

Brodie Oaks Redevelopment Code Modification Table

THE ORIGINAL CODE HAS BEEN PROVIDED IN THE “PROPOSED PUD REGULATION” COLUMN IN BLACK, WITH MODIFIED OR REMOVED TEXT HIGHLIGHTED IN RED AND UNDERLINED.

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
General		
25-1-21 – Definitions. (11)	Modify: BLOCK means one or more lots, tracts, or parcels of land bounded by streets (<u>public or private</u>), <u>30’ wide or larger pedestrian paseo or courtyard with a minimum 5’ sidewalk or trail, public or private park space/open space, easement, or plaza space</u> , railroads, or subdivision boundary lines.	Creative use of open space, parks, and plazas will be used throughout the development to achieve maximum walkability, connectivity, and value for the development. The existing Brodie Oaks Redevelopment site is currently limited in vehicular connectivity as it is surrounded by dedicated parkland or TxDOT ROW. The project will utilize enhanced bicycle and pedestrian connectivity to the parkland to define blocks adjacent to the parkland.
25-1-21 – Definitions	Modify: GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, <u>parking structures</u> , driveways, and enclosed loading berths and off-street maneuvering areas.	Vehicular facilities were never anticipated to be included in gross floor areas. It is desirable to clarify that parking structures are excluded from gross floor area as originally intended.
25-1-21 – Definitions	Addition: <u>OPEN SPACE (OS) means the areas identified as Parks and Open Space on Exhibit C- Brodie Oaks Redevelopment Land Use Plan.</u>	Designated Parks and Open Space are intended as a buffer providing enhanced accessibility and vistas into the Barton Creek Greenbelt.
25-1-21 – Definitions. (105)	Modify: 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. <u>A site may not cross a public street or right-of-way. A site within the Brodie Oaks Redevelopment boundary may cross a public or private street with public access easements.</u>	The Brodie Oaks Redevelopment boundary is 37.6 acres and is split into seven tracts by private streets with public access easements. Flexibility for a site to cross a public or private street is needed to create a unified design throughout the entirety of the development.
Zoning		
25-2, Subchapter B, Article 2, Subpart C, Section 3.2.2. (C) (Residential Uses)	Remove: <u>(C) for multifamily development, the maximum floor to area ratio;</u>	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums. Floor-to-area ratios apply by Land Use Area, but not on a parcel-by-parcel basis.
25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3. (B) (Nonresidential Uses)	Remove: <u>(B) the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;</u>	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums. Floor-to-area ratios apply by Land Use Area, but not on a parcel-by-parcel basis.

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	<p>Modify: (D) the minimum front yard and street side yard setbacks, shall be modified as stated in Exhibit C- Brodie Oaks Redevelopment Land Use Plan which must be not less than the greater of:</p> <ol style="list-style-type: none"> 1. 25 feet for a front yard, and 15 feet for a street side yard; or 2. those required by Subchapter C, Article 10 (Compatibility Standards); 	<p>Building locations shall conform with an urban development located along a high-capacity transit corridor.</p>
<p>25-2, Subchapter B, Article 2, Subpart B, Section 2.5.2.B – Requirements for Exceeding Baseline.</p>	<p>Modify: (B). the developer:</p> <ol style="list-style-type: none"> 1. for developments with residential units, provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing); or 2. for developments with no residential units, either provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing) within the boundaries of the Brodie Oaks Redevelopment OR provides the amount established under Section 2.5.6 (In Lieu Donation) for each square foot of bonus square footage above the 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. 	<p>The exact size and density of the future development will be contingent on the market. The Brodie Oaks Redevelopment is committed to meeting affordability requirements for both residential and non-residential buildings and would like the option to meet affordability requirements in non-residential buildings within another building on the site.</p>
<p>25-2-491 – Permitted, Conditional, And Prohibited Uses</p>	<p>Modify: (A) Exhibit C- Brodie Oaks Redevelopment Land Use Plan The table in Subsection (C) provides the permitted uses for the property.</p>	<p>Brodie Oaks Redevelopment is planned to be more mixed-use than the base zoning district would allow.</p>
<p>25-2-492 – Site Development Regulations</p>	<p>Modify: (A) The table in Subsection (C) provides the permitted and conditional uses for each base district. "P" means a use is a permitted use, "C" means a use is a conditional use, and "X" means a use is prohibited. Endnotes provide additional information. Exhibit C- Brodie Oaks Redevelopment Land Use Plan establishes the principal site development regulations.</p>	<p>The Brodie Oaks Redevelopment is proposing denser and more compact uses along S. Lamar Boulevard and Loop 360 frontages to minimize impervious cover. To achieve this goal, it is necessary to have more flexibility in the minimum setbacks and development standards in the Brodie Oaks Redevelopment.</p>

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<p>25-2 - Subchapter E Sec 2.2.1 B</p>	<p>Modify: The roadway with the highest level of priority adjacent to the lot or site is considered the "principal street" for purposes of this Subchapter. For a lot or site that is adjacent to more than one roadway of equal priority, the development shall be subject to the standards associated with the roadway with the highest level of transit service. <u>The priority street for the Brodie Oaks Redevelopment is the Internal Circulator Route.</u> If the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner.</p> <p>For large sites subject to Section 2.2.5. or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking requirements) shall apply along all abutting streets or the Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.</p>	<p>S. Lamar Boulevard is predominantly a TXDOT ROW and functions more as an on-ramp for Loop 360 in this location. The character of this roadway in this location does not lend itself to the active, vibrant, and high-quality pedestrian environment that is desired by the Brodie Oaks Redevelopment.</p> <p>The Brodie Oaks Redevelopment is planning extensive improvements along S. Lamar Boulevard to include sidewalks, a transit stop, and street trees.</p>
<p>25-2 Subchapter E 2.2.2B 1 Planting Zone</p>	<p>B1a. Planting Zone. The planting zone shall have a minimum width of eight six feet (from face of curb) and shall be continuous and located adjacent to the curb or cycle track provided that the sidewalk width is never less than 15'.</p>	<p>Please see Exhibit E- Brodie Oaks Redevelopment Transportation Plan. The dimensions shown were based on the Austin Street Design Guide but adjusted based on guidance from national expert Jeff Speck. The roadways in the Brodie Oaks Redevelopment plan are not public so there is no requirement here. Follow up conversation is necessary.</p> <p>The plan meets or exceeds Subchapter E- Great Streets Standards, with the following modifications:</p> <ul style="list-style-type: none"> • The Clear Zone in the Code calls for 14' total across the street section. The Brodie Oaks Redevelopment plan is providing 24' total across the street section of pedestrian and bicycling space. • The Planting Zones in the Code calls for 16' total across the street section, whereas the Brodie Oaks Redevelopment plan provides 19' total across the street section. The plan has also increased the overall number of planting zones from 2 to 3, therefore the site will have 30 percent more trees. • All utilities will be located underground. <p>The Sidewalk Zones in the Code calls for 30' total across the street section, whereas the Brodie Oaks Redevelopment plan provides for 49'-55' total across the street section.</p>

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<p>25-2 Subchapter E 2.2.2B 2 Clear Zone</p>	<p>Modify: B2. Clear Zone. The clear zone shall be a minimum width of seven six feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven six feet and a minimum height of eight feet <u>provided that the sidewalk width is never less than 15'.</u></p>	<p>Please see Exhibit E- Brodie Oaks Redevelopment Transportation Plan. The dimensions shown were based on the Austin Street Design Guide but adjusted based on guidance from national expert Jeff Speck. The roadways in the Brodie Oaks Redevelopment plan are not public so there is no requirement here. Follow up conversation is necessary.</p> <p>The plan meets or exceeds Subchapter E- Great Streets Standards, with the following modifications:</p> <ul style="list-style-type: none"> • The Clear Zone in the Code calls for 14' total across the street section. The Brodie Oaks Redevelopment plan is providing 24' total across the street section of pedestrian and bicycling space. • The Planting Zones in the Code calls for 16' total across the street section, whereas the Brodie Oaks Redevelopment plan provides 19' total across the street section. The plan has also increased the overall number of planting zones from 2 to 3, therefore the site will have 30 percent more trees. • All utilities will be located underground. <p>The Sidewalk Zones in the Code calls for 30' total across the street section, whereas the Brodie Oaks Redevelopment plan provides for 49'-55' total across the street section.</p>
<p>25-2 Subchapter E 2.2.5 C Block Standards</p>	<p>Modify: C1. Unless exempted by this subsection, a site shall be divided into internal blocks, no larger than 5 acres. <u>The perimeter of a block is defined by private streets with a public access easement, public streets, and public open spaces that include a pedestrian path.</u> The maximum length of any block face, as measured from intersection to intersection, shall be 800 feet.</p>	<p>The Brodie Oaks Redevelopment PUD is limited in the number of vehicular access points to TxDOT frontage roads. The project is also situated adjacent to the Barton Creek Greenbelt for much of the northwestern boundary line reducing the ability to make vehicular connections. The project is improving both pedestrian and bicycle access within and through the site.</p>
<p>25-2 Subchapter E 2.2.5 G</p>	<p>Modify: G.2 If the Internal Circulation Route is intended to accommodate bicycles, head-in and angle parking is not permitted <u>except when the cycle tract is provided between the clear zone and the head-in or angle parking.</u></p>	<p>The Brodie Oaks Redevelopment is including cycle tracts along the Internal Circulator Route. Refer to <i>Exhibit E- Brodie Oaks Redevelopment Transportation Plan.</i></p>

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25-2 Subchapter E 4.3.3 C	<p>Modify: C. Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. <u>A residential use or amenity space for residential uses may occupy a space that is designed for commercial uses.</u> A lobby serving another use in the VMU building shall not count as a pedestrian-oriented commercial space for purposes of this section <u>if it is designed to meet the standards of this section.</u></p> <ul style="list-style-type: none"> a. A customer entrance that opens directly onto the sidewalk; b. A depth of not less than 24 feet; c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and d. A front facade that meets the glazing requirements of Section 3.2.2. 	<p>The Brodie Oaks Redevelopment is focusing active ground floor uses around the internal green space and central buildings along the Internal Circulator Route. Other ground floor spaces will be designed so that they can accommodate additional commercial in the future based on demand.</p>
25-2 Subchapter E 4.3.3F	<p>Modify: F To be eligible for the dimensional or parking standards exemptions in Subsection E of this section, the residential units in <u>a VMU building the Brodie Oaks Redevelopment</u> shall meet the <u>following affordability requirements identified in the Brodie Oaks Redevelopment Superiority Table</u></p>	<p>The project offered 10 percent of the bonus area square footage as on-site affordable housing regardless of rental or ownership. That is more than the baseline superiority requirement of 10 percent for rental and 5 percent for ownership. The project team does not have a projected breakdown of rental and ownership units at this time but has committed to meeting the 10 percent requirement.</p> <p>The project is proposing to provide all housing on-site without requesting a fee- in-lieu if it is possible to track them site wide. This is a major superiority item because most of our bonus area is based on non-residential land uses. In the example below, if the average unit size is 850 sq. ft. the required number of affordable units would be 50 units. This is equivalent to 68 percent of the units in this building. It is our understanding that the code allows a request for fee-in-lieu when the bonus area is non-residential. Based on the proposal in The Brodie Oaks Redevelopment Assessment, the team would not request any fee-in-lieu but would construct somewhere on the 37.6 acres instead if it is possible to track them site wide.</p> <p>Affordable housing ties closely to the height allowed on-site. If height is reduced, it will reduce our bonus area significantly and therefor fewer units. This would be unfortunate because of the great access to the high-capacity MetroRapid Route 803 transit stop and proximity to job centers for the affordable housing residents.</p>

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<p>25-2-1104 – Hill Country Roadway Overlay Exceptions</p>	<p>Addition: <u>(F) This article does not apply to development within Land Use Area 1 as described in Exhibit C- Brodie Oaks Redevelopment Land Use Plan. This exemption in Land Use Are 1 applies to the following Code Sections.</u></p> <ul style="list-style-type: none"> • <u>ECM Section 2.9.2 – Special Screening Standards for Hill Country Sites</u> • <u>Section 30-3 Division 2. Access to Hill Country Roadways</u> • <u>ECM Section 3.3.4 – Tree Survey Standards for Hill Country Roadway Corridors</u> • <u>ECM Section 2.7.0 – Hill Country Roadway Landscape Criteria</u> • <u>25-2 Subchapter C Article 9 Division 3 – Additional Site Plan Requirements in Hill Country Roadway Corridors.</u> • <u>25-6-Division 2 – Access to Hill Country Roadways</u> <p><u>Except for the following code sections which shall apply as modified in Land Use Area 1:</u></p> <p><u>§ 25-2-1125 - LOCATION OF ON-SITE UTILITIES. Each on-site utility must be located underground, unless otherwise required by the utility provider.</u></p> <p><u>§ 25-2-1126 - BUILDING MATERIALS.</u> <u>(A)Each building shall be designed to use on the ground floor, to the greatest extent feasible, building materials that are compatible with the environment of the hill country, including rock, stone, brick, and wood.</u></p> <p><u>(B)A person may not construct a building that has mirrored glass with a reflectance of more than 20 percent.</u></p> <p><u>§ 25-2-1026 - PARKING LOT MEDIANS.</u> <u>A permanent parking lot must have a median at least ten feet wide containing existing native trees or dense massing of installed trees between each distinct parking area.</u></p>	<p>The Hill Country Roadway Ordinance is not compatible with the Imagine Austin Comprehensive Plan designation of the site as a Center for Redevelopment in Environmentally Sensitive Areas. The site is currently 100 percent developed and does not contribute to the Hill Country aesthetic that is being preserved through the ordinance. The Brodie Oaks Redevelopment has established a more appropriate transition from the Imagine Austin Comprehensive Plan High-Capacity Transit Corridor on S. Lamar Boulevard to the Hill Country along Loop 360. The project will meet and exceed Hill Country Roadway Overlay requirements within the portion of Land Use Area 2 that is within the Hill Country Roadway Overlay by removing existing impervious cover and buildings within Land Use Area 2. In addition, the Brodie Oaks Redevelopment is proposing to blend new open space into the existing Barton Creek Greenbelt by restoring 10 percent of new open space in Overlook Park and Trailhead Park (1.0 acres) using the Hill Country Revegetation standard. Another 10 percent (1.0 acres) will be restored to native prairie. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. In addition to exceeding the Hill Country Landscape and Restoration Standards is Land Use Area 2 the project is complying with 9 out of the 12 criteria for approval of a development bonus within the Hill Country Roadway Overlay as follows:</p> <ol style="list-style-type: none"> 1) Preserves a scenic vista and provides a place where the public can view the scenic vista – The Brodie Oaks Redevelopment is creating and enhancing a scenic vista and has ensured public access in perpetuity through an easement. 2) Reduces by at least 15 percent the amount of impervious cover otherwise required for the development - The Brodie Oaks Redevelopment has reduced impervious cover by 36 percent. 3) Increases landscaping or a setback by more than 50 percent above the amount required for the development or increases a natural area. - The Brodie Oaks Redevelopment is increasing the Barton Creek Greenbelt Natural Area by establishing 9.7 acres of new publicly accessible open space along the border of the greenbelt, removing all existing surface parking and buildings, and treating stormwater runoff to SOS water quality standards within that space.
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		<p>4) Is a mixed-use development, particularly a mixed-use development that includes a residential use and community facility. - The Brodie Oaks Redevelopment includes a residential use.</p> <p>5) Uses pervious pavers although the development is not entitled to receive an impervious cover credit. - The Brodie Oaks Redevelopment includes porous pavement in the design for all non “high-use” pedestrian areas such as courtyards or walkways between buildings where possible.</p> <p>6) Consolidates small lots to create a parcel that has at least 300 feet of frontage on a hill country roadway. - The Brodie Oaks Redevelopment proposes to consolidate 4 tracts into one cohesive development plan with 2 lots along Loop 360 frontage each exceeding 300’.</p> <p>7) Includes the construction or dedication of a public facility that is not required by a City ordinance, including a park, roadway and right-of-way, Police department site, Fire department site, emergency medical services facility site, or a regional drainage facility. - The Brodie Oaks Redevelopment is constructing a publicly accessible open space to include a recreational easement dedicated in perpetuity, a shared use path along the street connecting the project and S. Lamar Boulevard transit stop with the Barton Creek Greenbelt and Barton Creek Plaza Office Park.</p> <p>8) Limits the construction of a building or parking area to an area with a slope with a gradient of not more than 15 percent. - The Brodie Oaks Redevelopment is not constructing any buildings or parking areas where the slope is greater than 15 percent and is removing existing buildings and parking areas that were built in these locations in the past.</p> <p>9) Uses an energy-conserving or a water-conserving device that reduces energy or water consumption below City requirements. - The Brodie Oaks Redevelopment is employing several strategies to reduce and reuse water and energy onsite.</p>

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CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
Subdivision		
25-4-171 – Access to Lots	Modify: (A) Each lot in a subdivision shall abut a dedicated public street, <u>or private street with public access easement</u> .	A private internal circulator route with public access easements will be constructed to provide frontage for some of the lots in the Brodie Oaks Redevelopment. The ASMP does not include any public roadway needs within this property. All roads within the development will be private streets with public access easements. This designation means the streets will be actively maintained by the applicant verses by the City and therefore is superior.
Transportation		
25-6-171 – Standards for Design and Construction.	Addition: (A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications Modify: (A) Except as provided in <u>Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications and Exhibit E- Brodie Oaks Redevelopment Transportation Plan.</u>	To provide a compact and connected community, we would like to provide alternative street sections that allow for additional pedestrian and bike connections and more landscaping. The project will meet the City of Austin Standards for Construction of the Streets.
Section 25-6-477, 25-6-478, 25-6-532 and Appendix A – Off-Street Parking and Loading	Addition: <u>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.</u>	The Brodie Oaks Redevelopment intends to provide a mixed-use development with a robust travel demand management plan to better utilize shared parking opportunities within the site and to surrounding multi-modal connections.
TCM 1.3.1 (A) General Design Criteria - Grades	Addition: (1) Existing Streets that do not meet the standards for maximum grade may be improved as described in <u>Exhibit E- Brodie Oaks Redevelopment Transportation Plan.</u>	The Brodie Oaks Redevelopment is proposing to improve the street between the project and Barton Creek Plaza with a Shared Use Path. This street exists within a 40' easement and the multi-use trail would be provided on the park side of the easement.
Environmental		
25-8-213 – Water Quality Control Standards	Modify: (A) A water quality control must be designed in accordance with the Environmental Criteria Manual as amended.	The Brodie Oaks Redevelopment may increase the time for irrigation and allow the system to be shut-off by zone or timed to avoid park amenities.
ECM 1.6.7.5(A)	Modify: 4a. The retention basin must be emptied within 72 hours <u>144 hours</u> after a rain event ends.	Extending the period for irrigation will allow the site to co-locate park amenities within irrigation areas by turning off irrigation during high use times.

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25-8-341 – Cut Requirements	Modify: Cuts on a tract of land may not exceed four feet depth except <u>where indicated in Exhibit G- Brodie Oaks Redevelopment Grading Plan</u>	<p>The Brodie Oaks Redevelopment is proposing to restore the site back to original pre-development grades and cuts exceeding 4' will be necessary to achieve restoration.</p> <p>According to aerial imagery as far back as 1955, the site was a gravel pit for several decades prior to the existing development. Historically, it has been the interpretation of Staff that grading more than four feet to restore pre-development grades is an acceptable exemption to City Code 25-8-341/342. Due to the challenge with comparing data, we are requesting this code modification to ensure clarity during permitting.</p>
25-8-342 – Fill Requirements	Modify: Fill on a tract of land may not exceed four feet depth except <u>where indicated in Exhibit G- Brodie Oaks Redevelopment Grading Plan</u>	<p>The Brodie Oaks Redevelopment is proposing to restore the site back to original pre-development grades and fill exceeding 4' will be necessary to achieve restoration.</p> <p>According to aerial imagery as far back as 1955, the site was a gravel pit for several decades prior to the existing development. Historically, it has been the interpretation of Staff that grading more than four feet to restore pre-development grades is an acceptable exemption to City Code 25-8-341/342. Due to the challenge with comparing data, we are requesting this code modification to ensure clarity.</p>
25-8-301 – Construction of a Roadway or Driveway	Modify: A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless <u>located within the Brodie Oaks Redevelopment.</u>	<p>Steep slopes within the Brodie Oaks Redevelopment are not naturally occurring and were primarily created because of past development activity. In addition, the existing park road is constructed in an area that exceeds the slope requirements and our project is proposing to improve the street with a shared use path. According to aerial imagery as far back as 1955, the site was a gravel pit for several decades prior to the existing development. Historically, it has been the interpretation of Staff that grading more than four feet to restore pre-development grades is an acceptable exemption to City Code 25-8-341/342. Due to the challenge with comparing data, we are requesting this code modification to ensure clarity.</p>
25-8-302 – Construction of a Building or Parking Area	Modify: (A) <u>Unless located within the Brodie Oaks Redevelopment, a</u> person may not construct:(1) a building or parking structure on a slope with a gradient of more than 25 percent; or (2) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent.	

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25-8-514 – SOS Ordinance	Modify: (A) In order to prevent pollution, impervious cover for all such development <u>the Brodie Oaks Redevelopment</u> shall be limited to a maximum of <u>54%</u> . 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone.	The Brodie Oaks Redevelopment is proposing to modify the maximum impervious cover allowed by the SOS Ordinance. We understand that this code modification will require a super majority vote of the City Council. Even though we need to amend this section of the SOS Ordinance the proposed 36% reduction in impervious cover is superior to what exists now and what could be built under the current code.
25-8-641 – Removal Prohibited	Modify: (B) A permit to remove a heritage tree may be issued only if a variance is approved under Section 25-8-642 (Administrative Variance) <u>as amended in this PUD</u> or 25-8-643 (Land Use Commission Variance).	A limited number of Heritage trees will need to be relocated on-site to accommodate the restoration of the site to natural grades or to accommodate the compact nature of the redevelopment.
25-8-642 – Administrative Variance	Addition: <u>(A)(4) if required to restore the site to natural grade or accommodate the compact nature of the redevelopment transplanting a heritage tree may be approved administratively. Transplanting a heritage tree is not considered removal if the criteria in ECM Section 3.5.4.E are met.</u>	Heritage trees will need to be relocated on-site to accommodate the restoration of the site to natural grades or to accommodate the compact nature of the redevelopment.
ECM 1.8.1 – 25-8-63 (C) – Impervious Cover Calculations	Modify: Impervious cover calculations exclude: <ul style="list-style-type: none"> • sidewalks in a public right-of-way or public <u>access</u> easement <u>or publicly accessible open space containing a public recreation easement;</u> • multi-use trails open to the public and located on public land or in a public <u>access</u> easement <u>or publicly accessible open space containing a public recreation easement;</u> 	The Brodie Oaks Redevelopment is proposing superior amenities and multi-modal transportation routes within the publicly accessible open space and private streets with public access easements. The project seeks to clarify that impervious cover for sidewalks and multi modal paths does not apply within these areas.
25-8-281 – Critical Environmental Features	Modify: (A) Drainage patterns for proposed development must be designed to protect critical environmental features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow. (B) A residential lot may not include a critical environmental feature or be located within 50 feet of a critical environmental feature. (C) This subsection prescribes the requirements for critical environmental feature buffer zones. (1) A buffer zone is established around each critical environmental feature described in this subchapter. (a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature <u>with the exception of the modifications to the CEF's indicated on Exhibit F – Brodie Oaks Redevelopment Water Quality and Drainage Plan.</u>	<p>Airman's Cave is approximately 150 feet below the surface. The reason for reducing the CEF buffer is to allow for removing of the wall that separates the site from the greenbelt, regrading to a more natural grade, below ground parking, and the necessary structural supports for the buildings.</p> <p>Due to the desire to restore the edge of the site and connect it to the Barton Creek Greenbelt, there will be grading that will occur to connect new grades to those in the greenbelt. Some of this grading may infringe on the 150-foot CEF buffer.</p> <p>In addition, the conflicting desires to minimize impervious cover and to minimize height of the buildings has required that we go below grade with multiple levels of parking.</p> <p>Finally, the small, walkable blocks have left a situation where some blocks need 5 levels of parking with the building sitting on top of the parking structure. This makes those blocks very tall (225'). Deep structural piers are necessary to support such a tower.</p>

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DCM Sec. 5.3.2 (Maximum Velocities)	Maximum velocities in conduits are important because of the possibility of excessive erosion of the storm drainpipe material. Table 5-1 lists the maximum velocities allowed at the peak rate flow during the 25-year event. The maximum velocity allowed for the Brodie Oaks Redevelopment is 21.6'/sec.	The waiver is requested for the following reasons. <ol style="list-style-type: none"> 1. The proposed flow rate is less than the existing. 2. The current velocity in the pipe is 21.0'/sec and the proposed is slightly less at 21.6'/sec. 3. The outfall of the pipe drains to an existing wet pond and the pipe is submerged in the normal pool condition. This condition would eliminate any erosion potential downstream. 4. The pipe is existing. Under normal circumstances the pipe would have been sized to meet this criterion. But since the pipe is existing, we do not exceed the maximum by very much, and due to the costs associated with replacing this pipe, we are requesting the pipe to remain in-place.
Administrative		
Sec. 25-4-62 Expiration of an Approved Preliminary Plan	An approved preliminary plan expires five <u>seven</u> years after the date the application for approval of the preliminary plan is submitted.	The Brodie Oaks Redevelopment is a complex redevelopment intended to be phased over several years. The first phase of development will be larger due to the need to build roadway infrastructure that serves the entire site and demolition of impervious cover and temporary revegetation to meet the SOS Water Quality Standards.
Sec. 25-5-81(B)	Modify: Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires three <u>eight</u> years after the date of its approval.	The Brodie Oaks Redevelopment is a complex redevelopment intended to be phased over several years. The first phase of development will be larger due to the need to build roadway infrastructure that serves the entire site and demolition of impervious cover and temporary revegetation to meet the SOS Water Quality Standards.
25-5-21(B)	Modify: The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than three <u>five</u> years after the approval of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than five <u>three</u> years after approval date of the site plan.	The Brodie Oaks Redevelopment is a complex redevelopment intended to be phased over several years. The first phase of development will be larger due to the need to build roadway infrastructure that serves the entire site and demolition of impervious cover and temporary revegetation to meet the SOS Water Quality Standards.
25-5-142	Modify: Land Use Commission approval of site plan is required for: <ol style="list-style-type: none"> (1) a conditional use; (2) except <u>for the Brodie Oaks Redevelopment PUD and</u> as provided in <u>Section 25-5-2</u> (Site Plan Exemptions), development in a Hill Country Roadway Corridor; and (3) if otherwise required by this title. 	The Brodie Oaks Redevelopment will be reviewed and approved by the Land Use Commission as a comprehensive development through the PUD process.