

SECOND AND THIRD READINGS SUMMARY SHEET

CASE: C814-89-0003.02 – 305 S. Congress

DISTRICT: 9

ADDRESS: 305 South Congress Avenue

PROPERTY OWNER: Richard T. Suttle, Jr. (Trustee)

AGENT: Armbrust & Brown PLLC (Richard Suttle)

CASE MANAGER: Jerry Rusthoven, 512-974-3207, jerry.rusthoven@austintexas.gov

REQUEST: **Approve Second and Third Readings**
 From planned unit development – neighborhood plan (PUD-NP)
 To planned unit development – neighborhood plan (PUD-NP),
 with conditions
 This ordinance may include waiver of fees, alternative funding
 methods, modifications of City regulations, and acquisition of
 property.

CITY COUNCIL ACTION:
July 28, 2022

June 16, 2022 Approved a Postponement to July 28, 2022. Vote: 11-0.

April 7, 2022: Approved an amendment to the PUD with a Restrictive Covenant for the conditions of the Traffic Impact Analysis memo as the Planning Commission recommended, with additional amendments from Council Member Tovo, on First Reading. Vote: 10-0, Council Member Harper-Madison was off the dais.

ORDINANCE NUMBER:

ISSUES:

The ordinance for an amendment to PUD zoning reflects Council action taken on First Reading.

MOTION SHEET

Move Planning Commission recommendations with the following additions and amendments:

- Design of the public park shall take place through a public process led by PARD.
- Decisions related to trail placement and setback from shoreline shall be made in conjunction with the Watershed Protection Department and shall seek to achieve a minimum of 25' setback from the edge of the shoreline wherever possible, adjusting as necessary to save protected trees.
- The project shall provide ADA access to the hike and bike trail from the South Congress Right of Way.
- Building glass reflectivity shall be limited to 15% reflectivity (staff's original recommendation).
- The project shall meet the goals and requirements of Water Forward, including dual plumbing within the buildings.
- The project shall use reclaimed water as a primary water source for all landscape irrigation within the 305 S. Congress PUD, except where prohibited.
- It is the Council's priority that the developer participate in the Better Builder program.
- PUD shall achieve an Austin Energy Green Building rating of 3 stars.
- The City Manager is directed to provide all documents, financial models, ECONorthwest and other consultant work requested by Council Members during the work session related to this area's Tax Increment Refinancing Zone as soon as possible.
- The project shall provide the following amount of on-site affordable housing:
 - If rental, 10% rental housing at 60% MFI for 40 years
 - If ownership units, 5% ownership units at 80% in perpetuity with a plan for managing homeowner association fees in a manner that doesn't burden residents in the affordable units.
- Affordable units shall include a variety of bedroom mixes with an emphasis on multi-bedrooms to accommodate the needs of multi-generational households.

From: [Rusthoven, Jerry](#)
To: [Rivera, Andrew](#); [Rhoades, Wendy](#)
Subject: Fwd: Q&A for Item 69
Date: Thursday, April 7, 2022 9:28:42 AM
Attachments: [image001.png](#)

Andrew, I sent this yesterday evening.

Jerry

Get [Outlook for Android](#)

From: Rusthoven, Jerry
Sent: Wednesday, April 6, 2022 5:26:11 PM
To: Roberts, Kaycie <Kaycie.Roberts@austintexas.gov>
Cc: Harden, Joi <Joi.Harden@austintexas.gov>
Subject: Q&A for Item 69

Questions from MPT Alter

1. *Please provide a copy of the existing PUD ordinance for this site.*

Original ordinance (1989): [19890720-E, Ordinance \(austintexas.gov\)](#);

Amended ordinance (1993): [19931202-H, Ordinance \(austintexas.gov\)](#)

2. *How will the ordinance, which we do not yet have, codify the requirements for which party shall pay for which costs associated with the trail creation and other park amenities?*

RESPONSE: The ordinance should clearly establish responsibility and timing for construction of baseline amenities. The responsible party would be the applicant / owner.

3. *Given our code requirements, why is the preservation of a heritage tree considered to be a superiority element?*

RESPONSE: The PUD amendment has met Tier 2 superiority for heritage, protected, and all other native trees within the PUD by: committing to preserve or transplant all Heritage trees unless the tree is dead, fatally diseased, or poses an imminent hazard. The PUD has also committed to preserve or transplant 75% of the caliper inches associated with native protected size trees; and preserve 75% of all other native caliper inches within the PUD.

4. *How will ownership of the trail and parkland be structured in the ordinance?*

RESPONSE: The great majority of the Parkland (6.53 acres), including the trail is to be dedicated by deed to the City of Austin. Some additional areas (1.67 acres) is to be dedicated via easement. It would be a requirement of the ordinance to dedicate these lands based on certain triggers (by way of example first residential site plan), and tied to development.

5. *What percentage of the proposed public amenities and parkland will be in the floodplain?*

RESPONSE: 62.3% of the fully dedicated parkland will be in the Floodplain and Critical Water

Quality Zone. See chart below for a full breakdown of percentages.

Parkland Dedication	Acres	Factor	Credit	Percentage of Dedicated Area
Unencumbered Land (Full Credit)	1.60	1	1.6	24.5%
Encumbered Land (e.g. Floodplain/ CWQZ) (Half Credit)	4.07	0.5	2.04	62.3%
Inundated Land (Zero Credit)	0.86	0	0	13.1%
Fully Deeded Land	6.53		3.64	100%

6. *How much parkland was required in the SCW Vision Framework Plan? How much parkland was required in prior PUD?*

RESPONSE: The SCW Plan (p55-56) shows 9.6 acres of parkland / open space. The 9.6 acres also included new streets.

In the existing (nonresidential) PUD, a Restrictive Covenant (RC) was put in place to require recordation of a 15' Trail Easement. This easement was recorded and became part of the Butler trail. The current PUD contemplates 8.2 acres to be dedicated by deed or easement.

7. *Has the applicant agreed to fund and construct the park amenities on page 5 of Planning Commission recommendations?*

RESPONSE: No. It is the Department's understanding the applicant stated that these would be funded by the TIRZ.

8. *Are there any needs identified in the draft ASMP amendment or existing ASMP that are not already agreed to in the PUD?*

RESPONSE: The ASMP amendment adopts the cross-section of the Barton Springs extension as four-lane undivided. The current ASMP and South Central Waterfront Plan shows the extension as a 2-lane road with protected bike lanes and sidewalks on each side of the street. The applicant is dedicating the ROW for the approved cross-section and constructing the extension to an interim condition with TIRZ funding. This includes a two-way cycle track placed on the north side of the Barton Springs extension with a sidewalk. When the property to the south of the 305 S Congress PUD (commonly referred to as the Crocket Property) submits an application for redevelopment, ATD will require the ROW and construction of the ultimate cross-section: a four-lane divided road with protected bike lanes on both sides of the street with planting zones and sidewalks.

The current ASMP also shows three additional new, public roads within the interior of the 305 S Congress PUD. Because of rough proportionality issues, these roads will be constructed as private roads with public access easements placed over these streets. These three roads will have bicycle access and sidewalks.

The current ASMP and proposed ASMP addendum show a trail access that preserves the

current path from the S Congress bridge down to the hike/bike trail on the far west side of the property. ATD deferred to PARD on this item because this access path is considered as a recreational facility and not as transportation infrastructure.

9. *How will the PUD ordinance obligate the applicant to construct the underground parking? What consequences are in the PUD if that is not adhered to?*

RESPONSE: This is a superiority item in the PUD amendment and therefore, ordinance language will be created that requires that 95% of the parking be located below-grade.

ATD's responsibility is to identify the required number of parking spaces and work with the applicant to obtain parking reductions. The placement of parking – surface or underground – is considered an urban design topic. From ATD's point of view, underground parking is not considered superior in relationship to transportation requirements.

10. *What will be allowed in the Critical Water Quality Zone?*

RESPONSE: The applicant proposes a PUD note to allow the following within the CWQZ (See Note 23) Section 25-8-261 (Critical Water Quality Control Development) and the Environmental Criteria Manual (ECM) is modified to allow development within the Critical Water Quality Zone (CWQZ) that is in accordance with the PUD Land Use Plan and Conceptual Open Space Plan. This includes vegetation filter strips, rain gardens, underground rain cisterns, stormwater outfall structures designed in accordance with the ECM, 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 events facilities, boardwalks, sidewalks, pavilions, gazebos, exercise equipment and courses, water steps, boat landings, piers, rail station, stream bank stabilization to the proposed steps. Additional open space park elements not documented on the PUD Land Use Plan and Conceptual Open Space Plan can be located within the CWQZ with the following limitations: impervious cover is limited to 5% of the total CWQZ, impervious cover must be located in the outer half of the CWQZ, must be situated to avoid areas shown to be restored with native vegetation on the Environmental Protection and Restoration Plan, and may not include restrooms.

11. *Has the applicant agreed to the following conditions and will each of them be in the ordinance? If not, which ones are not currently agreed to and will not be in the ordinance?*

Please see responses below.

Public Art:

- o The proposed redevelopment will participate in the city's Art in Public Places program and incorporate a minimum of two art pieces into their development. RESPONSE: The Applicant and Art in Public Places (AIPP) staff will be discussing incorporating public art into the project.

Community Amenities:

- Dedicating by deed a minimum of 6.53-acres of land adjacent to Lady Bird Lake as well as additional area through public access easements to access the waterfront. RESPONSE: Yes, must be included in ordinance.

- 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. **RESPONSE:** Yes, must be included in ordinance.
- Creating a minimum of five ADA access points to the Hike and Bike trail within their proposed project. **RESPONSE:** Yes, must be included in ordinance.
- Providing a larger and enhanced bat viewing area that will include signage and educational elements. **RESPONSE:** The proposed great lawn will be an area for bat watching. The applicant will work with Bat Conservation International and other groups on signage and educational elements.

Environmental Design:

- Treating 100% of the onsite water quality volume through green stormwater infrastructure. **RESPONSE:** The applicant has agreed and this will be in the ordinance. However during construction the existing sedimentation filtration pond will be used temporarily until permanent controls can be constructed. See PUD note 30 for further clarification.
- Constructing some of the water quality systems underground to allow for a larger and enhanced bat viewing area near the S. Congress bridge. **RESPONSE:** The applicant has agreed and this requirement will be noted in the ordinance.
- Protecting 100% of the heritage trees unless the tree is dead, fatally diseased or poses an imminent hazard and 75% of the trees overall onsite. **RESPONSE:** Yes, the PUD amendment has committed to these. To preserve or transplant all Heritage trees unless the tree is dead, fatally diseased, or poses an imminent hazard. The PUD has also committed to preserve or transplant 75% of the caliper inches associated with native protected size trees; and also preserve 75% of all other native caliper inches within the PUD. This requirement will be noted in the ordinance.

Transportation and Parking:

- Constructing 95% of required parking within a below grade structure(s) instead of above ground structures. **RESPONSE:** Up to this time, the Applicant has always presented to ATD staff that parking will be in an underground parking garage. As the Applicant considers site phasing and construction sequencing, they indicated that a small surface parking lot (less than 100 spaces) may be necessary. Such temporary parking arrangements will be reviewed and considered a time of site plan. This requirement will be noted in the ordinance.
- Dedicating all required right-of-way for the Barton Springs Road extension on their property. **RESPONSE:** The Applicant is dedicating the necessary ROW and constructing the Barton Springs extension on their property. When the property to the south come in for redevelopment, additional ROW and constructed elements will be required to obtain the ultimate cross-section for the extension.
- Dedicating space for the future Project Connect transit line and/or station. **RESPONSE:** The Blue Line station planned for this area is not located on the site of the 305 S Congress PUD. The Applicant has preserved a clear space (i.e., includes no structures) on the far east side of their property to account for the rail line and bridge across Lady Bird Lake. Once the exact alignment of the bridge across the lake and the design of the bridge is

known, discussions will need to occur regarding the necessary easements to accommodate the Project Connect infrastructure.

Questions from CM Tovo

Affordable Housing

Please indicate the percentage, MFI levels, and time period that would be required for affordable housing under Tier 2 PUD requirements and provide that as a comparison to the current PUD proposal.

RESPONSE:

The current zoning case is an amendment to an existing PUD so the Tier 3 standards were not applied since they are only applied to new proposed PUDs. Code requirements for Tier 3 affordability are included below.

Tier 3 PUD Affordability Requirements:

2.5.3. Requirements for Rental Housing.

If rental housing units are included in a PUD, dwelling units equal to at least 10 percent of the bonus area square footage within the PUD must:

- A.be affordable to a household whose income is 60 percent or below the median family income in the Austin metropolitan statistical area;*
- B.remain affordable for 40 years from the date a certificate of occupancy is issued; and*
- C.be eligible for federal housing choice vouchers.*

2.5.4. Requirements for Ownership Housing.

If owner occupied housing is included in a PUD, dwelling units equal to at least five percent of the bonus area square footage within the PUD must be:

- A.affordable to a household whose income is 80 percent or below the median family income in the Austin metropolitan statistical area; and*
- B.affordable in perpetuity from the date a certificate of occupancy is issued; and*
- C.transferred to the owner subject to a shared equity agreement, land trust, or restrictive covenant approved by the Director of the Neighborhood Housing and Community Development Department.*

2.5.5. Alternative Affordable Housing Options.

A developer of a residential project may request an exception to the contract commitments and performance guarantees in Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing) as follows:

- A.Subject to approval by the Director of the Neighborhood Housing and Community Development Department, the developer may provide to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD; or*
- B.Subject to approval by the city council, the developer may provide all or a portion of the amount established under Section 2.5.6 (In Lieu Donation) for each square foot of bonus square footage above baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.*

C. A request to pay a fee in lieu to meet all or a portion of the residential affordability requirement in Section 2.5.2.B must be submitted in writing to the Director of Neighborhood Housing and Community Development Department, must include supporting documentation sufficient to demonstrate the infeasibility of compliance with Section 2.5.2.B., and must be approved by city council as provided in Section 2.5.5.B above.

D. Regardless of whether a developer requests an exception under this section, the Director of Neighborhood Housing and Community Development may recommend that a developer be allowed to pay a fee in lieu in order to comply with the contract commitments and performance guarantees in Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing). The recommendation must be in writing, supported by the Director's reasons as to why the fee in lieu option is appropriate, and approved by city council to be effective.

E. Council approval of any alternative affordable housing project shall expire 36 months after the date of approval if the project has not been initiated.

In the hypothetical situation of applying the Tier 2 standards a PUD baseline would first have to be set. The original Statesman PUD ordinance entitled the site to roughly 600,000 square feet. The proposed PUD amendment is requesting an entitlement of approximately 3,500,000 square feet. That would equate to an estimated bonus area of 2,900,000. Applying the Tier 2 affordability formula this would mean an estimated 290,000 square foot of affordable rental space and 145,000 square foot of affordable ownership space. It would depend on the development how many units the affordable square footage would equate to. The current PUD amendment proposal for affordable housing is 4% of the total number of residential units which is estimated to be 55 units.

Open Space/Parks and Trails

As proposed, would the park design go through a public design process?

RESPONSE: No. At this time there is no such process proposed.

As included on a chart the applicant has submitted, the PUD proposal describes "a pier, a boardwalk, and one hardened water access point."

Would staff recommend these elements be included in the public park?

RESPONSE FROM PARD AND WPD: Yes, contingent on support from WPD. WPD supports strategically located hardened access points to allow for access to the lake and to help guide pedestrians away from natural areas in order to help protect those areas from foot traffic. As such WPD supports a pier and the steps to the water as shown on the plan. WPD does have concerns about the boardwalk however, due to both over development of the shoreline as well as the future need for a floodplain variance that such a structure would later require.

The Applicant lists these as elements of superiority; are they proposing to fund construction of these elements?

RESPONSE: No. These elements are not committed to with the PUD. It is the Department's understanding that the applicant stated that these would be funded by the TIRZ (Tax Increment Reinvestment Zone).

If not, what is the estimated cost of these elements?

RESPONSE: A 2020 report prepared by Endeavor and verified at that date in time by a third-party consultant estimated these costs:

Boardwalk: \$3,587,850.

Pier: \$737,240

Water Theater (Concrete Steps / Seatwall at Water's Edge): \$800,000

Does this proposal meet the superiority requirements for parkland as described by the Parkland Dedication Ordinance with regard to PUDs? (That ordinance appears to require a certain amount of land, a parks plan approved by PARD, and the developer to pay costs of park development.)

RESPONSE: The park amenities exhibit is a vision document. The Department has an understanding that the developer has committed to completion of rough grading, reconstruction of the trail, revegetation, irrigation, and water quality ponds. Within the current PUD documents there is a list of other park elements. To date, the Parks and Recreation Department does not have a single formalized agreement or plan outlining specifics.

The requirement for land is met by land dedication and fees in lieu. The requirement for the developer to build the park is met, however, the developer has proposed that the bulk of funding would come from the TIRZ.

When viewed in totality (from a Parks perspective), the PUD meets superiority.

The “hardened water access” is suggested to be a series of steps into the lake; how will these be maintained so that they are free from zebra mussels? Which entity would bear the responsibility for such maintenance and which entity would bear the costs?

RESPONSE: Maintenance of the park will be addressed with a parks maintenance agreement and clarification would be needed on whether this maintenance includes the water steps. The mechanics of maintaining this feature are unknown at this time.

Environment

The PUD proposes to draw water from Lady Bird Lake for irrigation as a primary source of non-potable water to be used for irrigation. On page 68, the South Central Waterfront Plan (approved 2 years *before* Water Forward) describes a different method for irrigation: irrigation from rainwater, air conditioning condensate, and treated greywater. Does staff recommend this method of irrigation?

RESPONSE: WPD fully supports the goals and objectives of the Water Forward plan. Provided none of the irrigation from on-site water will occur within the 100-year-floodplain or Critical Water Quality Zone, reusing water from on-site sources is preferable to drawing from a source of water that has been identified in the plan as important component maintaining the City’s future water supply.

Which Water Forward strategies does this PUD incorporate? Please provide a list of any other Water Forward goals and elements that Staff would recommend incorporating into the PUD.

RESPONSE: Pending

Jerry Rusthoven
Chief Zoning Officer
Housing and Planning Department
City of Austin, Texas
512-974-3207

Council Member Kathie Tovo Q/A 4.5.22

Item 69

Affordable Housing

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RESPONSE:

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Would staff recommend these elements be included in the public park?

RESPONSE FROM PARD AND WPD: Yes, contingent on support from WPD. WPD supports strategically located hardened access points to allow for access to the lake and to help guide pedestrians away from natural areas in order to help protect those areas from foot traffic. As such WPD supports a pier and the steps to the water as shown on the plan. WPD does have concerns about the boardwalk however, due to both over development of the shoreline as well as the future need for a floodplain variance that such a structure would later require.

The Applicant lists these as elements of superiority; are they proposing to fund construction of these elements?

RESPONSE: No. These elements are not committed to with the PUD. It is the Department’s understanding that the applicant stated that these would be funded by the TIRZ (Tax Increment Reinvestment Zone).

If not, what is the estimated cost of these elements?

RESPONSE: A 2020 report prepared by Endeavor and verified at that date in time by a third-party consultant estimated these costs:

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RESPONSE: The park amenities exhibit is a vision document. The Department has an understanding that the developer has committed to completion of rough grading, reconstruction of the trail, revegetation, irrigation, and water quality ponds. Within the current PUD documents there is a list of other park elements. To date, the Parks and Recreation Department does not have a single formalized agreement or plan outlining specifics.

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RESPONSE: The Applicant has agreed to maintain the park proper, and clarification would be needed on whether this maintenance includes the water steps. The mechanics of maintaining this feature are unknown at this time.

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RESPONSE: WPD fully supports the goals and objectives of the Water Forward plan. Provided none of the irrigation from on-site water will occur within the 100-year-floodplain or Critical Water Quality Zone, reusing water from on-site sources is preferable to drawing from a source of water that has been identified in the plan as important component maintaining the City’s future water supply.

Which Water Forward strategies does this PUD incorporate? Please provide a list of any other Water Forward goals and elements that Staff would recommend incorporating into the PUD.

RESPONSE: Staff are neutral on the question of utilizing their LCRA contract to use lake water for irrigation, which is a form of alternative water source from potable water and not entirely inconsistent with the South Central Waterfront plan.

From: [Rivera, Andrew](#)
To: [Rhoades, Wendy](#); [Rusthoven, Jerry](#); [Harden, Joi](#)
Cc: [Camara, Karina](#)
Subject: FW: Q&A Item 69
Date: Wednesday, April 6, 2022 9:44:42 AM
Importance: High

FYI

From: Powers, Catie <catie.powers@austintexas.gov>
Sent: Wednesday, April 6, 2022 9:37 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Thompson, Lucy [CMO] <Lucy.Thompson2@austintexas.gov>; Camara, Karina <Karina.Camara@austintexas.gov>
Cc: Roberts, Kaycie <Kaycie.Roberts@austintexas.gov>; Gallegos, Cassandra <Cassandra.Gallegos@austintexas.gov>
Subject: Q&A Item 69
Importance: High

Hi all, looks like CM Vela posted some questions on the message board, but we need to process them as Q&A. Lucy, there are some homeless related questions here, can you loop in appropriate APH folks and have them start working on a response?

1. Approximately how much money could the City gain if we leveraged the PUD agreement to request the cash value of the on-site subsidized housing?
2. How quickly could those additional funds be put to use to help our homeless neighbors after the PUD agreement is finalized? What are the biggest barriers to using these funds quickly?
3. In what ways could those funds be used? How many people could be housed, and for how long? Given that the City already has relationships with hotel owners, would this money be sufficient to lease and operate one or more hotels until permanent housing is available?
4. Currently, the HEAL initiative has a goal of housing 200 people, a small fraction of the number of people who need our help. How much money would be needed to house the actual homeless population of Austin?
5. Roughly what proportion of camp closures does the City conduct without providing housing through the HEAL initiative?
6. When a camp is closed without housing support, where do the residents go? How does this displacement affect social services and outreach?
7. Do we have sufficient funding to house all the people displaced by the City's camp closures this year?
8. When will the permanent supportive housing funded through ARPA funds begin to become available? How many units will be available and on what timetable?

Catie Powers
Council Agenda Process Manager

City Manager's Office

From: [Harden, Joi](#)
To: [Rivera, Andrew](#)
Cc: [Rhoades, Wendy](#); [Rusthoven, Jerry](#)
Subject: FW: Q&A for Item 69
Date: Thursday, April 7, 2022 2:46:48 PM
Attachments: [image001.png](#)

Andrew,

Will you please send the response below to the appropriate staff? Thanks!

Best,

Joi Harden, AICP

Division Manager | Zoning and Urban Design
City of Austin, Housing and Planning Department
O: (512) 974-1617



**HOUSING &
PLANNING**

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

From: Radtke, Alex <Alex.Radtke@austintexas.gov>
Sent: Thursday, April 7, 2022 1:13 PM
To: Harden, Joi <Joi.Harden@austintexas.gov>
Cc: Rusthoven, Jerry <Jerry.Rusthoven@austintexas.gov>; May, James <James.May@austintexas.gov>
Subject: RE: Q&A for Item 69

Hey Joi,

Below is our response to CM Vela's question:

1. *Approximately how much money could the City gain if we leveraged the PUD agreement to request the cash value of the on-site subsidized housing?*

Pending

The cash value of the on-site affordable restricted rental units has not been studied and to calculate the true value would mean taking into consideration the 40-year restricted affordability term on the affordable rental units. HPD and the developer came to an agreement to value the affordable restricted ownership units at \$450,000 per unit. If the \$450,000 per unit multiplier was used for both unit types then based on the developer's estimated 55 affordable unit set aside the resulting cash value would be \$24,750,000.

Alex Radtke

Project Coordinator

Housing and Planning Department

Street-Jones Building

1000 E 11th Street, Ste 200, 78702

Tel: 512-974-2108

Office Hours: Mon – Thurs 8:00 a.m. – 6:00 p.m., Out on Friday's

From: Harden, Joi <Joi.Harden@austintexas.gov>

Sent: Thursday, April 7, 2022 12:02 PM

To: Radtke, Alex <Alex.Radtke@austintexas.gov>

Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Rusthoven, Jerry <Jerry.Rusthoven@austintexas.gov>

Subject: FW: Q&A for Item 69

Hi Alex,

Thanks for taking the time to speak with me. Below is the question that was referred to the Housing and Planning Department. Thanks!

Best,

Joi Harden, AICP

Division Manager | Zoning and Urban Design

City of Austin, Housing and Planning Department

O: (512) 974-1617



**HOUSING &
PLANNING**

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Sent: Thursday, April 7, 2022 11:01 AM

To: Rusthoven, Jerry <Jerry.Rusthoven@austintexas.gov>; Harden, Joi

<Joi.Harden@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Subject: FW: Q&A for Item 69

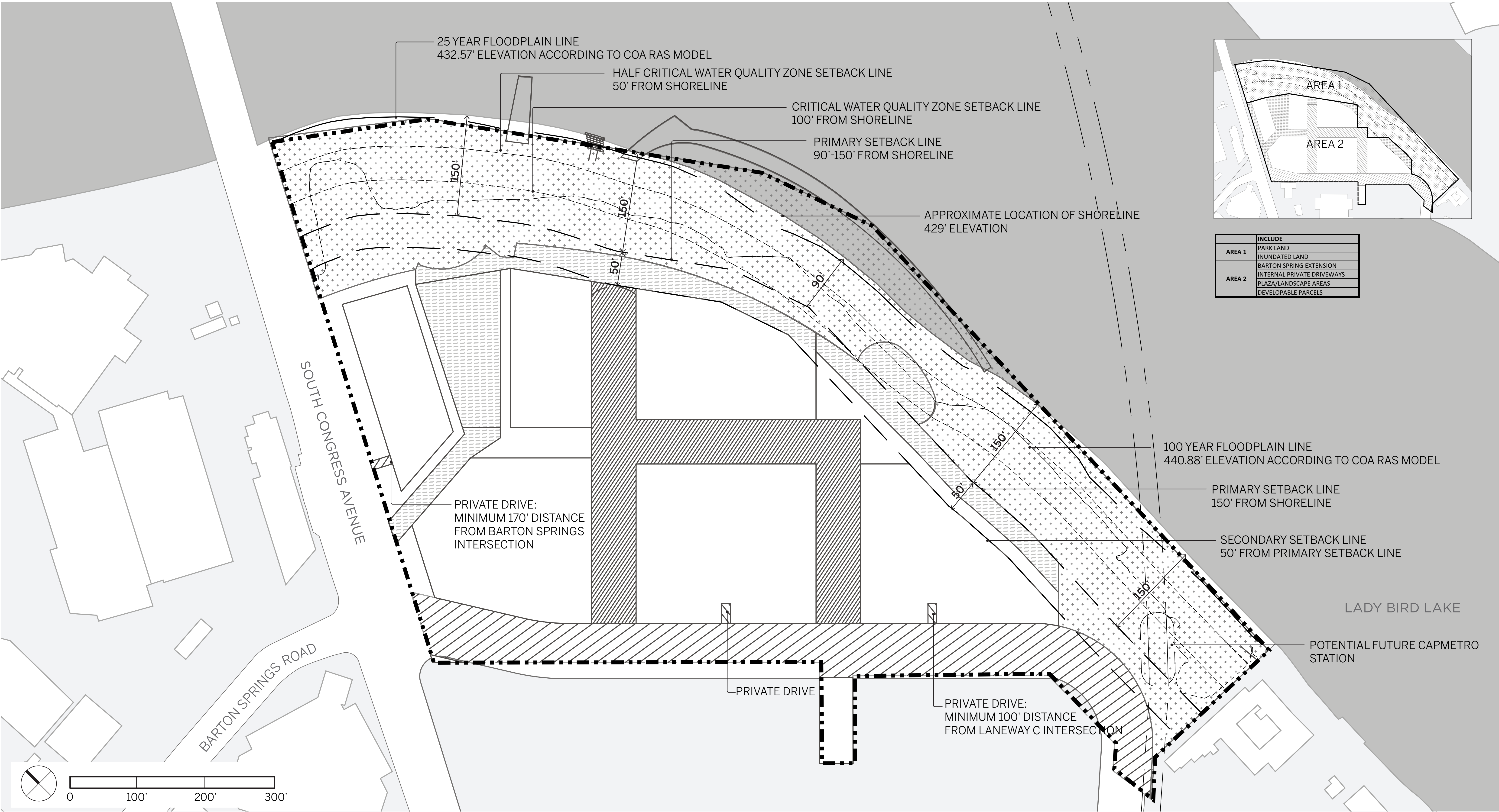
Do we have a response to this question?

1. *Approximately how much money could the City gain if we leveraged the PUD agreement to request the cash value of the on-site subsidized housing?*

Pending

305 S. CONGRESS PUD

Setbacks and Land Use Map



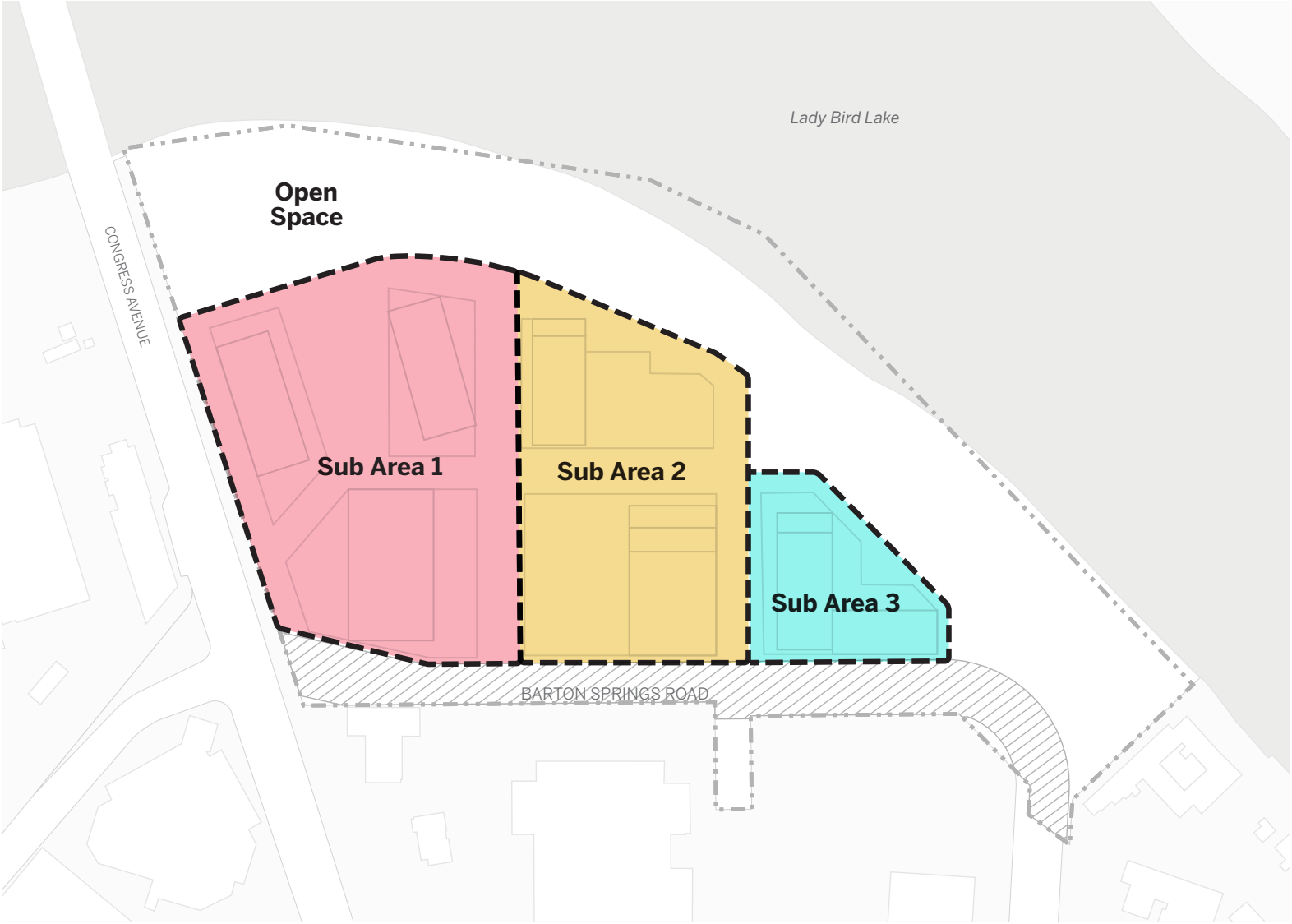
- Site Boundary (821,517 sf/18.86 acre)
- Area 1: Park Land (284,447 sf/6.53 acre, which includes the inundated land.)
- Area 1: Inundated Land (24,342 sf / 0.56 acres)

- Area 2: Future Barton Springs R.O.W. (83,815 sf/1.92 acre)
- Area 2: Internal Private Driveway (77,078 sf/1.77 acre)
- Area 2: Plaza/Landscape Area (69,233 sf/1.59 acre)

- Area 2: Developable Parcel (307,098 sf/7.05 acre)

305 S. Congress Avenue

Sub Area Height Map



Sub Area 1

Maximum Building Height: 525'

Sub Area 2

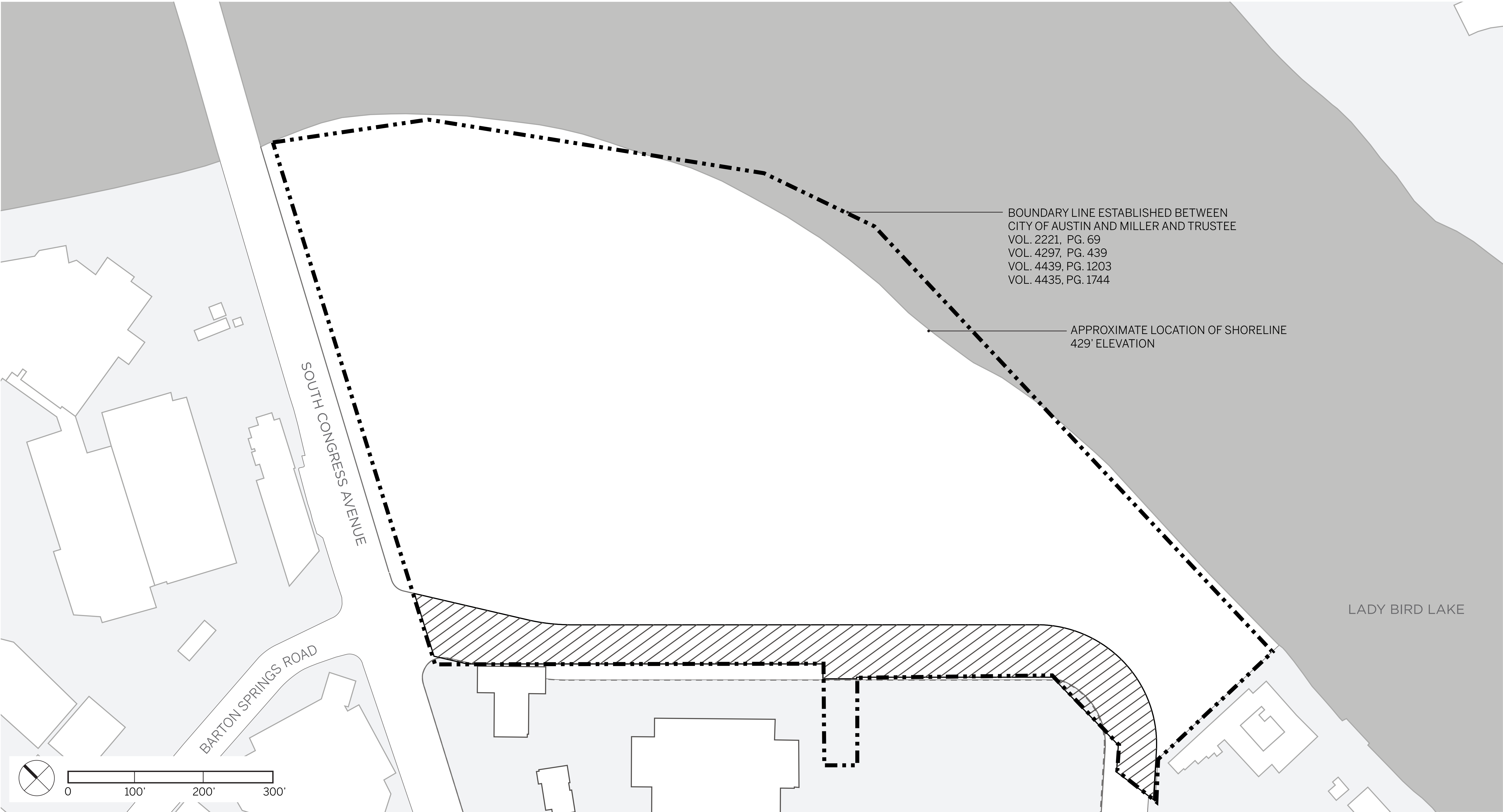
Maximum Building Height: 485'

Sub Area 3

Maximum Building Height: 250'

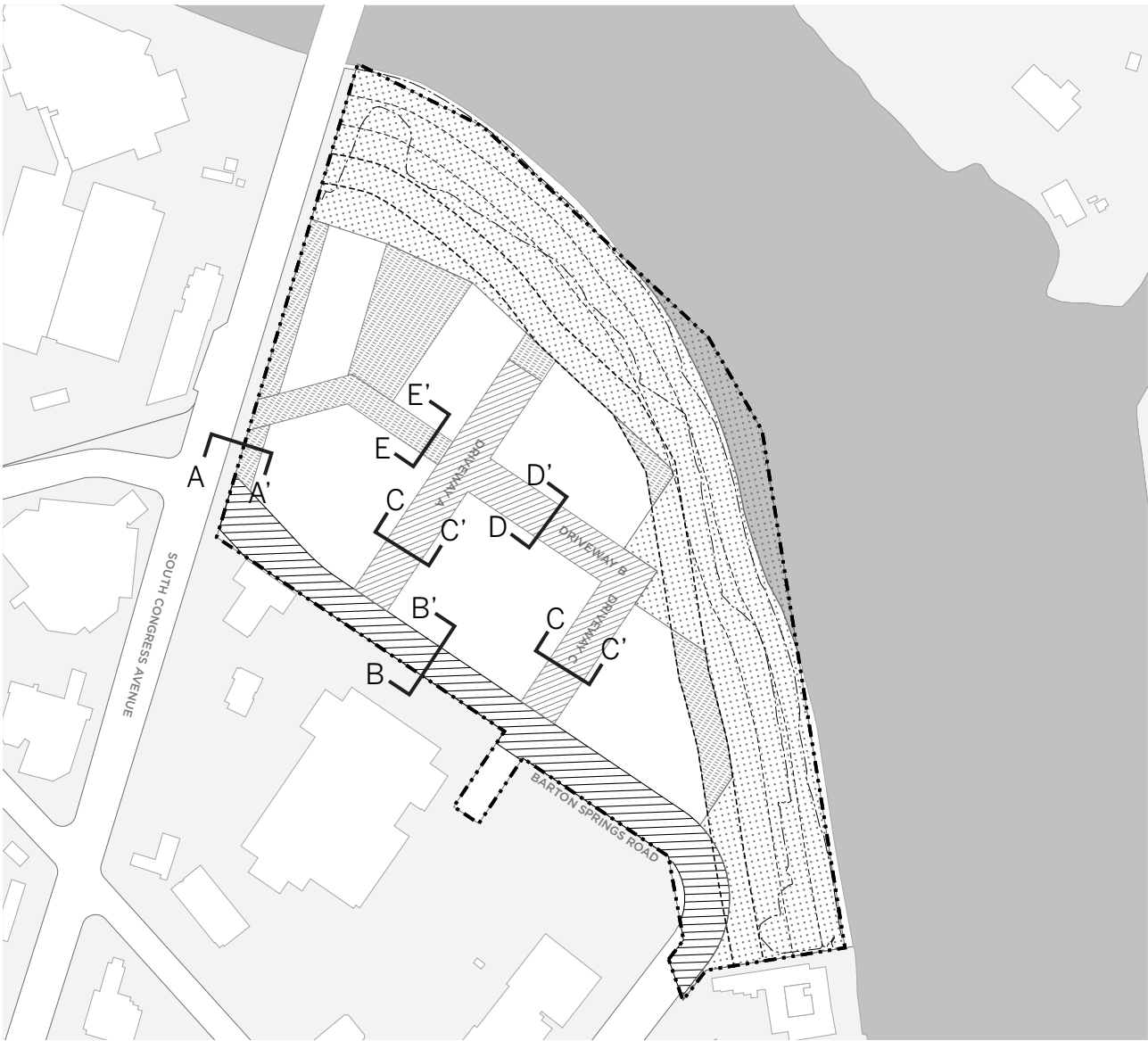
305 S. CONGRESS PUD

Property Boundary and Right of Way Map



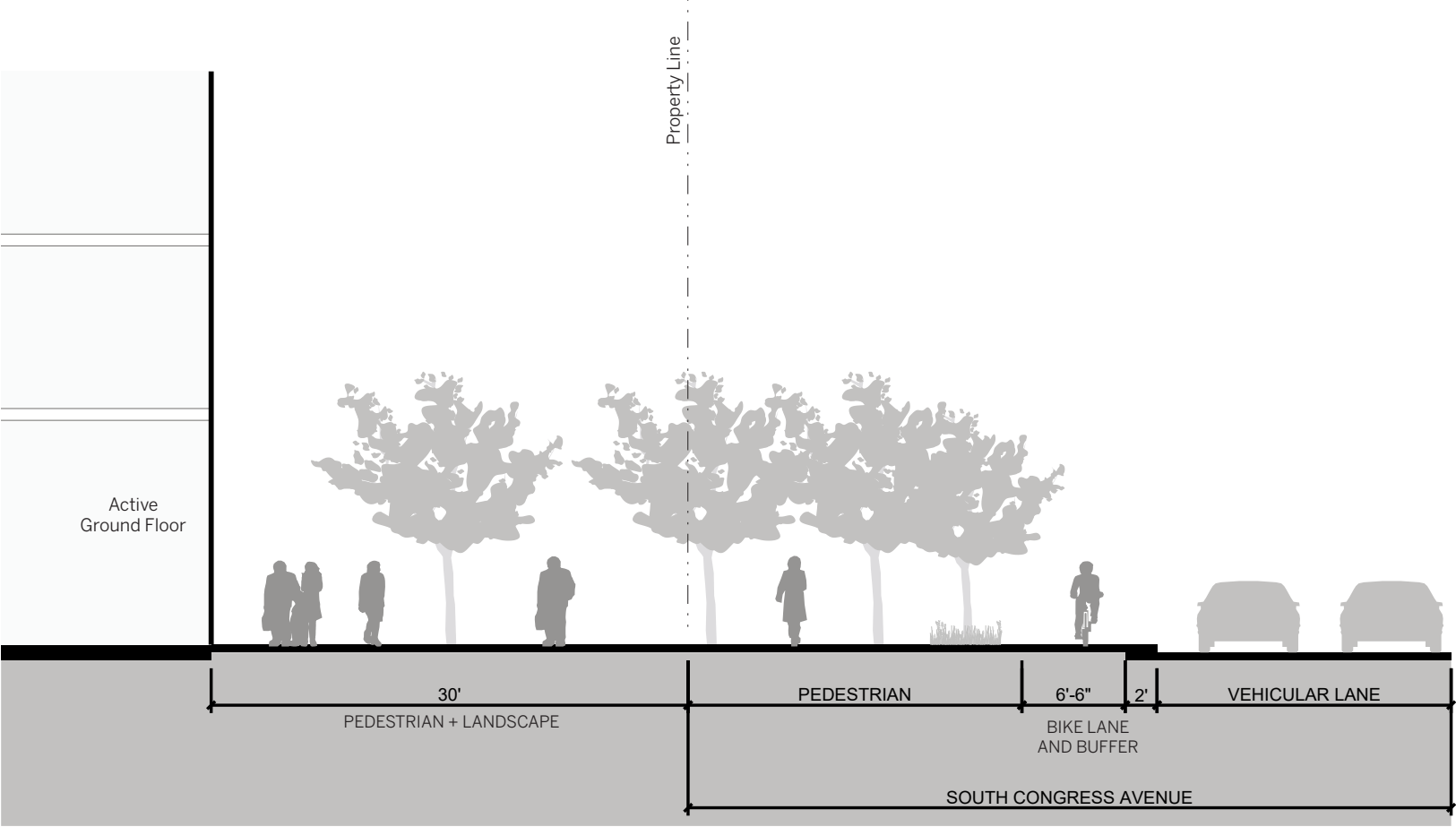
305 S. CONGRESS PUD

Street Sections and Internal Private Driveway Typical Sections

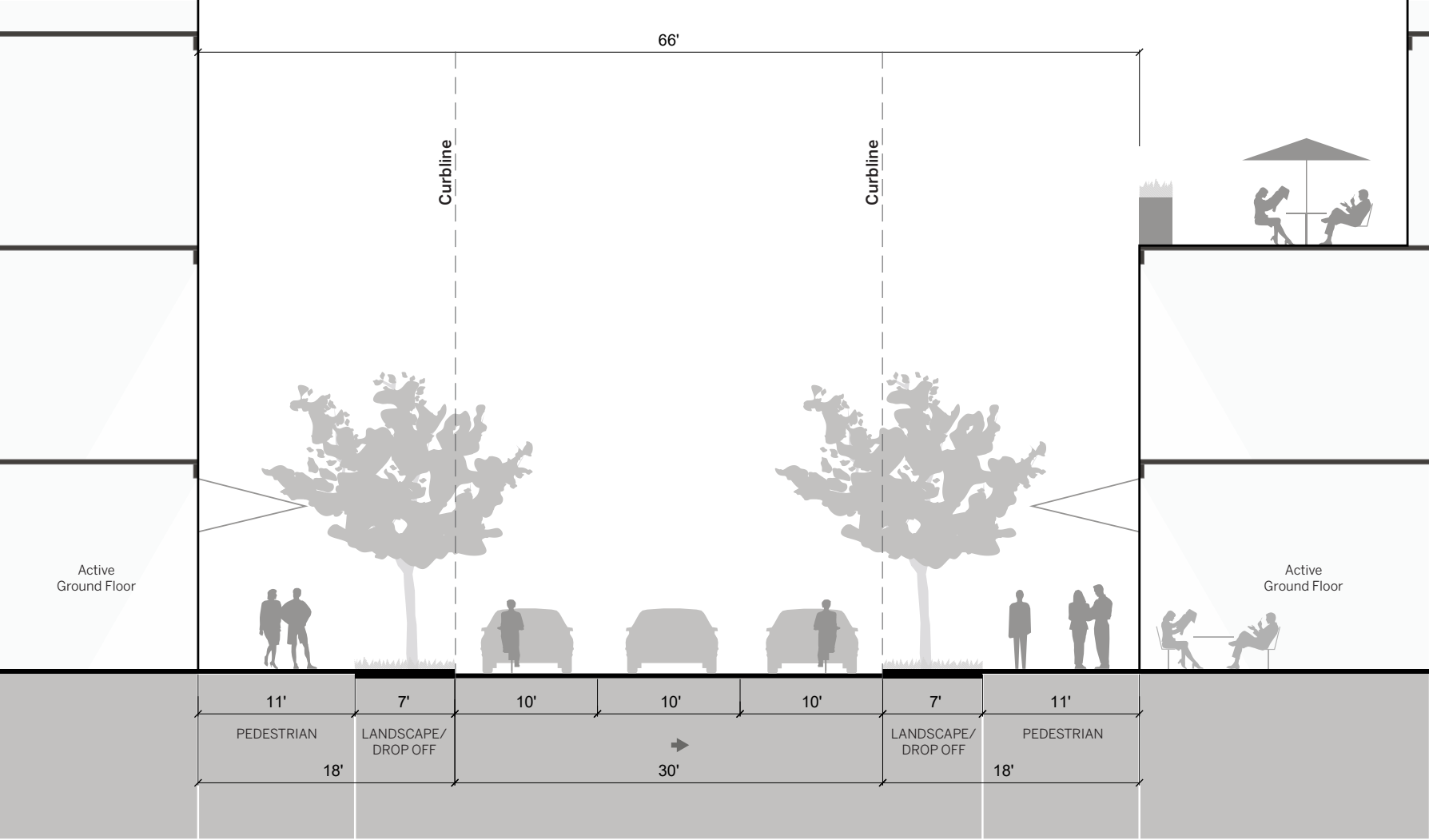


STREET SECTION A-A'
SOUTH CONGRESS AVENUE EDGE CONDITION

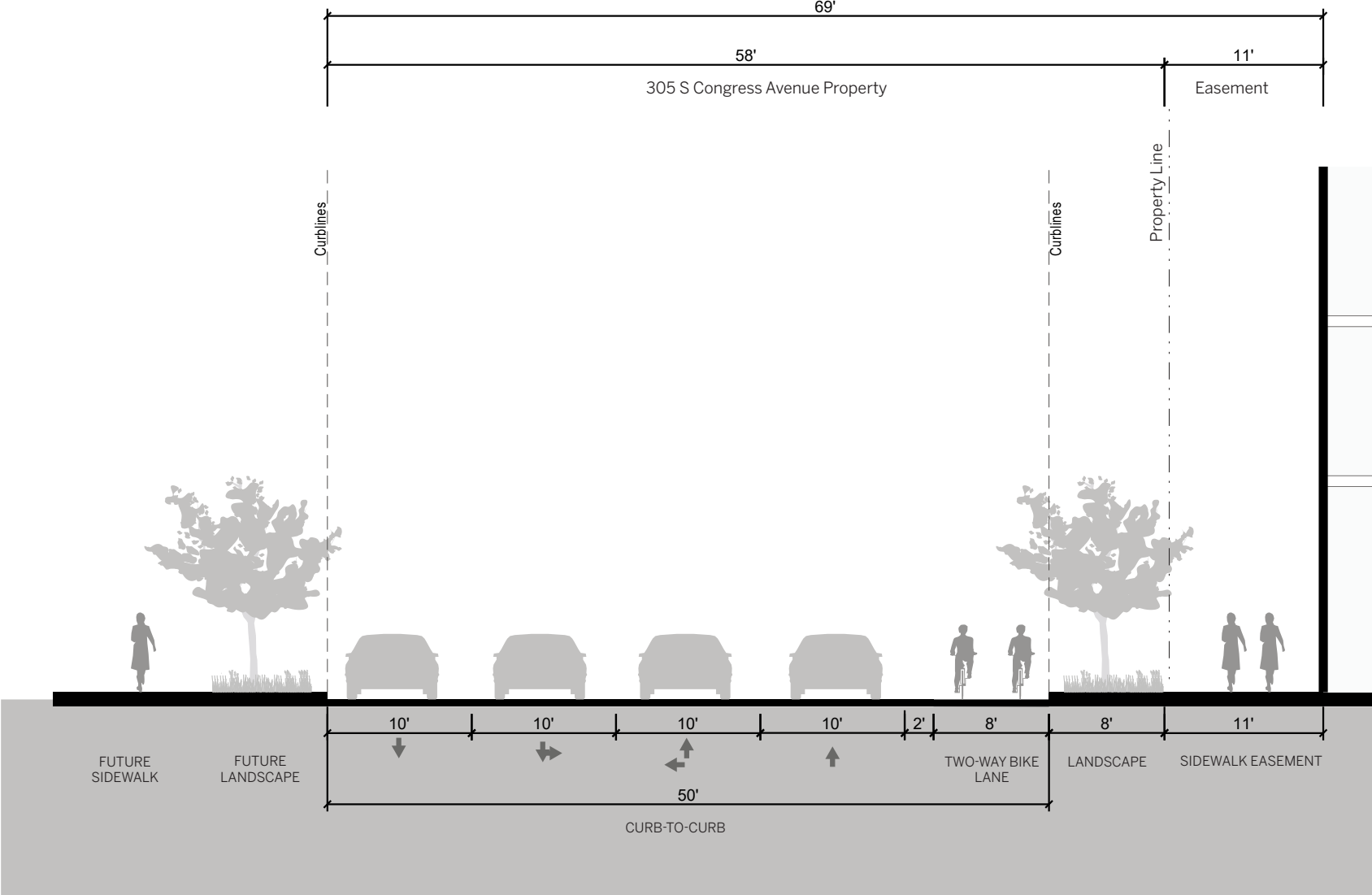
Note: Congress Avenue section represents the condition where the finished floor of the new development aligns with the adjacent elevation of Congress Avenue.



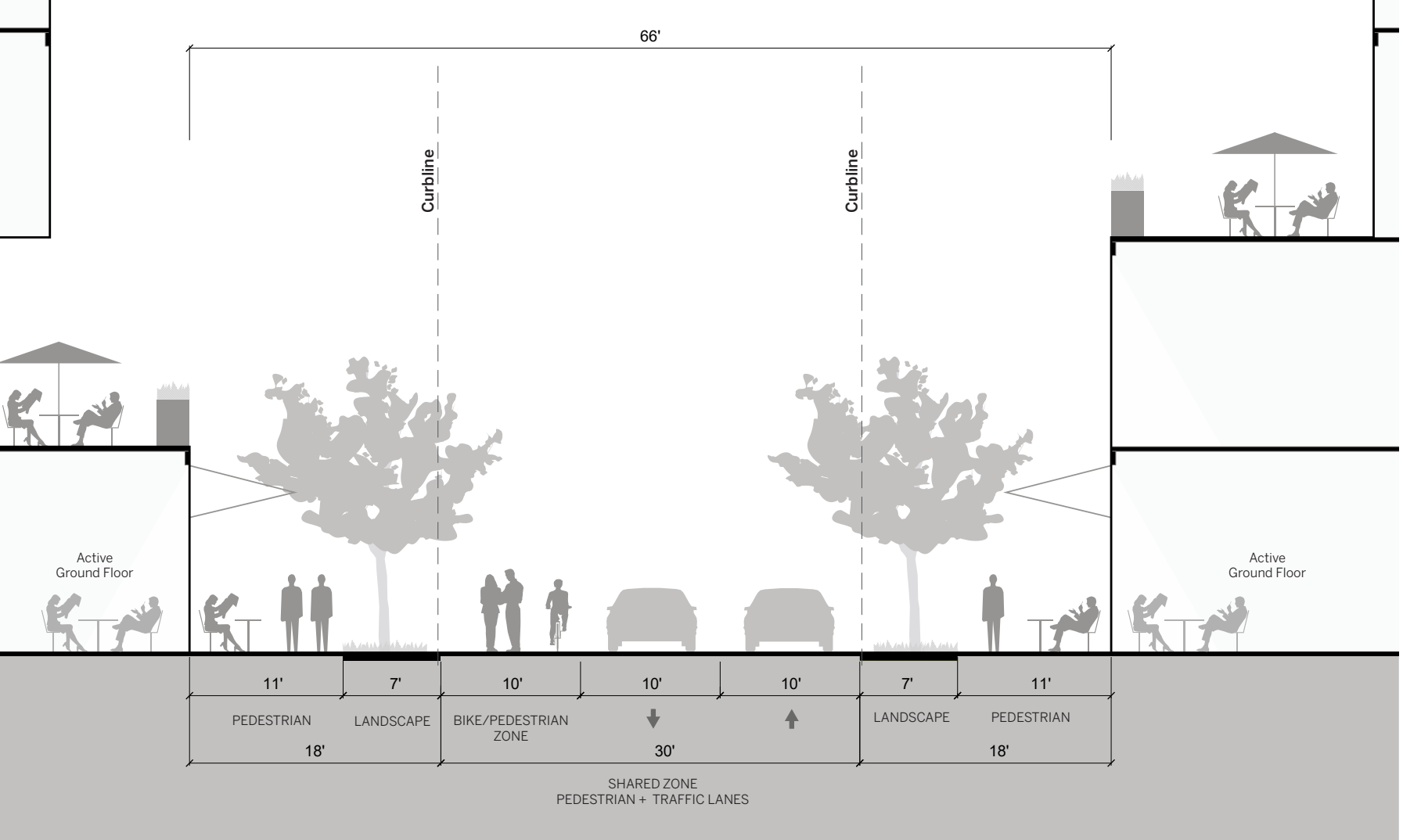
INTERNAL PVT DRIVEWAY SECTION C-C'
ENTRY STREET TYPICAL SECTION 66' WIDE



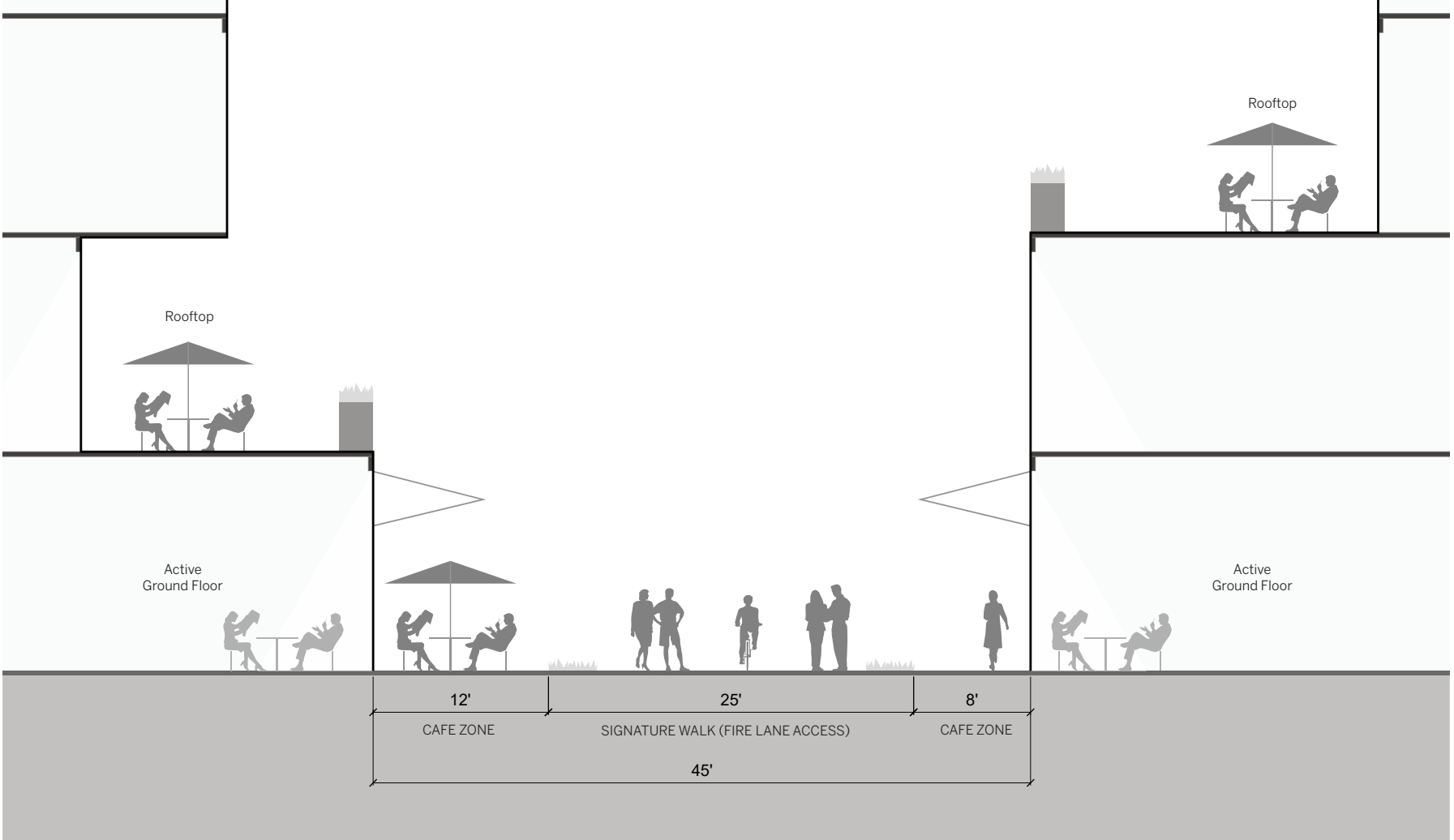
STREET SECTION B-B'
BARTON SPRINGS AVENUE TYPICAL SECTION 58' WIDE



INTERNAL PVT DRIVEWAY SECTION D-D'
SHARED STREET TYPICAL SECTION 66' WIDE

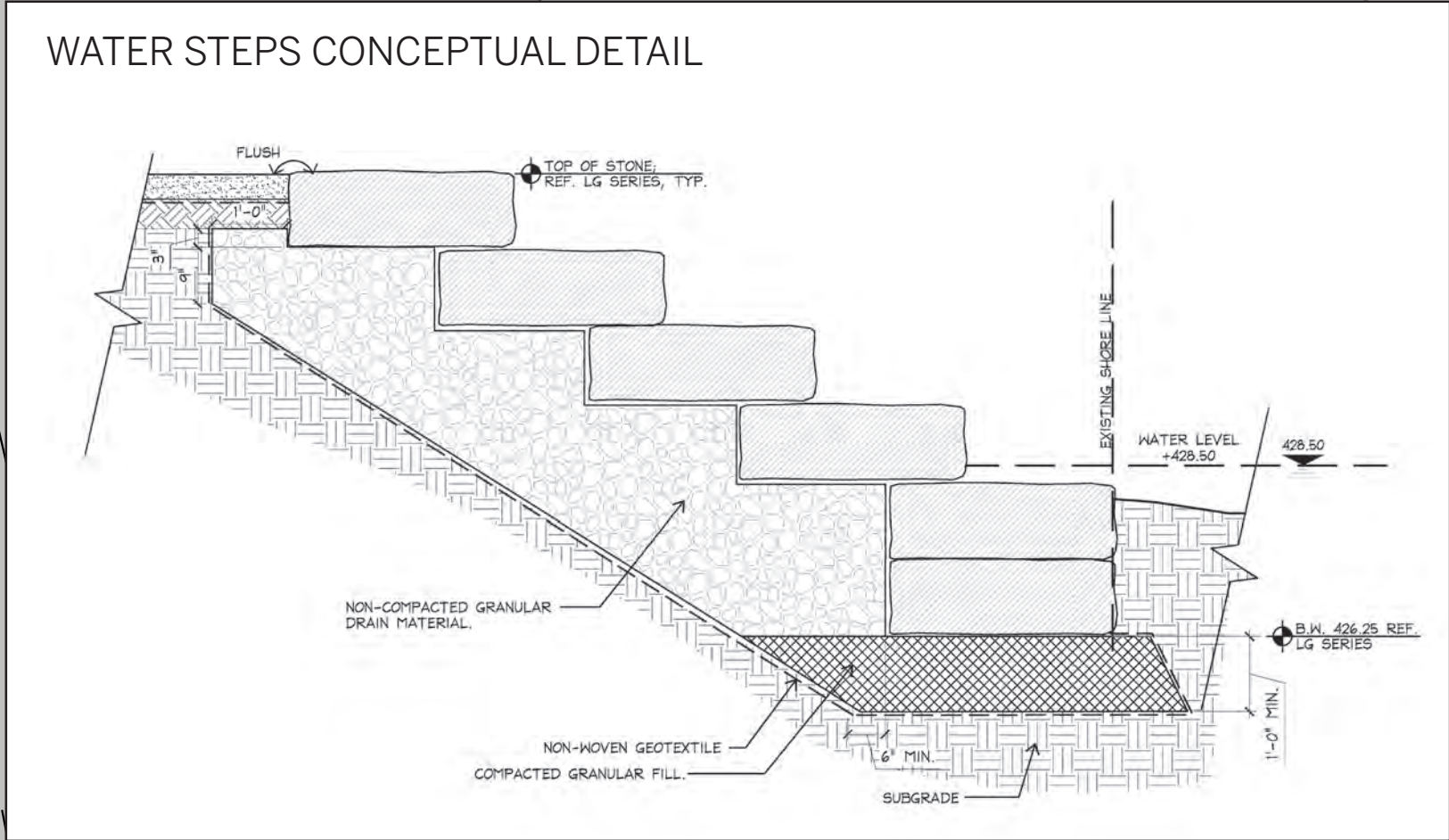
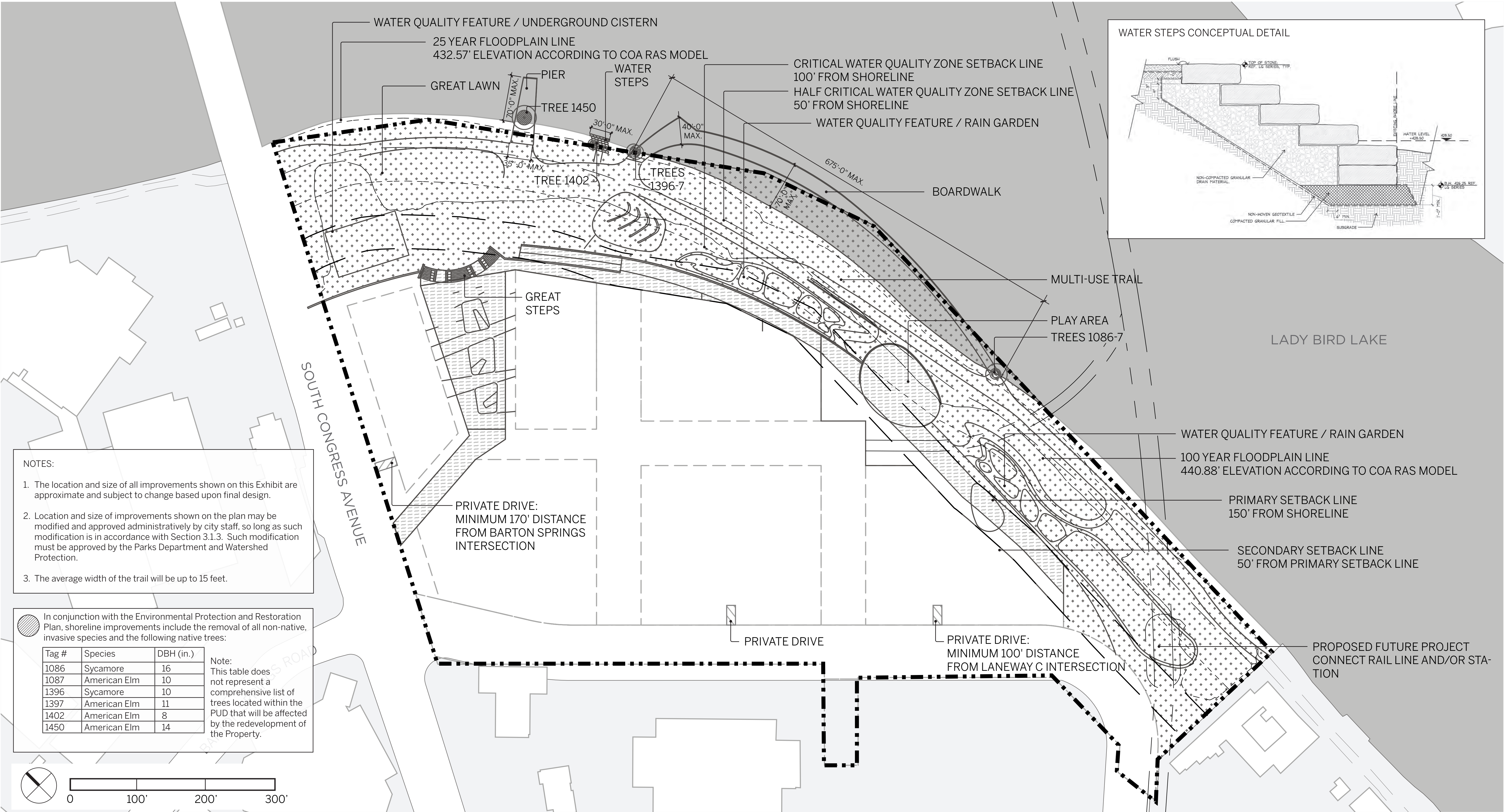


PEDESTRIAN WALKWAY TYPICAL SECTION E-E' 45' WIDE



305 S. CONGRESS PUD

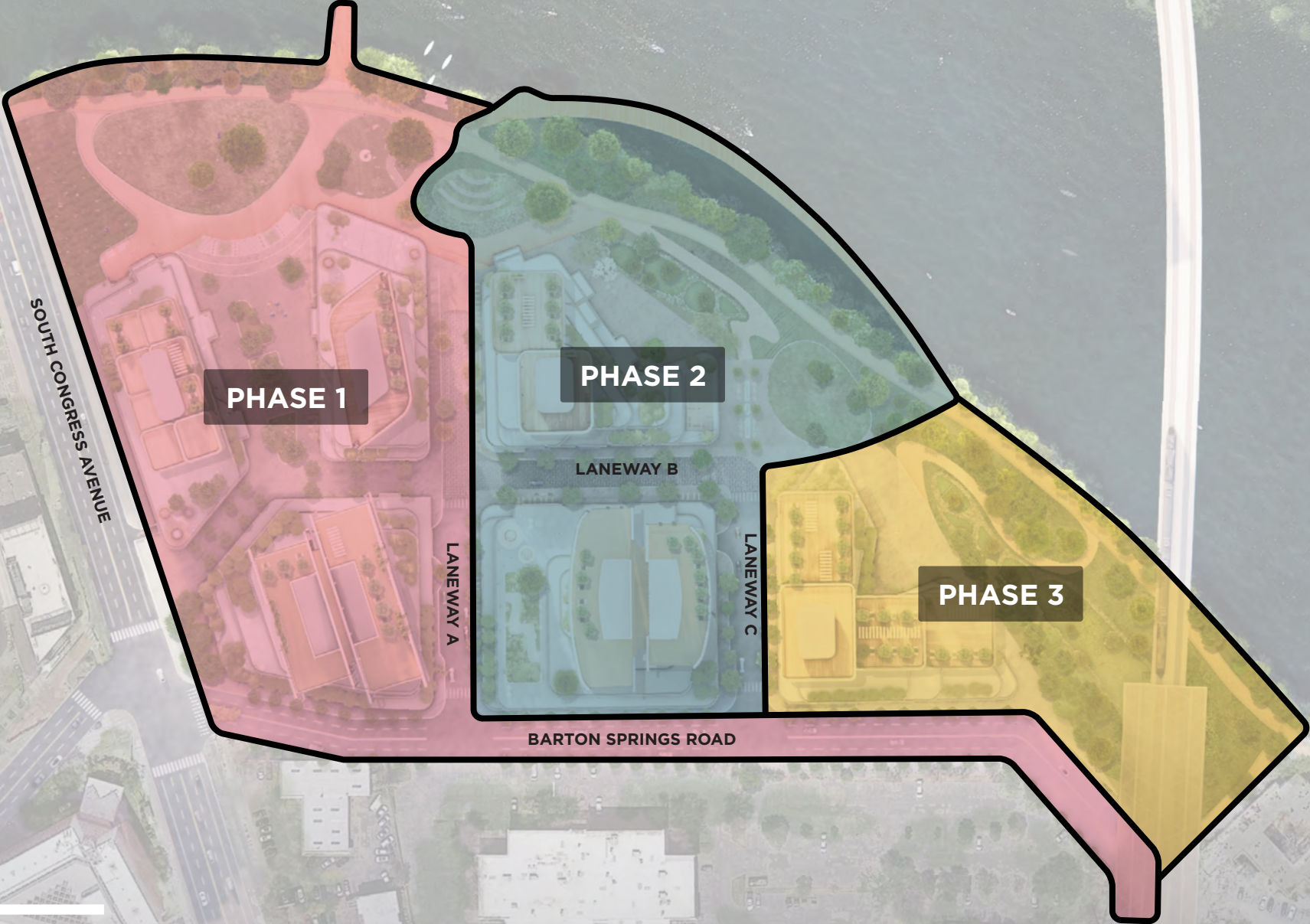
Conceptual Open Space Map

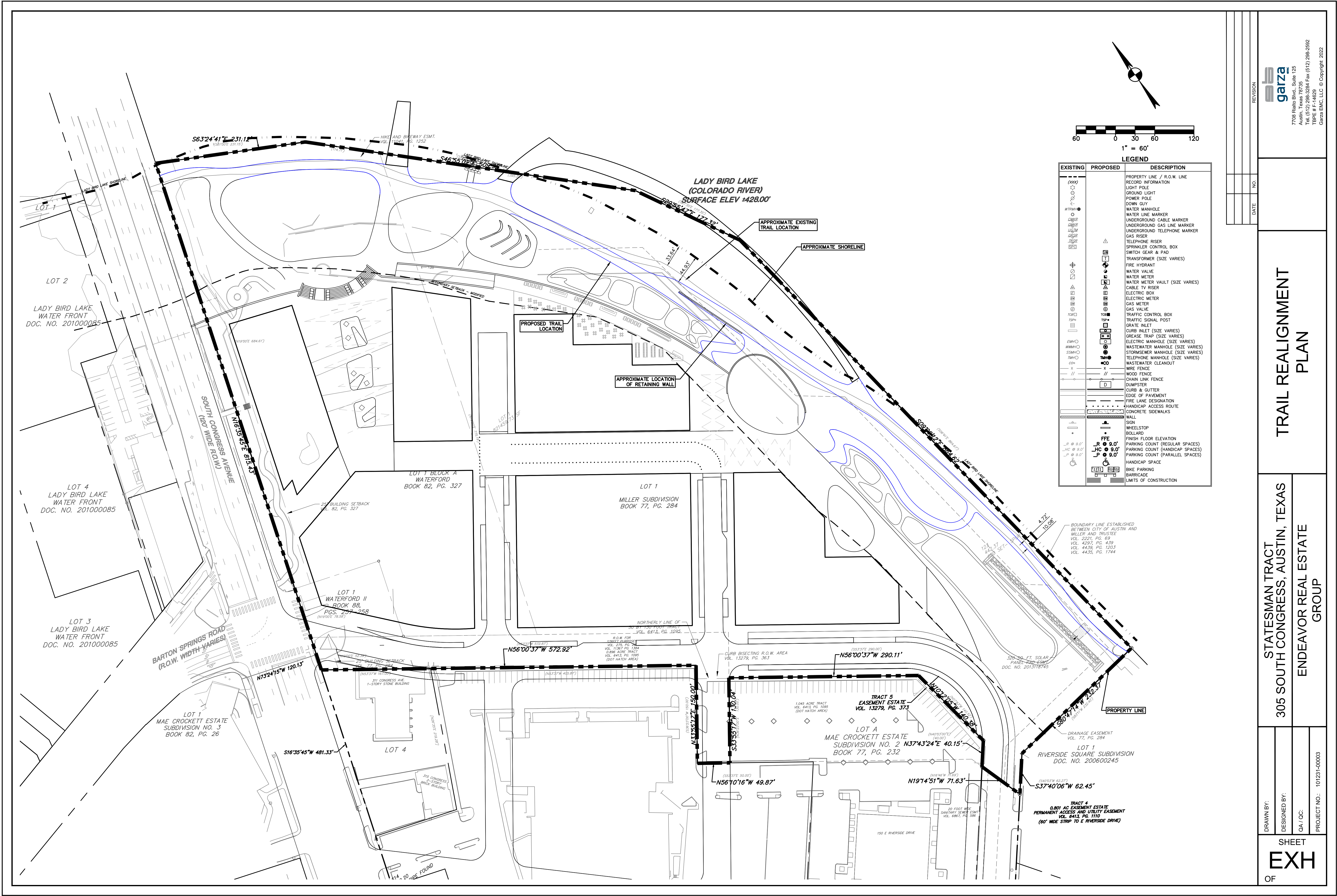


- Site Boundary (821,517 sf/18.86 acre)
- Park Land (284,447 sf/6.53 acre, which includes the inundated land.) *PARKLAND AREA IS SUBJECT TO CHANGE BASED ON FINAL LOCATION AND DESIGN OF CAPMETRO STATION
- Plaza/Landscape Area (69,233 sf/1.59 acre)

Submitted: July 24, 2019
Updated: June 26, 2020
Updated: October 12, 2020
Updated: April 14, 2021
Updated: July 9, 2021
Updated: December 7, 2021
Updated: January 31, 2022
Updated: April 6, 2022
Updated: June 1, 2022

305 S. Congress Avenue
Conceptual Phasing Plan





TRAIL REALIGNMENT
PLAN

STATESMAN TRACT
305 SOUTH CONGRESS, AUSTIN, TEXAS
ENDEAVOR REAL ESTATE GROUP

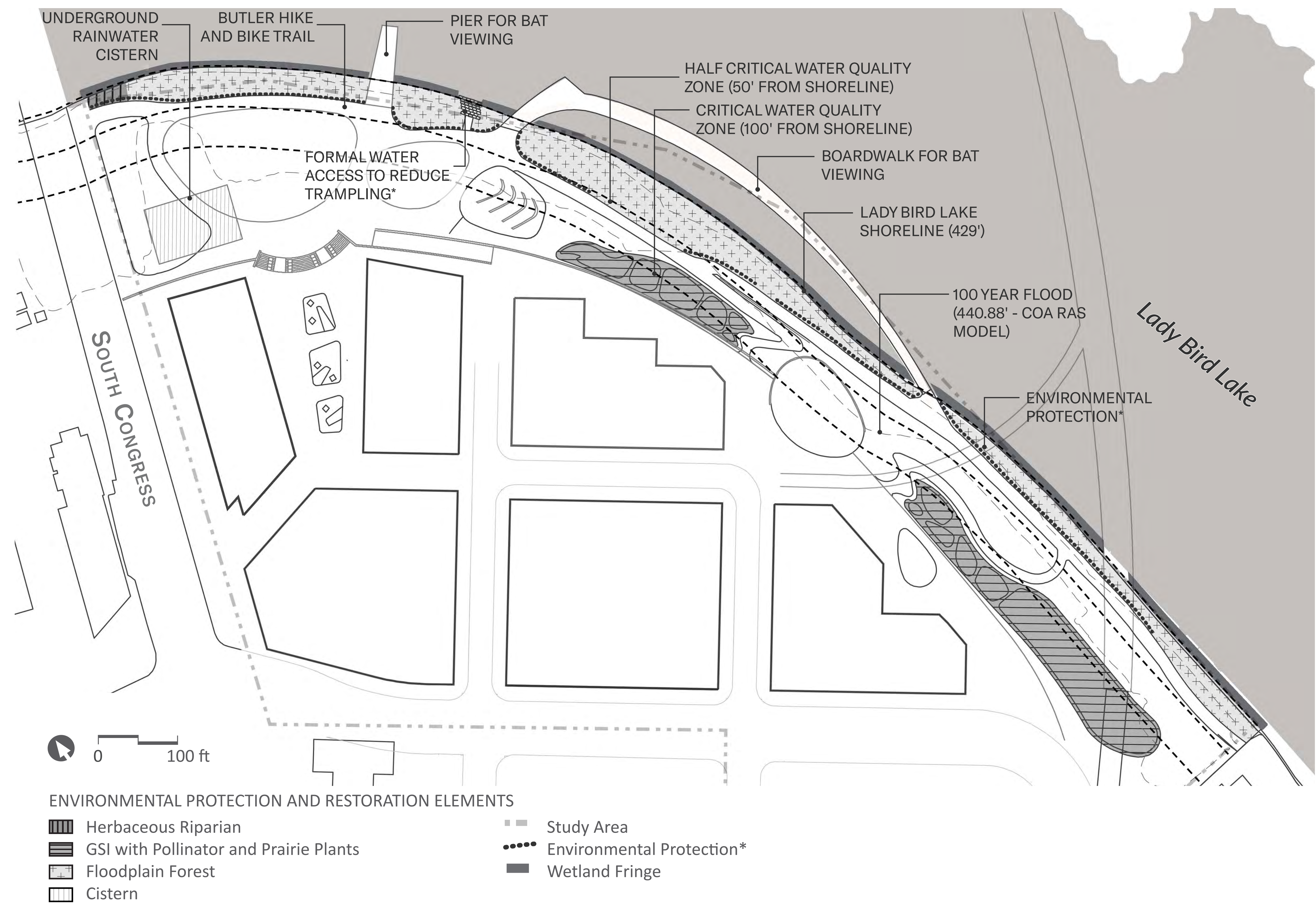
DRAWN BY:
DESIGNED BY:
QA / QC:
PROJECT NO.: 101231-00003

SHEET
EXH
OF

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Tel: (512) 298-3284 Fax: (512) 298-2592
TBP# F-14629
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305 S. CONGRESS PUD

Environmental Protection and Restoration Plan



* final location determined during site plan process

Notes:

1. Environmental protection and enhanced cultural experience:

A major threat to environmental superiority of the site is the regular degradation of areas due to heavy use of the property by the public to view the bats and access the water. To accommodate additional park users, reduce trampling of restored areas, create additional bat viewing areas, and improve the views of Lady Bird Lake and the downtown Austin skyline, this project proposes to construct a pier; a boardwalk, and one hardened water access point. By directing users to these landscape features, other parts of the open space can be protected, restored, and maintained to create an environmentally superior site. Please refer to the Open Space Map for maximum shoreline amenity dimensions.

2. Bat conservation:

The project will protect the Austin Bat Colony by using dark sky compliant lighting (as defined in Note 62 on Sheet 8) within 75' of the shoreline, creating safe vantages for bat viewing that do not disturb bat behavior, maintaining the bald cypress fringe along the shoreline critical for bat navigation, and maintaining an area free of trees directly east of the Congress Avenue Bridge at the lakeshore for bats to congregate before flight. The applicant will also continue to coordinate with local bat conservation groups for best practices during the design and construction phases of the project.

3. Protect critical environmental features, floodplain forest, and wetland plantings:

A combination of split rail fence, cable fence, boulders, and/or equivalent will be used to protect the wetland fringe and floodplain forest adjacent to the trail and will include at least 800 linear feet of protection.

4. Restore floodplain forest:

Restore at least 1 acre of riparian woodland forest between the water edge and the trail. Restoration includes the invasive species removal (Ligustrum, Nandina, Chinaberry, Chinese tallow, Arundo, Japanese honeysuckle, lacebark elm, tree of heaven, English Ivy, Asian Jasmine, Vitex, and poison ivy along with other invasives will occupy no more to less than 5% vegetative cover), temporary irrigation, soil amendments where needed (up to 3" of native compost gently raked into upper surface), planting 500 native herbaceous and ground cover plants (1 gallon) planted in clumps 18" on center, as well as seeding 28 pounds of native riparian seed.

5. Restore and enhance the wetland fringe:

The wetland fringe is shaded out by invasive understory and is trampled in numerous areas. Restoration of the 1,000 square feet of wetland fringe will entail the removal of invasive species as described above in note 4 and begin the establishment of wetland plants where feasible with a total planting of at least 15 obligate and facultative wetland species, planting at least 200 one gallon containers in up to 10 clumps.

6. Restore riparian herbaceous vegetation:

At least 800 square feet of herbaceous riparian vegetation will be planted adjacent to Congress Avenue Bridge between the trail and the lake to keep the area open for the bats and to add plant diversity. The planting will include at least 300 plants (1 gallon) planted in clumps 18" on center to reduce weeds and will include physical barriers to help minimize trampling. Preparation of the area will include woody species removal, invasive species removal, soil amendments as necessary, and temporary irrigation installation.

7. Pollinator plants:

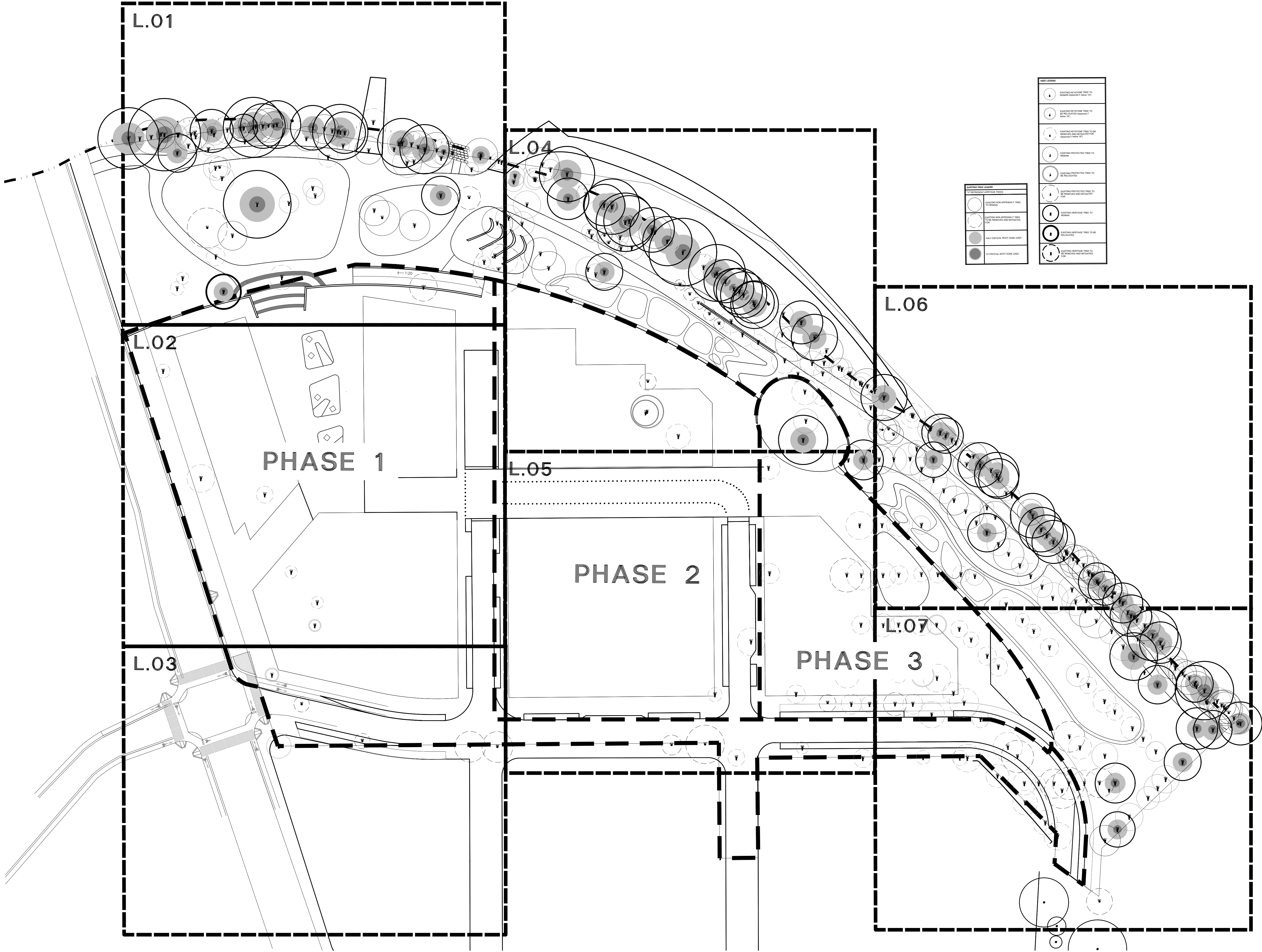
The project will include at least 30 native pollinator and prairie species (both planted and seeded) in green stormwater infrastructure that covers at least 0.75 acre of the site.

8. Sustainable management plan:

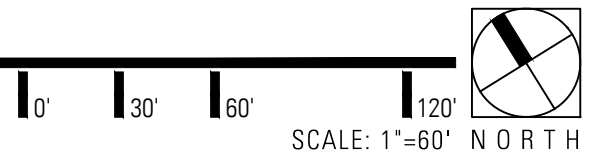
The applicant is committed to creating a sustainable land management plan for the site in coordination with appropriate entities that could include the Trail Foundation, bat conservation organizations, South Central Waterfront entities, and others. The plan will use an adaptive management framework that focuses on an enhanced user experience and ecological functionality that results in long-term, sustainable management of the site. At a minimum, the land management plan will include bi-annual management of invasive species (as listed above), increases in diversity through planting and seeding, ensuring native vegetative cover, and annual monitoring.

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1 OVERALL PLAN



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305 South
Congress -
PUD Tree
Preservation
Plan

305 South Congress
Avenue
Austin, TX 78731

project number
A20224

issue date
March 21, 2022

designed: XXX
drawn: XXX
reviewed: XXX

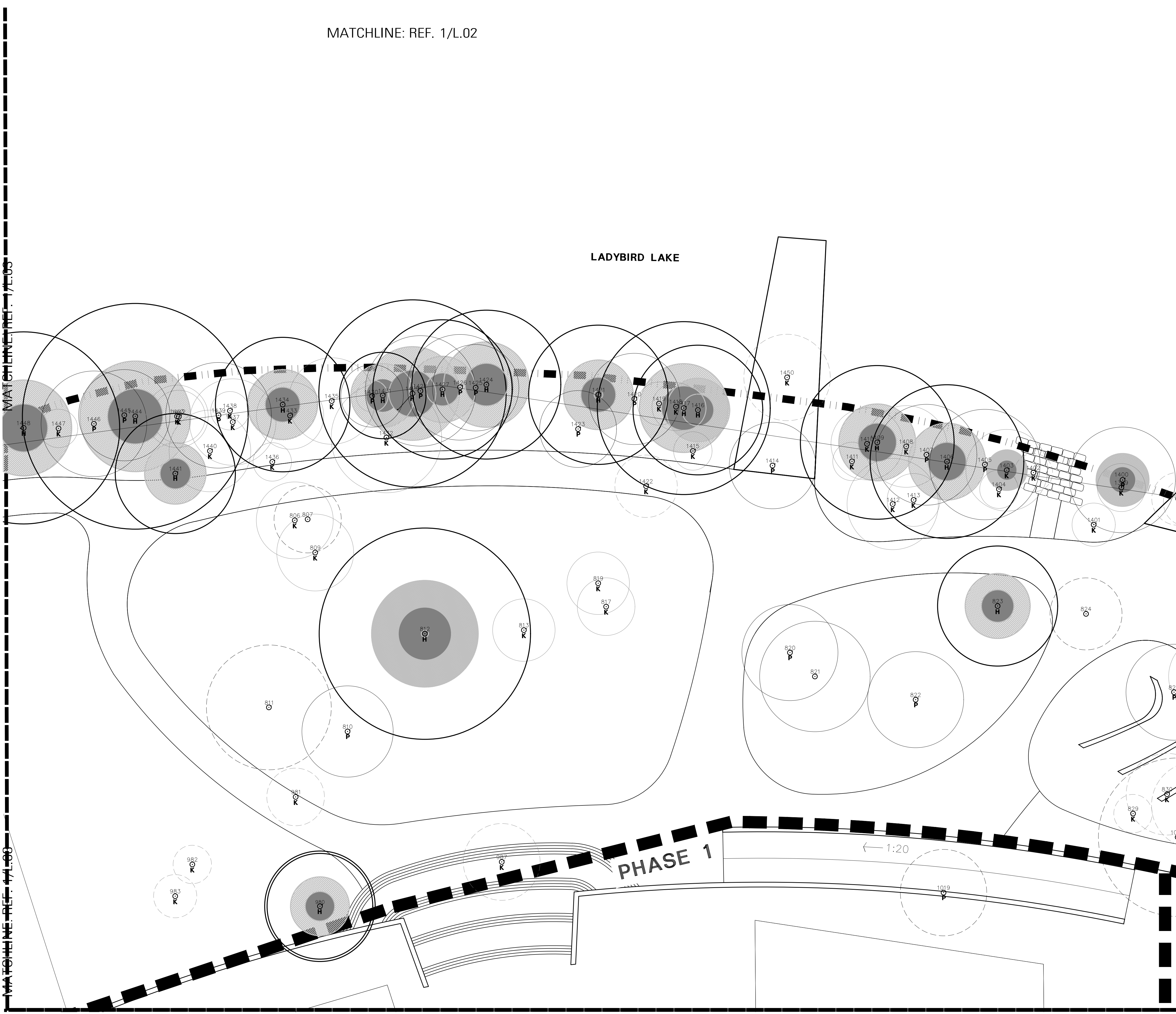
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permit overall
site plan

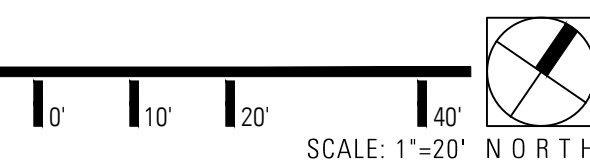
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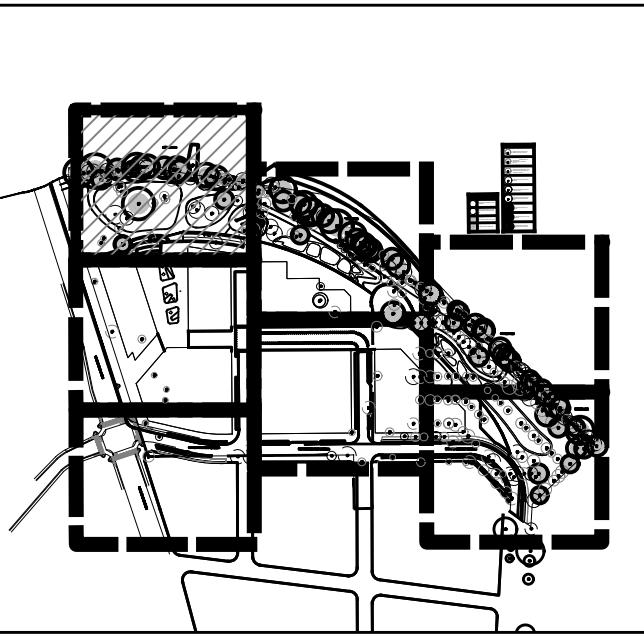


1 LANDSCAPE PLAN



TREE LEGEND:	
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	EXISTING KEYSTONE TREE TO BE RELOCATED (Appendix F below 19")
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	HALF CRITICAL ROOT ZONE (CRZ)
	1/4 CRITICAL ROOT ZONE (CRZ)



KEY MAP



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project
305 South Congress - PUD Tree Preservation Plan

305 South Congress Avenue
Austin, TX 78731

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reviewed: XXX

sheet title
permit site plan

sheet

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MATCHLINE: REF. 1/L.03

SOUTH CONGRESS AVENUE

PHASE 1

MATCHLINE: REF. 1/L.02

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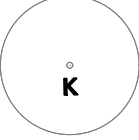
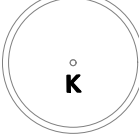
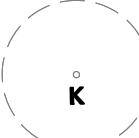
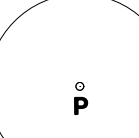
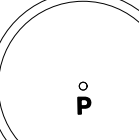
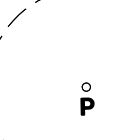
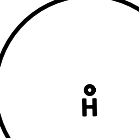
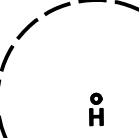
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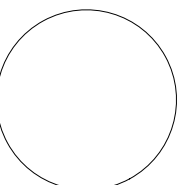
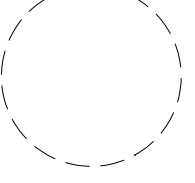
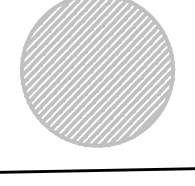
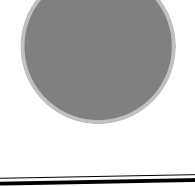
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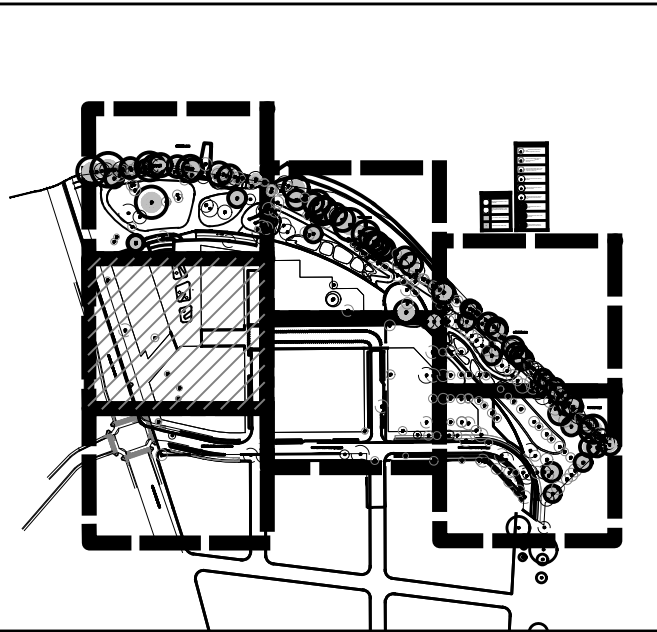
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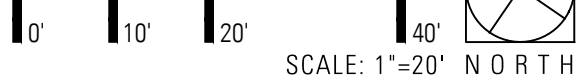
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KEY MAP



SCALE: 1"=20' N O R T H



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305 South Congress - PUD Tree Preservation Plan

305 South Congress
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Austin, TX 78731

project number
A20224

issue date
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drawn: XXX
reviewed: XXX

sheet title

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sheet

L.02

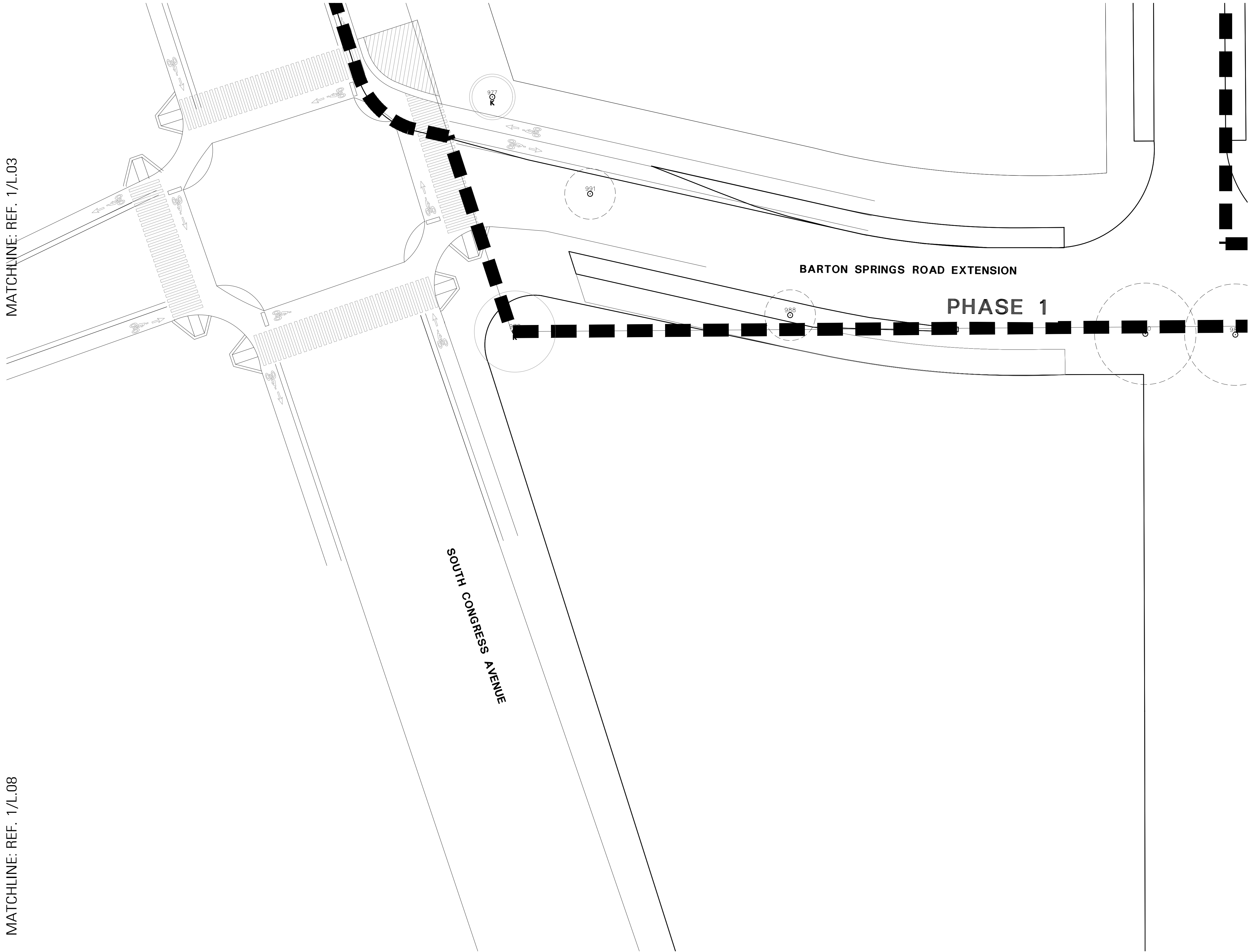
1 LANDSCAPE PLAN

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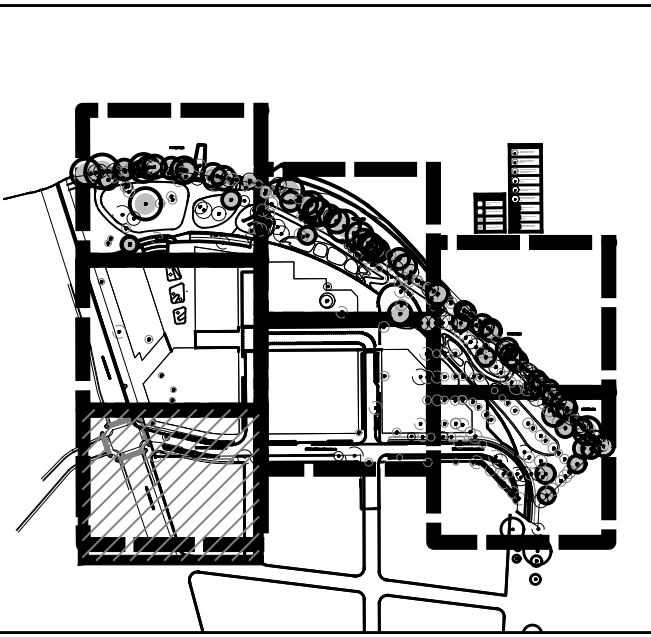
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KEY MAP



1 LANDSCAPE PLAN



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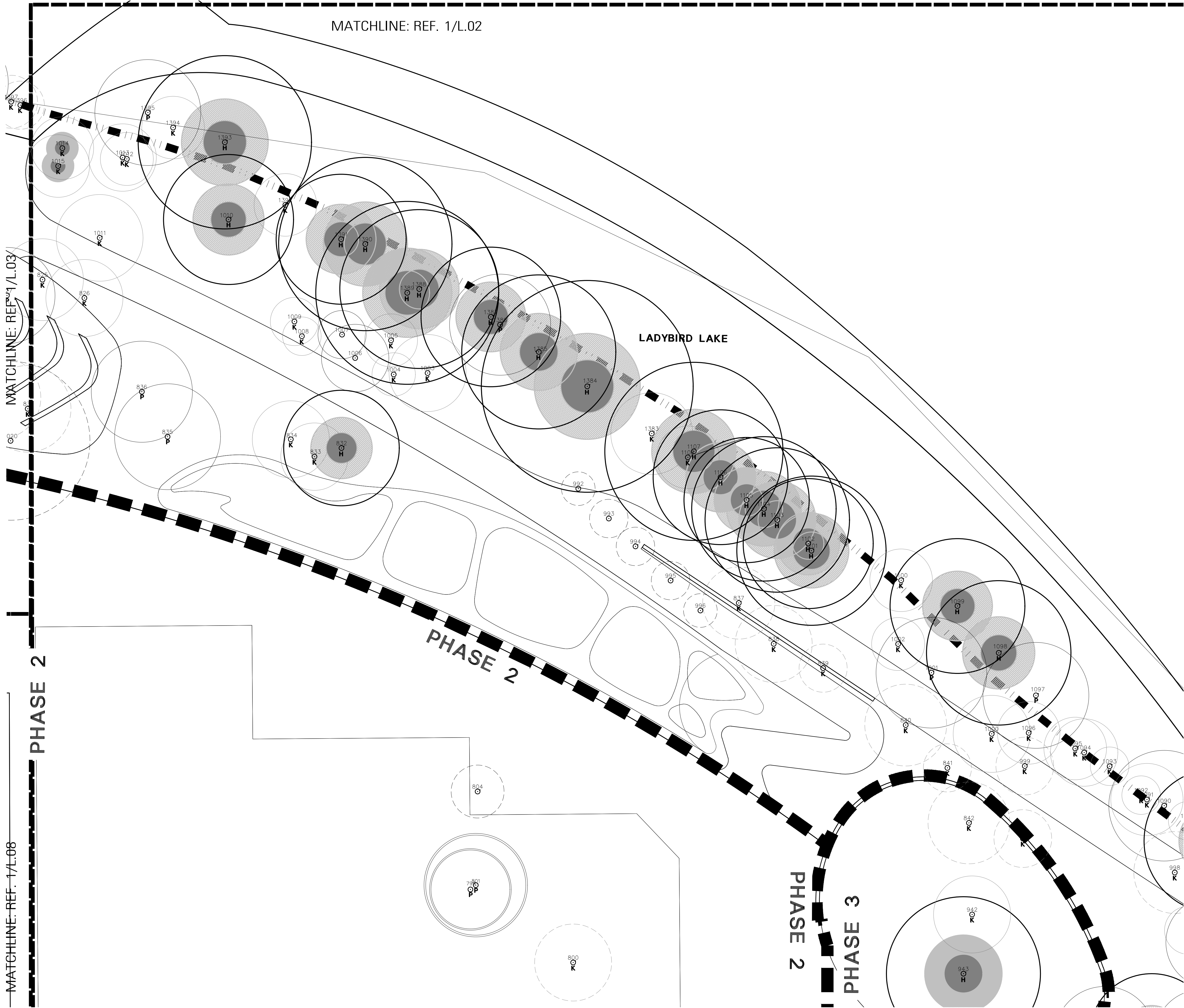
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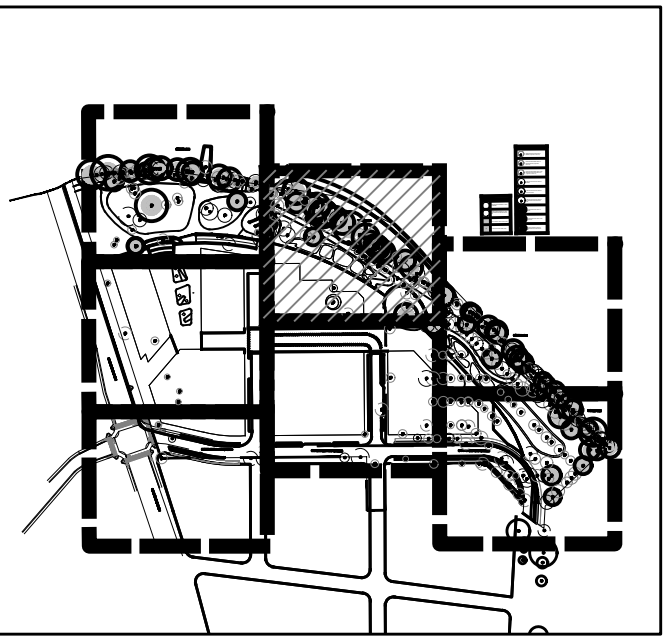
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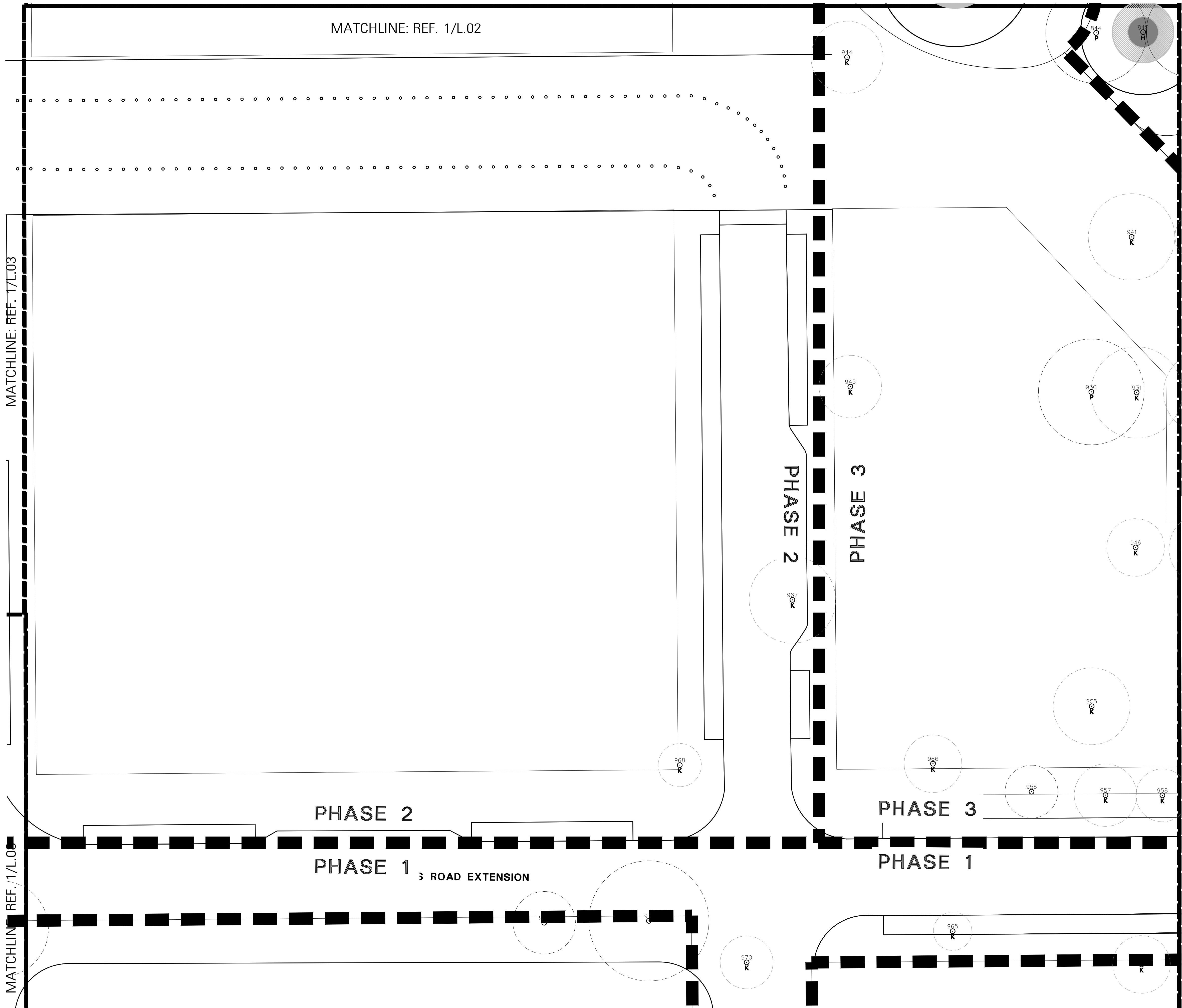
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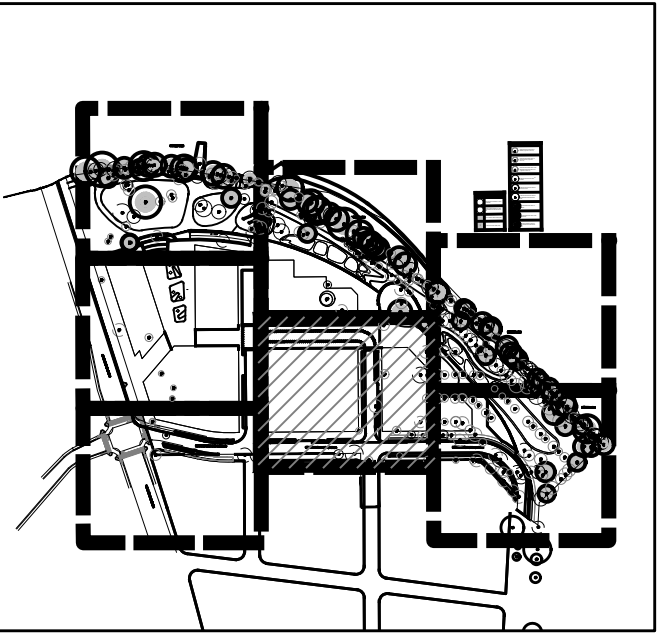
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permit site plan

sheet

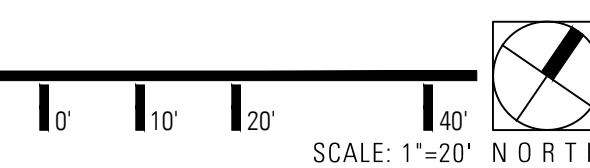
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MATCHLINE REF: 1/L-00
MATCHLINE REF: 1/L-00

PHASE 3

1 LANDSCAPE PLAN

EXISTING TREE LEGEND:	
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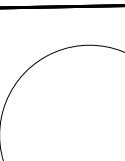
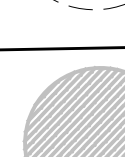
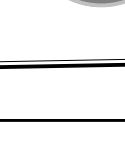


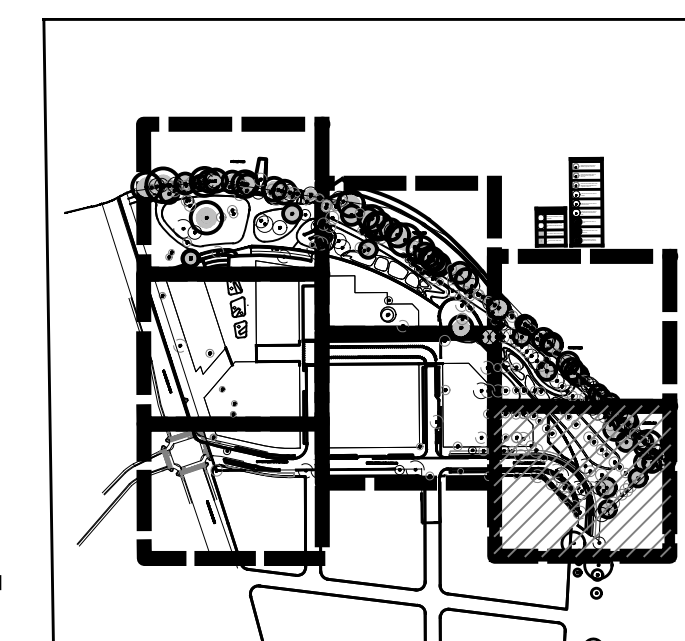
project
305 South
Congress -
PUD Tree
Preservation
Plan

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drawn: XXX
reviewed: XXX

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EXISTING TREE LEGEND:	
	"H" REPRESENT HERITAGE TREES
	EXISTING NON APPENDIX F TREE TO REMAIN
	EXISTING NON APPENDIX F TREE TO BE REMOVED AND MITIGATED FOR
	HALF CRITICAL ROOT ZONE (CRZ)
	1/4 CRITICAL ROOT ZONE (CRZ)



KEY MESSAGE



L.07

Job Number: A20224

POOR HEALTH TREES IN BLUE

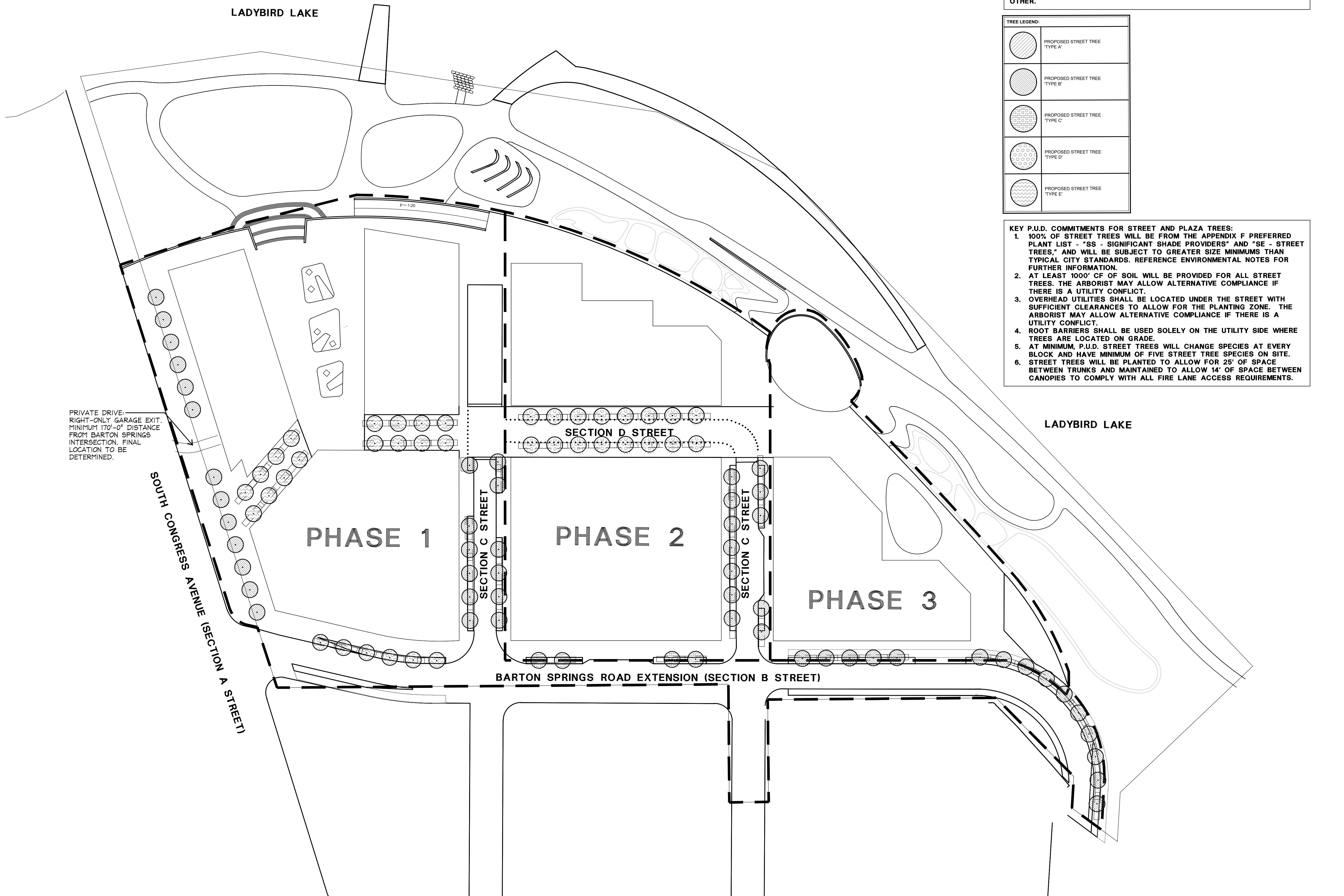
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HERITAGE	MULTI-TRUNK	DEAD OR POOR	TAG#	* removed	SPECIES	CAL 1	CAL 2	CAL 3	CAL 4	CAL 5	CAL 6	(=)	HERITAGE 30"+	HERITAGE 24"+	APDX-F 19" & UP	APDX-F 8"-18.9"	NON-APDX-F 19" & UP	NON-APPOX-F 8"-18.9"	APDX-F <8"	NON-APPOX-F <8"	INVASIVE	TREE HEALTH GRADED AS POOR	HERITAGE E 30"+	HERITAGE E 24"+	APDX-F 19" & UP	APDX-F 8"-18.9"	NON-APDX-F 19" & UP	NON-APPOX-F 8"-18.9"	APDX-F <8"	NON-APPOX-F <8"	INVASIVE	APDX-F TREES INSTALLED PER SPC-2014-0356C		
												0																						
Total cal. inch removed per category:													0	0	224	1109	0	0	0	0	0	0	0	0	0									
Grand Total Cal. Inch Removed:													1333										4556											
COA Minimum Replacement													300%	300%	100%	50%	50%	25%	0%	0%	0%	0%	100%											
replace @ %													0.0	0.0	224.0	554.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0											
Subtotal Replacement Inches:													779																					
Total Replacement: (cal. Inches)																																		
													Tree REMOVAL Accounting Summary										Tree PRESERVATION Accounting Summary											
													Total Caliper Inches Surveyed 5,889										5,889 Total Caliper Inches Surveyed											
													Total heritage cal. inches 30"+ removed 0										940 Total heritage cal. inches 30"+ preserved											
													Total heritage cal. inches 24"+ removed 0										991 Total heritage cal. inches 24"+ preserved											
													Total cal. inches removed, Appendix F, 19" & up 224										1137.5 Total cal. Inches preserved, Appendix F, 19" & up											
													Total cal. inches removed, Appendix F, 8"-18.9" 1109.0										1487.5 Total cal. Inches preserved, Appendix F, 8"-18.9"											
													Total cal. inches removed, NON-Appendix F, 19" & up 0										0 Total cal. Inches preserved, NON-Appendix F, 19" & up											
													Total cal. inches removed, NON-Appendix F, 8"-18.9" 0										0 Total cal. Inches preserved, NON-Appendix F, 8"-18.9"											
													Total cal. inches removed, Appendix F, <8" 0										0 Total cal. Inches preserved, Appendix F, <8"											
													Total cal. inches removed, NON-Appendix F, <8" 0										0 Total cal. Inches preserved, NON-Appendix F, <8"											
													Total cal. inches removed, Invasives 0										0 Total cal. Inches preserved, Invasives											
													Total cal Inches removed: 1333										4556 Total cal Inches PRESERVED											
													TOTAL APPENDIX F PRESERVATION RATE: 77.36%																					
													PROTECTED TREE APPENDIX F PRESERVATION RATE: 83.55%																					

P:\A - 305 South Congress\01 A20224 - 305 S. Congress Mixed Use PUD Approval\07 Permit\Street Tree Diagrams\PUD Submission\305 SoCo - Tree Mitigation_L.01.dwg

1 OVERALL PLAN



NOTE:
LOCATION OF THE STREET TREES ARE SUBJECT TO CHANGE BASED ON VEHICLE DROP OFF AND FINAL BELOW GRADE GARAGE PARKING ENTRANCES.

NOTE:
THE PURPOSE OF THIS EXHIBIT IS TO ILLUSTRATE THE OBJECTIVE TO CHANGE STREET TREE SPECIES AT EACH BLOCK LENGTH. THE CITY ARBORIST MAY ALLOW FOR ALTERNATIVE EQUIVALENT COMPLIANCE ON THE TREE "TYPE" TO CHANGE AT TIME OF DESIGN AND PERMITTING BASED ON CASE-BY-CASE BASIS DUE TO UNIQUE SITE AND CLIMATE CONDITIONS, OTHER.

TREE LEGEND:	
	PROPOSED STREET TREE TYPE A
	PROPOSED STREET TREE TYPE B
	PROPOSED STREET TREE TYPE C
	PROPOSED STREET TREE TYPE D
	PROPOSED STREET TREE TYPE E

- KEY P.U.D. COMMITMENTS FOR STREET AND PLAZA TREES:
- 100% OF STREET TREES WILL BE FROM THE APPENDIX F PREFERRED PLANT LIST - "SS - SIGNIFICANT SHADE PROVIDERS" AND "SE - STREET TREES," AND WILL BE SUBJECT TO GREATER SIZE MINIMUMS THAN TYPICAL CITY STANDARDS. REFERENCE ENVIRONMENTAL NOTES FOR FURTHER INFORMATION.
 - AT LEAST 1000' CF OF SOIL WILL BE PROVIDED FOR ALL STREET TREES. THE ARBORIST MAY ALLOW ALTERNATIVE COMPLIANCE IF THERE IS A UTILITY CONFLICT.
 - OVERHEAD UTILITIES SHALL BE LOCATED UNDER THE STREET WITH SUFFICIENT CLEARANCES TO ALLOW FOR THE PLANTING ZONE. THE ARBORIST MAY ALLOW ALTERNATIVE COMPLIANCE IF THERE IS A UTILITY CONFLICT.
 - ROOT BARRIERS SHALL BE USED SOLELY ON THE UTILITY SIDE WHERE TREES ARE LOCATED ON GRADE.
 - AT MINIMUM, P.U.D. STREET TREES WILL CHANGE SPECIES AT EVERY BLOCK AND HAVE MINIMUM OF FIVE STREET TREE SPECIES ON SITE.
 - STREET TREES WILL BE PLANTED TO ALLOW FOR 25' OF SPACE BETWEEN TRUNKS AND MAINTAINED TO ALLOW 14' OF SPACE BETWEEN CANOPIES TO COMPLY WITH ALL FIRE LANE ACCESS REQUIREMENTS.



TBG

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suite 500
austin, tx 78701

[512] 327-1011
tbgpartners.com

project

305 South Congress - PUD Street Tree Plan

305 South Congress Avenue
Austin, TX 78731

project number
A20224

issue date
March 21, 2022

sheet title

street trees

sheet

L.01

305 S. CONGRESS PUD

Data Table and Notes

Total Site Area		821,517 sf / 18.858 acres
Minimum Lot Size		5,750 sf
Minimum Lot Width		50 feet
Maximum Height		525 feet
Maximum Impervious Cover *		68%
Maximum Building Coverage		55%
Maximum Floor Area Ratio *		4.3 : 1
Minimum Setbacks	Front Yard	0 feet
	Street Side Yard	0 feet
	Interior Side Yard	0 feet
	Rear Yard	0 feet

* Impervious cover, building coverage, and floor-to-area is based on gross site area of all of the land within the PUD.
* Impervious cover and building coverage will be higher on a parcel by parcel calculation.

NOTES:

1.

The maximum height of any structure within Area 2 shall not exceed 525 feet from finished grade. Exceptions from the maximum height limit under 25-2-531 shall apply.
2.

The maximum height of any structure within Area 1 shall not exceed 35 feet from finished grade. Exceptions from the maximum height limit under 25-2-531 shall apply.
3.

Intentionally omitted.
4.

Section 25-2-491 (Permitted, Conditional, and Prohibited Uses) is modified to allow so that following uses are conditional uses within Area 2:
 - General Warehousing and Distribution
 - Light Manufacturing
 - Limited Warehousing and Distribution
5.

5. In addition to the uses described in Section 25-2-691 (Waterfront Overlay (WO) District Uses), the following are additional pedestrian-oriented uses allowed in Area 2:
 - Administrative and Business Offices
 - Automotive Sales
 - Automotive Rentals
 - Automotive Repair Services
 - Financial Services
 - Hotel – Motel
 - Indoor Entertainment
 - Indoor Sports/Recreation
 - Medical Offices – exceeding 5,000 sq. ft. gross floor area
 - Medical Office – not exceeding 5,000 sq. ft. gross floor area
 - Personal Improvement Services
 - Personal Services
 - Pet Services
 - Professional Office
 - Recreation and Equipment Sales
 - Theater
 - Transportation Terminal
 - Temporary Uses Described in Section 25-2-921
 - Veterinary Service
6.

Section 25-2-491 (Permitted, Conditional, and Prohibited Uses) is modified so that the following uses are permitted uses within Area 2:
 - Bed & Breakfast (Group 1)
 - Bed & Breakfast (Group 2)
 - Condominium Residential
 - Multifamily Residential
 - Townhouse Residential
 - Short-Term Rental (Types 1 and 3)
 - Administrative and Business Office
 - Art Gallery
 - Art Work Shop
 - Automotive Sales
 - Automotive Rentals
 - Automotive Repair Services
 - Business or Trade School
 - Business Support Services
 - Cocktail Lounge
 - Commercial Off-Street Parking
 - Communications Services
 - Consumer Convenience Services
 - Consumer Repair Services
 - Convenience Storage
 - Electronic Prototype Assembly
 - Electronic Testing
 - Financial Services
 - Food Preparation
 - Food Sales
 - General Retail Sales (Convenience)
 - General Retail Sales (General)
 - Hotel-Motel
 - Indoor Entertainment
 - Indoor Sports and Recreation
 - Kennels
 - Laundry Services
 - Liquor Sales
 - Marina
 - Medical Offices – exceeding 5,000 sq. ft. gross floor area
 - Medical Office – not exceeding 5,000 sq. ft. gross floor area
 - Off-Site Accessory Parking
 - Outdoor Entertainment
 - Outdoor Sports and Recreation
 - Pedicab Storage and Dispatch
 - Personal Improvements Services
 - Personal Services

- Pet Services
 - Plant Nursery
 - Professional Office
 - Recreational Equipment Maint. & Stor.
 - Recreational Equipment Sales
 - Research Assembly Services
 - Research Services
 - Restaurant (General)
 - Restaurant (Limited)
 - Service Station
 - Stables
 - Software Development
 - Theater
 - Vehicle Storage
 - Veterinary Services
 - Custom Manufacturing
 - Community Garden
 - Indoor Crop Production
 - Urban Farm
 - Administrative Services
 - Camp
 - Club or Lodge
 - College and University Facilities
 - Communication Service Facilities
 - Community Events
 - Community Recreation (Private)
 - Community Recreation (Public)
 - Congregate Living
 - Convalescent Services
 - Counseling Services
 - Cultural Services
 - Day Care Services (Commercial)
 - Day Care Services (General)
 - Day Care Services (Limited)
 - Family Home
 - Group Home, Class I (General)
 - Group Home, Class I (Limited)
 - Group Home, Class II
 - Hospital Services (General)
 - Hospital Services (Limited)
 - Local Utility Services
 - Maintenance and Service Facilities
 - Park and Recreation Services (General)
 - Park and Recreation Services (Special)
 - Private Primary Educational Facilities
 - Private Secondary Educational Facilities
 - Public Primary Educational Facilities
 - Public Secondary Educational Facilities
 - Religious Assembly
 - Safety Services
 - Telecommunication Tower 7
 - Transportation Terminal
7.

The construction of the water steps shall not be considered placement of fill within Lady Bird Lake.
8.

New site controls will be constructed to meet or exceed current requirements for the limits of construction of each phase and the impervious cover within the respective phase.
9.

Electrical easements shall be required for all developments. Their location and size on-site will be mutually determined at the subdivision plat/site plan submittal and may require more space than minimum building setback.
10.

Riparian restoration, including removal of invasive species, is allowed as long as it does not destabilize the shoreline and is done as part of a restoration plan submitted for review and approved by the Watershed Protection Department.
11.

A minimum of 9 points will be achieved by participation in the City’s Carbon Statement Pilot Program.
12.

Impervious cover will be reduced in the CWQZ by 10.07%, in the primary setback by 35.44% and the secondary setback by 4%.
13.

Signage and wayfinding will be used to provide information on Bat Conservation, Water Quality and Riparian Restoration, Tree Preservation and Relocation, and Pollinator Plants.

		Breakdown	Total Acres	Total GSF	Percentage
Public Realm	R.O.W.	Future Barton Springs Road Extension	1.92	83,815	10.2%
		Internal Private Driveways	1.77	77,078	9.4%
	Open Space	Park Land **	6.53	284,447	34.6%
		Plaza / Landscape Area	1.59	69,233	8.4%
	Total Public Realm Area		11.81	514,573	62.6%
Developable Land	Development Parcel		7.03	307,098	37.4%
	Total Developable Area		7.03	307,098	37.4%
Total Land Area			18.86	821,517	100%

** Park Land includes inundated land totaling 0.56 acres / 24,342 sf

Land Use Summary	
Residential	1,378 units
Hotel	275 keys
Commercial	150,000 gsf
Office	1,500,000 gsf

Land use and intensities may change so long as development subject to the PUD adheres to the limitations outlined in the TIA dated July 2, 2021