

Commissioner Azhar Questions:

1. Is the Planning Commission required to take action on this item at the December 14 meeting or can any potential action be postponed to allow for more discussion and time for consideration?

Staff Response: Because the applicant invoked Section 25-2-282(E) of the Land Development Code, the case must be heard on the scheduled date.

2. Backup from the Small Area Planning Joint Committee meeting on December 8 states, "The Framework Vision Plan provides estimates of affordable housing contributions by tract, with this tract estimated as providing 4% of on-site units as affordable." Can staff please help me in locating this detail on the plan, I am unable to find it.

Staff Response: The details of affordable housing can be found in the Appendices to the SCW Vision Framework Plan. Please go to the SCW Initiative Webpage at: <https://www.austintexas.gov/department/south-central-waterfront-initiative> for links to download the Vision Framework Plan and Appendices. Within the Appendices, please go to page 49 for the "Test Scenario Results". The Affordable Housing component is found midway down on the page. This PUD contains buildings S1, S2, S3, S4 and S5 (see page 48) from the plan. From the Test Scenario Results, Affordable Housing is only listed in S5 for 40 units.

3. How will the plan's overall goal of dedicating 20% of all residential units as affordable be realized? What tracts outside of the PUD will contribute to this goal and what is the timeline for the creation of that housing?

Staff Response:

- The Framework Plan anticipates affordable units being provided on-site.
- Affordable units will be funded with a combination of private and public funds.
- Other properties in the SCW district that are eligible to participate will either:
 - Provide on-site affordable units (for residential projects)
 - Pay a district fee (for non-residential projects)
- The Framework Plan has a 20-year timeline, but the creation of affordable housing will depend on the pace of redevelopment in the SCW district.
- The One Texas Center site has been identified as a potential location for affordable housing to help meet the 20% goal.

4. In the event that the project is developed without any residential use, the applicant is required to pay a fee-in-lieu equal to the PUD fee rate. Based on the current rate, can staff share how this compares with the \$450,000 per condo unit fee indicated otherwise in the case of a development with residential uses.

Staff Response: The applicant has not provided information for a 100% non-residential use scenario, which we would expect to have a different amount of gross square footage and bonus area than the proposed mixed-use scenario so it is not possible to quantify an estimated fee-in-lieu for a 100% non-residential scenario.

5. In the case of one option for meeting the ownership housing affordability requirement, the affordability period is defined as 40 years. A 99-year affordability period for ownership has been considered in other ordinances and projects, why not in this case?

Staff Response: The department supports the fee-in-lieu option for the ownership units. When on-site ownership units have been discussed it has always been with support of the standard 99-year affordability period. The 40-year period mentioned in the latest staff comment report would only apply to affordable rental units.

6. In the case of the rental housing affordability requirement, why was the household eligibility requirement set at 80% and not 60%, which is also indicated as an option in the plan?

Staff Response: The SCW Vision Framework Plan only provides support for 60% MFI rental housing for projects pursuing and receiving LIHTC funds (see Appendix V, https://www.austintexas.gov/sites/default/files/files/Housing_%26_Planning/South%20Central%20Waterfront/2016%20Appendices%20to%20the%20SCW%20Vision%20Framework%20Report.pdf). The general expectation for affordable rental in the plan is 80% MFI. Staff requested the applicant lower the MFI rate from 80% to 60% MFI earlier in the commenting process, but the applicant stated they would be following the SCW Vision Framework Plan.

7. Are there other affordable housing requirements associated with the affordable units in the PUD such as proportional bedroom count requirements, source of income protections, affirmative marketing requirements, utilizing a preference policy, tenant protections and others? Some of these were mentioned in the draft regulating plan from 2018, where more details regarding affordable housing were considered.

Staff Response: None of the additional affordable housing requirements listed above are currently being proposed by the applicant in their amended PUD request nor are they mentioned in the SCW Vision Framework Plan. Because the Draft Regulating Plan has not been approved by the City Council, we were not able to use it as a baseline for the review of this PUD amendment and thus the items listed above have not been a part of the PUD discussions.

Commissioner Mushtaler Questions:

1. For the buildable maximum heights of the subject tracts provide comparison of what is allowed currently, allowed by the South Shore Central Subdistrict of the Waterfront Overlay, and allowed by South Central Waterfront Regulating Plan.

Staff Response:

- The current maximum building height allowed in the existing ordinance is 96 feet.
 - The South Shore Central Subdistrict of the Waterfront Overlay allows the following:
 - for structures located within 100 feet of the right-of-way of South Congress Avenue or South First Street, the lower of 60 feet or the maximum height allowed in the base zoning district; and
 - for structures located in all other areas of the subdistrict, the lower of 96 feet or the maximum height allowed in the base zoning district.
 - South Central Waterfront (SWC) Vision Framework allows for heights ranging in this area from 90 feet to 400 feet, please see Exhibit A4 provided in the staff backup.
 - The applicant is requesting between 250 feet and 525 feet, please see *Exhibit C2* provided in the staff backup.
2. Please explain how the PUD is now superior in regards to parks and parkland. Has the applicant provided a written agreement to the elements including green space and public access, if not is the applicant willing to provide the Commission a written memorandum?

Staff Response: For Parkland Superiority, please refer to the memorandum provided by PARD staff found in *Exhibit D* of the provided staff backup on page 49. For written agreements from the applicant specific to Parks, please refer to *Exhibit B2 (305 S. Congress PUD Tier 1 & Tier 2 Superiority Table)* on pages 28, 29, 31 and 33, and *Exhibit C1 (PUD Exhibits)* on pages 39 and 41. The items listed within these exhibits, will be placed into a draft ordinance to be reviewed by City Council.

3. Please provided a timeline of public hearings on this item, including cancelled meetings and the reason the applicant elected to utilize 25-2-282(E).

Staff Response:

- This rezoning case was on the following Planning Commission agendas. For all listed meetings, staff requested an indefinite postponement because review of the project had not been completed.
 - December 17, 2019
 - May 26, 2020
 - October 27, 2020
- From the Applicant: The reason we elected to utilize Section 25-2-282(E) is that we were not making progress with the environmental staff and parks staff. We felt like we had hit a wall with the negotiations.

Questions from Chair Shaw

1. Why is property NPA Industrial and zoned PDU?

Staff Response: This tract was zoned PUD in 1989. From the ordinance, it looks like this property may have been zoned PUD because the 1981 Land Development Code did not have a defined land use for “*Newspaper Publishing and Printing*”. PUD zoning would have allowed this use to be permitted at this location. The Greater South River City neighborhood plan was completed in 2005. As this site was already zoned to allow for the newspaper printing use and was still being used for that use during that time, staff believes this site was given a FLUM designation of “*Industrial*” to reflect how the property was being use.

2. Is staff recommendation to approve the applicants request for modifying NPA from Industrial to Mixed Use and zoning to applicant’s new PUD conditions exactly as requested by applicant without any of the recommendations from Environmental Commission, Parks Board, South Waterfront advisory, and Small Area Planning Joint Committee?

Staff Response: Staff is recommending the FLUM change from Industrial to Mixed Use as the applicant has requested. For the rezoning request, we are recommending most of the applicant’s code modifications based on the superiority items they have included. Please see pages 11-16 of the staff report and backup for the full list of code modifications staff is and is not recommending. Staff’s recommendation was made prior to the Boards and Commission process and does not include their actions. If the Planning Commission wishes to include the actions of the other Boards and Commissions, they may make that part of their motion.

3. For PUDs, doesn’t ATD typically complete their review of applicants TIA prior to being heard by Planning Commission and City Council?

Staff Response: ATD was still conducting their review when the applicant invoked 25-2-282(E). ATD provided their Final TIA Memo on December 13, 2021 and was included in Late Backup for this rezoning case.

4. Starting on page 10 of 75 in the zoning case backup, staff lists the exceptions to the code requested by the applicant. Please provide the actual code requirements for each of these code sections so comparisons can be made. This would be best in tabular format showing code language in one column and proposed code amendment in another column.

Staff Response: Below are the requested code modifications from the applicant and the code current requirement. If the code requirement took up more than half a page, a link was provided to take you to the code reference online.

Current LDC Code Requirement	Applicant Requested Code Modification
Section 25-1-21(105) (<i>Definitions, Site</i>): (105) SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.	Section 25-1-21(105) (<i>Definitions, Site</i>) is modified to allow a site to cross a public street or right-of-way.
Please see below for link to this section: Article 14 - Parkland Dedication	Chapter 25-1, Article 14 (<i>Parkland Dedication</i>) is modified such that parkland dedication shall be satisfied in accordance with the Open Space Plan.
Section 25-2-491(C) (<i>Permitted, Conditional and Prohibited Uses</i>): (C) Table of permitted, conditional, and prohibited uses.	Section 25-2-491(C) (<i>Permitted, Conditional and Prohibited Uses</i>) is modified to allow the uses provided in Note 6 of the Data Table and Notes sheet as permitted uses within Area 2 of the Property.
	Section 25-2-491(C) (<i>Permitted, Conditional and Prohibited Uses</i>) is modified to allow the uses provided in Note 4 of the Data Table and Notes sheet as conditional uses within Area 2 of the Property.
Section 25-2-517(A) (<i>Requirements for Amphitheaters</i>): (A) Construction of an amphitheater that is associated with a civic or residential use requires a site plan approved under Section 25-5, Article 3 (Land Use Commission Approved Site Plans), regardless of whether the amphitheater is part of a principal or accessory use. Review of the site plan is subject to the criteria in Section 25-5-145 (Evaluation Criteria) and the notice requirements of Section 25-5-144 (Public Hearing and Notice).	Section 25-2-517(A) (<i>Requirements for Amphitheaters</i>) is modified to allow a site plan to be approved administratively that is for the construction of an amphitheater that is associated with a commercial, civic, or residential use.
Section 25-2-691(C) (<i>Waterfront Overlay (WO) District Uses</i>): (C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes: (1) art gallery, (2) art workshop, (3) cocktail lounge, (4) consumer convenience services, (5) cultural services, (6) day care services (limited, general, or commercial), (7) food sales, (8) general retail sales (convenience or general), (9) park and recreation services, (10) residential uses, (11) restaurant (limited or general) without drive-in service; and (12) other uses as determined by the Land Use Commission.	Section 25-2-691(C) (<i>Waterfront Overlay (WO) District Uses</i>) is modified to allow the uses provided on Note 5 of the Data Table and Notes Sheet as additional pedestrian-oriented uses.
Section 25-2-691(D)(2) (<i>Waterfront Overlay (WO) District Uses</i>): (D) Pedestrian oriented uses in an MF-1 or less restrictive base district; (2) may be permitted by the Land Use Commission above the ground floor of a structure.	Section 25-2-691(D)(2) (<i>Waterfront Overlay (WO) District Uses</i>) is modified such that pedestrian oriented uses are permitted above the ground floor of a structure.
Section 25-2-692(F) (<i>Waterfront Overlay (WO) Subdistrict Uses</i>): (F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.	Section 25-2-692(F) (<i>Waterfront Overlay (WO) Subdistrict Uses</i>) is modified to read: "Not less than 50 percent of the net usable space on the ground level within 50 feet of the exterior wall of a structure directly adjacent to and facing Lady Bird Lake must contain pedestrian oriented uses."

Current LDC Code Requirement	Applicant Requested Code Modification
<p>Section 25-2-721(B)(2) (<i>Waterfront Overlay (WO) Combining District Regulations</i>): (B) In a primary setback area; (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if: (a) the park facilities are located on public park land; and (b) the impervious cover does not exceed 15 percent.</p>	<p>Section 25-2-721(B)(2) (<i>Waterfront Overlay (WO) Combining District Regulations</i>) is modified to allow uses within Area 1, identified on the Setback and Land Use Map, to be consistent with the current allowable uses in the Public Zoning District.</p>
<p>Section 25-2-721(C)(1) (<i>Waterfront Overlay (WO) Combining District Regulations</i>): (C) In a secondary setback area; (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted;</p>	<p>Section 25-2-721(C)(1) (<i>Waterfront Overlay (WO) Combining District Regulations</i>) is modified to allow the following additional uses within the secondary setback area: charging stations, bike/scooter repair facilities, shared bicycle facilities, restrooms facilities with or without showers, food and beverage vendors, bike valet, music vendors, retail vendors, boat rentals, bicycle rentals, performance and special events facilities, exercise courses, sports equipment rentals, storm water facilities, and child playscapes/activities.</p>
<p>Section 25-2-721 (C)(2) (<i>Waterfront Overlay (WO) Combining District Regulations</i>): (C) In a secondary setback area; (2) impervious cover may not exceed 30 percent.</p>	<p>Section 25-2-721 (C)(2) (<i>Waterfront Overlay (WO) Combining District Regulations</i>) is modified to allow a maximum of 60 percent impervious cover within the secondary setback area.</p>
<p>Section 25-2-721(E) (<i>Waterfront Overlay (WO) Combining District Regulations</i>): (E) This subsection provides design standards for buildings. (1) Exterior mirrored glass and glare producing glass surface building materials are prohibited. (2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (Heliports and Helicopter Operations), a flat roof is permitted. (3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet. (4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.</p>	<p>Section 25-2-721(E) (<i>Waterfront Overlay (WO) Combining District Regulations</i>) is waived, however all building glazing systems shall have a 35 percent maximum reflectivity.</p>
<p>Section 25-2-721(G) (<i>Waterfront Overlay (WO) Combining District Regulations</i>): (G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.</p>	<p>Section 25-2-721(G) (<i>Waterfront Overlay (WO) Combining District Regulations</i>) is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from public view. Loading and unloading locations on private internal driveways are subject to TCM spacing and dimensional requirements subject to ATD approval.</p>
<p>Sections 25-2-742(B)(1) (<i>South Shore Central Subdistrict Regulations</i>): (B) The primary setback lines are located; (1) 150 feet landward from the Town Lake shoreline;</p>	<p>Sections 25-2-742(B)(1) (<i>South Shore Central Subdistrict Regulations</i>) is modified to reduce the primary setback line to 90 feet landward from the shoreline as shown on the Land Use Plan.</p>

Current LDC Code Requirement	Applicant Requested Code Modification
Section 25-2-742(C)(1) (<i>South Shore Central Subdistrict Regulations</i>): (C) The secondary setback lines are located; (1) 50 feet landward from the primary setback line parallel to the Town Lake shoreline	Section 25-2-742(C)(1) (<i>South Shore Central Subdistrict Regulations</i>) is modified to read “50 feet landward from the primary setback line”.
Section 25-2-742(D)(1) (<i>South Shore Central Subdistrict Regulations</i>): (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake; (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.	Section 25-2-742(D)(1) (<i>South Shore Central Subdistrict Regulations</i>) is modified to read “For a ground level wall that is visible from park land or public right-of-way that adjoins park land, at least 60 percent (exclusive of service areas, loading docks, and parking ramps) of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass.”
Section 25-2-742(D)(3) (<i>South Shore Central Subdistrict Regulations</i>): (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake; (3) 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.	Section 25-2-742(D)(3) (<i>South Shore Central Subdistrict Regulations</i>) is modified to allow exposed architectural concrete as a natural building material.
Section 25-2-742(G)(3) and (4) (<i>South Shore Central Subdistrict Regulations</i>): (G) The maximum height is: (3) for structures located within 100 feet of the right-of-way of South Congress Avenue or South First Street, the lower of 60 feet or the maximum height allowed in the base zoning district; and (4) for structures located in all other areas of the subdistrict, the lower of 96 feet or the maximum height allowed in the base zoning district.	Section 25-2-742(G)(3) and (4) (<i>South Shore Central Subdistrict Regulations</i>) does not apply to the Property.
Section 25-2-1176(A)(1) (<i>Site Development Regulations for Docks, Marinas and Other Lakefront Uses</i>): (A)(1) A dock may extend up to 30 feet from the shoreline, except that the director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.	Section 25-2-1176(A)(1) (<i>Site Development Regulations for Docks, Marinas and Other Lakefront Uses</i>) is modified to allow the construction of a pier and boardwalk to extend up to a maximum of 70 feet from the shoreline.
Section 25-2-1176(A)(4) (<i>Site Development Regulations for Docks, Marinas and Other Lakefront Uses</i>): (A)(4) The width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed: (a) 20 percent of the shoreline frontage, if the shoreline width exceeds 70 feet; (b) 14 feet, if the shoreline frontage is no greater than 70 feet.	Section 25-2-1176(A)(4) (<i>Site Development Regulations for Docks, Marinas and Other Lakefront Uses</i>) is modified to allow for construction of the elements and dimensions shown on the Conceptual Open Space Map. The boardwalk is not to exceed 675 linear feet of shoreline frontage.
Chapter 25-2, Subchapter E – Design Standards and Mixed Use: Urban Roadways are roads other than those designated as Core Transit Corridors and Highways located within the following boundaries, as shown on Figure 2 (Link for Figure)	Barton Springs Road extension shall be considered an Urban Roadway for the purposes of complying with Chapter 25-2, Subchapter E – Design Standards and Mixed Use, and will be designed in accordance with the PUD street sections located on Sheet 4.

Current LDC Code Requirement	Applicant Requested Code Modification
<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.2, Article 2.3, and Article 2.4.</p> <ul style="list-style-type: none"> • 2.2. Relationship of Buildings to Streets and Walkways • 2.3. Connectivity Between Sites • 2.4. Building Entryways 	<p>Development of the Property shall not be subject to Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.2, Article 2.3, and Article 2.4.</p>
<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.6</p> <ul style="list-style-type: none"> • 2.6. Screening of Equipment and Utilities 	<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.6 is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from Congress Avenue or Barton Springs Road.</p>
<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.7</p> <ul style="list-style-type: none"> • 2.7. Private Common Open Space and Pedestrian Amenities 	<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.7 is modified so that compliance with Private Common Open Space and Pedestrian Amenity standards are satisfied based on the amount of public open space and parkland provided by the PUD.</p>
<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.8</p> <ul style="list-style-type: none"> • 2.8. Shade and Shelter 	<p>Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 2.8 is modified so that the area designated as a drop-off zone is excluded from the 50% calculation when determining the shaded sidewalk requirement.</p>
<p>Development of the Property is exempt from Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 3.2.2.E: 3.2.2.Glazing and Facade Relief on Building Facades; (E) At least one-half of the total area of all glazing on facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher.</p>	<p>Development of the Property is exempt from Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Article 3.2.2.E.</p>
<p>Section 25-4-51 (<i>Preliminary Plan Requirement</i>): (A) A preliminary plan must be approved before a plat may be approved, except as provided in Subsection (B). (B) A plat may be approved without a preliminary plan if each lot abuts an existing dedicated public street and the director determines that: (1)a new street or an extension of a street is not necessary to provide adequate traffic circulation; (2)the applicant has dedicated additional right of way necessary to provide adequate street width for an existing street abutting a lot; and(3)drainage facilities are not necessary to prevent flooding, or if necessary, the applicant has arranged for the construction of drainage facilities.</p>	<p>Section 25-4-51 (<i>Preliminary Plan Requirement</i>) is modified such that a preliminary plan is not required for the extension of Barton Springs Road.</p>
<p>Section 25-4-171(A) (<i>Access to Lots</i>): (A) Each lot in a subdivision shall abut a dedicated public street.</p>	<p>Section 25-4-171(A) (<i>Access to Lots</i>) is modified to allow a lot or parcel not to abut a dedicated public right of way so long as the corresponding lot fronts on a private street or driveway.</p>
<p>Section 25-5-81(B) (<i>Site Plan Expiration</i>): (B) Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires three years after the date of its approval.</p>	<p>Section 25-5-81(B) (<i>Site Plan Expiration</i>) is modified such that a site plan expires eight (8) years after the date of its approval, unless Section 25-5-81 subsections (C), (D), or (E) are met.</p>

Current LDC Code Requirement	Applicant Requested Code Modification
<p>Please see below for link to this section: Section 25-6-381 (Minimum Frontage for Access)</p>	<p>Section 25-6-381 (<i>Minimum Frontage for Access</i>) is modified to allow access to Congress Avenue which is classified as a major roadway.</p>
<p>Please see below for links to these sections: Section 25-6-477 (Bicycle Parking) Section 25-6-478 (Motor Vehicle Reductions General) Section 25-6-532 (Off-Street Loading Standards) Appendix A (Tables of Off-Street Parking and Loading Requirements)</p>	<p>Section 25-6-477 (<i>Bicycle Parking</i>), 25-6-478 (<i>Motor Vehicle Reductions General</i>), 25-6-532 (<i>Off-Street Loading Standards</i>), and Appendix A (<i>Tables of Off-Street Parking and Loading Requirements</i>) are modified such that the minimum off-street parking, bicycle parking, and loading requirements shall be determined by the director subject to a Transportation Demand Management Plan approved as part of the PUD.</p>
<p>Section 25-6-532 (<i>Off-Street Loading Standards</i>): (A) A person must provide an off-street loading facility for each use in a building or on a site as prescribed in Appendix A (Tables of Off-Street Parking and Loading Requirements). (B) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space if the director determines that the loading space can adequately serve each use. (C) For a common loading space, described under Subsection (B), the director shall apply Appendix A (Tables of Off-Street Parking and Loading Requirements) to the combination of buildings and uses served by the loading space instead of to each individual building and use. The schedule applicable to the use with the greatest load requirement shall be used. (D) An off-street loading facility requirement is based on the gross floor area. The gross floor area does not include enclosed or covered areas used for off-street parking or loading. (E) In this section, each two square feet of exterior site area used for a commercial or industrial use equals one square foot enclosed floor area.</p>	<p>Section 25-6-532 (<i>Off-Street Loading Standards</i>) is modified to allow shared loading and unloading spaces for the various uses within the PUD regardless of where the use or loading and unloading is located within the PUD.</p>
<p>Please see below for link to this section: TCM Section 1.3.2. Classification Design Criteria</p>	<p>TCM Section 1.3.2 (<i>Classification Design Criteria</i>) is modified to allow the construction of Barton Springs Road to adhere to the street cross-sections within the PUD.</p>
<p>TCM Table 5-2 (Type II Commercial Driveway Criteria)</p>	<p>As of 12/13/2021, the applicant is no longer requesting this code modification.</p>

Current LDC Code Requirement	Applicant Requested Code Modification
<p>Section 25-8-63(C)(11) (<i>Impervious Cover Calculations</i>): (C) Impervious cover calculations exclude; (11) a subsurface portion of a parking structure if the director of the Watershed Protection Department determines that: (a)the subsurface portion of the structure: (i)is located within an urban or suburban watershed; (ii)is below the grade of the land that existed before construction of the structure; (iii)is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and(iv)has an area not greater than fifteen percent of the site; (b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (Residential Design and Compatibility Standards); (c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; and(d)the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property.</p>	<p>Section 25-8-63(C)(11) (<i>Impervious Cover Calculations</i>) is modified so that a parking structure can be excluded from impervious cover calculations if it is below the finished grade of the land after it is constructed and is covered by soil with a minimum depth of two feet and an average depth of not less than four feet and at the time of site plan the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property. Furthermore, the parking structure may exceed 15% of the site</p>
<p>Please see below for link to this section: 25-8-261 (Critical Water Quality Zone Development)</p>	<p>Section 25-8-261 (<i>Critical Water Quality Zone Development</i>) and the ECM is modified to allow development within the Critical Water Quality Zone that is in accordance with the PUD Land Use Plan and Open Space Plan. This includes vegetation filter strips, rain gardens, underground rain cisterns, bio-filtration ponds, stormwater outfall structures, park improvements including hard surface trails, bicycle trails, picnic facilities, playscapes, concessions including food and beverage vendors, bicycle rentals, sports equipment rentals, boat rentals, dining facilities, performance and special event facilities, boardwalks, sidewalks, pavilions, gazebos, restrooms, exercise equipment and courses, water steps, boat landings, piers, rail station, stream bank stabilization to the proposed steps. Construction of such facilities within the CWQZ shall not exceed a maximum of 5% impervious cover.</p>
<p>Section 25-8-261(H)(4) (<i>Critical Water Quality Zone Development</i>): (H)In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if; (4) located outside the 100-year floodplain</p>	<p>Section 25-8-261(H)(4) (<i>Critical Water Quality Zone Development</i>) is modified to allow green stormwater quality controls (as defined by ECM) within the 100-year floodplain.</p>
<p>Please see below for link to this section: 25-8-367 (Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam)</p>	<p>Section 25-8-367 (<i>Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam</i>) is modified to allow relocation of earthen material for the steps on Lady Bird Lake below the 435-foot contour.</p>

Current LDC Code Requirement	Applicant Requested Code Modification
Please see below for link to this section: 1.13.5 (Recommended Guidance for Appropriate Method for Shoreline Stabilization and Modification)	Environmental Criteria Manual Section 1.13.5(B)(3) (<i>Recommended Guidance for Appropriate Method for Shoreline Stabilization and Modification</i>) is modified to allow structural modification of the shoreline and associated steps as shown in the Conceptual Open Space Map. The dimension of the water steps and bulkhead are not to exceed 30 linear feet of shoreline frontage and not to exceed 30 feet inland. Steps going into the water are allowed if in compliance with Section 25-2-1174 and the Environmental Criteria Manual 1.13 and LDC 25-8-368.
This project address is within the Scenic Roadway Corridor District, applicant requested to subject to the Downtown Sign District Regulations due to its proximity to Downtown.	All signage on the Property shall comply with the requirements of Section 25-10-129 (<i>Downtown Sign District Regulations</i>).

- If Council approves PUD, is applicant required to comply with the square footages of residential, hotel, and commercial in their application? There are several statements by applicant in which they state that they may not provide residential units.

Staff Response: The PUD provides a maximum square footage for each use but does not have a minimum requirement. The applicant may build up to the square footages listed within their PUD if approved by City Council, but they do not have a minimum amount they must build.

Parkland and Amenities

The South Central Waterfront Vision Framework Plan calls for public and private funds for Bat Viewing Pier Amphitheater, Entry Plaza with Interpretive features, Overlook Cafe Terrace, Pontoon Bridge, Landing Pier, Natural Beach and Kayak Launch, Pavilion Deck and Beer Garden, Kayak and Bike Rentals. Applicant is only committing to Bat Viewing Area and Pier, Great Lawn, Water Steps, Boardwalk, and Play Area.

- Does applicant commitments meet amenity requirements in the South Central Waterfront Vision Framework Plan?

Staff Response: As presented, the applicant’s proposal would *permit* but not *commit* to the elements of the South Central Waterfront Vision Framework Plan. The exceptions are for construction of the Great Steps, grading on parkland and rebuilding the hike and bike trail, adding additional trail connections (access points), and water quality ponds within the parkland that will be built as rain gardens. The applicant has committed to using Parkland Development Fees and remainder Parkland Fees-in-lieu to building park features as shown and described in the South Central Waterfront plan, with exact placement and elements to be determined at the time of site plan, and subject to PARD approval. It is anticipated that the full buildout of the SCW plan will cost more than these fees will credit. For the elements not covered by fee credits, the proposal depends on alternative finance mechanisms such as a TIF or TIRZ district, which would need to be approved by Council.

- How much is applicant contributing for the construction of these amenities?

Staff Response: **Awaiting applicant answer.**

- Please provide the spreadsheet referenced in the Memo from the PARD Director dated 11-24-2021 (p 51 of 75 of zoning case backup.)

Staff Response: See tables below.

Calculations for Determining Total Amount of Parkland Required:

Proposed Type of Units	No. of Units	Acres of Land Required	
Residential Units	1,375	24.31	$((1,375 \times 1.7 \times 10.4)/1000) = 24.31$
Hotel Units	275	3.76	$((275 \times 1.3141 \times 10.4)/1000) = 3.76$
Total		28.07	

Calculations for Determining Credited Parkland and Units:

Land	Acres	Factor	Credited Acres	Units Credited*
Unencumbered Land (Full Credit)	1.600	1	1.600	
Encumbered Land (e.g CWQZ) (Half Credit)	4.070	0.5	2.035	
Inundated Land (Zero Credit)	0.860	0	0	
Fully Deeded Land	6.530		3.635	
Proposed Easements (Half Credit)	1.590	0.5	0.795	
Total (Fully Deeded and Easement)	8.120		4.430	250.57
Total Site	18.86			
Gross Percentage of Parkland	43.1%			
Credited Percentage of Parkland	23.5%			

**Units Credited: the number of units credited parkland will cover, any units built within the redevelopment above this amount would be subject to a parkland fee-in-lieu.*

9. Per the Parkland Dedication Ordinance, how many acres of parkland is required for dedication for a development with 1,378 residential units (amount proposed for this development)?

Staff Response: 1,378 residential units would require 24.3 acres. The calculation on the attached spreadsheet was for 1,375 units and 275 hotel rooms, which would require a total of 28.07 acres. These calculations are based in the code, which requires for a PUD, 10.4 acres per 1,000 residents. Note that entire site is 18.86 acres, so PARD will necessarily be taking a combination of land and fees.

10. How did staff arrive at the on-site parkland dedication requirement of 6.53 acres? The South Central Waterfront Vision Framework Plan requires 9.6 acres for the actual Waterfront Park (access easements are not included in this total). This is a 47% difference.

Staff Response: The 9.6 acres within the SCW Vision Framework Plan includes all open space – parkland, public plazas, as well as any private opens space. The total area for parkland and public plazas within the proposed PUD amendment equals 8.12 acres. 6.53 acres of deeded parkland, and 1.59 acres of park easements are considered minimums with an opportunity for the applicant to grant more parkland, by easement or deed, for additional credit. These numbers do not include any private open space. One larger context item is that the applicant will be dedicating land for Barton Springs Road extension (1.92 acres) fully on their property, not shared with the property to the south, as was contemplated in the South Central Waterfront Plan. PARD gives consideration to the applicant for this extension and including the extension into the calculation would result in 10.04 acres.

11. Why is PARD giving full credit for acres when 4.07 acres should only count as 50% and 0.86 acres get 0% credit based on PARDs calculation (see section below from backup)? The development should only get credit for 3.6 acres of dedicated parkland.

“This number has been corrected to a minimum of 6.53 acres; the previous 6.78 figure included the area of a pier and boardwalk. The minimum required dedication is 6.53 acres, comprised of 1.6 acres of unencumbered land (i.e. outside of the Critical Water Quality Zone and easements) at 100% credit; 4.07 acres of encumbered land (i.e. in the Critical Water Quality Zone) at 50% credit; and 0.86 acres of inundated land at 0% credit. This does not count parkland easements, addressed below.”

Staff Response: For dedicated parkland, the applicant will receive 3.635 acres credit, as shown in the attached spreadsheet. In addition, they will dedicate by parkland easement, an additional 1.59 acres at 50% credit, for a total of 4.43 credited acres.

The PARKLAND DEDICATION OPERATING PROCEDURE RULES (PDOP) include requirements for a PUD to be determined superior which include 1.4.3.4 (D) and 1.4.3.9 (A), (B) and (C). I have the following questions related to the applicant demonstrating superiority as required by these rules.

12. Question and Request for Information related to 1.4.3.4 (D): Did the Applicant fulfill the superiority requirements by providing the information highlighted below? If so, please provide this information. If not, please explain why PARD deemed the development superior without the required information.

1.4.3.4(D) An application filed in connection with a Municipal Utility District (MUD), development Public Improvement Districts (PID), Municipal Management District (MMD), or a Planned Unit Developments (PUDs) must include the following additional elements if a park superiority determination is being evaluated or if a park plan is being approved to meet all of the parkland dedication requirements for the PUD. (1) A Land Use Plan that shows the location and acreage amounts of proposed public parkland, private parkland and greenways in different colors. Additionally: (a) for a MUD or a PID, the acreage amounts shown on the plan should match any acreage amounts delineated in an agreement for creation of the MUD or PID; and (b) for a PUD, the acreage amounts shown on the plan should indicate amount of parkland required to meet the “superior development” standard. (2) A Park Plan, with a map and corresponding tables that delineate how credited acreage for parks was determined and how it will be distributed within the development. This may include an exhibit that shows buffers around proposed parkland by ¼-mile in the Parkland Dedication Urban Core and ½-mile outside that urban core, to ensure that all residents are located near a park. (3) For a PUD, provisions in the PUD ordinance that establish timing requirements for the dedication of parkland.

Staff Response: Staff was unable to provide an answer to this question by the required deadline and will be prepared to answer it at the Planning Commission meeting.

13. Question and Request for Information related to 1.4.9 (A), (B) and (C): Did the Applicant fulfill the superiority requirements by providing 10.4 credited acres per 1,000 residents, commit to developing the park in accordance with a plan approved by PARD, and commit to dedicating this entire amount to the City? Please provide documentation that Applicant commits to developing the parkland and that they will dedicate this to the City. Please provide the calculations showing that the amount of credited Parkland for this PUD meets the 10.4 acre per 1,000 resident quantity requirement (Note that per (C), the 15% cap does not apply to PUDs for the purpose of determining superiority.).

14.3.9 Determining Superiority. (A) This section specifies the criteria that PARD applies in determining if land proposed for dedication would result in “superior development” for purposes of evaluating an application for a Municipal Utility District (MUD), Public Improvement District (PID), or Planned Unit Development zoning district (PUD). (B) To be considered “superior development,” land proposed for dedication must: (1) include at least 10.4 credited acres per 1,000 residents, which reflects the combined citywide level-of-service for neighborhood, greenway, and district parks (This amount exceeds by one acre the parkland dedication required under City Code § 25-1-602(E) that is based on a lower citywide level-of-service and includes only neighborhood parks and greenbelts.); (2) be developed in accordance with a plan approved by PARD; and (3) be dedicated to a

governmental entity. (C) The 15% cap on parkland dedication in the urban core delineated in City Code § 25-1-602 (J) does not apply to PUDs or PIDs for determining superiority.

Staff Response: Staff was unable to provide an answer to this question by the required deadline and will be prepared to answer it at the Planning Commission meeting.

Height and Area Allowed

14. How is staff justifying recommending applicant's proposal when it is significantly different that council approved South Central Waterfront Vision Framework Plan for height and square footages (reference below)?

Building Height

- SCW - 90 feet to 400 feet [Included aboveground parking.]
- Applicant PUD - 250 feet to 525 feet [Includes belowground parking.]
- 31% difference in height

Building Square Footages

	SCW	PUD	% Increase
Total	2,142,900	3,515,000	64%
Office	812,900	1,500,000	85%
Residential	963,500	1,645,000	71%
Retail	112,000	150,000	34%
Hotel	254,500	220,000	-14%

Staff Response: The applicant is proposing multiple items for superiority. Please see page 7 (*Project Superiority*) and pages 28-33 (*Exhibit B2: Tier 1 & Tier 2 Superiority Table*) of the staff report and backup.

Affordable Housing

Staff Affordable Housing Review:

Staff acknowledges that the applicant's affordable housing proposal aligns with the SCW Framework Vision Plan which has been a guiding planning document for the overall PUD proposal. This plan established a goal of 20% of residential units constructed within the planning area be set aside for affordable housing. It specifies that not every tract is expected to provide 20% of units as affordable; rather that different tracts will contribute to the plan's different goals including affordable housing depending on their unique characteristics. The Framework Vision Plan provides estimates of affordable housing contributions by tract, with this tract estimated as providing 4% of on-site units as affordable. Based on this, staff supports the applicant dedicating at least 4% of the total rental units developed in the PUD to income eligible households at 80% MFI for 40 years from the date a final certificate of occupancy is issued, subject to the maximum rent rates set by the department. In addition, for ownership units the applicant will pay \$450,000, per condo unit on at least 4% of the condo units built as a fee-in-lieu payable pro rata after every 25 units are sold. Based on unit estimates provided by the applicant, 4% of the PUD residential units would be 55 units.

1. Where is the % on site affordable units per tract shown in the visioning plan?

Staff Response: The details of affordable housing can be found in the Appendices to the SCW Vision Framework Plan. Please go to the SCW Initiative Webpage at: <https://www.austintexas.gov/department/south-central-waterfront-initiative> for links to download the Vision Framework Plan and Appendices. Within the Appendices, please go to page 49 for the "Test Scenario Results". The Affordable Housing component is found midway down on the page. This PUD contains buildings S1, S2, S3, S4 and S5 (see page 48) from the plan. From the Test Scenario Results, Affordable Housing is only listed in S5 for 40 units.

2. Why isn't the applicant providing on-site units for ownership for superiority?

Staff Response: The applicant was amenable to the possibilities of either on-site affordable ownership units or a FIL for on-site affordable ownership units. Given the presumably high condo association fees and taxes

associated with ownership units that would be developed on the site, staff has concerns about the long-term sustainability of such units which is why staff supports the option of providing a FIL for affordable ownership units.

3. Is 80% MFI for 40 years for rental units consistent with other PUD Affordable Housing Agreements?

Staff Response: The PUD ordinance standard is 60% MFI for 40 years. The South Central Waterfront Vision Plan proposes 80% MFI for the site. This is similar to the income limits for the Downtown Density Bonus program.

4. What does \$450,000 per unit equate to in terms of % of MFI?

Staff Response: Fee-in-lieu is not calculated based on an MFI level. The \$450,000 was determined as the approximate present value of an ownership unit.

5. Was the 4% for the tract identified after Council amended the plan to include the 20% affordable unit goal?

Staff Response: The 4% was a part of the Scenario Evaluation of the Framework appendix that was reviewed by the City Council prior to the adoption of the 2016 Vision Framework Plan.

6. How will goal achieved if this tract is only contributing 4%? It means other tracts will have to achieve greater than 20%.

Staff Response: The Framework appendix makes assumptions in the Scenario Evaluation that the One Texas Center site will contribute more than 20% affordable units; the Scenario Evaluation assumes 100% of the residential units on the One Texas Center site are affordable.

Staff Affordable Housing Review:

The current expectation of staff and the applicant is that the PUD will be mixed use and provide residential units on-site.

In the event though that the project is developed without any residential uses, staff would support the applicant paying a fee-in-lieu of on-site affordable housing to the Housing Trust Fund of not less than an amount equal to the PUD fee rate current at the time of site plan submittal times the bonus square footage dedicated to non-residential use.

1. Isn't applicant required to comply with their commitments for square footages of residential, hotel, and commercial in the PUD approved by Council?

Staff Response: The PUD provides a maximum square footage for each use but does not have a minimum requirement. The applicant may build up to the square footages listed within their PUD if approved by City Council, but they do not have a minimum amount they must build.

Tier 1 Requirements

PUDs are required to meet all Tier 1 Superiority Requirements. However, applicant does not demonstrate compliance with the following Tier 1 requirements.

1. Public Facilities – Applicant does not provide a clear response to how they will meet requirement to *“Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities.”*

Staff Response: The applicant is providing the entire right-of-way for the Barton Springs Road extension on their property. This right-of-way is necessary for redevelopment in the area and will provide access for emergency and fire vehicles to this property and adjacent properties in the future.

2. Open Space – Applicant does not show that it achieves the quantities of open space required for Tier 1 Superiority: *“Provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that: 1.a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity;*

and 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided.”

Staff Response: The project area is approximately 18.86-acres in size. PUD Open Space requirements do not have a calculation for a mixed-use development and therefore we looked at both residential and commercial requirements as well as Subchapter E, please see table below:

		OS Required per Tier One	OS Required per Tier Two (+10%)	OS Required per Subchapter E
Total Site Acreage	18.86 acres			
PUD Open Space Required				
Residential acreage (10%)		1.89 acres	2.08 acres	
Commercial acreage (20%)		3.77 acres	4.15 acres	
Subchapter E Required (5%)				0.93 acre
Total Open Space Provided	8.12 acres			

- The applicant has agreed to dedicate 6.53 acres of parkland and another 1.59 acres of plaza area for a total of 8.12 acres of open space. There are some water quality areas within this space, but the total amount has not been fully calculated or designed at this time. Even with this number unknown at this time, staff believes that the PUD amendment will meet or exceed the Tier 1 and 2 Open Space requirements.

3. Commercial Design Standards - Tier 1 requires that PUDs Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use). However, Applicant states that they are taking exceptions to the commercial design standards.

Staff Response: Staff was unable to provide an answer to this question by the required deadline and will be prepared to answer it at the Planning Commission meeting.

Please explain how staff has concluded that Applicant meets Tier 1 requirements based on these non-conformances?

Tier 2 Superiority Commitments:

Open Space: Applicant must provide 10% more open space than minimum Tier 1 requirement; *“Equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD.”*

1. What is the minimum Tier 1 acreage required and does applicant exceed this by 10%?

Staff Response: Per Section 2.4 Tier 2 Requirements, for Open Space it states: *Provides open space at least 10% above the requirements of Section 2.3.1.A. (Minimum Requirements). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.*

- For the first portion of this requirement, the Tier 1 Open Space Requirement is either 1.89 or 3.77 acres (see staff response above). To achieve Tier 2 Superiority, the applicant would have to provide either 2.08 or 4.15 acres. The applicant is proposing 8.12 acres of open space.
- Additionally, for the second portion (alternate allowance), the applicant has stated they will be reconstructing approximately 1,700 linear feet of the Hike and Bike Trail to ‘best practice’ standards detailed in the *"Safety & Mobility Study"* commissioned by The Trail Foundation. They will also be providing a larger and enhanced bat viewing area than what is there today which will include new signage and educational elements.

Environmental Drainage Tier 2 Superiority item includes provision “Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.” Applicant responded: “Landowner may use raw water from Lady Bird Lake through an existing contract with LCRA to serve as the primary water source for all landscape irrigation within the PUD. Alternative water sources (AC condensate, foundation drain water, rainwater, stormwater or reclaimed water) shall be used as the primary backup supply if the primary raw water source is depleted or unavailable. Reclaimed water shall not be used for irrigation within water quality controls or other prohibited areas. The project will also incorporate an underground rainwater cistern that will be used to irrigate the park.”

1. Is applicant making the development ready for use of alternative water sources should water from Lady Bird Lake be depleted or unavailable?

Staff Response: The project has agreed to utilize alternate water sources as a primary supplement supply should the raw water source become unavailable or depleted.

2. If not, isn't it difficult to retro-fit the development for use of these water sources after it is built?

Staff Response: The project is expected to develop the infrastructure necessary to accommodate the alternate water use to which the project has agreed. Retrofitting a project of this scale would be challenging.

3. Should applicant be given credit for superiority when it is not implementing the South Central Waterfront Vision Framework Plan criteria for rainwater harvesting, condensate collection, and reclaim water use and instead using lake water?

Staff Response: The project is agreeing to alternate water use that is over and above of current requirements and is consistent with the South Central Waterfront Vision Framework.