater of \$500,000 or an amount equal to the Planned Unit Development fee rate current at the time of site plan submittal times the total bonus square footage above the baseline. The baseline shall include F.A.R. that could be achieved under the existing zoning and existing site development regulations, including additional F.A.R. that may be granted under Section 25-2-714 (Additional Floor Area). If rental housing is provided, dwelling units equal to at least 10 percent of the bonus area devoted to a rental residential use within the PUD shall be rented to households earning no more than 60 percent of the median family income for Austin Metropolitan Statistical Area for a period of not less than 40 years. If owner occupied housing is provided, dwelling units equal to at least 5 percent of the bonus area devoted to an ownership residential use shall be sold to income-eligible homebuyers earning no more than 80 percent of the median family income for the Austin Metropolitan Statistical Area, and restricted for a period of not less than 99 years from the date of sale subject to resale restrictions and a fixed equity agreement approved by the Neighborhood Housing and Community Development Department. Payment of the fee-in-lieu will be made prior to the issuance of a final Certificate of Occupancy for the building;*

16. Pedestrian improvements outlined in Part 10.A of the ordinance is amended to provide that if the owner opts to construct improvements as part of the site development permit process, improvements must be installed prior to the issuance of a temporary Certificate of Occupancy or Certificate of Occupancy for the project to allow a fee to be paid or construction of the improvements;

17. A new section to Part 10 is added to the ordinance as Parts 10.B, with language as follows:

*Owner will provide funding in the amount of \$120,375.00 for transportation improvements recommended in the 211 South Lamar Boulevard Development Transportation Memorandum dated June 12, 2019 from Wantman Group, Inc. (WGI) and memorialized in the 211 S. Lamar Blvd (PUD Amendment) - Transportation Mitigation Memo dated July 16, 2019. These improvements will be constructed by the City of Austin. Funding shall be provided prior to 3rd reading at City Council;*

18. A new section to Part 10 is added to the ordinance as Part 10.C, with language as follows:

*Owner shall design and construct 100% of the Corridor Bond improvements on South Lamar and Riverside Drive along the Property's frontage and behind the curb to corridor bond standards prior to issuance of a temporary Certificate of Occupancy or Certificate of Occupancy as identified in the 211 S. Lamar Blvd (PUD Amendment) Transportation Mitigation Memo dated July 16, 2019;*

19. The existing Part 10.D of the ordinance pertaining to parking in the Lee Barton drive ROW requiring approval from the Austin Transportation Department during the site development process is deleted in its entirety as on-street parking is no longer contemplated;
20. Development of the PUD is limited to 2,320 vehicle trips per day unless a TIA is conducted. This is a decrease from 3,335 vehicle trips per day previously approved in the PUD as a result of the change of use;
21. Part 12.B.4 pertaining to the code modification to Subchapter E Parking Reductions is removed as this code section no longer exists;
22. Part 12.C of the ordinance pertaining to the allowance of loading/unloading facilities in the public right-of-way along Lee Barton Drive is deleted in its entirety as loading is now provided on-site;
23. The 8-foot building setback along South Lamar Boulevard at the ground floor stair tower located near the southwest corner of the Property is removed; and,
24. Part 12.E.a is modified to redefine the "100' Point" as the "90' Point," and the 90' Point is now defined as the point 90 feet north of the southwestern corner of the Property along South Lamar Boulevard.

The proposed amendments to the PUD constitute a substantial amendment as defined in Chapter 25-2, Subchapter B, Zoning Procedures, Article 2, Special Requirements for Certain Districts, Division 5. Planned Unit Developments, Section 3.1.2 of the City Code, and therefore is a PUD amendment that will require Land Use Commission approval.

July 30, 2019  
Page 4

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

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor  
Drenner Group

cc: Jerry Rusthoven, Planning and Zoning Department (*via electronic delivery*)  
Joi Harden, Planning and Zoning Department (*via electronic delivery*)  
Wendy Rhoades, Planning and Zoning Department (*via electronic delivery*)

**PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NO. 20131017-052**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE 211 SOUTH LAMAR PUD LOCATED AT 211 SOUTH LAMAR BOULEVARD AND 1211 WEST RIVERSIDE DRIVE FROM ~~GENERAL COMMERCIAL SERVICES (CS) DISTRICT AND GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING (CS V) COMBINING~~ DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.**

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

**planned unit development (PUD)**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from ~~general commercial services (CS) district and general commercial services vertical mixed use building (CS V) combining~~ district to planned unit development (PUD) district on the property described in Zoning Case No. ~~C814-2012-0160~~, on file at the Planning and Development Review Department, consisting of approximately a 0.93 acre in Travis County, Texas, shown in Exhibit "A" (the "Property"). The Property is locally known as 211 South Lamar Boulevard and 1211 West Riverside Drive and generally identified on the map attached as Exhibit "B".

**C814-2012-0160.01**

**PART 2.** This ordinance and the attached Exhibits A through F are the land use plan (the "Land Use Plan") for the 211 South Lamar planned unit development district (the "PUD") created by this ordinance. Development of and uses within the PUD shall conform to the limitations and conditions set forth in this ordinance and in the Land Use Plan. If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise provided by this ordinance and the Land Use Plan, all other rules, regulations and ordinances of the City apply to the PUD.

**PART 3.** The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A:	Legal description of the Property
Exhibit B:	Zoning Map
Exhibit C:	Land Use Plan <b>- Updated</b>
Exhibit D:	Plant list
Exhibit E:	Environmental Criteria Manual - Appendix T
Exhibit F:	Traffic Impacts & recommended improvements

**EXHIBIT B-1**

**REC'D 8.28.2019**

**PART 4.** If the Property is developed with a building or structure between 60 and 96 feet in height, the Property shall be developed according to the planned unit development district standards contained within this ordinance, the general commercial services (CS) district and the Butler Shores sub-district site development regulations and performance standards of the code, including the provisions of Subchapter E (*Design Standards and Mixed Use*) requirements for a Core Transit Corridor, Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*) and Section 25-2-733 (*Butler Shores Sub-district Regulations*).

If the Property is developed with a building or structure that does not exceed 60 feet in height, Part 4(A-M) and Parts 5 through 13 do not apply to this PUD and the PUD shall be developed according to the general commercial services (CS) district and the Butler Shores sub-district site development regulations and performance standards of the code, including the provisions of Subchapter E (*Design Standards and Mixed Use*) requirements for a Core Transit Corridor, Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*) and Section 25-2-733 (*Butler Shores Sub-district Regulations*).

- A. Driveways along South Lamar Boulevard and Lee Barton Drive will be permitted during the site development permit process and will conform to the Transportation Criteria Manual. Vehicle egress from the Property to South Lamar Boulevard is prohibited.
- B. The Joint Use Access Easement recorded in Travis County, Texas in the Official Public Records as Document No. 2013137002 is applicable to this PUD.
- C. Gated roadways within the PUD are not allowed. Private resident parking areas may be secured with a gate.
- D. At least 1,000 square feet of usable first floor retail space shall be offered to the Austin Parks and Recreation Department ("PARD") on a 'rent-free' basis for a public 'storefront' or retail space for a period of 25 years beginning on the date a certificate of occupancy is issued for the residential portion of the PUD. If PARD no longer needs the first floor retail space, a City of Austin department or community non-profit, mutually agreed upon by the director of the Planning and Development Review Department and the owner, will take over the first floor retail space. PARD or its successor shall be responsible for electric and utility charges for the space for the term period. Owner shall provide two on-site parking spaces in the parking garage reserved for PARD or its successor during regular business hours.



- E. The project will provide two public dedicated spaces for electric vehicle charging equipped with Level 2 charging stations compatible with and managed by Austin Energy's Plug-In Everywhere <sup>TM</sup> Network for electric vehicle charging within the project's parking garage. The electric vehicle charging spaces will be available for use by residents of the project and patrons of the retail lease space.
- F. The project will achieve a minimum of 13 points under the building design options of Section 3.3.2 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*). It will achieve the points in the following manner:
1. The project will achieve a 3 star rating under the Austin Green Building program. (3 points)
  2. The project will have 2 liner stores in the project's ground floor retail area. (2 points)
  3. The project will have facade articulation through the use of a change in materiality, repeating pattern of wall recesses and projections, or a change in plane. (1 point)
  4. A primary entrance will be demarked by integral planters, enhanced exterior light fixtures, and architectural details. (1 point)
  5. The project will have a distinct roof design. (1 point)
  6. 100% of the glazing used on the ground floor facade facing streets or parking will have a visible transmittance of 0.6 or higher. (1 point)
  7. 75% of the facade facing the principal street will be storefront with a minimum of 2 separate entrances. (2 points)
  8. The project will have a sustainable roof as outlined in Section 3.3.2 of Chapter 25-2, Subchapter E. (2 points)
- G. 2.5 percent of residential units in the project shall be fully accessible type A dwelling units, as defined in the 2009 International Building Code and will meet the technical requirements defined in Section 1003 of the International

Code Council A117.1. To the extent that the foregoing calculation results in a fraction, the number shall be rounded up.

H. The Project will have the following design characteristics:

1. Design and Other Setbacks: The Project will have the following design characteristics:

a. The Project will utilize a "U-shaped" design with the open portion of the "U" facing in a southerly direction. The open portion of the "U" will be on the ~~second~~ level of the above-grade structure and above, and the ~~second~~ level of the above-grade structure will be a ~~private courtyard and amenity deck.~~

ground

ground

hotel courtyard and drop-off area.

b. The Project will have two basic building blocks described as follows:

(i) The first building block will have a maximum height of 96 feet and will be situated (A) along the entire length of the Project's South Lamar Boulevard edge; (B) along the entire length of the Project's Riverside Drive edge; and (C) along the Project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than ~~40 feet at floor levels 2 and 3 and no closer than 48 feet at floor levels 4 and above~~ (excluding balconies) from the Project's southern property line along Lee Barton Drive; and

56

86

(ii) The second building block will have a maximum height of ~~78~~ feet and will be (A) on the exterior side of the "U"; (B) situated along a portion of the Project's Riverside Drive edge (it will not extend all the way to the Project's South Lamar Boulevard edge), wrapping the Project's Riverside Drive/Lee Barton Drive corner, and extending along the Project's Lee Barton Drive edge to a point no closer to the southern property line of the Property than the terminus of the first building block described in subpart (i) above;

c. ~~The area on the Lee Barton Drive edge between the southern property line of the Property and the southern edge of the two building blocks described in paragraph b, above may not be fully~~

~~enclosed, but it may contain a roof or shelter structure as long as such roof or shelter structure is no higher than 35 feet in height, as defined by City Code. The terms of the restriction in this subsection shall have no application to elevators, mechanical equipment, landscaping, outdoor furniture, grills, or similar items.~~

- d. The most southerly vertical structure of the Project (i.e., the wall closest to the existing Bridges on the Park project) will have the following characteristics:
- (i) The portion of the wall from the Property's southwestern corner (i.e., adjacent to South Lamar Boulevard) to a point directly across from the easternmost edge of the existing recessed window on the most northerly face of the Bridges on the Park project) (the "Measuring Point") must (A) be set back at least 7.5 feet from the Property's most southerly property line at the Measuring Point location (the "Setback Location") and (B) extend in generally a straight line (running generally east and west) from the Setback Location to a point on the Site's most westerly boundary line (i.e., adjacent to South Lamar Boulevard);
  - (ii) ~~The setback required by subpart (i) above shall not be applicable to any portion of the Property's parking garage and including any part of the structure on the first floor of the Property; and,~~
  - (iii) The portion of the wall identified in subpart (i) above, shall have a light reflective surface.

All references to height limitations in subparagraph b and c, above shall mean height, as defined by City Code.

- I. The project shall provide one independent retail, restaurant or local franchisee whose principal place of business is in the Austin standard metropolitan statistical area usable space at a rent 15% below the prevailing market rent when the lease or other arrangement for providing the space is executed. Before execution, the owner shall submit the lease or other arrangement to the director or his designee of Planning and Development Review Department for approval.



J. Parking for the adjacent historic Paggi House shall be provided in the project's parking garage. As long as the Paggi House ~~restaurant~~ remains in its current size, (including usable outdoor space), the required ~~38~~ parking spaces for the Paggi House ~~restaurant~~ will be provided in the project's parking garage. If the use of the Paggi House changes, then the City of Austin parking requirement applicable to the new use will apply. Parking for the new use will be in the project's parking garage.

K. The elevator providing access to the Paggi House for persons with disabilities shall be relocated to a location on the site adjacent to Lee Barton Drive. ~~If the Paggi House will continue to operate as a restaurant during the construction of the project, the elevator will be available for use prior to the start of construction on the project, or an alternate accessible route will be provided. If the Paggi House does not operate as a restaurant during construction of the project, the elevator will be relocated and available for use by persons with disabilities prior to the issuance of a certificate of occupancy for the residential portion of the project.~~

During construction, the alternative sidewalk access for persons with disabilities from Lee Barton Drive to the Paggi House shall remain.

L. The project will utilize concrete and/or steel construction, and will meet or exceed all applicable Waterfront Overlay design standards.

M. Development of the Property may not exceed ~~175~~ residential units and ~~11,000~~ square feet of non-residential ground floor space.

#### PART 5: Open Space and Parkland.

A. The owner will establish and set forth in the site development permit the size and configuration of a public plaza. The public plaza will be counted towards the open space requirements and must meet the dimensional standards of Subchapter E, Subsection 2.7.3.A.3.

B. In accordance to Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*), the minimum amount of open space within the project shall be 4,636 square feet.

#### PART 6: Environmental.

A. Development of the PUD within Austin Energy's service area, shall comply with the requirements of the Austin Energy Green Building Program (GBP) multifamily, single family, or commercial rating system for a minimum three-

star rating. Certification from the GBP shall be based on the version in effect at the time rating applications are submitted for individual buildings.

- B. Prior to issuance of the first Certificate of Occupancy for the residential portion of the project, an Integrated Pest Management (IPM) plan that follows the Grow Green Program shall be submitted to the Planning Development and Review Department for approval. or hotel
- C. The PUD shall meet the minimum City of Austin landscape requirements. 100 percent of the landscape on site shall be designed and installed as described in the City of Austin Grow Green Native and Adapted Plant Guide, the Environmental Criteria Manual Appendix N (see Exhibit "D") and in accordance with City of Austin Green Storm Water Quality Infrastructure criteria for Biofiltration, Rainwater Harvesting and Rain Gardens as provided in the Environmental Criteria Manual Section 1.6.7.5.
- D. All landscaping within the PUD shall be irrigated by storm water runoff that is conveyed to rain gardens or through the use of rainwater harvesting (or a combination of both). If necessary, owner may supplement the landscape irrigation with potable water.
- E. The project will preserve trees 1709, 1711, 1712, 3001, 3002, 3003, 3004, and 3005 as noted on the Land Use Plan. The half-critical root zones as shown on the Land Use Plan will remain undisturbed; all proposed impacts within the ½ critical root zone must be performed to meet the intent of the tree preservation ordinance and are subject to be reviewed, and/or modified by the City Arborist. The project will develop and adopt a formal tree care plan as part of the site development permit process that incorporates the following construction phase protections: tree pruning is allowed as necessary to remove limbs extending into the building envelope (but not to exceed ¼ of the canopy), chain-link fencing around the half critical root zone, use of an air spade to loosen compacted soils and backfilling with quality topsoil, use of mulch at the base of trees, and regular watering. The development and adoption of the tree care plan shall be done in concert with a certified arborist that has not less than 5 years of experience in Travis County, Texas. All mitigation rates shall be based upon code standards existing as of the effective date of this ordinance.
- F. The project will provide and maintain the three curb inlet filters in the existing inlets (or a location mutually agreed upon by the Environmental Policy Program

G. All new perimeter right-of-way trees installed as part of the PUD shall be installed with a minimum soil volume of 1,000 cubic feet at a minimum soil depth of three feet. Such soil volume may be shared up to twenty-five percent between trees.

H. The building will be constructed using a purple pipe system to receive reclaimed water supply from the City for non-potable water uses. Additionally, the property will construct an extension of the future reclaimed line along the northern frontage of the property on West Riverside Drive. The alignment and connection point will be determined during the site plan development permit.

manager and the owner) on South Lamar Boulevard, Riverside Drive and Lee Barton Drive, adjacent to the site.

## **PART 7. Water Quality**

I. The existing stormwater pipe adjacent to the property along West Riverside Drive shall be upsized from an 18-inch stormwater pipe to a 24-inch stormwater pipe. The stormwater pipe connecting the West Riverside Drive pipe to Lady Bird Lake shall be upsized from an 18-inch pipe to a 30-inch pipe.

The PUD shall meet or exceed all current land development code requirements with respect to on-site water quality treatment as reviewed and approved by the City of Austin at the time of site development permit application. The owner shall construct and maintain in perpetuity rain gardens, or other City of Austin approved water quality facilities, on or adjacent to South Lamar Boulevard, or another location mutually agreed upon by the city and the owner, that provide water quality treatment for currently untreated off-site areas with a minimum drainage area of 10,500 square feet and a minimum 1,150 cubic feet of treatment volume which is an amount greater than 25% of the project area.

If the water quality facilities treating off-site runoff are removed at the direction of the City of Austin, the owner of the site at that time shall provide payment of an amount equal to 25% of the total fee calculated based on the Environmental Criteria Manual's Appendix T (request for fee in lieu) at the time of this PUD's approval. A fee of \$18,849 is based on the full build out of the development without redevelopment considerations as payment into the Urban Watersheds Structural Control Fund., (See Exhibit E). Payment shall be made by the owner within 180 days of receipt of notice from the City of Austin following the removal of said water quality facilities.

## **PART 8. Public Facilities.**

The project will contain a room for a meeting space of at least 250 square feet. The room will be available free of charge to residents of the project, community neighborhood groups and non-profit organizations for a minimum of 25 years beginning on the date a certificate of occupancy is issued for the residential portion of the PUD. Use of the room by community neighborhood groups and non-profit organizations shall be on a reservation basis, and shall be subject to reasonable rules and regulations imposed by the owner of the property or any homeowner's association for the project.

## **PART 9. Affordable Housing Program.**

Part 9 Affordable Housing Program is deleted in its entirety and replaced with the text on the next page.

~~The project will comply with the requirements for affordable housing options in accordance with the established PUD regulations. Participation will be provided by either providing on-site units or by paying a fee in lieu. The fee in lieu will be \$6 for~~



The project will comply with the requirement for affordable housing options in accordance with the established PUD regulations. Participation will be provided by either providing on-site units or by paying a fee-in-lieu. The fee will be the greater of \$1,200,000 or an amount equal to the Planned Unit Development fee rate current at the time of site plan submittal times the total bonus square footage above the baseline. The baseline shall include F.A.R. that could be achieved under the existing zoning and existing site development regulations, including additional F.A.R. that may be granted under Section 25-2-714 (Additional Floor Area). If rental housing is provided, dwelling units equal to at least 10 percent of the bonus area devoted to a rental residential use within the PUD shall be rented to households earning no more than 60 percent of the median family income for Austin Metropolitan Statistical Area for a period of not less than 40 years. If owner occupied housing is provided, dwelling units equal to at least 5 percent of the bonus area devoted to an ownership residential use shall be sold to income-eligible homebuyers earning no more than 80 percent of the median family income for the Austin Metropolitan Statistical Area, and restricted for a period of not less than 99 years from the date of sale subject to resale restrictions and a fixed equity agreement approved by the Neighborhood Housing and Community Development Department. Payment of the fee-in-lieu will be made prior to the issuance of a final Certificate of Occupancy for the building.

## **PART 10. Transportation and Bicycle Plan.**

- A. The owner will provide funding in the amount of \$99,741 for pedestrian improvements recommended with the 211 S. Lamar Traffic Study dated September 18, 2013 from HDR, Inc. (See Exhibit F) in the following locations:
1. A sidewalk on Lee Barton Drive from the northern terminus of the sidewalk adjacent to the bridges condominium project to the southeastern edge of the site (sidewalk presumed to be located within the currently paved portion of Lee Barton Drive);
  2. A sidewalk along the southern edge of Riverside Drive from the corner of Lee Barton Drive and Riverside Drive to the western terminus of the existing sidewalk on the southern edge of Riverside Drive located just east of the existing (on the effective date of this ordinance) railroad overpass;
  3. Creation of a pedestrian crosswalk across Lee Barton Drive at the intersection of Lee Barton Drive and Riverside Drive.

All proposed improvements have been approved by the City of Austin and the City of Austin will be responsible for construction of such improvements. Funding shall be provided prior to the issuance of a certificate of occupancy for the residential portion of the project

or hotel

As a condition for approval of the PUD, cost estimates have been approved by the City of Austin and shall be paid by the developer prior to the issuance of a certificate of occupancy for the residential units for those improvements

, unless the owner opts to construct the improvements as part of the site development permit process. If opted in, improvements must be installed prior to the issuance of a temporary Certificate of Occupancy or Certificate of Occupancy for the project.

or hotel portion of the project

B. Owner will provide funding in the amount of \$120,375.00 for transportation improvements recommended in the 211 South Lamar Boulevard Development Transportation Memorandum dated June 12, 2019 from Wantman Group, Inc. (WGI) and memorialized in the 211 S. Lamar Blvd (PUD Amendment) - Transportation Mitigation Memo dated July 16, 2019.

These improvements will be constructed by the City of Austin. Funding shall be provided prior to 3rd reading at City Council.

recommended with the 211 S. Lamar Traffic Study dated September 18, 2013 from HDR Engineering, Inc., attached as Exhibit "F".

D. B.

The project will provide the following bicycle facilities:

1. Bicycle parking for retail patrons of the project at a level equal to or exceeding the greater of:

- a. 120% of code required bicycle parking for such retail area; or,
- b. 10 bicycle parking spaces.

All bicycle parking spaces shall be located on the ~~ground~~ floor of the parking garage, within the public plaza area or within the planting or supplemental zone along any of the adjacent roadways;

and hotel patrons

2. Bicycle parking for the residents of the project shall be provided in a secure location within the project's parking garage; and,

3. If elected by the City of Austin within two (2) years of the issuance of a certificate of occupancy for the residential portion of the project, a public "bike share kiosk" in a location mutually acceptable to the City of Austin and the owner in the project's public plaza area or the planting or supplemental zone along Riverside Drive. The "bike share kiosk" shall be sized as desired by the City of Austin (but not to exceed 10 bike parking spaces without the consent of the owner) and shall be operated and maintained by the City of Austin consistent with other "bike share kiosks" in the general proximity of the project. The owner of the site shall be responsible for the cost of the "bike share kiosk."

C. ~~The project will incorporate ground floor structured parking that is screened from public view on the South Lamar Boulevard edge, the Riverside Drive edge and the Lee Barton Drive edge. No structured parking shall be provided above grade other than ground floor parking. All additional structured parking shall be provided below grade. Interior ground floor parking spaces will not be visible from the adjacent project on the southern boundary of the project.~~

D. ~~The proposed parking in the Lee Barton drive R.O.W. will require approval from the Austin Transportation Department during the site development permit process.~~

C. Owner shall design and construct 100% of the Corridor Bond improvements on South Lamar and Riverside Drive along the Property's frontage and behind the curb to corridor bond standards prior to issuance of a temporary Certificate of Occupancy or Certificate of Occupancy as identified in the 211 S. Lamar Blvd (PUD Amendment) Transportation Mitigation Memo dated July 16, 2019.



- E. Development of the PUD is limited to ~~3,335~~ vehicle trips per day, unless a Traffic Impact Analysis is conducted.

2,320

## **PART 11. Art.**

The PUD shall provide art approved by the art in public places program in a prominent open space, either by providing the art directly, making a contribution to the city's art in public places program (or a successor program). With the consent of the art in public places program (or successor program), the project may meet this requirement by entering into an arrangement with The Contemporary Austin or successor entity for art to be displayed on a seasonal or rotating basis in a prominent open space, on a pedestal constructed and maintained by the owner.

**PART 12. Code Modifications.** In accordance with Chapter 25-2, Subchapter B, Article 2, Division 5 (Planned Unit Development) of the Code, the following site development regulations apply to the PUD instead of otherwise applicable City regulations:

- A. Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to require that the minimum off-street parking is 60 percent for the entire Property.
- B. Development shall meet alternative equivalent compliance standards at the time of site planning for the following Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 2 provisions:
  - 1. Core Transit Corridor Sidewalk Standards (§2.2.2)
    - a. Tree Spacing (§2.2.2.B)
    - b. Supplemental Zone Width (§2.2.2.C.1)
    - c. General Building Placement (§2.2.2.D.1)
  - 2. Continuous Shaded Sidewalk (§2.2.3.E.3)
  - 3. Connectivity (§2.3)
  - 4. ~~Parking Reductions (§2.4)~~
  - 4. Private Common Open Space and Pedestrian Amenities (§2.7.3.C & D)
- C. ~~Subject to approval by the Austin Transportation Department, the Transportation Criteria Manual, Section 9.3.0 (*Loading*) is modified to allow~~

~~maneuvering for loading/unloading facilities in the public right of way along Lee Barton Drive.~~

- D. Section 25-2-692(H) (*Waterfront Overlay (WO) Subdistrict Uses*) is modified to require that the cumulative amount of pedestrian-oriented uses, defined in Section 25-2-691(C) (*Waterfront Overlay (WO) District Uses*), shall be a minimum of 75 percent of the cumulative frontage excluding driveway openings and other public facilities along South Lamar Boulevard, Riverside Drive and Lee Barton Drive. None of the pedestrian oriented uses along Riverside Drive or South Lamar Boulevard shall consist of residential uses. The pedestrian oriented uses must contain a restaurant located in the interior building space and allows ingress from and egress to a restaurant use of an accessory use of the public plaza.
- E. Section 25-2-492 (*Site Development Regulations*) is modified to allow a maximum structure height of 96 feet and Section 25-2-492 (*Site Development Regulations*) is modified to require no minimum front yard setback, street side yard setback, interior side yard setback and rear yard setback, except as modified below:

- a. South Lamar Boulevard: ~~The building setback will be 8 feet at the ground floor stair tower located near the southwest corner of the Property adjacent to South Lamar Boulevard. The setback will be 11 feet for the remainder of the South Lamar Boulevard frontage at the ground floor level (i.e. the first level above grade that is heated and cooled). All exterior building columns, sidewalks, railings and similar landscape features are not included in this setback requirement. The setback will be 8'0" for all floors above the first level and between the southwestern corner of the Property adjacent to South Lamar Boulevard and a point 100 feet north of and the southwestern corner (the "100' Point") and zero feet for all floors above the first level and north of the 100' Point. The setback described above for floors above the first level and between the southwestern corner of the Property and the 100' Point shall not be applicable to balconies or canopies or similar improvements other than the primary westerly structural wall of the project in that location.~~

from the southwest corner of the Property to the 90' Point (as hereinto defined). The setback will be 5'0" for the South Lamar Boulevard frontage at the ground level from the 90' Point to the northwestern corner of the Property.

90  
90  
90  
90

building

ground

ground

- b. Riverside Drive: Zero (0'-0")

- c. Lee Barton Drive: Zero (0'-0")
  - d. Rear (adjacent to the Bridges on the Park project): Zero (0'-0") except as noted in Design and Other Setbacks, Part 4, H.
- F. Section 25-2-492 (*Site Development Regulations*) is modified to allow for a maximum floor area ratio of 5:1 over the entire site.
- G. Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to allow for restaurant space in the project to have the same parking requirements as general retail space in the project. Parking spaces must be leased or purchased separately from a dwelling unit.

**PART 13.** Development of the Property shall comply with the following use regulations:

- A. Except as provided in Subsection C, all permitted uses, conditional uses and pedestrian-oriented uses in the general commercial services (CS) district, waterfront overlay (WO) district and Butler Shores subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*); Section 25-2-691 (*Waterfront Overlay (WO) District Uses*); and, Section 25-2-692(H) Butler Shores subdistrict are permitted and conditional uses of the Property.

- B. The following are additional permitted uses:

Condominium residential  
 Multifamily residential  
 Cocktail lounge (not to exceed 5,000 square feet)  
 Liquor Sales (not to exceed 2,500 square feet)

- C. The following are prohibited uses:

Agricultural sales and services	Alternative financial services
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed & breakfast (Group 1)
Bed & breakfast (Group 2)	Business or trade school
Campground	Commercial blood plasma center
Congregate living	Construction sales and services
Convenience storage	Custom manufacturing
Electronic prototype assembly	Drop-off recycling collection facility

Electronic testing  
Equipment sales  
Funeral services  
Hospital services (Limited)  
Kennels  
Maintenance and service facilities  
Outdoor entertainment  
Pawn shop services  
Printing and publishing  
Residential treatment  
Theater  
Vehicle storage

Equipment repair services  
Exterminating services  
Hospital services (general)  
~~Hotel-motel~~  
Limited warehousing and distribution  
Monument retail services  
  
Outdoor sports and recreation  
Plant nursery  
Research services  
Service station  
Transitional housing  
Veterinary services

- D. Pursuant to Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (H) (*Waterfront Overlay (WO) Subdistrict Uses*), the following are additional pedestrian-oriented uses:

Personal improvement services  
Financial services  
Liquor Sales (not to exceed 2,500 square feet)  
Personal services  
Administrative business offices for on-site sales and leasing  
Administrative business offices if an owner resides on-site

~~Hotel-motel~~

**PART 14.** This ordinance takes effect on October 28, 2013.

**PASSED AND APPROVED**

October 17

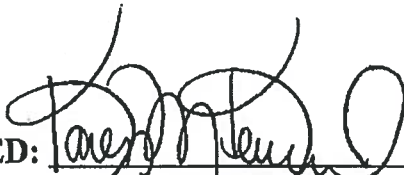
, 2013

§  
§  
§




Lee Leffingwell  
Mayor

APPROVED:



Karen M. Kennard  
City Attorney

ATTEST:



Jannette S. Goodall  
City Clerk

0.933 ACRE  
221 SOUTH LAMAR  
PAGGI HOUSE

FN. NO. 11-421(KWA)  
DECEMBER 15, 2011  
BPI NO. R010879110001

**DESCRIPTION**

OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.933 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the intersection of the easterly right-of-way line of South Lamar Boulevard (120' R.O.W.), with the southerly right-of-way line of West Riverside Drive (120' R.O.W.), being the northwesterly corner of said 1.155 acre tract, for the northwesterly corner hereof;

**THENCE**, S70°34'16"E, leaving the easterly right-of-way line of South Lamar Boulevard, along the southerly right-of-way line of West Riverside Drive, being the northerly line of said 1.155 acre tract, for the northerly line hereof, a distance of 237.80 feet to a 1/2 inch iron rod with cap set at the intersection of the southerly right-of-way line of West Riverside Drive with the westerly right-of-way line of Lee Barton Road (55' R.O.W.), being the northeasterly corner of said 1.155 acre tract, for the northeasterly corner hereof;

**THENCE**, S30°07'58"W, leaving the southerly right-of-way line of West Riverside Drive, along the westerly right-of-way line of Lee Barton Road, being a portion of the easterly line of said 1.155 acre tract, for the easterly line hereof, a distance of 202.08 feet to a 1/2 inch iron rod with cap set, for the southeasterly corner hereof;

**THENCE**, leaving the westerly right-of-way line of Lee Barton Road, over and across said 1.155 acre tract, for a portion of the southerly line hereof, the following two (2) courses and distances:

- 1) N59°52'02"W, a distance of 90.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N77°39'09"W, a distance of 5.54 feet to a PK nail set at an angle point in the northerly line of Bridges on the Park, a condominium of record in Document Nos. 2006117044 and 2007092434 of said Official Public Records, being an angle point in the southerly line of said 1.155 acre tract, for an angle point hereof;

**THENCE**, along the northerly line of said Bridges on the Park, along the southerly line of said 1.155 acre tract, for a portion of the southerly line hereof, the following three (3) courses and distances:

FN 11-421(KWA)  
DECEMBER 15, 2011  
PAGE 2 OF 2

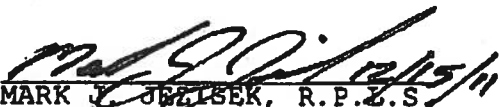
- 1) N67°20'15"W, a distance of 70.79 feet to PK nail set for an angle point;
- 2) N21°20'12"E, a distance of 11.03 feet to a punch hole found in concrete for an angle point;
- 3) N68°33'11"W, a distance of 40.69 feet to a PK nail set on said easterly right-of-way line of South Lamar Boulevard, being the northwesterly corner of said Bridges on the Park, for the southwesterly corner of said 1.155 acre tract and hereof;

THENCE, N21°01'42"E, along said easterly right-of-way line of South Lamar Boulevard, being the westerly line of said 1.155 acre tract, for the westerly line hereof, a distance of 166.15 feet to the **POINT OF BEGINNING**, and containing 0.933 acre (40,643 sq. ft.) of land, more or less, within these metes and bounds.

THE BASIS OF BEARINGS IS THE EASTERLY LINE OF THAT CERTAIN 0.718 ACRE TRACT CONVEYED TO PISCES FOODS, L.L.C. BY DEED OF RECORD IN VOLUME 13400, PAGE 422 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

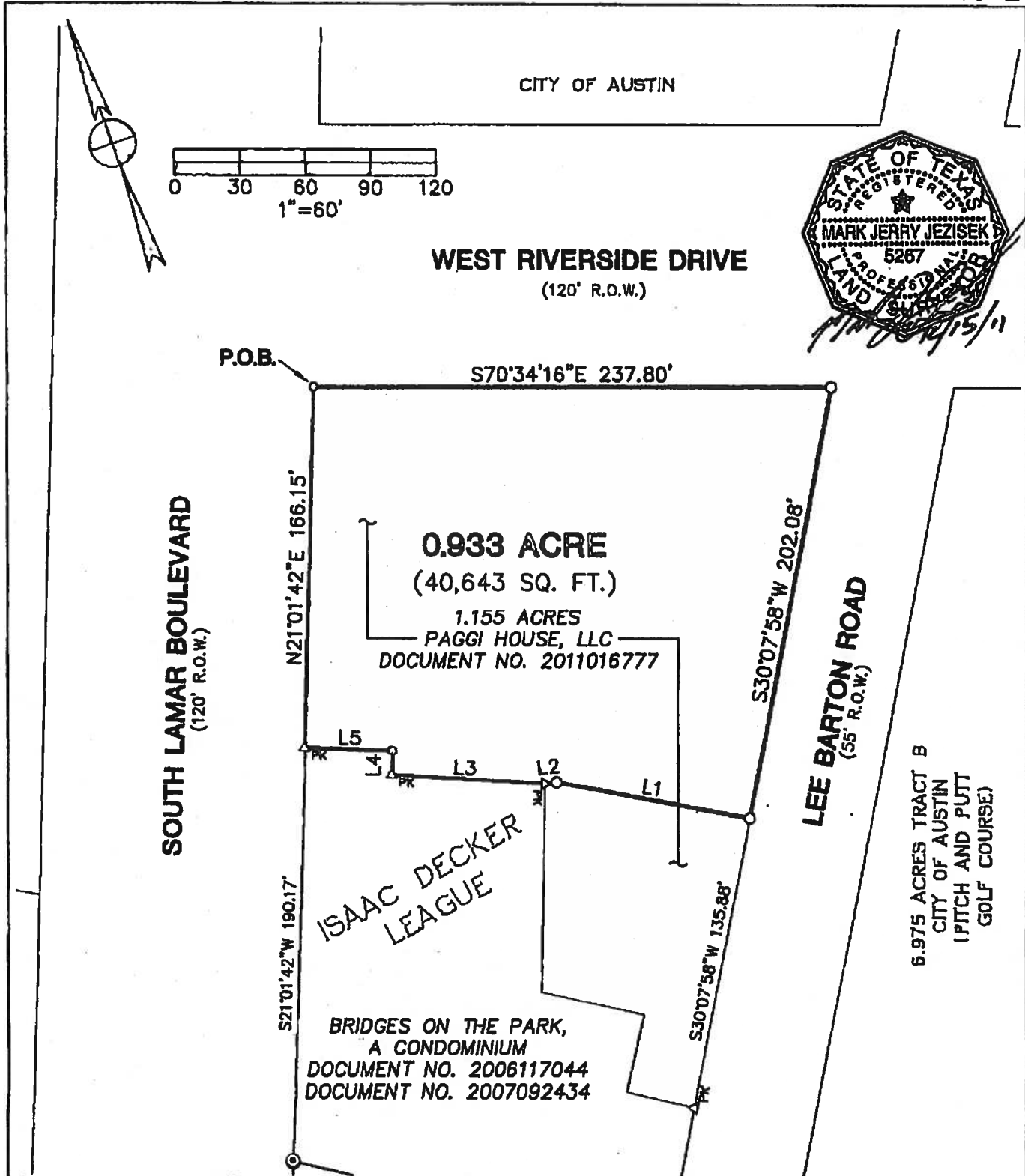
I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION

BURY+PARTNERS, INC.  
221 W. SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS, 78701

  
MARK J. JEZISEK, R.P.S.S.  
NO. 5267  
STATE OF TEXAS





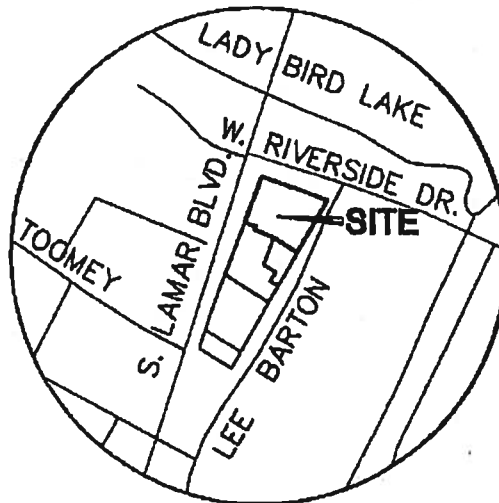


**Bury+Partners**

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512)328-0011 Fax (512)328-0325  
Bury+Partners, Inc. © Copyright 2011

**SKETCH TO ACCOMPANY DESCRIPTION**  
OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISSAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**PAGGI HOUSE, LLC**



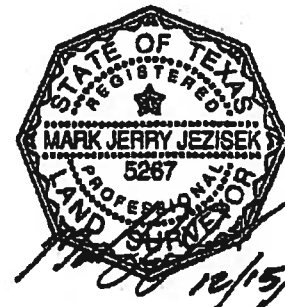
VICINITY MAP  
N.T.S.

### LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH CAP SET
- ⊙ IRON PIPE FOUND
- △ P.K. NAIL WITH WASHER SET
- P.O.B. POINT OF BEGINNING

### LINE TABLE

LINE	BEARING	LENGTH
L1	N59°52'02"W	90.00
L2	N77°39'09"W	5.54
L3	N67°20'15"W	70.78
L4	N21°20'12"E	11.03
L5	N68°33'11"W	40.69



**Bury+Partners**

221 West Sixth Street, Suite 800  
Austin, Texas 78701  
Tel. (512)328-0011 Fax (512)328-0326  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISSAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**PAGGI HOUSE,  
LLC**

DATE: 12/15/11

FILE: H: \108791\001\108791001EX2.DWG

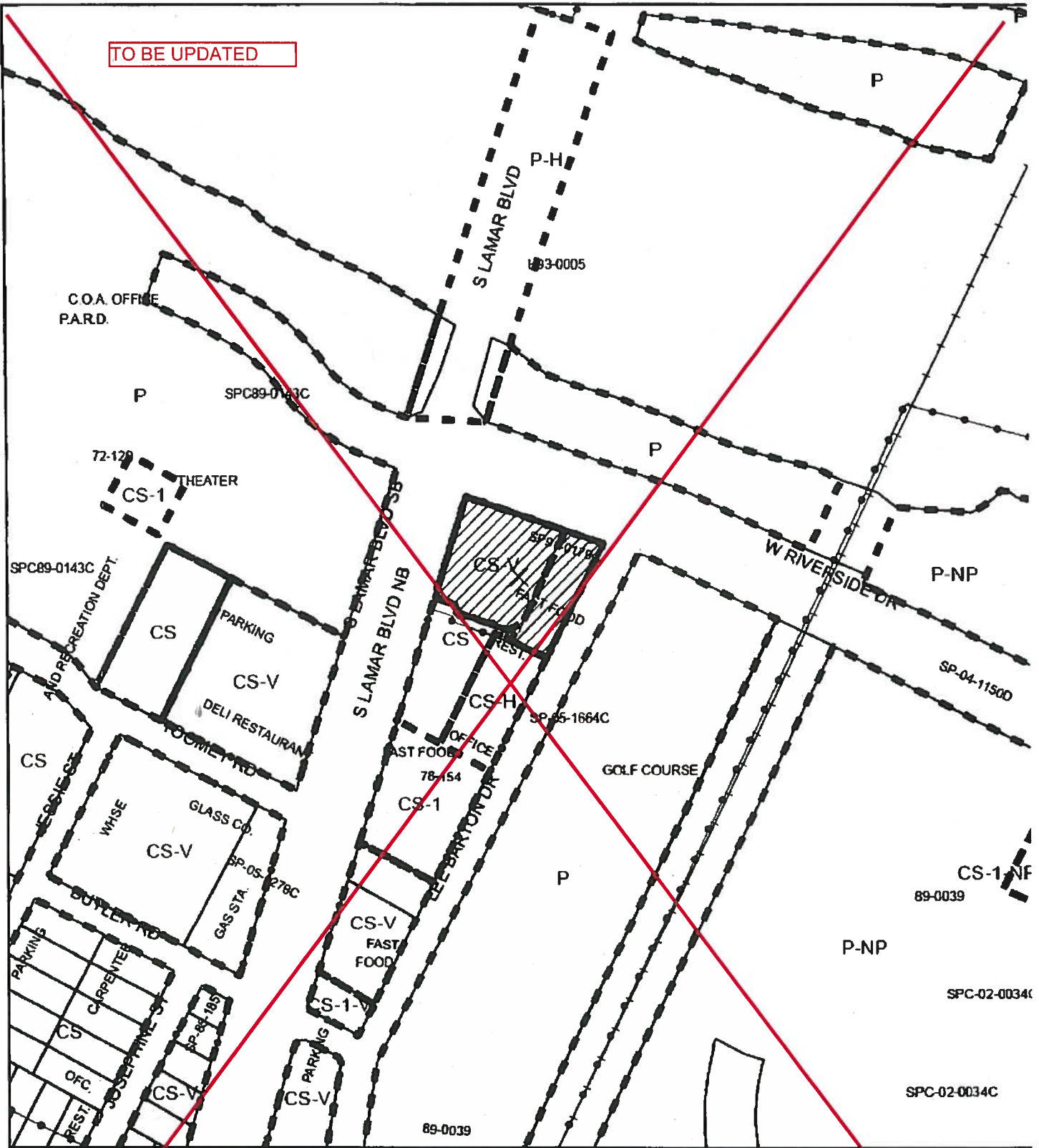
FN No.: 11-421(KWA)

DRAWN BY: KWA

PROJ. No: R0108791-10001



TO BE UPDATED



N



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

## ZONING

ZONING CASE#: C814-2012-0160

1" = 200'

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

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



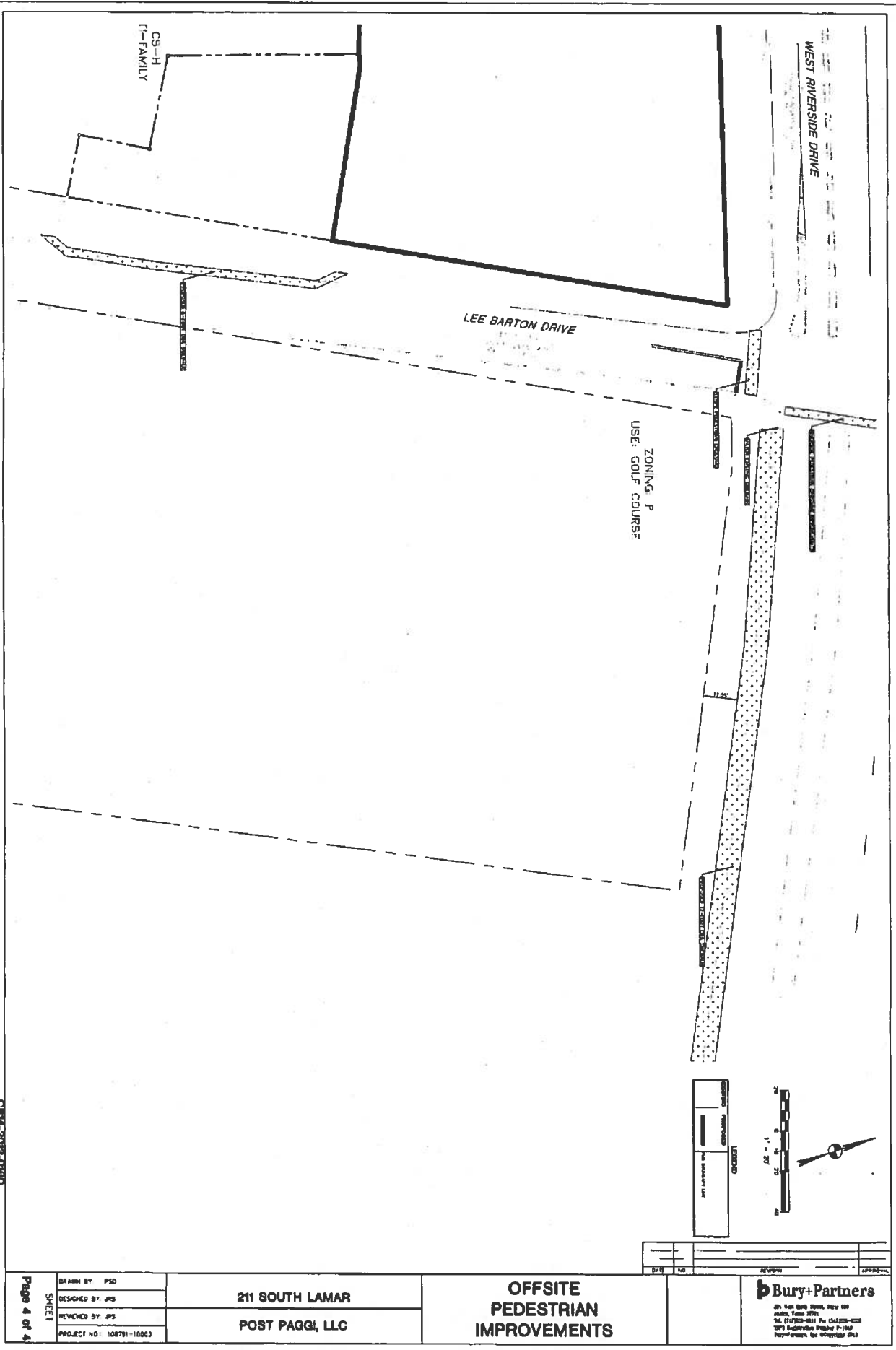
Exhibit B







CH14-2012-0780



SHEET	DRAWN BY: PSD
	DESIGNED BY: JPS
	REVIEWED BY: JPS
	PROJECT NO: 108781-10003

211 SOUTH LAMAR  
POST PAGGI, LLC

**OFFSITE  
PEDESTRIAN  
IMPROVEMENTS**

**Bury+Partners**  
211 South Lamar Street, Suite 200  
Austin, Texas 78701  
Tel: (512) 259-4611 Fax: (512) 259-4612  
TDD: (512) 259-4612  
Bury+Partners Inc. © Copyright 2014

## City of Austin Preferred Plant List

### Environmental Criteria Manual, Appendix N

#### CITY OF AUSTIN PREFERRED PLANT LIST

Other plants may be used if approved by the City of Austin. This list is a guide and is not meant to be exclusive. Any other native or well adapted plant may be used if drawings are sealed by a registered Texas Landscape Architect.

##### EVERGREEN TREES

---

Arizona Cypress	Cupressus arizonica
Cherry Laurel	Prunus caroliniana
Deodar Cedar	Cedrus deodara
Live Oak	Quercus virginiana
Mountain Laurel	Sophora secundiflora
Texas Madrone	Arbutus texana
Yaupon Holly	Ilex vomitoria

##### DECIDUOUS TREES

---

American Elm	Ulmus americana
American Smoketree	Cotinus obovatus
Arizona Walnut	Juglans major
Bald Cypress	Taxodium distichum
Bigtooth Maple	Acer grandidentatum
Blackjack Oak	Quercus marilandica
Bradford Pear	Pyrus calleryana 'Bradford'
Bur Oak	Quercus macrocarpa
Cedar Elm	Ulmus crassifolia
Chinese Pistache	Pistacia chinensis
Chinquapin Oak	Quercus Muhlenbergii
Crape Myrtle	Lagerstroemia indica
Desert Willow	Chilopsis linearis
Drake Elm	Ulmus parvifolia 'Drake'
Durand Oak	Quercus sinuata
Eastern Walnut	Juglans nigra
Escarpment Cherry	Prunus serotina
Eve's Necklace	Sophora affinis
Flameleaf Sumac	Rhus copallina and R. glabra
Fragrant Ash	Fraxinus cuspidata
Golden Rain Tree	Koelreuteria bipinnata and K.

<b>Honey Mesquite</b>	<i>paniculata</i>
<b>Kidneywood</b>	<i>Prosopis glandulosa</i>
<b>Lacey Oak</b>	<i>Eysenhardtia texana</i>
<b>Little Walnut</b>	<i>Quercus glaucoides</i> and <i>Q. laceyi</i>
<b>Mexican Buckeye</b>	<i>Juglans microcarpa</i>
<b>Mexican Plum</b>	<i>Ungnadia speciosa</i>
<b>Orchid Tree</b>	<i>Prunus mexicana</i>
<b>Pecan</b>	<i>Bauhinia</i> spp.
<b>Possumhaw</b>	<i>Carya illinoensis</i>
<b>Post Oak</b>	<i>Ilex decidua</i>
<b>Red Buckeye</b>	<i>Quercus stellata</i>
<b>Rusty Blackhaw</b>	<i>Aesculus pavia</i>
<b>Shin Oak</b>	<i>Viburnum rufidulum</i>
<b>Shumard Oak</b>	<i>Quercus sinuata brevifolia</i>
<b>Texas Ash</b>	<i>Quercus shumardii</i>
<b>Texas Persimmon</b>	<i>Fraxinus texensis</i>
<b>Texas Red Oak</b>	<i>Diospyros texana</i>
<b>Texas Redbud</b>	<i>Quercus texana</i>
<b>Vitex, Lilac Tree</b>	<i>Cercis canadensis</i> var. 'Texensis'
<b>Western Soapberry</b>	<i>Vitex Agnus-castus</i>
	<i>Sapindus Drummondii</i>

#### **EVERGREEN SHRUBS**

---

<b>Agarita</b>	<i>Berberis trifoliolata</i>
<b>Barbados Cherry</b>	<i>Malpighia glabra</i>
<b>BurfordHolly</b>	<i>Ilex cornuta</i> 'Burfordii'
<b>Dwarf Burford Holly</b>	<i>Ilex cornuta</i> 'Burfordii nana'
<b>Dwarf Chinese Holly</b>	<i>Ilex cornuta</i> 'Rotunda nana'
<b>Dwarf Yaupon Holly</b>	<i>Ilex vomitoria</i> 'Nana'
<b>Elaeagnus</b>	<i>Elaeagnus pungens</i>
<b>Evergreen Sumac</b>	<i>Rhus virens</i>
<b>Indian Hawthorn</b>	<i>Raphiolepis indica</i>
<b>Mountain Laurel</b>	<i>Sophora secundiflora</i>
<b>Nandina</b>	<i>Nandina domestica</i>
<b>Oleander</b>	<i>Nerium oleander</i>
<b>Pampas Grass</b>	<i>Cortaderia selloana</i>
<b>Red Yucca</b>	<i>Hesperaloe parviflora</i>
<b>Rock Cotoneaster</b>	<i>Cotoneaster horizontalis</i>
<b>Rosemary</b>	<i>Rosmarinus officinalis</i>
<b>Sacahuista, Bear Grass</b>	<i>Nolina texana</i>

<b>Shore Juniper</b>	<i>Juniperus conferta</i>
<b>Silverleaf Cotoneaster</b>	<i>Cotoneaster glaucophyllus</i>
<b>Texas Sage</b>	<i>Leucophyllum frutescens</i>
<b>Texas Sotol</b>	<i>Dasyliion texanum</i>
<b>Wax Myrtle</b>	<i>Myrica cerifera</i>

#### **SEMI-EVERGREEN SHRUBS**

---

<b>Cast Iron Plant</b>	<i>Aspidistra elatior</i>
<b>Glossy Abelia</b>	<i>Abelia grandiflora</i>
<b>Muhly Grass</b>	<i>Muhlenbergia lindheimeri</i>
<b>Pineapple Guava</b>	<i>Feijoa sellowiana</i>
<b>Pomegranate</b>	<i>Punica granatum</i>
<b>Primrose Jasmine</b>	<i>Jasminum mesnyi</i>

#### **DECIDUOUS SHRUBS**

---

<b>Althaea</b>	<i>Hibiscus syriacus</i>
<b>American Beautyberry</b>	<i>Callicarpa americana</i>
<b>Aromatic Sumac</b>	<i>Rhus aromatica</i>
<b>Arrowwood</b>	<i>Viburnum dentatum</i>
<b>Black Dalea</b>	<i>Dalea frutescens</i>
<b>Butterfly Bush</b>	<i>Buddleia Davidii</i>
<b>Flame Acanthus</b>	<i>Anisacanthus Wrightii</i>
<b>Possumhaw Holly</b>	<i>Ilex decidua</i>
<b>Texas Lantana</b>	<i>Lantana horrida</i> and <i>L. camara</i>
<b>Trailing Lantana</b>	<i>Lantana montevidensis</i>

#### **EVERGREEN VINES & GROUNDCOVERS**

---

<b>Asian Jasmine</b>	<i>Trachelospermum asiaticum</i>
<b>Bigleaf Periwinkle</b>	<i>Vinca major</i>
<b>Carolina Jessamine</b>	<i>Gelsemium sempervirens</i>
<b>Coral Honeysuckle</b>	<i>Lonicera sempervirens</i>
<b>Cross Vine</b>	<i>Bignonia capreolata</i>
<b>Damianita</b>	<i>Chrysactinia mexicana</i>
<b>English Ivy</b>	<i>Hedera helix</i>
<b>Fig Vine</b>	<i>Ficus pumila</i>
<b>Lady Banksia Rose</b>	<i>Rosa banksiae</i>
<b>Liriope</b>	<i>Liriope muscari</i>
<b>Littleleaf Periwinkle</b>	<i>Vinca minor</i>
<b>Monkey Grass</b>	<i>Ophiopogon japonicus</i>



<b>Oregano</b>	<i>Origanum vulgare</i>
<b>Santolina</b>	<i>Santolina chamaecyparissus</i>
<b>Stonecrop</b>	<i>Sedum</i> spp.

#### **DECIDUOUS VINES & GROUNDCOVERS**

---

<b>Boston Ivy</b>	<i>Parthenocissus tricuspidata</i> 'Veitchii'
<b>Bush Morning Glory</b>	<i>Ipomoea leptophylla</i>
<b>Coral Vine</b>	<i>Antigonon leptopus</i>
<b>Cypress Vine</b>	<i>Ipomoea quamoclit</i>
<b>Gregg Dalea</b>	<i>Dalea greggii</i>
<b>Mustang Grape</b>	<i>Vitis mustangensis</i>
<b>Old Man's Beard</b>	<i>Clematis Drummondii</i>
<b>Passion Vine</b>	<i>Passiflora incarnata</i>
<b>Sweet Autumn Clematis</b>	<i>Clematis paniculata</i>
<b>Trumpet Vine</b>	<i>Campsis radicans</i>
<b>Virginia Creeper</b>	<i>Parthenocissus quinquefolia</i>

#### **FLOWERING PERNNIALS**

---

<b>Artemisia</b>	<i>Artemisia ludoviciana</i>
<b>Black-eyed Susan</b>	<i>Rudbeckia hirta</i>
<b>Blackfoot Daisy</b>	<i>Melampodium leucanthum</i>
<b>Butterfly Weed</b>	<i>Asclepias tuberosa</i>
<b>Canna Lily</b>	<i>Canna X generalis</i>
<b>Cedar Sage</b>	<i>Salvia roemeriana</i>
<b>Cherry Sage</b>	<i>Salvia greggii</i>
<b>Cigar Plant</b>	<i>Cuphea micropetala</i>
<b>Coreopsis</b>	<i>Coreopsis lanceolata</i>
<b>Daylily</b>	<i>Hemerocallis fulva</i>
<b>Fall Aster</b>	<i>Aster</i> spp.
<b>Firebush</b>	<i>Hamelia patens</i>
<b>Gayfeather</b>	<i>Liatris</i> spp.
<b>Heartleaf Hibiscus</b>	<i>Hibiscus cardiophyllus</i>
<b>Hinckley's Columbine</b>	<i>Aquilegia Hinckleyana</i>
<b>Hymenoxys</b>	<i>Hymenoxys scaposa</i>
<b>Lamb's Ears</b>	<i>Stachys byzantina</i>
<b>Maximillian Sunflower</b>	<i>Helianthus maximiliana</i>
<b>Mealy Blue Sage</b>	<i>Salvia farinacea</i>
<b>Mexican BushSage</b>	<i>Salvia leucantha</i>
<b>Mexican Heather</b>	<i>Cuphea hyssopifolia</i>

**Mexican Marigold Mint**  
**Mexican Oregano**  
**Oxeye Daisy**  
**Peruvian Verbena**  
**Pink Skullcap**  
**Plumbago**  
**Purple Coneflower**  
**Rose Mallow**  
**Scarlet Sage**  
**Spiderwort**  
**Turk's Cap**  
**White Mistflower**  
**Wild Petunia**  
**Yarrow**  
**Zexmenia**

*Tagetes lucida*  
*Poliomintha longiflora*  
*Chrysanthemum leucanthemum*  
*Verbena peruviana*  
*Scutellaria suffrutescens*  
*Plumbago auriculata*  
*Echinacea purpurea*  
*Pavonia lasiopetala*  
*Salvia coccinea*  
*Tradescantia x Andersoniana*  
*Malvaviscus arboreus 'Drummondii'*  
*Eupatorium Wrightii*  
*Ruellia nudiflora*  
*Achillea millefolium*  
*Wedelia hispida*

#### **TURF & LOW GRASSES**

---

**Bermuda**  
**Blue Grama**  
**Buffalograss**  
**Little Bluestem**  
**Side Oats Gramma**

*Cynodon dactylon*  
*Bouteloua gracilis*  
*Buchloe dactyloides*  
*Schizachyrium scoparium*  
*Bouteloua curtipendula*

**APPENDIX T  
REQUEST FOR FEE IN LIEU OF OR COST RECOVERY FOR WATER QUALITY  
CONTROLS IN THE URBAN WATERSHEDS**

**A. OWNER / AGENT INFORMATION:** Name: BURY / CITY OF AUSTIN  
Company: \_\_\_\_\_ Telephone: 328 2011  
Fax: \_\_\_\_\_

**B. PROJECT INFORMATION:** Name: 211 S. LAMAR  
Location or Address: 211 S. LAMAR  
Permit Number: SP-2012-0211C  
Case Manager: E. HECKMAN / M. SIMMONS SMITH  
Redeveloped Impervious Cover: 0.933 (sq.) + New Impervious Cover 0 (sq.)  
= Total Impervious Cover 0.933 (sq.)  
Redeveloped IC = 1.1/A / Total IC 1.1/A = 1.1/A (R/T)

**C. PAYMENT CALCULATION:**

**1. Site Impervious Cover Component:**

\$32,000 x (A1)	<u>0.933</u>	= \$ <u>28,363.20</u>
\$18,000 x (A2)	-	= \$ -
\$11,000 x (A3)	-	= \$ -
\$8,000 x (A4)	-	= \$ -
\$5,000 x (A5)	-	= \$ -

Impervious Cover Component (Subtotal) (ICCS) = \$ 28,363.20

Annual Adjustment Factor (E) = 1.000  
ICCS x E = \$ 28,363.20 (Fee 1)

If subject property drains to a proposed or existing Regional Water Quality facility, then City Portion is:  
City Portion = (R/T) 1.1/A x (FEE 1) 1.1/A x 0.75 = \$ 11,111 (CP1);  
Otherwise CP1=0

**2. Building Component:** \$0.10 x 293,640 (sq) = \$ 29,364 (FEE 2)  
(Note: City Portion = \$0.00)

**3. Site Area Component:**  
Commercial/Multi-family Site: \$6,000 x (C) 0.933 (sq.) = \$ 5,598 (FEE 3)  
Single Family or Duplex Site: \$4,000 x (C) 1.1/A (sq.) = \$ 1,111 (FEE 3)

If subject property drains to a proposed or existing Regional Water Quality facility, then City Portion is:  
City Portion = (R/T) 1.1/A x (FEE 3) 1.1/A x 0.75 = \$ 1,111 (CP3);  
Otherwise CP3=0.

Andy to Provide: Future Applied.  
1.4256  
\$40,434.58

40,434.58

75,396.58

PER NOTE / OFFSITE SUPPLEMENT

28,363.20 + 29,364 + 5598 = 63,325.20

4. Payment Amounts:

TOTAL FEE = (FEE 1)	+	(FEE 2)	+	(FEE 3)	= \$
CITY PORTION = (CP1)	+	(CP3)	= \$		
APPLICANT FEE = (TOTAL FEE)	-	(CITY PORTION)	= \$	15,831.30	

63,325.20 x 25% = 15,831.30

15,831.30

18,349.14

D. COST RECOVERY:

Construction Cost = \$ N/A (attach an itemized Engineer's estimate of cost)

City Portion = (F/T) N/A x (Cost) N/A x 0.75 = \$ N/A

Applicant Portion = (Cost) N/A - (City Portion) N/A = \$ N/A

E. AUTHORIZATION:

Owner/Agent [Signature] Date 19 March 2013 updated 16 Sept 2013

Reviewed by [Signature] Date 9/17/13

For the Director of the Watershed Protection and Development Review Department

Note: This is an estimate for fee-in-lieu of water quality to be provided if in the future, the City of Austin requires that the water quality facilities be removed from the right of way. See PUD ordinance, Part 7, "Water Quality".

[Signature]

**INSTRUCTIONS FOR COMPLETING  
REQUEST FOR FEE IN LIEU OF WATER  
QUALITY CONTROLS IN THE URBAN WATERSHEDS**

**PART A. OWNER/AGENT INFORMATION:**

Provide the name of the owner or agent for the project, name of company, and telephone and fax number.

**PART B. PROJECT INFORMATION:**

Provide the name of the project, location or address, site development or site plan number, and the name of the case manager in the Watershed Protection and Development Review Department.

Provide the area of impervious cover in acres that is considered redevelopment - i.e. the amount of impervious cover being constructed by this project in areas which currently have impervious cover. Provide the area of impervious cover in acres that is considered new - i.e. the amount of impervious cover being constructed by this project in areas which currently do not have impervious cover. Impervious cover shall be measured to the nearest 0.01 acre.

Calculate the total impervious cover by summing the two figures determined above.

Calculate the ratio of redeveloped impervious cover to total impervious cover in this project by dividing the redevelopment impervious cover by the total impervious cover. This ratio is called R/T on the form. If R/T is zero (0), the project is not considered redevelopment and the City will not pay a portion of the fee in lieu of water quality controls or a portion of the Cost Recovery if water quality controls are built on-site.

**PART C. PAYMENT CALCULATION:**

**1. Site Impervious Cover Component:** Calculate the portion of the payment related to site impervious cover. The total impervious cover being constructed by this project should be divided into the following increments:

Area of IC 1 (A1) = 0 to 1.00 acres  
Area of IC 2 (A2) = 1.01 to 2.00 acres  
Area of IC 3 (A3) = 2.01 to 10.00 acres  
Area of IC 3 (A4) = 10.01 to 20.00 acres  
Area of IC 4 (A5) = 20.01 acres or greater

Insert these areas into the fee formula and calculate the individual parts of the fee and then sum these to calculate the unadjusted total fee associated with site impervious cover -- Impervious Cover Component Subtotal (ICCS).

Calculate FEE 1 by multiplying the ICCS by the construction cost adjustment factor (E). The construction cost adjustment factor must be calculated annually using the Engineering News Record (ENR) 20 city average Construction Cost Index with the base index being the ENR construction cost index of October 2002 (8597). For each fiscal year, the construction cost adjustment factor shall be recalculated in October as the ratio of the then current September ENR Construction Cost Index divided by the October 2002 Construction Cost Index. This new construction cost adjustment factor shall be applied to all fees collected during that fiscal year.

If the site drains to a proposed or existing Regional Water Quality Facility, the applicant qualifies for a 75% Cost Recovery of the fee. Calculate the City's portion of this component of the fee by multiplying FEE 1 by the ratio R/T and by 0.75 (0.75 is the cost share ratio established by City Council for water quality controls associated with redevelopment in the Urban Watersheds).

**2. Building Component.** Calculate the portion of the payment related to building size. Determine the gross square footage of the building, excluding the area of the first or ground floor (B). Subgrade floors (basement floors) shall be included. Multiply this by \$0.10 per square foot to determine this portion of the payment (FEE 2). The City does not pay a proportionate share of the fee associated with multi-story buildings.

**3. Site Area Component.** Calculate the portion of the payment related to size of the site area being developed or redeveloped. Determine the area of the site in acres which is within the limits of construction for the project (C). To calculate the portion of the payment associated with the site area, multiply the site area by \$6,000 for commercial or multifamily development or \$4,000 for single family and duplex development (FEE 3).

If the site drains to a proposed or existing Regional Water Quality Facility, the applicant qualifies for a 75% Cost Recovery of the fee. Calculate the City's portion of this part of the fee by multiplying FEE 3 by the ratio R/T and by 0.75 (0.75 is the cost share ratio established by City Council for water quality controls associated with redevelopment in the Urban Watersheds).

**4. Payment Amounts.** Calculate the total fees owed by the applicant and the City. The total fee is calculated by summing the individual portions of the fee calculated under 1, 2 and 3 above (= FEE 1 + FEE 2 + FEE 3). The City's portion of the fee payment is calculated by adding the City's portion calculated under 1 and 2 above (= City Portion FEE CP1 + City Portion FEE CP3). The applicant's share of the fee payment is calculated by subtracting the City's portion from the total fee.

#### **PART D. COST RECOVERY FOR ON-SITE CONTROLS**

This portion of the form shall be used if the applicant proposes or the City requires construction of water quality control on-site and the site is undergoing redevelopment. (See ECM 1.9.2 for criteria for Cost Recovery)

Provide the engineer's estimate of the cost of constructing the water quality control, excluding the cost of land. A detailed estimate of costs shall be attached to the form and sealed by the engineer. The Cost Recovery payment is calculated by multiplying the construction cost by the ratio R/T and 0.75.

Upon completion of construction at the site, the owner or agent shall notify the Environmental Site Inspector that the water quality control is complete. In addition, the engineer's concurrence letter shall be provided which includes a statement that the water quality control has been built in accordance with approved plans.

The City shall inspect the control to ensure that it is built in compliance with the approved plans and is operating properly. If deficiencies are noted during this inspection, the City shall notify the Owner in writing within 30 days of the specific deficiencies. The owner shall remedy any such deficiencies and notify Environmental Site Inspector that the controls are ready for reinspection. When the controls are determined by the City to be in conformance with the approved plans, the City shall issue a check to the owner for the approved amount.

#### **PART E. AUTHORIZATION**

The owner or agent for the project must sign and date the Request Form. Upon review and approval of the fee payment or cost recovery amount, the Director of the Watershed Protection and Development Review Department or his designee will sign and date the form indicating approval of the proposed fee. A copy of the approved form will be given to the fiscal staff for processing.

September 18, 2013

Mr. Ivan Naranjo  
Planning & Development Review Department  
City of Austin  
505 Barton Springs Road, 4th Floor  
Austin, TX 78704

**Subject: Riverside and Lamar Development – Traffic Impacts and Recommended Improvements**

Dear Ivan:

The purpose of this letter is to address the traffic impacts as well as vehicular and pedestrian access associated with the proposed Riverside and Lamar development located at the southeast corner of the intersection of South Lamar Boulevard and Riverside Drive in Austin, Texas.

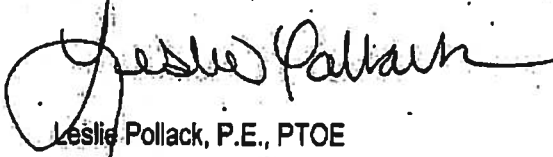
The proposed Riverside and Lamar development has minimal impact on vehicular traffic operations of area intersections. The following recommendations are made to improve pedestrian accessibility in the area:

1. There are currently no sidewalks along Lee Barton Drive from Riverside Drive to the Bridges on the Park development (approximately 350 feet south of the intersection). As part of this development, a sidewalk is recommended to be constructed along the site's frontage on Lee Barton Drive. It is recommended that a sidewalk be constructed on the west side of Lee Barton Drive between the Bridges on the Park development and the proposed Riverside and Lamar development. Due to the steep embankment and presence of trees along Lee Barton, construction of this sidewalk will require extension of the curb line into Lee Barton Drive and removal of six parking spaces on the west side of Lee Barton Drive.

2. There are currently no sidewalks on the south side of Riverside Drive between Lee Barton Drive and Butler Park (approximately 400 feet east of Lee Barton Drive). It is recommended that sidewalks be provided to increase pedestrian connectivity along Riverside Drive.
3. One designated pedestrian crossing on Riverside Drive is located immediately east of the Lee Barton Drive intersection. This pedestrian crossing location has an actuated pedestrian warning system. Pedestrian movements are prohibited across the west leg of Riverside Drive at the intersection with Lee Barton Drive via a sign. However, a pedestrian ramp is still present at this location creating confusion for pedestrians. It is recommended that the pedestrian ramp be removed to further deter pedestrians from utilizing the west crossing. A crosswalk should also be striped on the south leg of Lee Barton Drive at Riverside Drive to encourage utilization of the crosswalk facilities.

Please feel free to contact me if you have any additional comments or concerns.

Sincerely,



Leslie Pollack, P.E., PTOE

Project Manager

HDR Engineering, Inc.

TBPE Firm Registration No. F-754

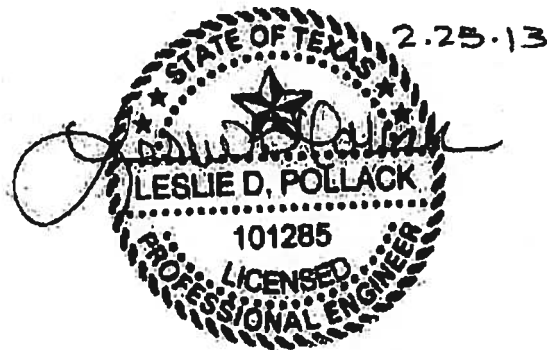
cc: Steve Drenner, Winstead PC  
Amanda Swor, Winstead PC  
Will Cureton, Post Investment Group

BG



**211 S. Lamar Traffic Study  
Recommendations and Costs**

<b>Recommendation</b>	<b>Total Cost</b>
1. Construct Sidewalk on West Side of Lee Barton Drive	\$30,187
2. Construct Sidewalk on South Side of Riverside Drive	\$67,692
3. Lee Barton Drive and Riverside Drive Intersection Pedestrian Improvements	\$1,862
<b>Total Cost</b>	<b>\$99,741</b>

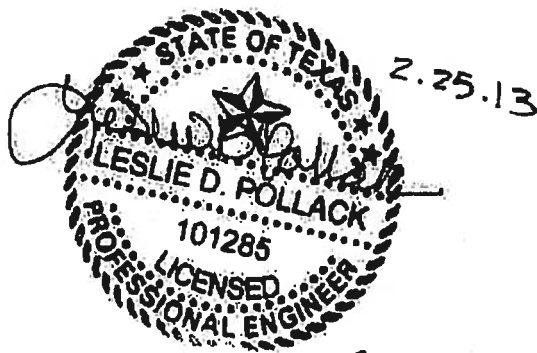


211 S. Lamar Traffic Study  
Construct Sidewalk on West Side of Lee Barton Drive  
Cost Estimate

<u>ITEM DESCRIPTION</u>	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
REMOVING CONC (CURB)	LF	175	5.50	962.50
CONC SIDEWALKS (6")(6")	LF	175	37.00	6,475.00
CONC CURB (TY II)	LF	175	10.50	1,837.50
INS SM RD SN SUP&AM TY TWT(1) WA(P)	EA	4	280.00	1,120.00
TOTAL MOBILIZATION	LS	1	1,039.50	1,039.50
MATERIALS				\$ 11,435
ENGINEERING (15%)				1,715
INSPECTION (7%)				800
CONTINGENCY (10%)				1,143
SUBTOTAL				\$ 15,094
SMALL QUANTITY ESCALATION FACTOR (100%)				15,094
TOTAL				30,187

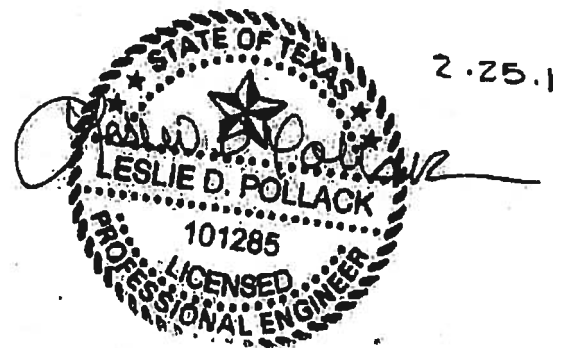
Assumptions used in preparation of estimate:

1. TxDOT 12 Austin District Average Low Bid Unit Prices, dated 11/30/12, used for cost estimates.



ITEM DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL COST
CONC SIDEWALKS (6")(6")	LF	700	37.00	25,900.00
TOTAL MOBILIZATION	LS	1	2,590.00	2,590.00
MATERIALS				\$ 28,490
ENGINEERING (15%)				4,274
INSPECTION (7%)				1,994
CONTINGENCY (10%)				2,849
SUBTOTAL				\$ 37,607
SMALL QUANTITY ESCALATION FACTOR (80%)				30,085
TOTAL				67,692

1. TxDOT 12 Austin District Average Low Bid Unit Prices, dated 11/30/12, used for cost estimates.
2. Doubled the sidewalk length to account for a 12' sidewalk.



211 S. Lamar Traffic Study  
Lee Barton Drive and Riverside Drive Intersection Pedestrian Improvements  
Cost Estimate

<u>ITEM DESCRIPTION</u>	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
REMOVING CONC (WHEELCHAIR RAMP)	SY	13	24.50	326.67
CONC SIDEWALKS (6')(6')	LF	20	37.00	740.00
CONC CURB (TY II)	LF	20	10.50	210.00
REFL PAV MRK TY I (W) 24" (SLD) (100 MIL)	LF	75	7.00	525.00
TOTAL MOBILIZATION	LS	1	180.17	180.17
MATERIALS				\$ 705
ENGINEERING (15%)				106
INSPECTION (7%)				49
CONTINGENCY (10%)				71
SUBTOTAL				\$ 931
SMALL QUANTITY ESCALATION FACTOR (100%)				931
TOTAL				1,862

Assumptions used in preparation of estimate:

1. TxDOT 12 Austin District Average Low Bid Unit Prices, dated 11/30/12, used for cost estimates.





Drafter: ML  
Revision 2019-05-09 ML  
Revision  
Revision

### FLOOD ZONE CLASSIFICATION

This property lies within ZONE(S) X of the Flood Insurance Rate Map for Travis County, Texas and Incorporated Areas, map no. 48453C0445J, dated 6/01/06, via scaled map location and graphic plotting and/or the National Flood Hazard Layer (NFHL) Web Map Service (WMS) at <http://hazards.fema.gov>.

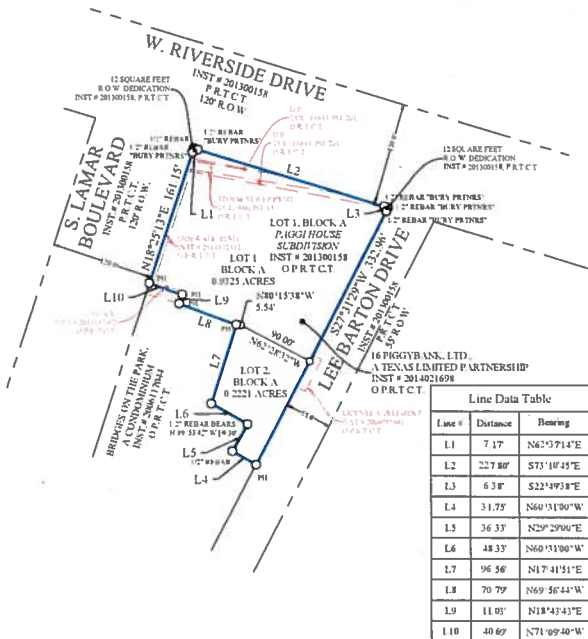
### MONUMENTS / DATUMS / BEARING BASIS

Monuments are found if not marked MNS or CRS.

- CRS 1/2" rebar stamped "JPI Land Surveying" set
- MNS 1/2" rebar stamped "JPI Land Surveying" set
- TBM Site benchmark (see vicinity map for general location)
- Vertex or common point (not a monument)
- Coordinate values, if shown, are US SPT/TC/CS '83, C.Z.
- Elevations, if shown, are NAVD88
- Bearings are based on grid north (TACS '83, C.Z.)
- TxDOT Right of Way tapered concrete monument
- TxDOT Right of Way tapered concrete monument
- TxDOT Right of Way tapered concrete monument
- TxDOT Right of Way tapered concrete monument

### LEGEND OF ABBREVIATIONS

- US SPT United States Survey Feet
- TACS '83, C.Z. Texas Coordinate System of 1983, Central Zone
- NAVD88 North American Vertical Datum of 1988
- PRTCT Plat Records of Travis County, Texas
- OPRTCT Official Public Records of Travis County, Texas
- DRTCT Deed Records of Travis County, Texas
- VOL/PAGINSTR Volume/Page/Instrument Number
- POB/POC Point of Beginning/Point of Commencing
- ESMT/BL Easement/Building Line
- JUA E Joint-use access easement
- DE Drainage easement
- PH Punch hole in concrete



STATE OF TEXAS

COUNTY OF TRAVIS

THAT 16 PIGGYBANK, LTD., A TEXAS LIMITED PARTNERSHIP ACTING BY AND THROUGH BRIAN FOLEY, OWNER OF LOT 1, BLOCK A, PAGGI HOUSE SUBDIVISION, A SUBDIVISION OF RECORD UNDER INSTRUMENT NUMBER 201300158, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND AS CONVEYED TO 16 PIGGYBANK, LTD. BY DEED OF RECORD IN INSTRUMENT NUMBER 201402169 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY RESUBDIVIDE SAID LOT 1 PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 25 OF THE AUSTIN CITY CODE IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS RESUBDIVISION OF LOT 1, BLOCK A, PAGGI HOUSE SUBDIVISION, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS HEREON, SUBJECT TO ANY EASEMENTS PREVIOUSLY GRANTED BUT NOT RELEASED.

16 PIGGYBANK, LTD., A TEXAS LIMITED PARTNERSHIP

BY

HUSTON STREET

16 PIGGYBANK, LTD.

8300 BIG VIEW DR

AUSTIN, TEXAS 78730

STATE OF TEXAS

COUNTY OF

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED BRIAN FOLEY, OWNER OF 16 PIGGYBANK, LTD., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE THEREIN EXPRESSED AND UNDER OATH STATED THAT THE STATEMENTS IN THE FOREGOING CERTIFICATE ARE TRUE.

WITNESS UNDER MY HAND AND SEAL THIS DAY OF 2019

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, JEWEL CHADD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS DRAWING HEREBY REPRESENTS AN ON-THE-GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION AND THE PROPERTY CORNERS ARE MARKED AS INDICATED.

PRELIMINARY, THIS DOCUMENT IS NOT TO BE RECORDED FOR ANY PURPOSE.

JEWEL CHADD  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5754  
JEWEL@JPHLS.COM  
DATE: TBA

### ENGINEER'S CERTIFICATION

I, Mark T. Burson, am authorized under the laws of the State of Texas, to practice the professions of Engineering, and do hereby certify that this plan is feasible from an engineering standpoint and complies with the engineering related portions of the Austin City Code as amended, and is true and correct to the best of my knowledge.

Mark T. Burson  
P.E. No. 66334  
tburson@consortinc.com  
Date

I, DANA DEBEAUMVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE DAY OF 2019, A.D. AT O'CLOCK, M. DULY RECORDED ON THE DAY OF 2019, A.D. AT O'CLOCK, M. PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE DAY OF 2019, A.D.

DANA DEBEAUMVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

DEPUTY

EXHIBIT D

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL JURISDICTION LIMITS OF THE CITY OF AUSTIN ON THIS THE DAY OF 2019, A.D.

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS DAY OF 2019, A.D.

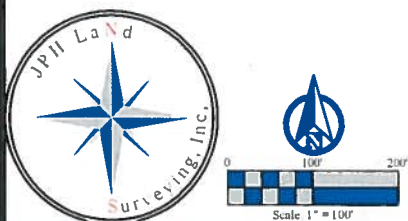
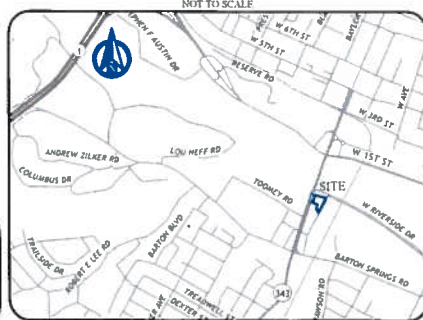
DENISE LUCAS, INTERIM DIRECTOR  
DEVELOPMENT SERVICES DEPARTMENT

### GENERAL NOTES:

- NO STRUCTURES, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES, OR LANDSCAPING SHALL BE ALLOWED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.
- THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, VEGETATION AND TREE PROTECTION FOR ELECTRIC UTILITY WORK REQUIRED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT.
- THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VARIATION OR REPLACING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
- BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATES OF OCCUPANCY.
- EROSION AND SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION IN THIS SUBDIVISION PURSUANT TO THE LAND DEVELOPMENT CODE.
- BUILDING SET BACK LINES SHALL BE IN CONFORMANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
- AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
- THE OWNER/DEVELOPER OF THIS SUBDIVISION LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES, THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING, AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
- THE WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIN UTILITY DESIGN CRITERIA. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE AUSTIN WATER UTILITY. 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.
- NO LOT SHALL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY SYSTEM.
- PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
- ALL STREETS WILL BE CONSTRUCTED TO THE CITY OF AUSTIN STANDARDS.
- THE OWNER OF THE PROPERTY IS RESPONSIBLE OF THE MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY CODE, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND REGULATIONS AND TEXAS STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICE UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.
- ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS SUBDIVISION OF PAGGI HOUSE SUBDIVISION, A ONE LOT SUBDIVISION CONSISTING OF 1.155 ACRES ACCORDING TO THE PLAT RECORDED UNDER INSTRUMENT NUMBER 201300158, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, SHALL APPLY.
- ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT LANDOWNERS' DEVELOPERS' EXPENSE.
- THERE ARE NO SLOPES GREATER THAN 15% ON THIS SITE.
- PARKLAND FEES MAY BE REQUIRED PER ORDINANCE 20070621-027, OR AS AMENDED, PRIOR TO APPROVAL OF ANY SITE PLAN IN THIS SUBDIVISION.
- CITY OF AUSTIN POLICIES AND ORDINANCES PROHIBIT THE EXTENSION OF CUSTOMER UTILITY LINES ACROSS PRIVATE SPACE, INCLUDING LOT LINES, TO ACCESS UTILITY SERVICE FOR ADJACENT PROPERTY THROUGH CONNECTION EVEN THOUGH SUCH ADJACENT PROPERTY IS OWNED, CONTROLLED OR OCCUPIED BY THE CUSTOMER. WASTEWATER LINES THAT NOW CROSS LOT LINES WERE PREVIOUSLY INSTALLED WITHIN THE PROPERTY COMPRISING PAGGI HOUSE SUBDIVISION WHEN THE DEVELOPMENT WAS UNDER COMMON OWNERSHIP. THE PRIVATE WASTEWATER LINES PREVIOUSLY INSTALLED WITHIN THIS SUBDIVISION THAT CROSS LOT LINES MUST BE PLACED IN A PRIVATE EASEMENT AND A RESTRICTIVE COVENANT MUST BE RECORDED IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS THAT OBLIGATES THE OWNER AND THEIR SUCCESSORS AND ASSIGNS, TO OPERATE AND MAINTAIN THE PRIVATE WASTEWATER LINES AT THEIR SOLE EXPENSE AND WITHOUT COST OR EXPENSE TO THE CITY OF AUSTIN IN THE EVENT THAT (1) THE PROPERTY IS REDEVELOPED IN A MANNER THAT INCREASES WASTEWATER SERVICE REQUIREMENTS IN EXCESS OF THAT CURRENTLY AVAILABLE TO THE LOTS SO AFFECTED, (2) NEW DEVELOPMENT PROPOSED WITHIN THE PROPERTY PROPOSED LAND USE CHANGES FOR EXISTING STRUCTURES OR CHANGES IN OPERATIONS CONDUCTED ON THE PROPERTY INCREASE WASTEWATER SERVICE REQUIREMENTS IN EXCESS OF THAT CURRENTLY AVAILABLE TO THE LOTS) SO AFFECTED, (3) A CATEGORICAL DISCHARGER WITHIN THE MEANING OF 40 C.F.R. PART 403 PROPOSES TO OCCUPY ONE OR MORE STRUCTURES WITHIN THE SUBDIVISION, OR (4) CHANGES IN FIRE SAFETY, INDUSTRIAL WASTE OR OTHER HEALTH AND SAFETY REGULATIONS, OR COMPLIANCE WITH FEDERAL OR STATE LAWS OR REGULATIONS REQUIRE A SEPARATE CONNECTION TO CITY WASTEWATER SYSTEMS. THEN (A) ALL LOTS SO AFFECTED MUST RECEIVE WASTEWATER SERVICE FROM THE CITY OF AUSTIN VIA SEPARATE CONNECTION TO CITY OF AUSTIN WASTEWATER SYSTEMS DESIGNED AND INSTALLED IN ACCORDANCE WITH CITY POLICIES, ORDINANCES AND DESIGN CRITERIA, INCLUDING WITHOUT LIMITATION THE CITY'S PLUMBING CODE, FIRE CODE AND INDUSTRIAL WASTE ORDINANCE, AND (B) THE OWNER WILL BE RESPONSIBLE FOR THE PROPER DESIGN AND INSTALLATION OF EACH SUCH SEPARATE CONNECTION TO THE CITY'S WASTEWATER SYSTEMS AS WELL AS NEW PRIVATE ON-SITE LINES NECESSARY FOR EACH SUCH SEPARATE CONNECTION TO THE CITY WASTEWATER SYSTEMS AT ITS SOLE EXPENSE AND (C) THE OWNER WILL BE RESPONSIBLE FOR SEVERING (CUTTING AND PLUGGING) THE EXISTING PRIVATE WASTEWATER LINES THAT CROSS LOT LINES AT ITS SOLE EXPENSE.

### VICINITY MAP

NOT TO SCALE



JPI Job/Draw No. (see below)

2018.069.001 SEC. S. Lamar Blvd. & W. Riverside Dr., Lot 1, Paggi House Subdivision, Austin, Travis Co., Tx - Final Plat

© 2019 JPI Land Surveying, Inc. - All Rights Reserved  
785 Loneome Dove Trail, Hunt, Texas 76054  
Telephone (817) 431-4971 [www.jpilandsurveying.com](http://www.jpilandsurveying.com)  
TBPLS Firm #10019500 #10194073 #10193867  
DFW | Austin | Abilene







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## MEMORANDUM

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**Date:** July 16, 2019  
**To:** Wendy Rhoades, Zoning Case Manager  
**CC:** Dan Hennessey, P.E., Big Red Dog/WGI  
Eric Bollich, P.E., PTOE, Austin Transportation Department  
Upal Barua, P.E., P. Eng., PTOE, Austin Transportation Department  
**Reference:** 211 S Lamar Blvd (PUD Amendment) – Transportation Mitigation Memo  
C814-2012-0160.01

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### **Traffic Impact Analysis:**

The Austin Transportation Department has reviewed the June 12, 2019 (received February 12, 2019) "211 South Lamar Boulevard Development Transportation Memorandum", prepared by Wantman Group, Inc. (WGI). The memo identifies additional transportation mitigation to account for the PUD amendment land use changes.

### **Trip Generation:**

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition), the development will generate approximately 2,320 unadjusted average daily vehicles trips (ADT) upon build out. The table below shows the trip generation by land uses for the proposed development.

Table 1: Unadjusted Trip Generation						
Proposed Land Use	Size	24-Hour Two Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Multifamily Housing (Mid-Rise) (211)	26 DU	140	2	8	7	4
Hotel (310)	107 rooms	895	30	20	33	31
Shopping Center (820)	10 ksf	378	6	3	18	20
General Office (710)	1.008 ksf	10	1	0	0	1
Hight Turnover Restaurant (932)	8 ksf	897	44	36	48	30
<b>Total</b>		<b>2,320</b>	<b>83</b>	<b>67</b>	<b>106</b>	<b>86</b>

**Assumptions:**

1. No reductions were assumed in the trip generation. However, based on the land use and access to transit and other modes, the proposed vehicle trip generation is conservatively high.

**Significant Results:**

The letter identifies improvements listed in the South Lamar Boulevard Corridor Improvements Plan. A pro-rata share of the cost of the improvements for the intersections of Lamar Blvd. at Barton Springs Road and Riverside Drive was determined based on the developments site trips; results are shown in table 2.

**Staff Recommendations:**

1. The Applicant shall design and construct 100% of the following improvements as part of their first site development application. No temporary certificate of occupancy (TCO) or certificate of occupancy (CO) 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.
  - a. Corridor Bond Improvement on South Lamar and Riverside Dr. along the development's frontage and behind the curb. Constructed to the corridor bond standards.
2. Fee in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2, totaling \$120,375.00, before third reading.

Table 2: Recommended Improvements

Location	Improvement	Cost	Pro-Rata Share %	Pro-Rata Share \$	Developers Requirement
South Lamar Blvd. & Riverside Dr.	Corridor Bond Improvements	\$2,400,000.00	3.22%	\$77,188.00	Fee In-lieu
South Lamar Blvd. & Barton Springs Rd.	Corridor Bond Improvements	\$2,200,000.00	1.96%	\$43,187.00	Fee In-lieu
Developments Frontage	Corridor Bond Improvements	N/A	N/A	N/A	Construction
<b>Total</b>		<b>\$4,600,000.00</b>	<b>N/A</b>	<b>\$120,375.00</b>	<b>Fee In-lieu</b>

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



Austin Jones, P.E.  
Austin Transportation Department





## INVOICE

### ATD MITIGATION FEE IN-LIEU

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**DATE:** July 16, 2019  
**TO:** Dan Hennessey, P.E. BIG RED DOG/WGI, Applicant  
**CC:** Brandi Bradshaw (ATD Cashier)  
901 S. Mopac Expressway, Bldg 5, Suite 300, Austin TX 78746  
**FROM:** Austin Jones, P.E. Transportation Development Services Division  
**AMANDA CASE#:** C814-2012-0160.01 (211 South Lamar)  
**FDU:** 7070-2400-9100-4163

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As a condition of approval for the above referenced zoning case, the applicant shall post a transportation mitigation fee to the amount of \$120,375.00, with the City of Austin, in accordance with LDC. If you have any questions, please contact Austin Jones at (512) 974-1449.

Project Location and improvement	Estimated Cost	Developer Share
South Lamar Blvd. & Riverside Dr. Corridor Improvements	\$2,400,000.00	\$77,188.00 (3.22%)
South Lamar Blvd. & Barton Springs Rd. Corridor Improvements	\$2,200,000.00	\$43,187.00 (1.96%)
<b>Total</b>	<b>\$4,600,000.00</b>	<b>\$120,375.00</b>

**Office Use only:**

Check:

Received by:



# Carbon Impact Statement

Project: C814-2012-0160.01 - 211 South Lamar

## Scoring Guide:

1-4: Business as usual

5-8: Some positive actions

9-12: Demonstrated leadership



### Transportation

Response: Y=1, N=0

Documentation: Y/N

T1: Public Transit Connectivity

1

☐

T2: Bicycle Infrastructure

1

☐

T3: Walkability

1

Y

T4: Utilize TDM Strategies

1

☐

T5: Electric Vehicle Charging

1

☐

T6: Maximize Parking Reductions

1

☐

### Water + Energy

WE1: Onsite Renewable Energy

0

☐

WE2: Reclaimed Water

0

☐

### Land Use

LU1: Imagine Austin Activity Center  
or Corridor

1

☐

LU2: Floor-to-Area Ratio

1

☐

### Food

F1: Access to Food

1

☐

### Materials

M1: Adaptive Reuse

0

☐

**Total Score: 9**

The Carbon Impact Statement calculation is a good indicator of how your individual buildings will perform in the Site Category of your Austin Energy Green Building rating.

Notes: Brief description of project, further explanation of score and what it means

ATTACHMENT B

T1. Is any functional entry of the project within 1/4 mile walking distance of existing or planned bus stop(s) serving at least two bus routes, or within 1/2 mile walking distance of existing or planned bus rapid transit stop(s), or rail station(s)? **Yes, the project is within 0.18 miles of Bus Rapid Transit route 803 northbound (Barton Springs Station), and 0.29 miles of bus rapid transit route 803 southbound (Barton Springs Station).**

T2. Is there safe connectivity from the project site to an "all ages and abilities bicycle facility" as listed in the Austin Bicycle Master Plan? **Yes, the project is across from the Pfluger Pedestrian Bridge and the Roy and Ann Butler Hike and Bike Trail.**

T3. Is the property location "very walkable" with a minimum Walk Score of 70 (found at [walkscore.com](https://www.walkscore.com)), or will the project include at least five new distinct basic services (such as a bank, restaurant, fitness center, retail store, daycare, or supermarket)? **This project has a Walk Score of 86/100.**

T4. Does the project utilize two or more of the following Transportation Demand Management strategies: unbundling parking costs from cost of housing/office space, providing shower facilities, providing secured and covered bicycle storage, and/or providing 2+ car sharing parking spaces for City-approved car share programs? **The project will have secured bicycle parking and will provide shower facilities on-site.**

T5. Will the project include at least one DC Fast Charging electric vehicle charging station? **Yes, the project will provide electric vehicle charging.**

T6. Does the project utilize existing parking reductions in code to provide 20% less than the minimum number of parking spaces required under the current land development code (or 60% less than the code's base ratios if there is no minimum parking capacity requirement)? **Yes, this project utilizes a 20% parking reduction.**

WE1. Will the project include on-site renewable energy generation to offset at least 1% of building electricity consumption? **No.**

WE2. Will the project include one or more of the following reclaimed water systems: large scale cisterns, onsite grey or blackwater treatment, and reuse or utilization of Austin Water Utility's auxiliary water system to eliminate the use of potable water on landscape/irrigation? **No.**

LU1. Is the proposed project site located within one of the centers or corridors as defined in the Imagine Austin Comprehensive Plan Growth Concept Map? **Yes.**

LU2. If located in an Imagine Austin activity center or corridor, will the proposed project use at least 90% of its entitled amount of floor-to-area ratio? **Yes.**

F1. Will the project include a full service grocery store onsite, or is one located within 1 mile of the project, or will the project integrate opportunities for agriculture to the scale as defined by Austin Energy Green Building? **Yes, Whole Foods is 0.6 miles from the project.**

M1. Will the project reuse or deconstruct existing buildings on the project site? **No.**

## 211 South Lamar Boulevard

Zilker, (TX/Austin/Zilker) Austin (TX/Austin), 78704

Commute to [Downtown Austin \(/compare#edit-commutes\)](#)

3 min 15 min 6 min 26 min

[Favorite](#)

[Map](#)

[Nearby Apartments \(/apartments/search/211-s-lamar-blvd-austin-tx-78704\)](#)

Looking for a home for sale in Austin? (<https://www.redfin.com/city/30818/TX/Austin>)



### Very Walkable

Most errands can be accomplished on foot.



### Good Transit

Many nearby public transportation options.



### Biker's Paradise

About your score

Add scores to your site. ([professional/badges.php?address=211 South Lamar Boulevard Austin, TX 78704](https://professional/badges.php?address=211+South+Lamar+Boulevard+Austin,+TX+78704))



Compare Rates with LendingTree Now! ([https://adclick.g.doubleclick.net/pcs/click?](https://adclick.g.doubleclick.net/pcs/click?xai=AKAOjsusX8hMPcv7LEPjgyS7t0ivLroPPbi3KGmvCkgserqfzISEnScfby33dQN33tIDCV4jmrkFdiulNcPKtCc1b6tQyfWz2T7FUqYWopEhE9_VnkKpjj8rD-eUeosyxY7UK8oyRgLmt1mUXFM2xmwAo1naHxrlIAQpkISe2x_Rf6XCz8CuRyJEIAOHpbGJ3mwwwKV2K-QPL8VSAQ5z1WUVxTj8AMUifRN-fOqtR45MXo0c82luo2V9EXKyUmRTD-WKy-g6vcCFpUqBuHtgcmXus1&sig=Cg0ArkJSzHij8UCG2TIMEAE&urlfix=1&adurl=http://admod.realmcdn.net/click.php?a=833)

[xai=AKAOjsusX8hMPcv7LEPjgyS7t0ivLroPPbi3KGmvCkgserqfzISEnScfby33dQN33tIDCV4jmrkFdiulNcPKtCc1b6tQyfWz2T7FUqYWopEhE9\\_VnkKpjj8rD-eUeosyxY7UK8oyRgLmt1mUXFM2xmwAo1naHxrlIAQpkISe2x\\_Rf6XCz8CuRyJEIAOHpbGJ3mwwwKV2K-QPL8VSAQ5z1WUVxTj8AMUifRN-fOqtR45MXo0c82luo2V9EXKyUmRTD-WKy-g6vcCFpUqBuHtgcmXus1&sig=Cg0ArkJSzHij8UCG2TIMEAE&urlfix=1&adurl=http://admod.realmcdn.net/click.php?a=833](https://adclick.g.doubleclick.net/pcs/click?xai=AKAOjsusX8hMPcv7LEPjgyS7t0ivLroPPbi3KGmvCkgserqfzISEnScfby33dQN33tIDCV4jmrkFdiulNcPKtCc1b6tQyfWz2T7FUqYWopEhE9_VnkKpjj8rD-eUeosyxY7UK8oyRgLmt1mUXFM2xmwAo1naHxrlIAQpkISe2x_Rf6XCz8CuRyJEIAOHpbGJ3mwwwKV2K-QPL8VSAQ5z1WUVxTj8AMUifRN-fOqtR45MXo0c82luo2V9EXKyUmRTD-WKy-g6vcCFpUqBuHtgcmXus1&sig=Cg0ArkJSzHij8UCG2TIMEAE&urlfix=1&adurl=http://admod.realmcdn.net/click.php?a=833)

## About this Location



211 South Lamar Boulevard has a Walk Score of 86 out of 100. This location is Very Walkable so most errands can be accomplished on foot.

## Rhoades, Wendy

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**From:** Engstrom, Jeffrey  
**Sent:** Friday, August 16, 2019 3:40 PM  
**To:** Rhoades, Wendy  
**Subject:** FW: C814-2012-0160.01 - 211 South Lamar (Taco PUD)

Forwarding comments as I receive them.

Thanks,  
Jeff

---

**From:** King, David - BC  
**Sent:** Thursday, August 15, 2019 4:25 PM  
**To:** Engstrom, Jeffrey <Jeffrey.Engstrom@austintexas.gov>  
**Cc:** Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Tiemann, Donna <Donna.Tiemann@austintexas.gov>  
**Subject:** C814-2012-0160.01 - 211 South Lamar (Taco PUD)

Hello, Jeffrey,

Here are my comments to the Planning Commission regarding case C814-2012-0160.01 - 211 South Lamar (aka Taco PUD).

- Long-term residential use should be a priority for this site given its location on the South Lamar core transit corridor and its proximity to parkland, hike & bike trails, and Lady Bird Lake.
- Onsite permanent income-restricted housing for families earning below 60% median family income should be a very high priority for this site given its location in a "very high opportunity area" and directly on a core transit corridor with good transit services.
- Affordable housing density bonus payments from this PUD should be significantly more than the affordable housing density bonus payments that would otherwise be produced if the site was developed with Vertical Mixed Use (VMU) zoning. PUD zoning should produce superior benefits compared to standard VMU zoning.
- Affordable housing density bonus payments from this PUD should be utilized for low-income families in the neighborhood earning below 60% median family income.
- An updated Traffic Impact Analysis should be required for this PUD amendment given the major change in use from primarily residential to primarily commercial.
- The proposed intensity of commercial uses (hotel & 18,000 square feet restaurant/bar on ground floor) is inconsistent with the adjacent parkland and pedestrian trails. Hotel use was explicitly prohibited and non-residential uses on the ground floor were specifically limited to 11,000 square feet in the ordinance that created the current PUD.

Thank you for your service!



Respectfully,

David King

Zoning and Platting Commission - District 5

**Scheduled Meeting Disclosure Information:**

Written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question for compensation on behalf of another person. Anyone scheduling or accepting a meeting invitation with a City Official must either acknowledge that the disclosure requirement does not apply or respond to the following survey:

<https://www.surveymonkey.com/r/BCVisitorLog>

David King  
Boards and Commissions

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## Rhoades, Wendy

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**From:** Aguirre, Ana - BC  
**Sent:** Tuesday, August 20, 2019 12:44 PM  
**To:** Rhoades, Wendy  
**Cc:** Engstrom, Jeffrey  
**Subject:** C814-2012-0160.01 - 211 South Lamar

Good Afternoon Wendy and Jeffrey,

Again, thank you for the excellent job in putting together this presentation and providing us with the information needed.

Again, my position is not to remove residential and replace it with hotel use. Especially in light of the much needed residential units needed in Austin within the Urban Core. This is a drastic loss when considering the number of units: from 175 to 27 residential units.

As agreed during our meeting, here are the items I am recommending be considered in regards to this proposed development, if approved as recommended by staff:

1. Atlas 14 - the applicant agreed during our meeting, that if this was approved, they would build based on the proposed Atlas 14 regulations. Although the Atlas 14 has not been formally approved, BUT because we have new statistical data based on recent flood and rain events that have resulted in loss of life and property, planning and building with the public's safety in mind (especially when proposing the guests will be from out of town and not familiar with the flood risks unique to our city) will elevate this to a "superior" category.
2. No live music venue at Butler Pitch & Put in perpetuity - Although the Addendum (Replacement for Section 1.8) states that the applicant will "never support the use of Butler Pitch & Putt as a live music venue during the period of that new license" the applicant has agreed that they will never support the use of the Butler Pitch & Put as a live music venue in perpetuity.
3. Displacement/Gentrification - There was discussion to contribute to 'affordable housing' South of Ben White, and in this case there was a reference to a contribution to Foundation Communities. It is preferable to keep affordability within the area being impacted and not moved to another area of Austin. This will allow low-income individuals/families to have equal access to benefits those individuals with higher-incomes have. Forcing people with financial challenges to move out is, at a minimum, displacement, if not gentrification.

Please let me know if you should have any questions. Thank you for your time and consideration. Ana

Ana Aguirre

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## MEMORANDUM

**TO:** Fayez Kazi, Chair, and Commissioners  
Planning Commission

**FROM:** Christopher Herrington, P.E., Environmental Officer  
Watershed Protection Department

**DATE:** August 22, 2019

**SUBJECT:** **Environmental Superiority of 211 S. Lamar Planned Unit Development (C814-2012-0160.01)**

The purpose of this memo is to recommend that the proposed amendment of the 211 S. Lamar Planned Unit Development (PUD), case C814-2012-0160.01, is environmentally superior. The existing PUD contains no environmental code modifications. The proposed PUD amendment does not request any environmental code modifications.

The existing PUD was determined to be environmentally superior in part due to the following conditions that exceeded code requirements:

- The building must achieve a 3-star Austin Energy Green Building rating
- Integrated Pest Management planning
- Landscaping with native and adapted planting
- Landscape irrigation exclusively with rainwater and stormwater
- Rainwater harvesting
- Preservation of eight trees with no disturbance in the half critical root zone
- Tree care planning
- Three new curb inlet filters
- Water quality treatment for currently untreated off-site areas
- Additional open space

The proposed PUD amendment is environmentally superior to the existing PUD because the applicant proposes to maintain the environmental benefits in the existing PUD, the amendment proposes no modification to environmental code requirements, and the amendment proposes to add the following environmentally-beneficial conditions:

- An additional 33% of stormwater runoff volume will be treated to improve water quality
- All new perimeter right-of-way tree plantings will be installed with additional soil volume and depth in excess of current code requirements

**ATTACHMENT D**

- The building will be constructed with dual piping to allow for reclaimed water use consistent with Austin Water Forward plan recommendations
- The roof over the loading dock will be landscaped
- The project will utilize the 500-year floodplain delineation in lieu of the 100-year floodplain consistent with Watershed Protection Department recommendations to implement the Atlas 14 rainfall study
- The applicant will upsize stormwater infrastructure along Riverside Drive addressing existing localized flood issues at their own expense

The Environmental Commission considered the proposed PUD amendment on August 21, 2019. The Environmental Commission did not make a recommendation on the proposed PUD amendment. Despite the lack of a recommendation from the Environmental Commission, I strongly recommend that the proposed PUD amendment achieves environmental superiority.

If you have any questions with regard to the recommendation of environmental staff, please contact either me at 512-974-2840 or [chris.herrington@austintexas.gov](mailto:chris.herrington@austintexas.gov), or Atha Phillips at 512-974-2132 or [atha.phillips@austintexas.gov](mailto:atha.phillips@austintexas.gov).

cc: Wendy Rhoades, Planner Principal, Planning and Zoning Department



## Property Profile

## Legend

Jurisdiction	
FULL PURPOSE	
LIMITED PURPOSE	
EXTRATERRITORIAL JURISDICTION	
2 MILE ETJ AGRICULTURAL AGR	
OTHER CITY LIMITS	
OTHER CITIES ETJ	
Waterfront Setbacks Overlay	
Primary	
Secondary	



1:2,307



## Notes

Waterfront Overlay - Setbacks

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

0.1 Miles

0.04

0

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

8/7/19

PRIMARY AND SECONDARY SETBACK





RIVERSIDE AND LAMAR MIXED USE - GROUND FLOOR

PROPOSED GROUND FLOOR

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



*Dana DeBeauvoir*

Dana DeBeauvoir, County Clerk  
Travis County, Texas

Jun 11, 2019 10:30 AM Fee: \$ 154.00

2019084560

\*Electronically Recorded\*

**AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS**

This Amended and Restated Declaration of Covenants, Conditions and Restrictions (this "Amended Declaration") is entered into by and between **16 PIGGYBANK LTD**, its successors or assigns ("Declarant"), **C12 CAPITAL MANAGEMENT COMPANY, LTD**, a Delaware partnership, its successors or assigns ("Purchaser"), and **BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION, INC.**, a Texas non-profit corporation, its successors or assigns ("BOTP"), as of the 17<sup>th</sup> day of April, 2019. LP

**RECITALS**

**WHEREAS**, Post Paggi, LLC and BOTP previously entered into that certain Declaration of Covenants and Restrictions dated August 22, 2013 and filed of record in the Official Public Records at No. 2013202934 (the "Prior Declaration");

**WHEREAS**, Declarant currently owns the tract of land described in City of Austin Zoning Case No. C814-2012-0160 (the "Property", more particularly described on Exhibit "A");

**WHEREAS**, Declarant also owns the adjoining property (the "Paggi House Property", more particularly described on Exhibit "B");

**WHEREAS**, Declarant has agreed to sell the Property to Purchaser;

**WHEREAS**, Purchaser intends to redevelop the Property, and, in order to do so, is seeking amendments to the current "Planned Unit Development (PUD)" zoning on the Property from the City of Austin in Zoning Case No. C814-2012-0160.01 (the "New Zoning Case");

**WHEREAS**, Purchaser intends to redevelop the Property utilizing zoning entitlements and site development regulations available upon approval of the New Zoning Case, which zoning entitlements and site development regulations differ from the entitlements and site development regulations contained in City of Austin Zoning Case No. C814-2012-0160;

**WHEREAS**, Purchaser's rights and obligations under the purchase and sale agreement with Declarant are conditioned upon the successful rezoning of the Property pursuant to the New Zoning Case;

**WHEREAS**, upon the effective date of the rezoning of the Property to the amended PUD zoning classification by the City of Austin, as contemplated in the New Zoning Case, and subject to all of the terms and conditions of this Amended Declaration, Declarant, Purchaser and BOTP have agreed to modify the Prior Declaration as reflected herein; and

*CC+Rs - Applicant +  
BRIDGES ON THE PARK*

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to all of the terms and conditions of this Declaration, Declarant and Purchaser agree to hold, sell and convey the Property subject to the following covenants, conditions and restrictions, which are impressed upon the Property by this Amended Declaration.

### I. DECLARATIONS

1.1 Building Setbacks. The following building setbacks shall be applicable to the project contemplated by the New Zoning Case (the "New Project"):

- a) South Lamar Boulevard: The building setback will be eleven feet (11'-0") for the South Lamar Boulevard frontage at the ground floor level (i.e., the first level above grade that is heated and cooled) from the southwestern corner of the New Project to the 90' Point (as hereinto defined). The setback will be five feet (5' 0") for the South Lamar Boulevard frontage at the ground level from the 90' point to the northwestern corner of the New Project. All exterior building columns, sidewalks, railings and similar pedestrian and landscape features are not included in this setback requirement. The setback will be eight feet (8' -0") for all floors above the ground level and between the southwestern corner of the Property adjacent to South Lamar Boulevard and a point ninety (90'-0") north of such southwestern corner (the "90' Point"). The setback will be zero feet (0'-0") for all floors, above the ground level and north of the 90' Point. The setback described above for floors above the ground level and between the southwestern corner of the Property and the 90' Point shall not be applicable to balconies or canopies or similar improvements other than the primary westerly structural wall of the New Project in that location;
- b) Riverside Drive: The building setback for the Riverside Drive edge of the New Project shall be varied (i) at the ground level as generally shown on Exhibit "C" attached hereto, and (ii) for levels above the ground level, as shown in the Design Documents (as hereinafter defined).
- c) Lee Barton Drive: Zero (0'0") and
- d) Rear (i.e., adjacent to the BOTP project): Zero (0' -0"), except as noted in Section 1.2 (Design and Other Setbacks) below.

1.2 Design and Other Setbacks. The following design characteristics shall be applicable to the New Project:

- a) The New Project will utilize a "U-shaped" design with the open portion of the "U" facing in a southerly direction. The open portion of the "U" will be on the ground level of the above-grade structure and above, and the ground level of the above-grade structure will be a motor court and entrance to the hotel. The motor court shall have a maximum of three (3) parking spaces, and parking for the hotel shall be below grade via a valet system only.
- b) The New Project will have two basic building blocks described as follows:
  - i. The first building block will have a maximum height of ninety-six feet (96'-0") and will be situated (A) along the entire length of the New Project's South Lamar Boulevard edge; (B) along the entire length of the New Project's Riverside Drive edge; and (C) along the New Project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than sixty-seven feet (67') at the ground floor and fifty-six feet (56'-0") (excluding balconies) at the floors above the ground level floor from the New Project's southern property line along Lee Barton Drive; and
  - ii. The second building block will have a maximum height of eighty-six feet (86'-0") and will be (A) on the exterior side of the "U"; (B) situated along a portion of the New Project's Riverside Drive edge (although it will not extend all the way to the New Project's South Lamar Boulevard edge), wrapping the New Project's Riverside Drive/Lee Barton Drive corner, and extending along the New Project's Lee Barton Drive edge to a point no closer to the southern property line of the Property than the terminus of the first building block described in subpart (i) above.
- c) The most southerly vertical structure of the New Project (i.e., the wall closest to the existing Bridges on the Park project) will have the following characteristics:
  - i. The portion of such wall from the Property's southwestern corner (i.e., adjacent to South Lamar Boulevard) to a point directly across from the easternmost edge of the existing recessed window on the most northerly face of the Bridges on the Park Project) (the "Measuring Point") must (A) be set back at least eleven (11'-0") from the Property's most southerly property line at the Measuring Point location (the "Setback Location") and (B) extend in generally a straight line (running generally east and west) from the Setback Location to a point on the Property's most westerly boundary line (i.e., adjacent to South Lamar Boulevard);

and

- ii. The portion of such wall identified in subpart (i) above shall have a light reflective surface.
- d) The portion of the New Project adjoining the southern boundary line of the Property shall be a service driveway allowing one-way access for service vehicles only from west to east, provided that such service driveway must (i) be covered with a solid structure, and not a trellis, to the extent shown on the drawing attached hereto as Exhibit "D" and (ii) the covering of the service driveway must be properly designed and constructed to support planted material and (iii) the covering of the service driveway must be planted and maintained with grass, plants or flowers.
- e) The ground floor of the New Project along the Property's western edge (i.e., adjacent to South Lamar Boulevard) shall have a minimum height of fourteen feet (14').
- f) The maximum number of above grade floors for the New Project shall be eight (8), being the ground floor plus seven (7) levels above the ground floor.
- g) Subject to approval by the City of Austin, the portion of the New Project adjoining the northern boundary line of the Property (i.e., adjacent to Riverside Drive) shall be developed as shown on the drawing attached hereto as Exhibit "D", including the modification of Riverside Drive to incorporate the existing right turn lane into a pedestrian plaza for the New Project and the construction of a pedestrian crosswalk across Riverside Drive.
- h) All references to height limitations in subparagraphs b above and in Section 3.12 below shall mean such height measured from the New Project's average grade, as calculated by the City of Austin pursuant to the City of Austin Land Development Code.

1.3 Ride-Share and Taxi Location. Declarant and Purchaser shall use their best efforts during the City of Austin site development permit process to cause the City to allow a designated location for ride-share vehicles or taxis along the eastern boundary of the New Project (i.e., along Lee Barton Drive) on either the eastern or western side of Lee Barton Drive.

1.4 Indemnity. Purchaser agrees to indemnify and hold harmless BOTP (and any condominium unit owners within the BOTP project directly affected, as hereinafter described) from any damages, losses, costs and expenses incurred by BOTP, or such individual condominium unit owners, as a result of the construction or operation of the New Project, including damages to structure from vibrations or due to the construction tieback system that may be located under the BOTP structure. Without limiting the foregoing, (i) such indemnity shall run in favor of BOTP



and any individual condominium unit owners within the BOTP project that incur actual damages, losses, costs and expenses, as described above, (ii) such damages, losses, costs and expenses covered by this indemnity shall include actual, direct, consequential damages, including legal fees, and (iii) in no event shall such damages, losses, costs and expenses include non-physical and non-financial damages or inconveniences, such as emotional distress, loss of enjoyment of activities, loss of spousal consortium, or punitive damages.

1.5 Existing Easement. Declarant and Purchaser acknowledge the existence of the easement attached hereto as Exhibit "E", and agree that the conveyance of stormwater onto the Property contemplated thereby shall continue despite the New Development, even if the location of that easement on the Property is modified.

1.6 Sidewalk on Lee Barton and Riverside Drive. Pursuant to the terms of the New Zoning Case, Purchaser will provide funding in the amount of \$99,741 for pedestrian improvements recommended with the 211 S. Lamar Traffic Study dated September 18, 2013 from HDR, Inc. in the following locations:

- a) A sidewalk on Lee Barton Drive from the northern terminus of the sidewalk adjacent to the BOTP project to the southeastern edge of the Property (sidewalk presumed to be located within the currently paved portion of Lee Barton Drive);
- b) A sidewalk along the southern edge of Riverside Drive from the corner of Lee Barton Drive and Riverside Drive to the western terminus of the existing sidewalk on the southern edge of Riverside Drive located just east of the existing railroad overpass; and
- c) Creation of a pedestrian crosswalk across Lee Barton Drive at the intersection of Lee Barton Drive and Riverside Drive.

The obligations described in this Section 1.6 are in addition to the improvements described in Section 1.2 (f) above.

1.7 Paggi House Roof and Out Buildings. Located on the Paggi House Property (as defined in the foregoing "Recitals") is a butterfly-shaped roof structure and associated exterior walls and outbuildings that are located adjacent to, but which are not a part of, the historic landmark Paggi House buildings; provided, however, BOTP acknowledges and agrees that the entire Paggi House property is presently zoned "historic." Purchaser and Declarant agree: (1) to remove the butterfly-shaped roof structure and all associated exterior walls and outbuildings; and (2) to replace said roof, walls, and outbuildings with a new, permanent structure that (a) is not higher than the existing structure, and (b) is acceptable to and approved in writing by Purchaser and BOTP prior to commencement of construction. Purchaser agrees to fund up to five hundred thousand dollars



(\$500,000.00) for the design and construction of the new, permanent structure. All parties agree that: (1) the agreements and obligations of Declarant and Purchaser under this Section are contingent upon obtaining required approvals from the City of Austin and the Historic Landmark Commission; (2) Declarant and Purchaser will diligently strive and endeavor to obtain all such approvals; (3) BOTP will provide reasonable assistance and cooperation in obtaining such approvals and permits; (4) approval of the new, permanent structure by BOTP will not be unreasonable withheld; (5) Purchaser and Declarant shall not be required to spend more than \$500,000 for the foregoing design, demolition and construction; (6) a reasonable time for designing the new structure, obtaining required approvals and permits from the City of Austin and the Historic Landmark Commission, demolishing the existing structure and outbuildings, and constructing the new, permanent structure, is not more than approximately two (2) years unless redesign is required due to the failure to achieve the initial or subsequent approval of the Historic Landmark Commission; and (7) the new, permanent structure will be completed prior to the first issuance of the Certificate of Occupancy for the New Project unless redesign is required due to the failure to achieve the initial or subsequent approval of the Historic Landmark Commission. In the event the Historic Landmark Commission does not approve the initial design of the new permanent structure, Declarant and Purchaser agree to use consistent and commercially reasonable efforts to cause a redesign of such new, permanent structure to be approved and to cause the completion of the construction of the redesigned, new permanent structure as soon as reasonably possible after the expiration of the two-year period described above. Additionally, Declarant covenants and agrees that no replacement permanent or temporary structure over the Paggi House courtyard shall be higher than the existing structure for a period of fifteen (15) years from the completion of the initial renovation described above.

See Addendum

1.8 ~~Butler Pitch & Putt~~ Purchaser, Declarant, and BOTP acknowledge and agree that Butler Pitch & Putt, which is located adjacent to and east of Lee Barton Drive and in close proximity to their respective properties, is a valuable amenity to the neighborhood. Purchaser and Declarant have negotiated a partnership agreement ("the Partnership Agreement") with the existing licensee of Butler Pitch & Putt ("Kinser"). The partnership agreement provides, in part, that Purchaser, Declarant, Kinser and the other partner and/or partners will diligently endeavor and use reasonable commercial efforts to obtain an extension of the license (the "License") to operate Butler Pitch & Putt at the current location for an additional period of ten (10) years, and, in the event such extension of said license is obtained: (1) contribute sufficient funds to substantially and materially improve the landscaping, trees, greens, and grounds of Butler Pitch & Putt, but not to exceed four hundred thousand dollars (\$400,000.00); and (2) prohibit the use of the Butler Pitch & Putt property as a live music venue during the period of the License, including any subsequent extensions of the License. BOTP agrees to provide reasonable assistance and cooperation to Purchaser, Declarant, Kinser, and said partnership in obtaining an extension of said License. Immediately prior to the execution of this Amended Declaration, Purchaser and Declarant shall provide BOTP with evidence of the creation of such Partnership Agreement. Immediately prior to the execution of this Amended Declaration, Purchaser and Declarant (a) shall provide BOTP with a written certification that the Partnership Agreement has been executed and that it contains the provisions set out in this Section 1.8, and (b) shall allow BOTP's Board of Directors or designees

~~of the Board of Directors, and BOTP's legal counsel, to review, but not copy, the executed Partnership Agreement.~~

1.9 Design Documents. Purchaser agrees that in the event the New Zoning Case is approved by the City Council of the City of Austin on third reading and the New Project is constructed by Purchaser, it will be constructed substantially in accordance with Exhibit "C" attached hereto, Exhibit "D" attached hereto and visual materials included under Tab 6 of the reference book dated March 12, 2019 presented by Drenner Group to BOTP (the "Design Documents"), unless otherwise approved in writing by BOTP.

1.10 Grease Receptacle. Declarant has caused the grease receptacle currently serving the existing Paggi House and located in the right of way (the "R.O.W.") of Lee Barton Drive to be relocated to a place outside of the R.O.W. of Lee Barton Drive and within the Property or the Paggi House Property.

1.11 Payment of Fees. Purchaser will pay an amount equal to the sum of (i) Nine Thousand Eight Hundred Dollars (\$9,800.00) for legal services associated with earlier BOTP litigation and costs, and (ii) the actual fees incurred by BOTP for legal services associated with review and negotiation of the Amended Declaration, and the amount will be paid upon execution of this Amended Declaration.

1.12 Terms of Support. All items listed in Sections 1.1 through 1.11 above are enforceable by BOTP only under the condition that the Board of BOTP positively supports the New Zoning Case during the Small Area Planning Joint Committee, Environmental Commission, Planning Commission, and Austin City Council meetings in which the vote for the New Zoning Case takes place or is discussed. This support may be in the form of a letter to the Mayor of Austin and the Austin City Council Members or by a public statement by an authorized representative of the Board of BOTP during such meetings.

## **II. DEFAULT AND REMEDIES**

2.1 Remedies. In the event of a breach or threatened breach of this Amended Declaration, only Declarant, including its successors and assigns, Purchaser, including its successors and assigns, and BOTP (together with individual condominium owners as contemplated in Section 1.4 herein) shall be entitled to institute proceedings for full and adequate relief from the consequences of said breach or threatened breach. If any party to this Amended Declaration (a "**Defaulting Party**") shall fail to comply with any term, provision or covenant of this Amended Declaration and shall not cure such failure within sixty (60) days after receipt of written notice (or if the default is of such character as to require more than sixty [60] days to cure and the Defaulting Party shall fail to commence to cure the same within such period or shall fail to use reasonable diligence in curing such default thereafter) from an entity with the right hereunder to seek relief for such breach (a "**Non-Defaulting Party**") to

the Defaulting Party of such failure, the Non-Defaulting Party shall have the option of pursuing any remedy it may have at law or in equity, including, without limitation, specific performance or injunctive relief from a court of competent jurisdiction; provided, however, except as provided in Sections 1.4 and 1.11 above and Section 3.4 below, no party to this Amended Declaration shall be liable to any other party for monetary damages, whether direct, consequential or punitive.

### **III. GENERAL PROVISIONS**

3.1 No Third-Party Beneficiary. The provisions of this Amended Declaration are for the exclusive benefit of the parties hereto, and their successors and assigns, and not for the benefit of any third person, nor shall this Declaration be deemed to have conferred any rights, express or implied, upon any third person or the public, except as contemplated in Section 1.4 above.

3.2 No Dedication. No provision of this Amended Declaration shall ever be construed to grant or create any rights whatsoever in or to any portion of the Property other than the covenants, conditions and restrictions specifically set forth herein. Nothing in this Amended Declaration shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the public any right whatsoever.

3.3 Notice. All notices required or permitted to be given hereunder, or given in regard to this Amended Declaration, shall be in writing and the same shall be given and be deemed to have been served, given and received (a) one (1) business day after being placed in a prepaid package with a national, reputable overnight courier addressed to the other party at the address hereinafter specified; or (b) if mailed, three (3) business days following the date placed in the United States mail, postage prepaid, by certified mail, return receipt requested, addressed to the party at the address hereinafter specified. Declarant, Purchaser and BOTP may change their respective addresses for notices by giving five (5) days' advance written notice to the other parties in the manner provided for herein. Until changed in the manner provided herein, Declarant, Purchaser and BOTP's address for notice is as follows:

Declarant:

c/o Huston Street  
1710 Forest Trail  
Austin, TX 78746

with copies to:

Drenner Group  
200 Lee Barton Drive  
Suite 100

Austin, TX 78704  
Attn: Stephen O. Drenner  
Telecopy: (512) 807-2917  
Telephone: (512) 807-2901

Purchaser:

C12 Capital Management, L.P.  
134 Spring Street  
Suite 603  
New York, NY 10012  
Telephone: (646) 334-2286

BOTP:

Bridges on the Park Condominium Association, Inc.  
210 Lee Barton Drive  
Austin, Texas 78704  
Attn: President, Bridges on the Park Condominium Association, Inc.  
Telecopy: (512) 499-3905  
Telephone: (512) 499-8742

With a copy to:

Thompson & Knight, LLP  
98 San Jacinto, Suite 1900  
Austin, Texas 78701  
Attn: James E. Cousar  
Telecopy: (512) 469-6180  
Telephone: (512) 469-6112

3.4 Attorneys' Fees. The unsuccessful party in any action brought to enforce this Amended Declaration shall pay to the prevailing parties a reasonable sum for costs incurred by the prevailing parties in enforcing this Amended Declaration, including reasonable attorneys' fees and court costs.

3.5 Entire Declaration. This Amended Declaration constitutes the entire agreement between the parties hereto regarding the matters set forth herein, and shall fully replace the Prior Declaration. The parties do not rely upon any statement, promise or representation with respect to the matters set forth herein that is not herein expressed, and this Amended Declaration once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by this document.

3.6 Severability. If any provision of this Amended Declaration shall be declared invalid,

illegal or unenforceable in any respect under any applicable law by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby. It is the further intention of the parties that in lieu of each covenant, provision or agreement of this Amended Declaration that is held invalid, illegal or unenforceable, that be added as a part hereof a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may possible and be legal, valid and enforceable.

3.7 Rights of Successors; Interpretation of Terms. The restrictions, benefits and obligations hereunder shall create benefits and servitudes running with the land. Subject to the other provisions hereto, this Amended Declaration shall bind and inure to the benefit of the parties and their respective successors and assigns. Reference to "**Declarant**" includes the future owners of their respective portions of the Property, including any portions of the Property that may in the future be created as separate tracts pursuant to a resubdivision of any portion of the Property. The singular number includes the plural and the masculine gender includes the feminine and neuter.

3.8 Estoppel Certificates. Any party (or any mortgagee holding a first lien security interest in any portion of the Property) may, at any time and from time to time, in connection with the leasing, sale or transfer of its tract, or in connection with the financing or refinancing of its tract by any bona fide mortgage, deed of trust or sale-leaseback made in good faith and for value, deliver a written notice to the other parties requesting that such parties execute a certificate, in a form reasonably acceptable to such parties, certifying that, to such party's then current actual (not constructive) knowledge, (a) the other party is not in default in the performance of its obligations to or affecting such party under this Amended Declaration, or, if in default, describing the nature and amount or degree of such default, and (b) such other information regarding the status of the obligations under this Amended Declaration as may be reasonably requested. A party shall execute and return such certificate within twenty (20) days following its receipt of a request therefor.

3.9 Counterparts; Multiple Originals. This Amended Declaration may be executed simultaneously in three or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

3.10 Exculpation. Any person or entity acquiring fee or leasehold title to any portion of the Property shall be bound by this Amended Declaration only as to the portion acquired by such person or entity and such person or entity shall not be liable for violations occurring on any portion of the Property which it does not own. Such person or entity shall be bound by this Amended Declaration only during the period such person or entity is the fee or leasehold owner of such portion, except as to obligations, liabilities or responsibilities that accrue during said period. Although persons or entities may be released, the covenants, conditions and restrictions in this Amended Declaration shall continue to be benefits and servitudes upon the Property running with the land.

3.11 Conflict with Ordinance. To the extent that any of the covenants, conditions and



restrictions contained within this Amended Declaration conflict with terms or conditions addressed in the zoning ordinance issued by the City of Austin in connection with the New Zoning Case, or any supporting materials, for purposes of this Amended Declaration the terms and conditions of this Amended Declaration shall control.

3.12 Approval of the City Applications. Notwithstanding any other provision of this Amended Declaration to the contrary, the agreements of Declarant and Purchaser reflected herein are conditioned upon final approval (i.e., third reading) of the New Zoning Case by the City of Austin City Council, with no subsequent appeal, and in a form acceptable to Declarant and Purchaser. If (a) the Property is not rezoned pursuant to the New Zoning Case in a form acceptable to Declarant and Purchaser, or (b) Declarant redevelops the Property with a project not exceeding sixty feet (60'-0") in height, the covenants, conditions and restrictions contained within this Amended Declaration shall not be applicable. If the Property is rezoned pursuant to the New Zoning Case in the form applied for by Declarant and Purchaser, or in a form accepted by Declarant and Purchaser at the City Council meeting (on third reading), the rezoning shall be considered acceptable to Declarant and Purchaser for purposes of this Section 3.12 and Section 3.13 below.

3.13 Effective Date. This Amended Declaration shall become effective upon the final effective date of the rezoning of the Property to Amended PUD zoning by the City of Austin pursuant to C814-2012-0160.01 in a form acceptable to Declarant and Purchaser. If the Property is not rezoned to Amended PUD zoning in a form acceptable to Declarant, then, consistent with Section 3.12 above, this Amended Declaration shall be void and of no effect and the Prior Declaration shall remain in full force and effect. Declarant or Purchaser's action in obtaining any building permit based on the approved Amended PUD zoning shall mean that the PUD zoning is in a form acceptable to Declarant and Purchaser.

#### Exhibits

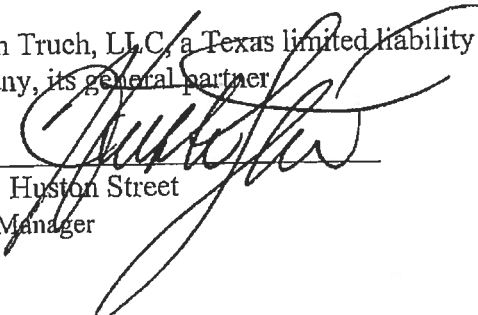
- "A" Property Description
- "B" Paggi Property Description
- "C" Concept Plan
- "D" Perspective Showing Covered Service Driveway
- "E" Easement

Executed the date first set forth above.

DECLARANT:

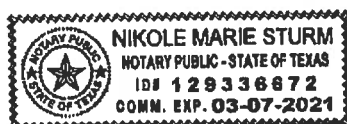
16 PIGGYBANK, LTD., a Texas limited partnership

By: Stetson Truch, LLC, a Texas limited liability company, its general partner

By:   
Name: Huston Street  
Title: Manager

STATE OF TEXAS     §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me this 17 day of May, 2019 by Huston Street, Manager of Stetson Trueh, LLC, a Texas limited liability company, the general partner of 16 Piggybank, Ltd., a Texas limited partnership, on behalf of said limited partnership and limited liability company.



  
Notary Public, State of Texas

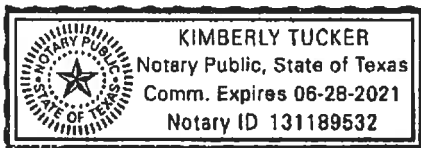
PURCHASER:

C12 Capital Management, L.P., a Delaware partnership

By: [Signature]  
Name: STEPHEN JAMES KING  
Title: President

STATE OF Texas §  
COUNTY OF Travis §

This instrument was acknowledged before me this 14 day of May, 2019, by Stephen King, the President, of C12 Capital Management, L.P., a Delaware partnership.



[Signature]  
Notary Public, State of Texas

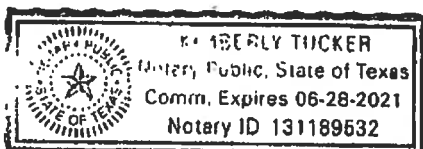
BOTP:

BRIDGES ON THE PARK CONDOMINIUM  
ASSOCIATION, INC., a Texas nonprofit corporation

By: [Signature]  
Name: Sushma Smith  
Title: President

STATE OF TEXAS §  
COUNTY OF TRAVIS §

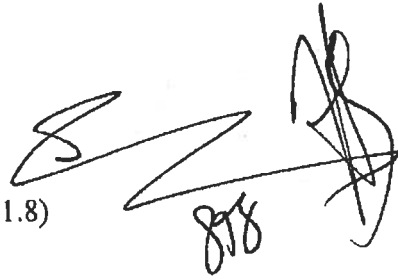
This instrument was acknowledged before me this 14 day of May, 2019, by Sushma Smith, the President, of Bridges on the Par Association, Inc., a Texas nonprofit corporation, on behalf of such nonprofit corporation.



[Signature]  
Notary Public, State of Texas

**ADDENDUM**

(Replacement for Section 1.8)

Handwritten signatures and initials in black ink, including a large signature on the left, a signature on the right, and the initials 'JTB' in the center.

1.8 Butler Pitch & Putt. Purchaser, Declarant, and BOTP acknowledge and agree that Butler Pitch & Putt, which is located adjacent to and east of Lee Barton Drive and in close proximity to the respective properties, is a valuable amenity to the neighborhood. Purchaser, Declarant, and BOTP further acknowledge and agree that the City of Austin is in the process of determining the next licensee for the Butler Pitch & Putt. Purchaser agrees to (1) offer to provide funding to the party chosen by the City of Austin as the next licensee (and in fact provide that funding if the offer is accepted) in the total amount of \$300,000 and upon such investment terms as may be reasonably acceptable to Purchaser, to be used to improve landscaping, tees, greens, and grounds of Butler Pitch & Putt, and (2) never support the use of Butler Pitch & Putt as a live music venue during the period of that new license.

Exhibit "A"

Property Description

[See Attached]



0.933 ACRE  
221 SOUTH LAMAR  
PAGGI HOUSE

FN. NO. 11-421(KWA)  
DECEMBER 15, 2011  
BPI NO. R010879110001

DESCRIPTION

OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.933 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found at the intersection of the easterly right-of-way line of South Lamar Boulevard (120' R.O.W.), with the southerly right-of-way line of West Riverside Drive (120' R.O.W.), being the northwesterly corner of said 1.155 acre tract, for the northwesterly corner hereof;

THENCE, S70°34'16"E, leaving the easterly right-of-way line of South Lamar Boulevard, along the southerly right-of-way line of West Riverside Drive, being the northerly line of said 1.155 acre tract, for the northerly line hereof, a distance of 237.80 feet to a 1/2 inch iron rod with cap set at the intersection of the southerly right-of-way line of West Riverside Drive with the westerly right-of-way line of Lee Barton Road (55' R.O.W.), being the northeasterly corner of said 1.155 acre tract, for the northeasterly corner hereof;

THENCE, S30°07'58"W, leaving the southerly right-of-way line of West Riverside Drive, along the westerly right-of-way line of Lee Barton Road, being a portion of the easterly line of said 1.155 acre tract, for the easterly line hereof, a distance of 202.08 feet to a 1/2 inch iron rod with cap set, for the southeasterly corner hereof;

THENCE, leaving the westerly right-of-way line of Lee Barton Road, over and across said 1.155 acre tract, for a portion of the southerly line hereof, the following two (2) courses and distances:

- 1) N59°52'02"W, a distance of 90.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N77°39'09"W, a distance of 5.54 feet to a PK nail set at an angle point in the northerly line of Bridges on the Park, a condominium of record in Document Nos. 2006117044 and 2007092434 of said Official Public Records, being an angle point in the southerly line of said 1.155 acre tract, for an angle point hereof;

THENCE, along the northerly line of said Bridges on the Park, along the southerly line of said 1.155 acre tract, for a portion of the southerly line hereof, the following three (3) courses and distances:

FN 11-421 (KWA)  
DECEMBER 15, 2011  
PAGE 2 OF 2


- 1) N67°20'15"W, a distance of 70.79 feet to PK nail set for an angle point;
- 2) N21°20'12"E, a distance of 11.03 feet to a punch hole found in concrete for an angle point;
- 3) N68°33'11"W, a distance of 40.69 feet to a PK nail set on said easterly right-of-way line of South Lamar Boulevard, being the northwesterly corner of said Bridges on the Park, for the southwesterly corner of said 1.155 acre tract and hereof;

THENCE, N21°01'42"E, along said easterly right-of-way line of South Lamar Boulevard, being the westerly line of said 1.155 acre tract, for the westerly line hereof, a distance of 166.15 feet to the POINT OF BEGINNING, and containing 0.933 acre (40,643 sq. ft.) of land, more or less, within these metes and bounds.

THE BASIS OF BEARINGS IS THE EASTERLY LINE OF THAT CERTAIN 0.718 ACRE TRACT CONVEYED TO PISCES FOODS, L.L.C. BY DEED OF RECORD IN VOLUME 13400, PAGE 422 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

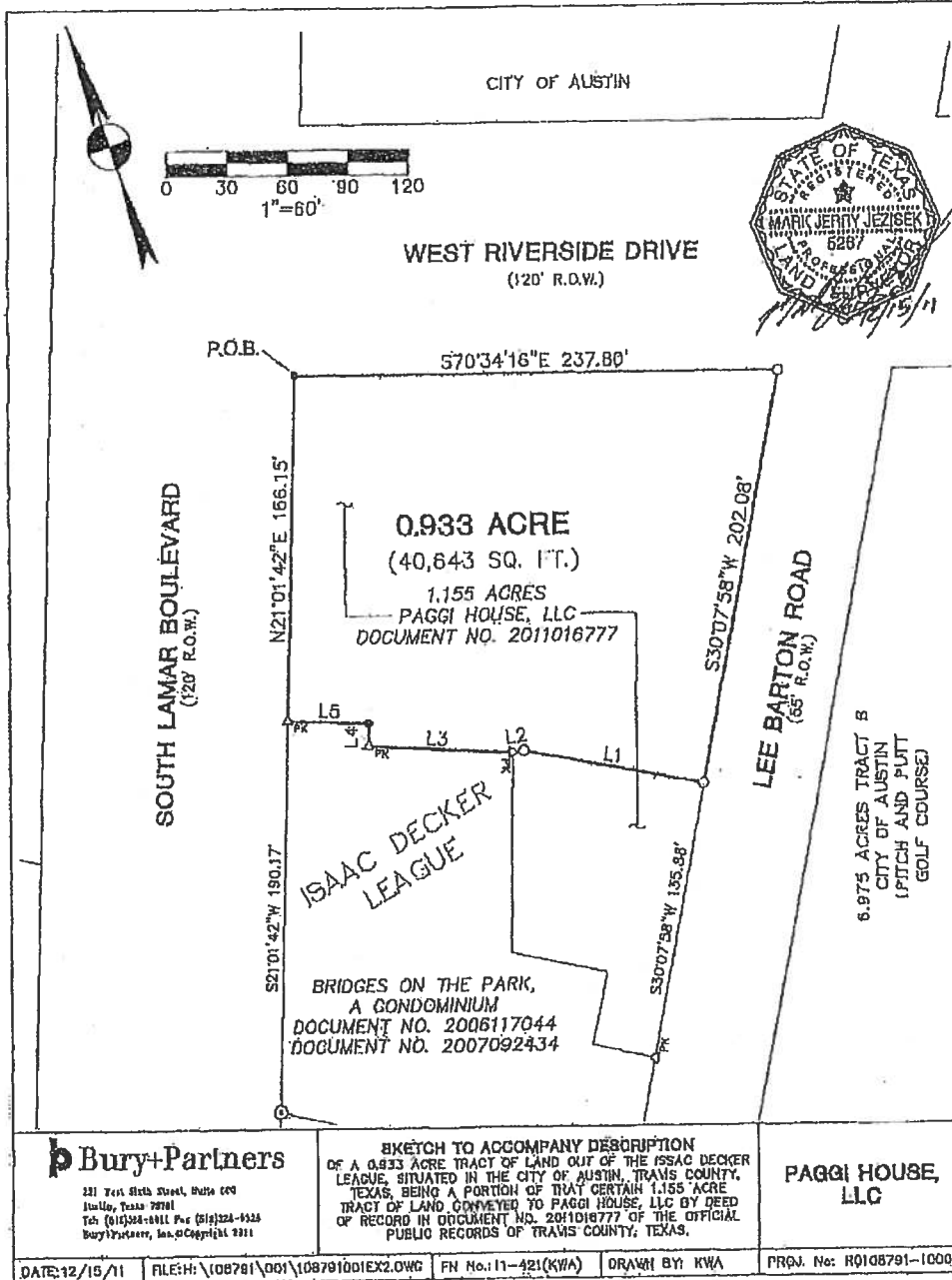
I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION

BURY+PARTNERS, INC.  
221 W. SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS, 78701

  
MARK J. JEZISEK, R.P.L.S.  
NO. 5267  
STATE OF TEXAS



SHEET 1 OF 2



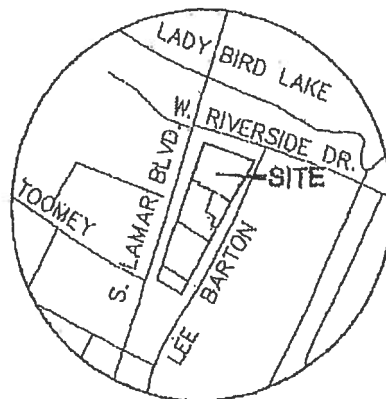
**Bury+Partners**

231 West Sixth Street, Suite 200  
Austin, Texas 78701  
Tel: (512) 324-6111 Fax: (512) 324-6125  
Bury+Partners, Inc. © Copyright 2011

SKETCH TO ACCOMPANY DESCRIPTION  
OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER  
LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY,  
TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE  
TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED  
OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL  
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**PAGGI HOUSE,  
LLC**

SHEET 2 OF 2



VICINITY MAP  
N.T.S.

#### LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH CAP SET
- ⊙ IRON PIPE FOUND
- △ P.K. NAIL WITH WASHER SET
- P.O.B. POINT OF BEGINNING

#### LINE TABLE

LINE	BEARING	LENGTH
L1	N59°52'02"W	90.00
L2	N77°39'09"W	5.54
L3	N87°20'15"W	70.79
L4	N21°20'12"E	11.03
L5	N68°33'11"W	40.69



**Bury+Partners**

211 West Sixth Street, Suite 400  
Austin, Texas 78701  
Tel. (512) 228-0411 Fax (512) 228-0325  
Bury+Partners, Inc. © Copyright 2011

SKETCH TO ACCOMPANY DESCRIPTION  
OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISSAC DECKER  
LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY,  
TEXAS, BEING A PORTION OF THAT CERTAIN 1.156 ACRE  
TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED  
OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL  
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**PAGGI HOUSE,  
LLC**

DATE: 12/15/11

FILE: H:\108791\001\108791001EX2.OWG

FN No.: 11-421(KWA)

DRAWN BY: KWA

PROJ. No: RQ108791-10001

Exhibit "B"

Paggi Property Description

[See Attached]



0.222 ACRE  
221 SOUTH LAMAR  
PAGGI HOUSE

FN. NO. 13-389(MJJ)  
AUGUST 26, 2012  
API NO. R010879110002

#### DESCRIPTION

OF A 0.222 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.222 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with cap set at the intersection of the southerly right-of-way line of West Riverside Drive (120' R.O.W.) with the westerly right-of-way line of Lee Barton Road (55' R.O.W.), being the northeasterly corner of said 1.155 acre tract of land, from which a 1/2 inch iron rod found at the intersection of the southerly right-of-way line of West Riverside Drive with the easterly right-of-way line of South Lamar Boulevard (120' R.O.W.), being the northwesterly corner of said 1.155 acre tract of land bears,  $N70^{\circ}34'16''W$ , a distance of 237.80 feet;

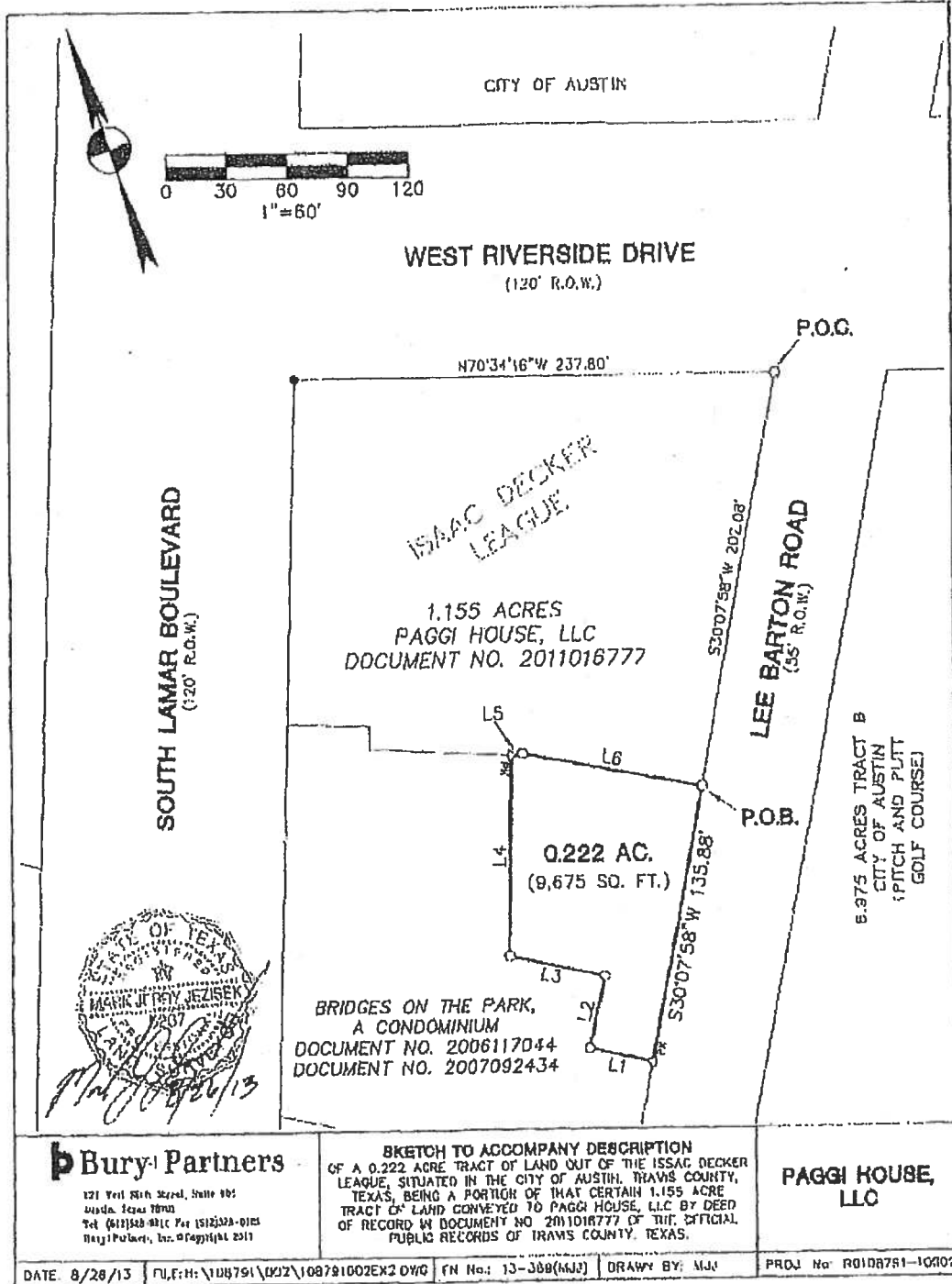
THENCE,  $S30^{\circ}07'58''W$ , leaving the southerly right-of-way line of West Riverside Drive, along the westerly right-of-way line of Lee Barton Road, being a portion of the easterly line of said 1.155 acre tract, a distance of 202.08 feet to a 1/2 inch iron rod with cap set for the POINT OF BEGINNING, and northeasterly corner hereof;

THENCE,  $S30^{\circ}07'58''W$ , continuing along the westerly right-of-way line of Lee Barton Road, being a portion of the easterly line of said 1.155 acre tract, for the easterly line hereof, a distance of 135.88 feet to a P.K. nail with washer set at the easternmost northeasterly corner of the Bridges on the Park Condominium, of record in Document No. 2006117044 of said Official Public Records, for the southeasterly corner hereof;

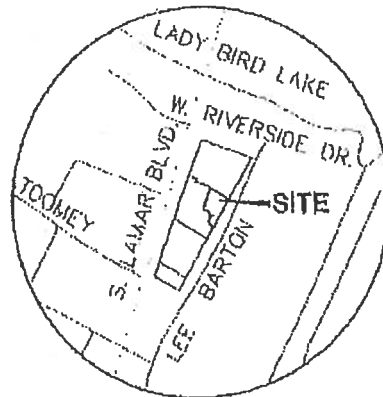
THENCE, leaving the westerly right-of-way line of Lee Barton Road, along the common line of said Bridges on the Park Condominium and said 1.155 acre tract, for the southerly and westerly lines hereof, the following four (4) courses and distances:

- 1)  $N57^{\circ}54'31''W$ , a distance of 31.76 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2)  $N32^{\circ}05'29''E$ , a distance of 36.33 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3)  $N57^{\circ}54'31''W$ , a distance of 48.33 feet to a 1/2 inch iron rod with cap set for the southwesterly corner hereof;
- 4)  $N20^{\circ}18'21''E$ , a distance of 96.56 feet to a P.K. nail with washer set at the northernmost northeasterly corner of said Bridges on the Park Condominium, for the northwesterly corner hereof;

SHEET 1 OF 2



SHEET 2 OF 2



VICINITY MAP  
N.T.S.

#### LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH CAP SET
- △ P.K. NAIL WITH WASHER SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

#### LINE TABLE

LINE	BEARING	LENGTH
L1	N57°54'31"W	31.76
L2	N32°05'28"E	36.33
L3	N57°54'31"W	48.33
L4	N20°18'21"E	96.58
L5	S77°39'09"E	5.54
L6	S59°52'02"E	90.00



**Bury+Partners**

211 East Fifth Street, Suite 210  
Austin, Texas 78701  
Tel: (512) 524-1000 Fax: (512) 524-0225  
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SKETCH TO ACCOMPANY DESCRIPTION  
OF A 0.222 ACRE TRACT OF LAND OUT OF THE ISSAC DECKER  
LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY,  
TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE  
TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED  
OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL  
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**PAGGI HOUSE  
LLC**

DATE: 8/28/13 FILE: H:\108791\002\108791002\EX2.DWG FN No. 13-JAB(MJJ) DRAWN BY: MJJ PROJ. No. R0108791-10002

Exhibit "C"

Concept Plan

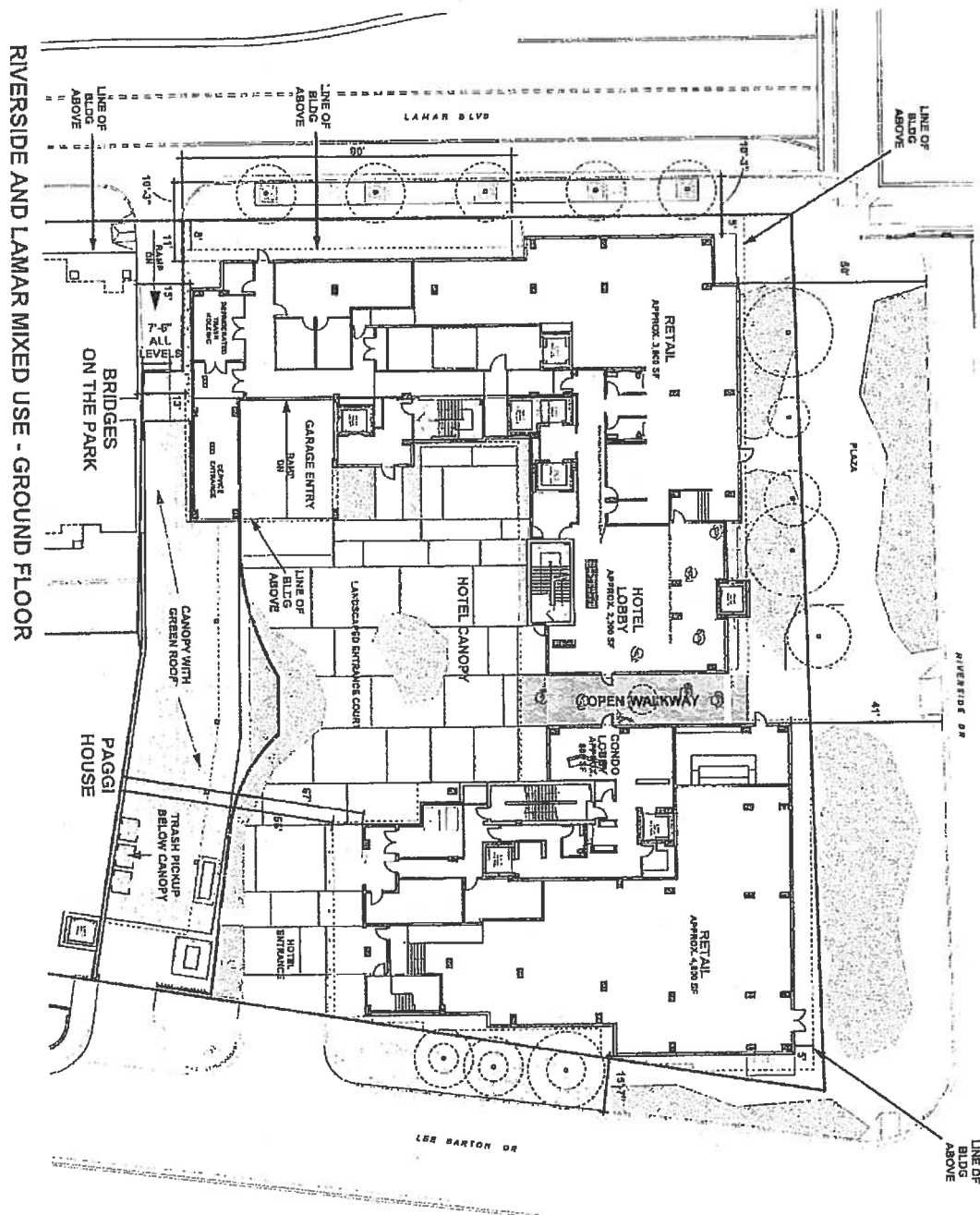


Exhibit "D"

Perspective Showing Covered Service Driveway

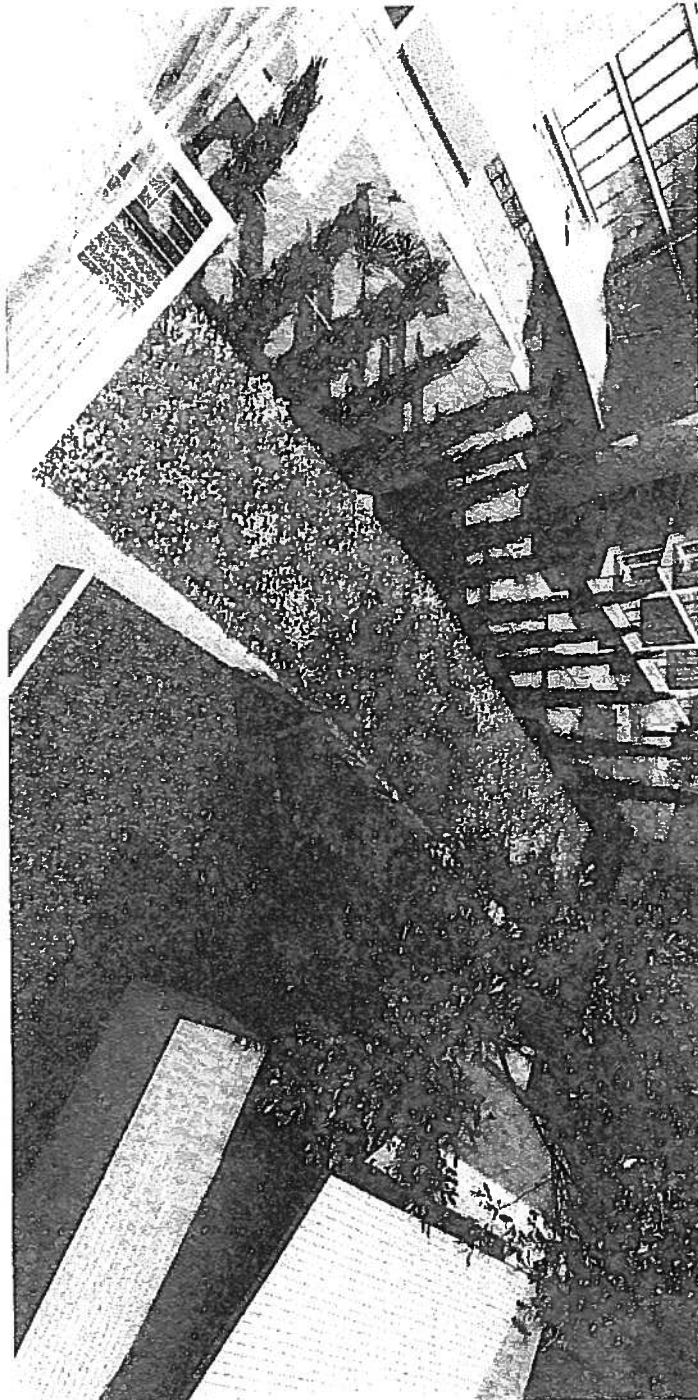




Exhibit "E"

Easement

[See Attached]

DOC. NO.  
92023001

FILM CODE

00004805066

DRAINAGE EASEMENT

THE STATE OF TEXAS    ()  
                          ()  
COUNTY OF TRAVIS    ()

KNOW ALL BY THESE PRESENTS:

THAT Victor Powell, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, or encumbrance expressed or implied, is retained, have this day GRANTED and CONVEYED and by these presents do GRANT and CONVEY unto the City of Austin, a municipal corporation situated in the Counties of Travis, Williamson, and Hays, and whose address is P.O. Box 1088, Austin, Texas 78767-1088, ATTN: Real Estate Division, an easement for the construction, operation, maintenance, replacement, upgrade and repair of a storm water drainageway to consist of an enclosed storm sewer pipe in, upon and across the following described land, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas described in EXHIBIT "A" attached hereto and made a part hereof for all purposes, to which reference is hereby made for a more particular description of said property.

TO HAVE AND TO HOLD the same perpetually to the City of Austin and its successors and assigns, together with the privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said enclosed storm sewer pipe and for making connections therewith.

REAL ESTATE  
TRAVIS CO.

11643 0201

IN WITNESS THEREOF, Grantors have caused this instrument to be  
executed on this 10<sup>th</sup> day of ~~February~~, 1992, A.D..  
MARCH

Victor Powell  
Victor Powell  
213 S. Lamar Blvd.  
Austin, Texas 78704

STATE OF NEW YORK (4)  
(1)  
COUNTY OF ROCKLAND (4)

Before me, the undersigned authority, on this day personally  
appeared Victor Powell, known to me to be the person whose name  
is subscribed to the foregoing instrument and he acknowledged to  
me that he executed the same for the purposes and considerations  
therein expressed and in the capacity therein stated.

WITNESS MY HAND AND SEAL OF OFFICE, this the 10<sup>th</sup> day of  
~~February~~, 1992 A.D..  
MARCH

Morton C. Weiss  
Notary Public, State of New York

Printed Name: MORTON C. WEISS

My Commission Expires: AUG 31 1992

MORTON C. WEISS  
Notary Public, State of New York  
No. 44956500  
Qualified in Rockland County  
Term Expires Aug 31, 1992

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11643 0202

FIELD NOTES FOR TWO TRACTS OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING 153.7 SQUARE FEET AND 1078.9 SQUARE FEET OF LAND, TO BE REFERRED TO HEREIN AS "TRACT A" AND "TRACT B" RESPECTIVELY, BOTH BEING A PORTION OF THAT TRACT CONVEYED TO JOSEPH AND VICTOR POWELL BY DEED RECORDED IN VOLUME 345, PAGE 106, TRAVIS COUNTY DEED RECORDS, SAID TRACTS A AND B BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT A (153.7 SQUARE FEET)

BEGINNING at a point on the west line of said Powell tract, said point bearing S20°29'24"W 12.30 feet from a steel pin found at the northwest corner of said Powell tract;

THENCE S76°51'40"E 110.30 feet to a point on the north line of said Powell tract;

THENCE S70°27'36"E 0.44 feet with the north line of said Powell tract to a point for corner;

THENCE N78°14'41"W 111.12 feet to a point on the west line of said Powell tract;

THENCE N20°29'24"E 2.75 feet to the point of BEGINNING, containing 153.7 square feet of land.

TRACT B (1078.9 SQUARE FEET)

BEGINNING at a point on the west line of said Powell tract, said point bearing S20°29'24"W 25.27 feet from a steel pin found at the northwest corner of said Powell tract;

THENCE S78°14'41"E 186.52 feet to a point on the north line of said Powell tract;

THENCE S70°27'36"E 53.54 feet to a steel pin found at the northeast corner of said Powell tract;

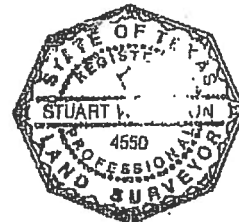
THENCE S30°00'W 0.99 feet with the east line of said Powell tract to a point for corner;

THENCE N76°51'40"W 239.69 feet to a point on the west line of said Powell tract;

THENCE N20°29'24"E 2.43 feet to the point of BEGINNING, containing 1078.9 square feet of land.

Prepared February 14, 1992 by: *Stuart Watson*

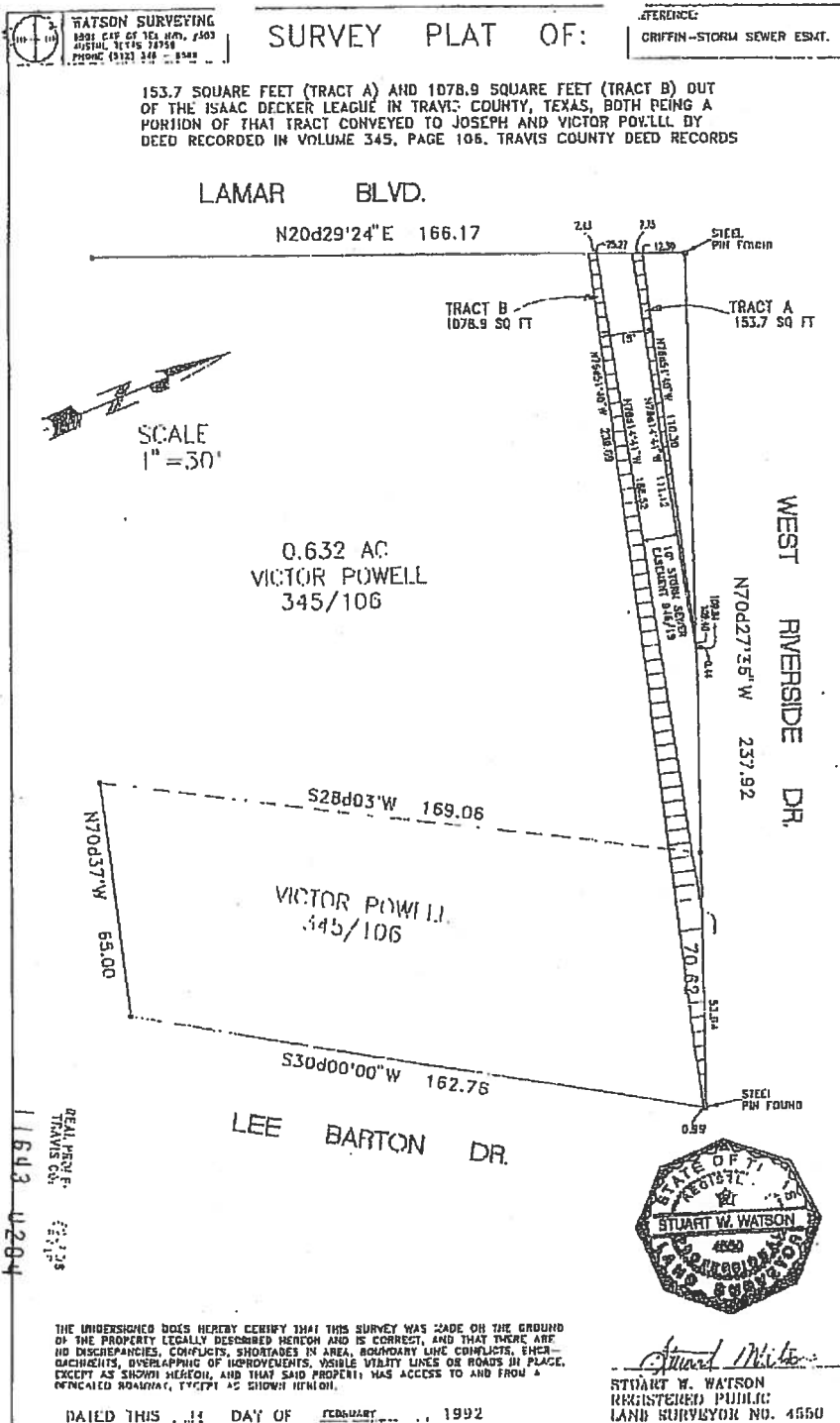
Stuart Watson, RPLS 4550  
9501 Cap of Tex Hwy, #303  
Austin, TX 78759 PH 346-8566



REAL MIGHT  
TRAVIS CO.

11643 0203

FIELD NOTES REVIEWED  
By *[Signature]* Date *2/14/92*  
Engineering Support Section  
Department of Public Works  
and Transportation



FILED  
MAR 16 11 38 AM '92  
DANA D. ZAHAYOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF DALLAS  
I hereby certify that this instrument was FILED in  
the State and in the County of Dallas on the 16th day of  
MARCH 1992, in the Public and Part of the  
Record 11643 of Travis County, Texas.

MAR 16 1992



*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM - At the time of  
recording this instrument was found to be lacking  
for the best photograph reproduction, because of  
fading, creases or photocopy, standard paper,  
etc. All blockings, additions and changes were printed  
at the time the instrument was filed and recorded.

~~Heather Austin~~  
899-2711 Kim Terrell

Ret. R. Renteria / ucc / part  
Dept.



REAL PROPERTY  
TRAVIS COUNTY  
11643 0205



Being a part of Lot No. 2, Glenview Addition in the City of Austin, Travis County, Texas, according to the map or plat of record in Vol. 3, page 109, of the Plat Records of Travis County, Texas, and described by metes and bounds as follows:

Beginning at the southeast corner of said Lot No. 2, said beginning point being in the west line of Kerbey Lane;

thence northerly with the west line of Kerbey Lane for a distance of five feet; thence westerly with a line parallel to the south line of said Lot No. 2 for a distance of 118.8 feet to a point in the west line of said Lot No. 2; thence northerly with the west line of said Lot No. 2 for a distance of 50 feet; thence easterly with a line parallel to the south line of said Lot No. 2 for a distance of 118.8 feet to a point in the east line of said Lot No. 2, and the west line of Kerbey Lane; thence southerly with the east line of said Lot No. 2 and the west line of Kerbey Lane for a distance of 50 feet to the place of beginning, of the tract conveyed.

It is understood that the above described property does not constitute any part of the homestead of grantor herein.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said G. R. Ogletree, his heirs and assigns forever. And I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said G. R. Ogletree, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Witness my hand this 27th day of January, A. D. 1949.

(\$1.65 U. S. Int. Rev. Stamp Can.)

Walter Bohn

THE STATE OF TEXAS #

COUNTY OF TRAVIS #

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

Given under my hand and seal of office, this 27th day of January, A. D. 1949.

(Notary Seal)

Arthur E. Pihlgren

Notary Public, Travis County, Texas.

Filed for record Jan. 28, 1949 at 12:00 Noon ----- Recorded Jan. 29, 1949 at 11:25 A. M.

C THE STATE OF TEXAS #

COUNTY OF TRAVIS #

KNOW ALL MEN BY THESE PRESENTS:

That we, Joe C. Powell and wife, Ida Rose Powell, of Travis County, Texas, Victor Powell and wife, Mary Louise Powell, of Rockland County, New York, and Joseph G. Powell of Los Angeles County, California, for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and the further consideration of the benefits accruing to us by reason of the drainage to be provided on the easement herein granted, the sufficiency of which consideration is hereby acknowledged and confessed, have this day granted, sold and conveyed, and by these presents do grant, sell and convey unto the City of Austin, a municipal corporation situated in the County of Travis and State of Texas, an easement and right of way for the construction and maintenance of an enclosed storm sewer, to run upon and across the following described property, to wit:

A strip of land ten (10) feet in width, same being out of and a part of the north one-half ( $\frac{1}{2}$ ) of a 7.6 acre tract of land out of the Eugenia Peggy Place in the V. E. Goodrich Estate, a subdivision by W. E. Goodrich of a portion of the Isaac Decker League within Travis County, Texas, according to a map or plat of said Goodrich Estate of record in Volume 27, page 374, of the Deed Records of Travis County, Texas, which north one-half ( $\frac{1}{2}$ ) of said 7.6 acre tract of land was conveyed to Joseph Powell and Victor Powell by warranty deed dated August 7, 1933, of record in Volume 491, page 336, of the Deed Records of Travis County, Texas; and a life interest in and to said north one-half ( $\frac{1}{2}$ ) of said 7.6 acre tract was conveyed to J. C. Powell by estate deed dated August 7, 1933, of record in Volume 491, page 333, of the Deed Records of Travis County, Texas. the centerline of said strip of land ten (10) feet in width being more particularly described by metes and bounds as follows:

Beginning at a point in the east line of Lamar Boulevard and from which point of beginning an iron stake at the point of intersection of the east line of Lamar Boulevard with the south line of Robert E. Lee Road, bears N. 20° 47' E. 20.16 feet; "Thence S. 70° 28' E. 148.95 feet to point of termination on the south line of Robert E. Lee Road, and from which point of termination the aforementioned point of intersection of the south line of Robert E. Lee Road with the east line of Lamar Boulevard bears N. 70° 53' W. 147.11 feet.

To have and to hold the same perpetually to the City of Austin, and its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said sewer, and for making connections therewith all upon the condition that the City of Austin will at all times after doing any work in connection with the construction or repair of said sewer, restore the surface of said premises to the condition in which the same was found before such work was undertaken.

Witness our hands this 27 day of January, 1949.

Joe C. Powell

Ida Ross Powell

Victory Powell

By John D. Cofer, Atty in fact

Mary Louisa Powell

By John D. Cofer, Atty in fact

Joseph G. Powell

By John D. Cofer, Atty in fact

THE STATE OF TEXAS #  
COUNTY OF TRAVIS #

BEFORE ME, the undersigned authority, on this day personally appeared Joe C. Powell and Ida Ross Powell, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and the said Joe C. Powell acknowledged to me that he executed the same for the purposes and consideration therein expressed; and the said Ida Ross Powell, wife of the said Joe C. Powell, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Ida Ross Powell, acknowledged such instrument to be her act and deed. and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 27th day of January, 1949.

(Notary Seal)

G. Mune Cofer

Notary Public in and for Travis County, Texas.

**Rhoades, Wendy**

QUESTIONS AND ANSWERS

**From:** Rhoades, Wendy  
**Sent:** Friday, December 21, 2018 4:13 PM  
**To:** Duncan, Jim - BC; King, David - BC  
**Subject:** RE: 2018-199452 ZC - 211 South Lamar - Taco PUD

Jim / David,  
Please see my responses below.

Happy Holidays,  
Wendy

---

**From:** Duncan, Jim - BC  
**Sent:** Thursday, November 22, 2018 1:06 PM  
**To:** King, David - BC <BC-David.King@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Cc:** Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Tiemann, Donna <Donna.Tiemann@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Halley, Shannon <shannon.halley@austintexas.gov>; Shieh, James - BC <bc-James.Shieh@austintexas.gov>  
**Subject:** RE: 2018-199452 ZC - 211 South Lamar - Taco PUD

To David (definitely my most dedicated ZAP colleague):

It's Thanksgiving! Chill out and have a "turkey taco" on me! The future of Austin can wait one day!

Jim

P.S. However, I seem to recall that it was the Taco PUD that got its affordable housing requirements rebated so I am not quite sure how housing bond funds relate. Let me know what you find out.

James B. Duncan, FAICP, CNU | Urbanologist Emeritus | 11405 Pradera Drive | Austin TX 78759 | 512 658 8875

---

**From:** King, David - BC  
**Sent:** Thursday, November 22, 2018 8:34:23 AM  
**To:** Rhoades, Wendy  
**Cc:** Kitchen, Ann; Tiemann, Donna; Tovo, Kathie; Halley, Shannon; Duncan, Jim - BC; Shieh, James - BC  
**Subject:** 2018-199452 ZC - 211 South Lamar - Taco PUD

Wendy,

Thank you for sending me the attached copy of the proposed amendment to the "Taco" PUD.

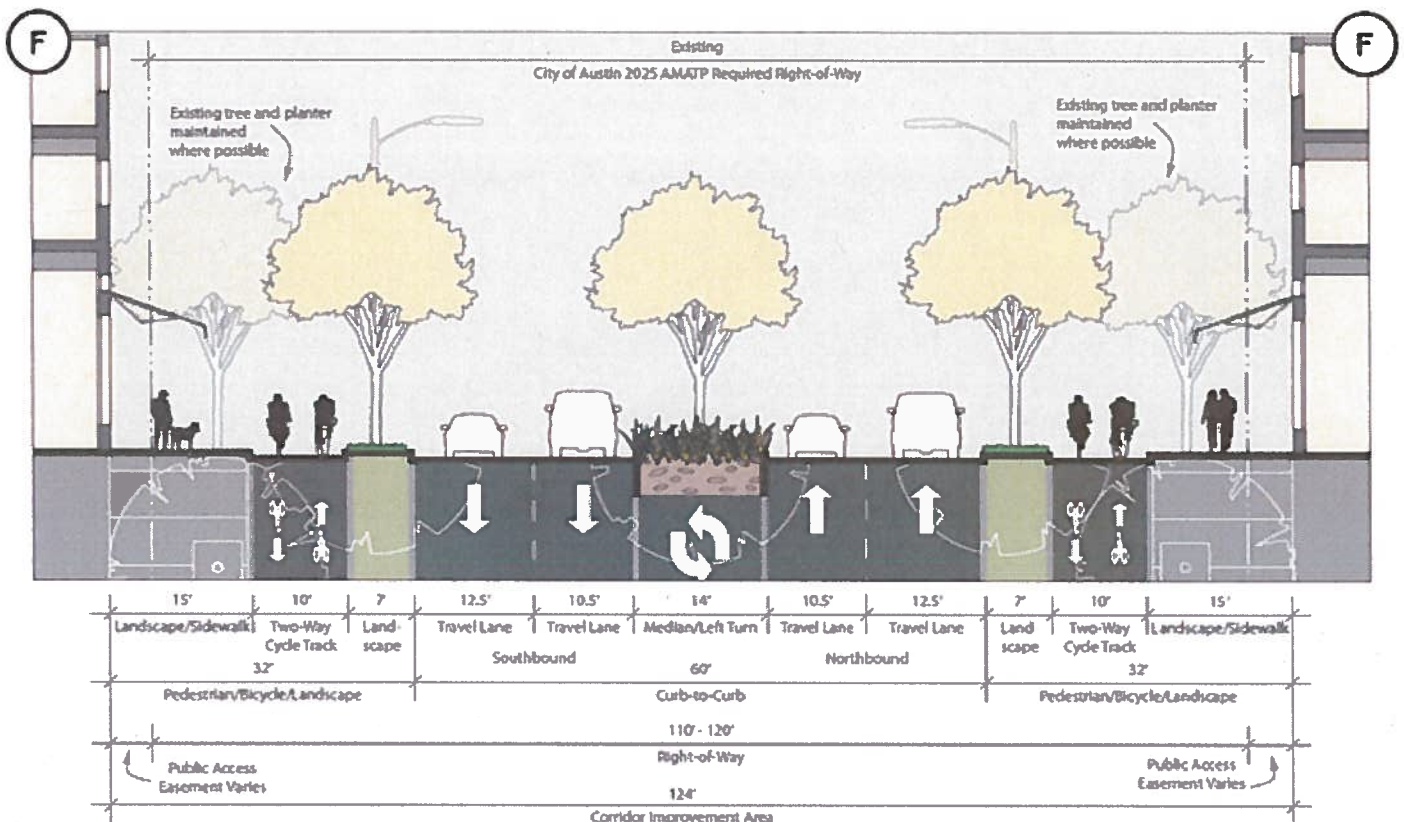
The amendment apparently includes a request to add hotel as a permitted use and eliminate at-grade parking so that all parking is below ground level. The applicant indicated that the vehicle trips per day will decrease so the "transportation improvements contemplated in the PUD apply and a new Transportation Impact Analysis is not required."

Could you please help me with answers to the following questions regarding the amendment?

QUESTIONS AND ANSWERS

1. How will transportation bond funding for the South Lamar Corridor and West Riverside Drive impact developer-required transportation improvements associated with this project?

Response: Currently, corridor funding is earmarked for the complete buildout of S. Lamar between Riverside Drive and Barton Springs (see cross section below). Apart from a protected (bike/ped) intersection at S. Lamar and Riverside, no other improvements are planned for this segment of Riverside Drive in the Corridor Construction Program. The Corridor Program Office would recommend contribution towards these identified improvements as a condition of PUD approval.



#### 4-Lane Divided, 60' Curb-to-Curb Back-of-Curb Condition F Barton Springs Road to Riverside Drive

2. How will drainage/flood mitigation bond funding impact developer-required drainage and flood mitigation for this project? Response: The PUD site is not within a project area identified for the recently passed drainage bonds. However, the transportation corridor bond funding associated with the buildout of S. Lamar between Riverside Drive and Barton Springs Rd as described above will include some drainage improvements, although the scope and limits of those improvements is unknown at this time.
3. How will affordable housing bond funding impact developer-required affordable housing associated with this project? Response: The general obligation bonds approved for affordable housing are anticipated to be spent on three activities: gap financing for rental / ownership development, home

repair to address accessibility and safety issues (i.e. GO REPAIR! Program), and strategic property acquisition.

NHCD's gap financing is awarded on a competitive basis, and the degree to which NHCD could fund something in the South Lamar area would depend on whether an application for funding for a project in the area was submitted through NHCD and scored competitively.

Projects funded through the GO REPAIR! Program must qualify on the basis of household income and are funded as funds are available and budgeted. Again, the degree to which NHCD funds a project in this area would depend on whether NHCD received an application for funding for a project in this area that met the eligibility criteria.

\$100 million of the \$250 million General Obligation Bond funds approved by City voters for affordable housing are anticipated to be spent on strategic property acquisition. If NHCD identifies potential opportunities for acquisition in the area that meet NHCD's criteria, to include supporting the goals identified in the Strategic Housing Blueprint, NHCD would certainly consider it.

4. How will parks bond funding impact developer-required parkland dedication associated with this project? Response: PARD does not foresee that any bond funding would impact the 211 S Lamar property. If PARD moves forward with expenditure of bond funding, it would occur at Butler Park or possible redevelopment of the PARD Main Office site for a new location for the Daugherty Arts Center.
5. Will any development requirements or public amenities be reduced or mitigated by bond funding? Response: I am unaware of development requirements or public amenities that would be reduced or mitigated by bond funding.
6. How will existing entitlements, development requirements and public amenities be impacted by this amendment? Response: This will be the subject of Staff review of the proposed amendment.
7. Will a new Transportation Impact Analysis be required? Response: I have forwarded this question to traffic and transportation staff and am awaiting a response.
8. Will the amendment require a public hearing by the following entities? Please see responses below:
  - Small Area Planning Joint Committee – Yes, because this is a proposed substantial amendment that requires public hearings and the site is located in the Waterfront Overlay area (specifically the Butler Shores district), it will be brought to the Committee for recommendation(s).
  - Environmental Commission – Yes
  - Planning Commission – Yes
  - Zoning and Platting Commission – No (the proposed amendment will be reviewed by PC)
  - City Council – Yes

Thank you,  
David

David King  
Zoning and Platting Commission - District 5  
Small Area Planning Joint Committee Member



## Rhoades, Wendy

---

**From:** Rhoades, Wendy  
**Sent:** Tuesday, August 06, 2019 4:42 PM  
**To:** Tiemann, Donna  
**Subject:** RE: puds  
**Attachments:** SD Plan n Profile.pdf

Hi Donna,

Please see answers to your questions below. Heather Chaffin is the case manager for the Schlotzky's PUD and has sent responses to you for those questions.

Wendy

---

**From:** Tiemann, Donna  
**Sent:** Thursday, August 01, 2019 12:56 PM  
**To:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Subject:** puds

Hi Wendy,

I've had the following questions sent to us from ZNA. Can you provide info? As I look at upcoming council agenda it appears the Taco PUD will pp on 8<sup>th</sup> and 22<sup>nd</sup> and maybe be heard for action in September. Do I have that right? Yes, the Taco PUD is scheduled for the as follows: 1) Small Area Planning Joint Committee on August 14<sup>th</sup>; 2) Environmental Commission on August 21<sup>st</sup> meeting; 3) Planning Commission on August 27<sup>th</sup>; and 4) City Council meeting on September 19<sup>th</sup>.

Is other PUD in same track timewise or lagging? The Schlotsky's PUD is still in Staff review and will not be ready for review on the above-listed dates (C814-2018-0121 – 281 S. Lamar).

### Taco PUD

Why was a subdivision recently filed for the property? A resubdivision was filed to create two lots thereby separating the proposed redevelopment of the old Taco Cabana site from the historic Paggi House.

What is the route of the requested drainage pipe into the river? The proposed 24-inch storm drain pipe would be extended from the northwest corner of the property (South Lamar and West Riverside Drive intersection), and extend east within the West Riverside Drive right-of-way. At the Riverside Drive / Lee Barton intersection, the width of the storm drain increases from 24" to 30" and extends northward to Lady Bird Lake. The proposed Plan and Profile Sheet of the new drainage pipe is attached.

### Schlotzsky's PUD

The TIA doesn't include traffic from the Taco PUD or the restaurant in the Carpenter Hotel.

"Contributions" required for transportation improvements do not count toward "superiority" for PUDs. A project built under existing code would be required to make the same contributions to the same infrastructure improvements. The Schlotzsky's project must contribute at least \$255,000; the figure for the (non-PUD VMU) project at Bluebonnet is \$266,000.

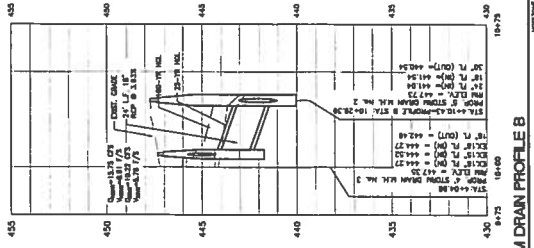
**Donna Tiemann**

*Office of Council Member Ann Kitchen, District 5  
Chief of Staff*

Direct Phone: 512-978-2166

Main Phone: 512-978-2105





## Rhoades, Wendy

---

**From:** Barua, Upal  
**Sent:** Thursday, August 15, 2019 4:51 PM  
**To:** Chaffin, Heather; Rhoades, Wendy; Beaudet, Annick  
**Cc:** Jain, Sangeeta; Harden, Joi; Good, Justin  
**Subject:** RE: Traffic Impact Analysis  
**Attachments:** 07152019 211 South Lamar Transportation Mitigation Final Mem1.pdf  
**Importance:** High

Hi Heather – Thank you for contacting us with the Transportation Impact Analysis (TIA) Determination question.

While assessing the requirement of a TIA for a new development, we check the followings:

1. If the expected number of trips generated by a proposed development exceeds 2,000 vehicle trips per day, a TIA shall be submitted by the applicant.  
In some cases, there are existing trips already in the transportation system from the proposed site that would be removed and replaced by new trips generated by proposed development. Hence, while assessing the need of a TIA, that existing trips (that are going to be replaced) are taken into consideration.  
Since a Transportation Impact Analysis, by definition, is to assess the impact(s) from the additional traffic generated by a proposed development, the incremental traffic is one of the considerations in assessing the need of the TIA.
2. While assessing the need of a TIA, we also consider other City adopted transportation plans and transportation improvements already identified by other studies (e.g. TIAs) adjacent to the proposed development site. If there are City adopted corridor improvement plans and/or other Transportation Impact Analyses already completed in the area that identified transportation improvements, the need for another TIA becomes redundant. In that case, the applicant can either construct the improvements or pay transportation mitigation fee in lieu, as their fair share of their transportation impacts, instead of re-doing another TIA that would produce the same results as the City adopted corridor improvement plans or previously conducted TIAs.

Such was the case, on 211 South Lamar development. Since, South Lamar Boulevard Corridor Improvement Program (part of 2016 Mobility Bond) already identified the transportation improvements in the adjacent transportation network, the proposed development is paying transportation fee in lieu mitigation towards South Lamar Boulevard / Riverside Drive intersection improvements and South Lamar Boulevard / Barton Springs Road intersection improvements. The proposed development is also going to construct corridor improvements along South Lamar and Riverside Drive as per the improvements identified in South Lamar Boulevard Corridor Improvement Plan. I have attached the transportation mitigation fiscal memo, for your convenience.

Based on these identified improvements and contribution of transportation mitigation fee in lieu to the identified improvements, we decided that a full-blown TIA is not necessary (by code § 25-6-117 –

Waiver Authorized). Instead the applicant had submitted a Transportation Analysis Addendum to summarize the identified improvements and their fiscal contribution.

3. In any case a TIA is not triggered, we / Austin Transportation Department make sure to assess the impact(s) of a proposed development under Transportation Mitigation Ordinance ([Ordinance No. 20170302-077](#)).

Following the above noted criteria, Austin Transportation Department ensures that there is no missed “check in” opportunities. No TIA is triggered, doesn’t mean no transportation mitigation, in any way. We review the impact(s) of a proposed development from a holistic approach considering all the multimodal transportation improvements needed to accommodate a proposed development.

Please feel free to let me know should you have any further question(s).

Thanks,  
Upal

**Upal Barua, P.Eng., P.E., PTOE**  
Transportation Development Officer & Division Manager,  
Transportation Development Services Division  
Austin Transportation Department  
901 S. MoPac Expressway, Building 5, Suite 300  
Austin, TX 78746  
(512) 974-7110  
[upal.barua@austintexas.gov](mailto:upal.barua@austintexas.gov)

---

**From:** Chaffin, Heather

**Sent:** Wednesday, August 14, 2019 12:02 PM

**To:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>; Beaudet, Annick <[Annick.Beaudet@austintexas.gov](mailto:Annick.Beaudet@austintexas.gov)>

**Cc:** Barua, Upal <[Upal.Barua@austintexas.gov](mailto:Upal.Barua@austintexas.gov)>; Jain, Sangeeta <[Sangeeta.Jain@austintexas.gov](mailto:Sangeeta.Jain@austintexas.gov)>; Harden, Joi <[Joi.Harden@austintexas.gov](mailto:Joi.Harden@austintexas.gov)>

**Subject:** RE: Traffic Impact Analysis

Annick,  
Wendy and I will defer to ATD on all of these questions. I’m forwarding this to Upal and Sangeeta, too.  
Heather

---

**From:** Tiemann, Donna

**Sent:** Wednesday, August 14, 2019 10:41 AM

**To:** Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>; Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>; Beaudet, Annick <[Annick.Beaudet@austintexas.gov](mailto:Annick.Beaudet@austintexas.gov)>

**Cc:** Kitchen, Ann <[Ann.Kitchen@austintexas.gov](mailto:Ann.Kitchen@austintexas.gov)>

**Subject:** FW: Traffic Impact Analysis

Hi guys,

I want to check in with on the question below related to how TIA determinations are made. Is Bruce accurate in his description of how staff interprets code?

If so, why are we doing it that way? It helps with expedience of permitting, I can understand, but it doesn't do justice to the transportation problems/challenges we have as a city.

Are TIAs req only if the new project triggers 2000 ADDITIONAL trips? (hoping answer is NO)

It would seem, if new project is expected to exceed 2000 trips the code indicates TIA req. (if existing project generates 2000 trips and new use is projected to maintain or add more trips ((some amount above 2000)) it is opportunity to check in, update, and identify ways to improve and mitigate transportation flow in area that may not have been looked at in a very long time) (to do otherwise is missed opportunity for city to identify partner in improvements that benefit them as well as the commons)

section 114, as I read, provides for development areas that may not reach the 2000 but generate more than 300 above what existing use generates (if existing generates 100 and new use adds 301 trips to total 401 trips a TIA would be triggered) This becomes critically important as we have increasing amounts of infill, density, particularly in future transitions zones. I am hoping we keep this incremental "check in" opportunity to ensure the city is able to manage the commons fiscally and physically.

I understand future TIAs will lower to 1000 but many may still not generate that many trips. When you think about these zones evolving over time and the many developments under 1000 trips it is not hard to expect all these projects cumulatively adding up to far exceed the 2000 trip trigger we have today.

Appreciate the consideration,  
-d

**Donna Tiemann**

*Office of Council Member Ann Kitchen, District 5  
Chief of Staff*

Direct Phone: 512-978-2166  
Main Phone: 512-978-2105

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**From:** Bruce Wiland <[wiland@att.net](mailto:wiland@att.net)>  
**Sent:** Wednesday, August 14, 2019 9:22 AM  
**To:** Tiemann, Donna <[Donna.Tiemann@austintexas.gov](mailto:Donna.Tiemann@austintexas.gov)>  
**Cc:** Kitchen, Ann <[Ann.Kitchen@austintexas.gov](mailto:Ann.Kitchen@austintexas.gov)>; Dave Piper <[dpiper8866@att.net](mailto:dpiper8866@att.net)>; Lorraine Atherton <[latherton04@gmail.com](mailto:latherton04@gmail.com)>; David King <[sdking975@gmail.com](mailto:sdking975@gmail.com)>; Jeff Jack <[2jeffjack@gmail.com](mailto:2jeffjack@gmail.com)>  
**Subject:** Traffic Impact Analysis

Donna,

As you may know, City staff is only requiring a Traffic Impact Analysis (TIA) on projects if the projected number of vehicle trips generated by the proposed uses exceeds the vehicle trips per day generated by the existing uses by 2,000 vehicle trips per day. Do you know how the ordinance came to be interpreted this way?

This is the actual wording in the code related to the Traffic Impact Analysis:

**§ 25-6-113 - TRAFFIC IMPACT ANALYSIS REQUIRED.**

(A) Except as otherwise provided in Section 25-6-117 ( Waiver Authorized ), a person submitting a site plan application or a zoning or rezoning application must submit a traffic impact analysis to the department if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day.

This is the wording from a similar provision related to the Neighborhood Traffic Analysis:

**§ 25-6-114 - NEIGHBORHOOD TRAFFIC ANALYSIS REQUIRED.**

(A) The director shall conduct a neighborhood traffic analysis for a project proposed in a site development permit application or a zoning or rezoning application if:

(2) one of the following applies:

(a) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day; or

It seems to me that City staff is conflating the language from the Neighborhood Traffic Analysis with the TIA. As I read the plain wording of the code, a TIA is required any time a project exceeds 2,000 vpd, not just the difference between the proposed and existing. 25-6-117 gives the director the authority to waive the requirement to submit a TIA on a project but the director must provide the reasons. It appears that the director is using this authority to give blanket waivers to all projects based on the differential without providing the required reason or justification. It seems to me that if the City Council had meant the requirement for a TIA to be based on the difference between proposed and existing uses, they would have used the same language in 25-6-113 that they used in 25-6-114.

Can you comment on this please?

Thank you,  
Bruce Wiland

## PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

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

Case Number: C814-2012-0160.01

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: May 14, 2019, Planning Commission;  
June 20, 2019, City Council

Your Name (please print)

VERNON ARTHUR

Your address(es) affected by this application

V. Club

5.9.19

Date

Signature

Daytime Telephone: 301 520 9547

Comments:

My concern is the project across the street. At Toomey and Lamar, Schlotsky's site.

9 Floors is WRONG!

Who did traffic study?

Developers?

Toomey nor Lamar can handle more traffic.

Thank You

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

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

CORRESPONDENCE

**ZILKER NEIGHBORHOOD ASSOCIATION COMMENTS  
TO THE PLANNING COMMISSION HEARING (27 AUG 2019)  
ON 211 SOUTH LAMAR PUD REZONING**

ZNA opposed the original zoning change to PUD in 2012 when 1) the 10-acre minimum size requirement for PUDs was ignored and allowed to be only 0.933 acres and 2) the maximum height was increased from the 60 feet allowed in the base CS/CS-V zoning to the 96 feet requested in the zoning change. To be clear, ZNA still opposes the proposed PUD project on these same grounds. However, the new project is even worse than the original.

1) The original project had a maximum height of 96 feet for building block one and 78 feet for building block two; the new project is even higher with building block one remaining at 96 feet but building block two increasing by eight feet to 86 feet.

2) The original project consisted largely of natural building materials; the new project appears to be almost entirely glass.

3) The original project had a daily traffic volume of 2,006 vpd (based on the 12 Dec 2012 TIA worksheet); the daily traffic volume of the new project has increased by 314 vpd to 2,320 (based on the 16 Jul 2019 ATD memo), and the daily traffic volume of the new project would be even higher if the traffic volume from the retail shopping area had not been reduced from the original projection by what we believe are some questionable reasons.

4) The original project, although larger than what ZNA would have wanted, at least provided 175 needed residential units in the neighborhood; the new project provides only 27, assuming that they even get built. The 27 residential units is a maximum. There is no requirement in the zoning ordinance that they be built at all.

In addition to the preceding comments demonstrating how ZNA believes the proposed PUD is inferior to the existing PUD, we have the following additional issues:

**BUILDING HEIGHT**

The language in the ordinance with respect to the height of the project does not seem to make sense. The following is the language in the ordinance with respect to the height:

**PART 4.H.1.b.**

“(i) The first building block will have a maximum height of 96 feet and will be situated (A) along the entire length of the Project's South Lamar Boulevard edge; (B) along the entire length of the Project's Riverside Drive edge; and (C) along the Project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than 56 feet (excluding balconies) from the Project's southern property line along Lee Barton Drive”

(ii) The second building block will have a maximum height of 78 feet and will be (A) on the exterior side of the "U"; (B) situated along a portion of the Project's Riverside Drive edge (it will not extend all the way to the Project's South Lamar Boulevard edge), wrapping the Project's Riverside Drive/Lee Barton Drive corner, and extending along the



Project's Lee Barton Drive edge to a point no closer to the southern property line of the Property than the terminus of the first building block described in subpart (i) above;

Presumably the reference to "Project's southern property line along Lee Barton Drive" refers to east-west property line between the hotel project and the Paggi House which is more or less perpendicular to Lee Barton Drive (rather than "along" it). The language seems to propose two building blocks, but the second building block (86' in height) appears to be completely contained within the first building block (96' in height) as shown in Exhibit 1, so it is unclear whether there will even be a second building block. The entire project could be 96' high as we read the language.

This building will dominate the view along Butler Shores and the southern view from the Pfluger Pedestrian Bridge as one crosses Lady Bird Lake (see Exhibit 2). It will loom over the Butler Pitch and Putt Golf Course where the view still feels like a park setting, but it will not feel like a park setting when a 96-foot glass building looms over the northern end of the course (see current views from Butler Pitch and Putt in Exhibit 3).

## **WATERFRONT OVERLAY DESIGN STANDARDS**

The edge of the building will be only 230 feet from Lady Bird Lake, 100 feet from park land to the north, and 50 feet from park land to the east. This will be the closest building to the lake between South First and MoPac on either side of Lady Bird Lake. While the proposed building is outside the secondary setback for the Butler Shores Waterfront Overlay District, the setback requirement for the Butler Shores Waterfront Overlay was based on adjacent zoning that required buildings to be a maximum of 60 feet in height. A PUD that is being granted an increase in height over the base zoning district should be required to meet superior setback requirements. The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. Allowing a 96-foot high building without increased setbacks violates this principle.

Land Development Code § 25-2-723(3) for the Butler Shores Subdistrict of the Waterfront Overlay states the following: " Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake." Except for the first floor which is required to have transparent glass, the exterior surfaces of the remainder of the building visible from the park land do not appear to be made of natural building materials. They appear to be primarily glass with non-natural framing. It is not clear how this meets the design requirements of the Waterfront Overlay. The exterior surfaces of the original project appeared to be constructed of mostly natural building materials (see Exhibit 4 for a comparison).

Additionally, Part 4.H.1.d(iii) of the proposed ordinance states that "The portion of the wall identified in subpart (i) above, shall have a light reflective surface." It is not clear how this meets LDC § 25-2-721(e)(1) which prohibits exterior mirrored glass and glare producing glass surface building materials.

## TRAFFIC

Referring to Exhibit 5, the predicted trip generation for the "shopping center" portion of the project is skewed downward by using an average rate line instead of a fitted curve. ATD said they chose the Average Rate methodology because the size of this development falls below the reasonable range of results produced via the Fitted Curve methodology. We disagree. The average rate line, from which the project's trip count was derived by ATD, is lower than any data point in the range of interest. The red lines on the graph show the size of the 211 South Lamar project. The average rate line used by ATD is lowered by projecting it through data points derived from retail centers which are so large that those points do not appear on the graph in Exhibit 5 (see Exhibit 6).

The number of daily trips calculated from the fitted curve is 1,256, compared to the trips calculated from the average line, which is 378. The discrepancy is 878 trips, which we feel should be added to the trips generated by the other components of the project. That total number would then be 3,198, which is well over the 2,000 trips which triggers the requirement for a Traffic Impact Analysis and is 1,192 more than the 2,006 from the approved PUD project TIA worksheet dated 12 Dec 2012. The Pollo Tropical restaurant has been closed for over 2 years, so there are no existing vehicle trips to subtract from the site, and all traffic will be additional. This hotel will dramatically change the traffic flow on West Riverside Drive, South Lamar Boulevard, and Lee Barton Drive. There will be more traffic on West Riverside through the middle of the park and more traffic on Lee Barton Drive adjacent to the Butler Pitch and Putt. The mix of vehicles will also change as more trucks deliver services and supplies to the hotel, restaurant, and retail establishments. We believe a Traffic Impact Analysis is imperative to determine the traffic impacts on these streets, the Riverside/Lamar intersection, and the parks, especially since the new Daugherty Art Center location may also utilize West Riverside Drive.

The \$120,375 offered as street improvements to offset the cost of \$4.6 million improvements for the South Lamar Blvd/West Riverside Dr intersection and the South Lamar Blvd/Barton Springs Rd intersection from the South Lamar Corridor Project in no way begins to compensate for the additional traffic that will be generated in one of the most congested areas in Austin.

## LAND USE

The land at 211 S should be used for housing at a scale that fits into the requirements of the Butler Shores Overlay Zone, the Town Lake Master Plan, the forthcoming new Dougherty Arts Center, and the general feel of an area that is the gateway to our lakefront parks where commercial intensity and traffic generation is explicitly discouraged.

Just because the applicant has proposed this re-zoning for a hotel/condo project, it may not be the project that is ultimately built should financing or other circumstances change its viability. The proposed PUD ordinance could allow an entirely different project than is currently being proposed. For example, should the project not go forward, there does not seem to be anything that would prevent the hotel from becoming an office building. Before the Planning Commission recommends passage of this ordinance for re-zoning, it should consider the ramifications of the wording in the ordinance if the proposed project should fall through.

## **AFFORDABILITY**

The proposed ordinance as it is now written proposes a \$500,000 fee-in-lieu payment to satisfy the requirement for affordable options. This fee-in-lieu is not dedicated to providing any affordable housing in the Zilker neighborhood, will barely provide for more than a few units, and is insufficient to justify the impacts to the neighborhood caused by the increased traffic and the failure to protect the views in our parks.

The applicant has promised the possibility of providing additional funds for specific affordable housing units not located in the Zilker neighborhood. The applicant has also indicated that they might provide additional funds for an affordable housing project within the Zilker neighborhood if such a project could be arranged. In any case, ZNA believes that if providing affordable housing units is going to be utilized to help justify this PUD hotel project, these housing units should be provided within the Zilker neighborhood, and the amount of the additional funds should be specified in the ordinance. Otherwise, if this project should fail to proceed, we may be stuck with a zoning ordinance that would allow a subsequent project to proceed at this site without fulfilling these promises.

## **SUMMARY**

We believe the Planning Commission and the City Council erred in allowing this site to be rezoned to PUD in the first place. Please don't compound it by allowing a project that produces more traffic and is more out of place with the park setting than the existing PUD.

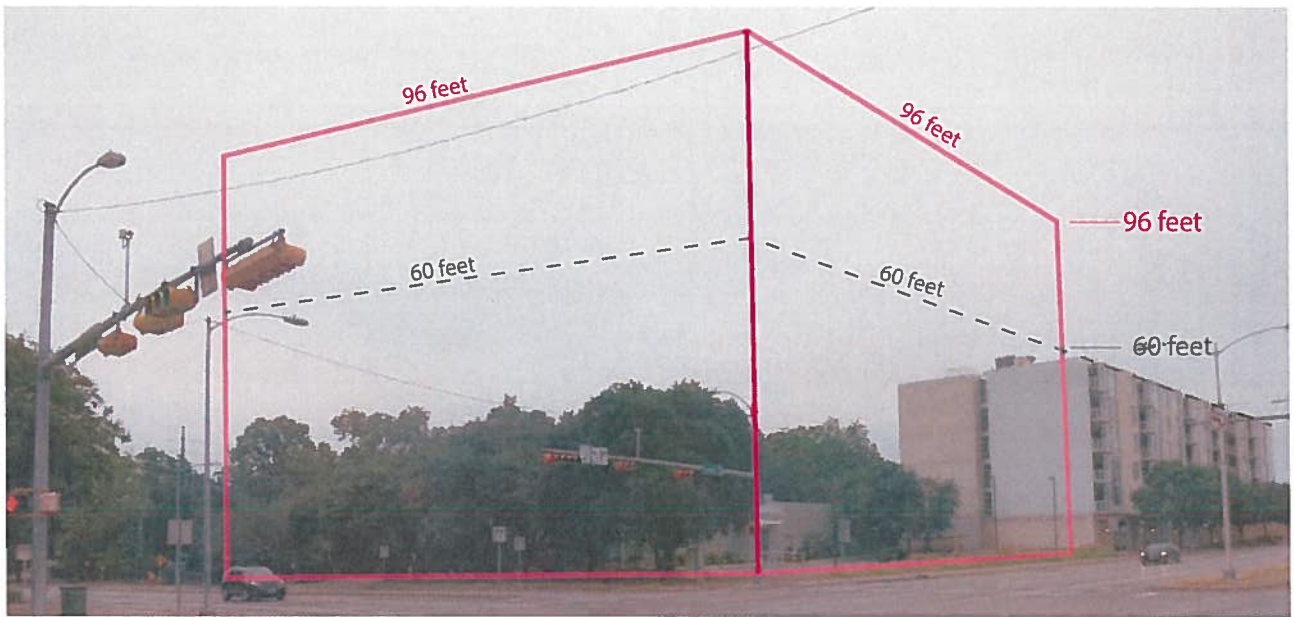
## EXHIBIT 1



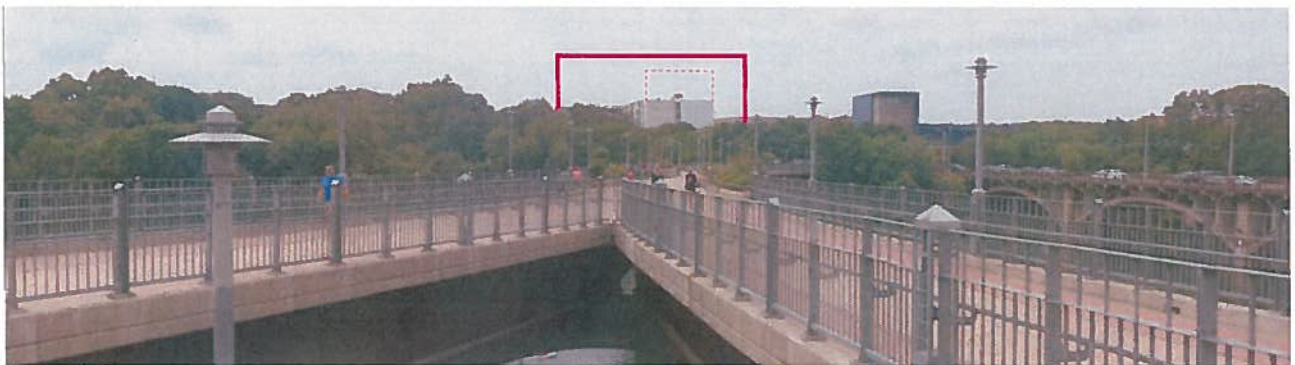
- Property Lines
- Ordinance Description of Location 96' Maximum Height for First Building Block
- Ordinance Description of Location 86' Maximum Height for Second Building Block (dashed line indicates the location is indeterminate)



EXHIBIT 2



View from Butler Shores at northwest corner of South Lamar Blvd and West Riverside Dr



View from Pfluger Pedestrian Bridge  
(dashed red line shows 96' height at edge of The Bridges; solid red line shows approximate location of hotel)

### EXHIBIT 3



Most of the sky behind the trees along Lee Barton in this photo will be replaced by a view of the hotel



Most of the sky on the left three-quarters of this photo will be replaced by a view of the hotel



**EXHIBIT 4**  
**TACO PUD COMPARISON**



Apartments (original approved project)



Hotel (new proposed project)



## TACO PUD COMPARISON



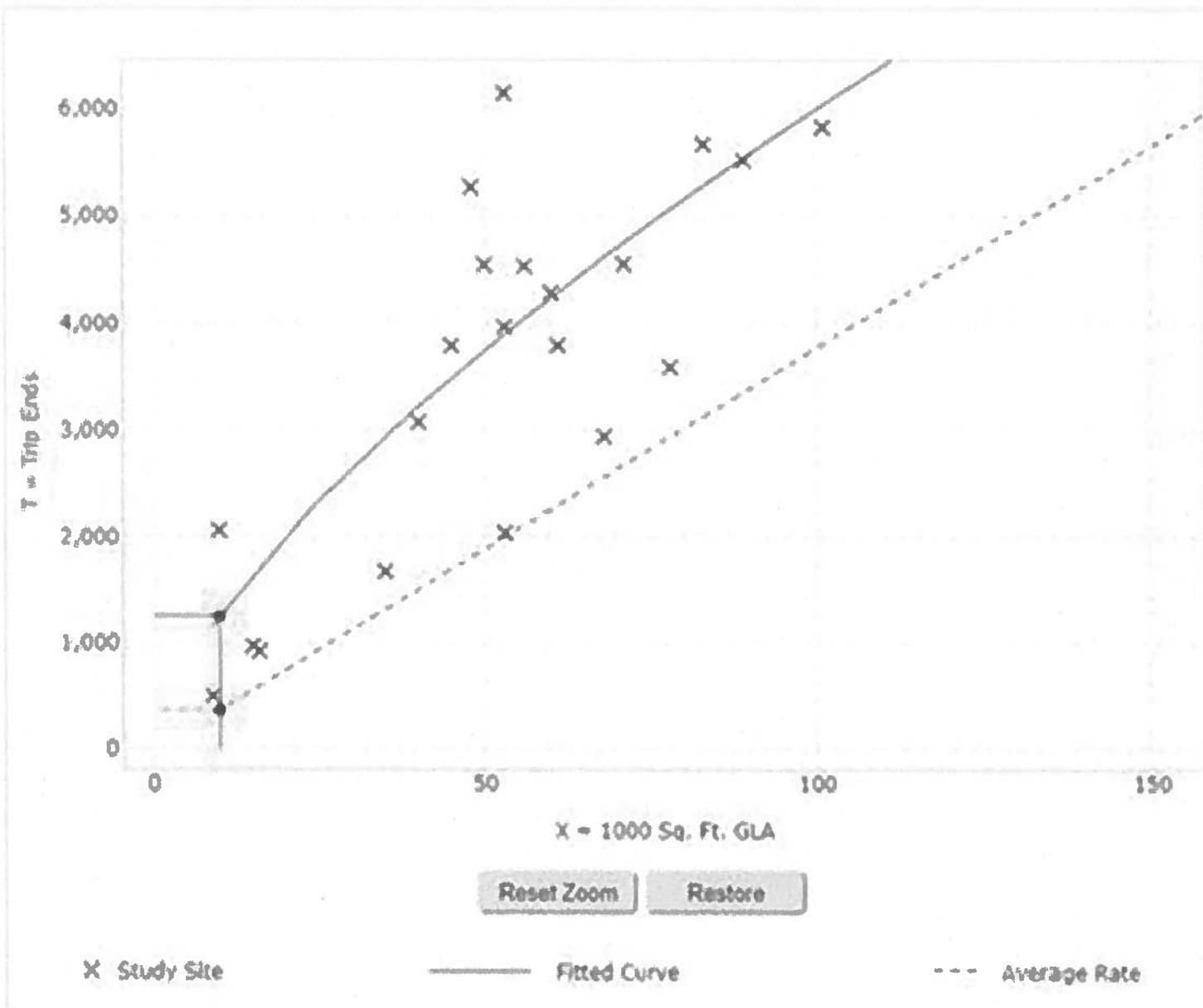
Apartments (original approved project)



Hotel (new proposed project)

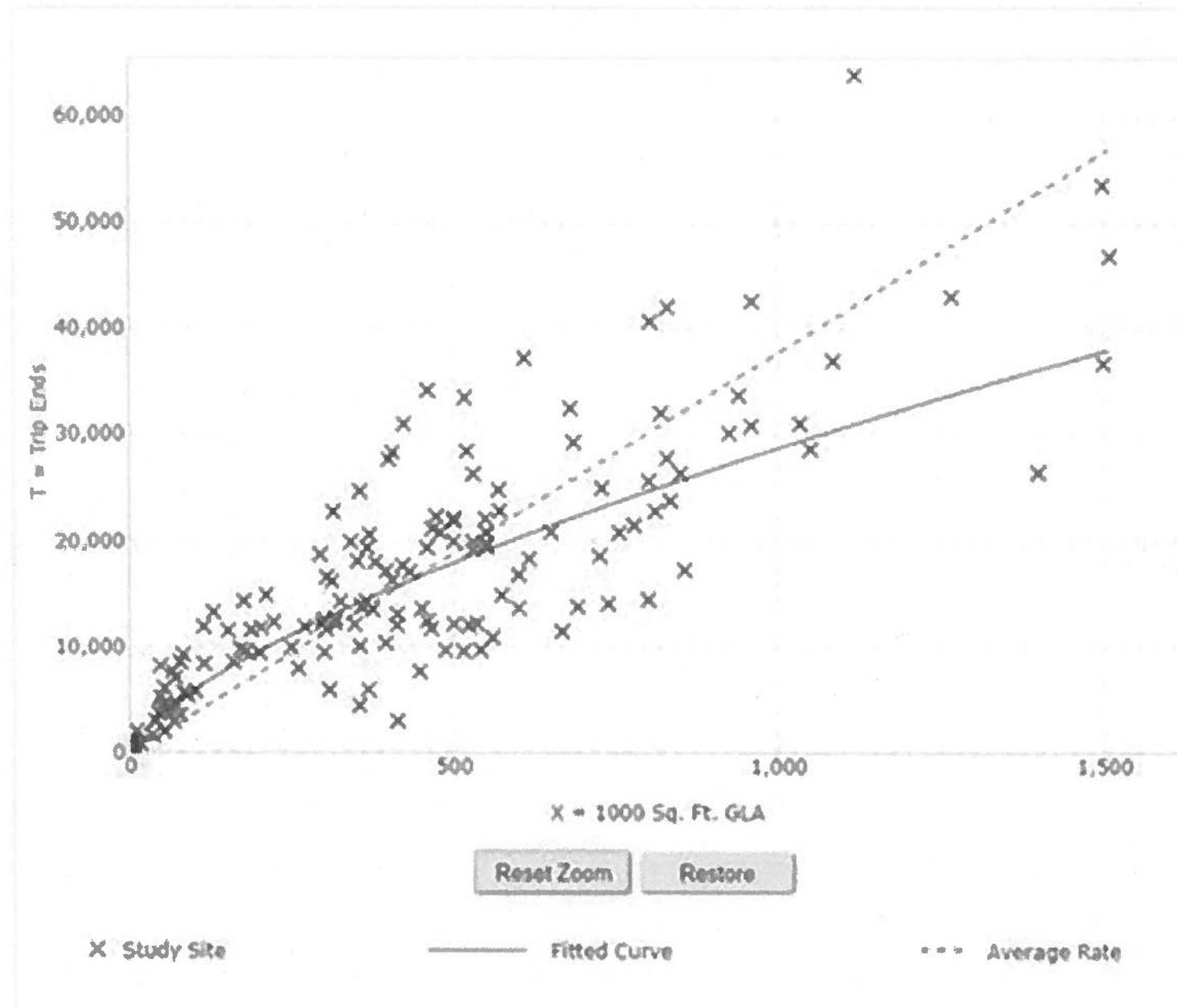
Data Plot and Equation

EXHIBIT 5



## Data Plot and Equation

## EXHIBIT 6



August 27, 2019 Planning Commission Agenda Q & A Report

9. **Rezoning:** [C814-2012-0160.01 - 211 South Lamar; District 5](#)  
Location: 211 South Lamar Boulevard Northbound and 1211 West Riverside Drive, Lady Bird Lake Watershed; South Lamar Combined (Zilker) NP Area (Suspended)  
Owner/Applicant: 16 Piggybank Ltd. (Huston Street)  
Agent: Drenner Group, PC (Amanda Swor)  
Request: Amend the PUD to modify the permitted uses and site development regulations  
Staff Rec.: **Recommended, with conditions**  
Staff: [Wendy Rhoades](#), 512-974-7719  
Planning and Zoning Department

Question: Commissioner Schneider

- 1) Affordable housing: I understand that currently the applicant has agreed to provide units or pay a fee in lieu for affordable housing. How many units or how much is that fee in lieu currently?
- 2) Affordable housing: I understand the applicant is shifting the project from residential to primarily hotel with some residential units, and reducing the number of residential units from 175 to 27. Reviewing the documentation, I'm having trouble understanding how the number of affordable units or the fee in lieu changes in the new proposal. How does it change under the proposal before us?
  - a. What will the resulting increase in the number of affordable units or fee in lieu be under the new proposal?
  - b. Will any of the remaining 27 units be set aside as affordable units, or is the applicant indicating they will pay a fee in lieu and not have any affordable units?
- 3) Bikes: in the existing agreement was public bike parking to be located at ground level? In the new proposal is bike parking to be located below ground? Will bike parking be visible at the street level? How will bike riders locate bike parking?
- 4) Flooding: our understanding of flood risks has changed and staff is likely to propose rules that would require building to the current 500-year floodplain. Has the applicant indicated that -- regardless of the status of whether the council has adopted a change in regulations -- they would build to the 500-year higher standard than required under current rules?

Answer: Staff



1) The original PUD zoning ordinance approved by City Council and this amendment as currently drafted allows the property owner to elect whether they will meet any affordability requirements through the provision of on-site affordable units, payment of a fee-in-lieu, or a combination of both if they trigger affordability requirements through the use of a density bonus on the site.

The affordability requirements shall be met through either one or a combination of the options below:

- a. a fee-in-lieu equivalent to the bonus area times the Planned Unit Development fee rate current at the time of site plan submittal (currently \$7 per bonus square foot) or a minimum of \$500,000;
- b. the provision of 10% of bonus residential area devoted to a rental use, or 5% of the bonus residential area devoted to a owner-occupied use, and rented or sold to households earning no more than 60% MFI or 80% MFI, respectively.

The bonus area shall be the actual gross floor area built above the baseline. The baseline for this property are the site development regulations allowed under the CS zoning district which was determined prior to approval of the original PUD zoning ordinance for this property.

2) The affordability requirements are the same as those in the original PUD zoning ordinance with the exception of a new provision setting the minimum total fee-in-lieu at \$500,000. What has changed is proportion of uses proposed in the site plan for the property. For example – the affordability requirements were originally met through the payment of a fee-in-lieu of \$438,924 for the previous project proposed on this site (those funds were subsequently refunded as the project did not move forward). It is anticipated were the applicant to meet the affordability requirements exclusively through the payment of a fee-in-lieu then that payment would be no less than \$500,000 and potentially greater depending on the site plan that is ultimately approved.

The approval of this rezoning carries forward the same affordability requirements approved by City Council in original PUD zoning ordinance with the exception of adding a fee minimum of \$500,000.

How the affordability requirements are met is at the discretion of the property owner and must be determined prior to the issuance of Certificate of Occupancy for the project.

3) Yes, Bike parking for the residents is proposed to be located in the first underground level. Bike parking for the public will be located at grade in the public plaza and within the planting/supplemental zones on Lamar and Riverside.

4) Yes, the Applicant's site plan in process has been designed for construction using Atlas 14 rainfall volumes.