I move to approve on Second Reading this draft ordinance for Item #83 including exhibits A through P posted in back-up, adding Exhibit Q as attached. Modifications made in this motion sheet from the posted draft ordinance- version 4 are identified.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 890720-E TO MODIFY THE LAND USE PLAN AND CHANGE CONDITIONS OF ZONING FOR THE AUSTIN AMERICAN STATESMAN PLANNED UNIT DEVELOPMENT AND REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN ("PUD-NP") COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN ("PUD-NP") COMBINING DISTRICT FOR THE PROPERTY LOCATED AT 305 SOUTH CONGRESS AVENUE.

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

PART 1. Austin-American Statesman Planned Unit Development ("Statesman PUD") is comprised of approximately 18.856 acres of land locally known as the Austin-American Statesman tract located generally at South Congress Avenue and Miller Street, in Austin, Travis County, Texas, and more particularly described in the metes and bounds in the land use plan incorporated into Ordinance No. 890720-E.

PART 2. The Statesman PUD was approved July 20, 1989, under Ordinance No. 890720-E (the "Original Ordinance") and amended under Ordinance No. 931202-H.

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development-neighborhood plan (PUD-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property generally known as the Austin-American Statesmen Planned Unit Development, described in Zoning Case No. C814-89-0003.02 on file at the Housing and Planning Department, and more particularly described in **Exhibit "A"** (the "Property"), and being locally known as 305 South Congress Avenue, and generally identified in the map attached as **Exhibit "B"**.

PART 4. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

A. Legal Description
B. Zoning Map
C. Setbacks and Land Use Map
D. Sub Area Height Map
E. Property Boundary and Right-of-Way Map
F. Street Sections and Internal Private Driveway Typical Sections
G. Conceptual Open Space Map
H. Conceptual Phasing Plan
I. Trail Realignment Plan
J. Environmental Protection and Restoration Plan
K. Tree Preservation and Mitigation Plan
L. Street Trees
M. Data Table and Notes
N. Parkland Credit
O. Parkland and Plaza Dedication
P. Estimated ADA Access Point Locations
Q. Water Forward Compliance

PART 5. This ordinance and the attached Exhibits are the amended land use plan (collectively, the "Amended Land Use Plan") for the Statesman PUD and amends the Original Ordinance. Development of and uses within the Statesman PUD shall conform to the limitations and conditions set forth in this ordinance and in the Amended Land Use Plan. If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise provided by this ordinance and the Amended Land Use Plan, all other rules, regulations, and ordinances of the City of Austin ("City") apply to the Statesman PUD.

PART 6. Definitions.

A) "Landowner" shall mean the owner of the Property, and the owner's successors and assigns, except the City. Landowner shall include the party transferring or dedicating property to City.

B) The term "Public Realm" is defined as public rights-of-way, private streets, and open space areas.

C) The term "Water Forward" shall mean City of Austin's 100-year integrated water resource plan, as amended.

D) The term "light rail line" shall mean the light rail depicted on Exhibit A attached to Resolution No. 20200807-003 (*Project Connect Contract with the Voters*).

E) Unless otherwise specifically defined, all terms in this ordinance shall have the meaning established in Title 25 of Code of the City of Austin, Texas (the "Land Development Code").

PART 7. Community Amenities.

A) Except as provided in Part 10, Section H, Landowner shall dedicate as parkland by deed in a form acceptable to the City of Austin ("City") a minimum of 6.53 acres of land adjacent to Lady Bird Lake ("Parkland") and dedicate in a form acceptable to the City of Austin a minimum of 1.59 acres through public access easements ("Public Easements") as shown on **Exhibit "O": Parkland and Plaza Dedication** to access the waterfront as shown on **Exhibit "N": Parkland Credit** and **Exhibit "P": Estimated ADA Access Point Locations.** Dedication of Parkland and Public Easements are subject to the conditions and shall occur as described in this ordinance.

B) Landowner at the time of initial site plan review shall reconstruct and relocate to the extent deemed appropriate by the City, approximately 1,700 linear feet of the Hike and Bike Trail to 'best practice' standards detailed in the March 21, 2021 "*Safety & Mobility Study*" of the Ann and Roy Butler Hike-and-Bike Trail commissioned by The Trail Foundation, City of Austin Parks and Recreation Department and Public Works Department.

C) Landowner shall provide a minimum of five Americans with Disabilities Act (ADA) access points to the Hike and Bike trail on the Property at the estimated locations indicated on **Exhibit "P"**. Landowner shall provide ADA access points at the time of initial site plan review for the phase of development containing the access point location. ~~Landowner at the time of site plan review shall provide a minimum of five Americans with Disability Act (ADA) access points to the Hike and Bike trail within the Property, including one located adjacent to the Great Steps that provides access from the South Congress Avenue right-of-way.~~

D) Landowner shall provide a larger and enhanced bat viewing area on the Property that will include signage, educational elements, and cameras for virtual bat viewing and education, and as further described in **Exhibit "M": Data Table and Notes**.

E) Landowner shall provide on the Property: (i) a minimum of one building with a primary office use, (ii) a minimum of three buildings with a primary residential or hotel use, and (iii) not less than 40,000 net operating square feet of Pedestrian Oriented Uses, including general retail sales, food sales, cocktail lounge, restaurant, or health club.

F) Landowner shall provide and maintain a 2,000 square foot vertical green wall within the Public Realm in an area that receives more than four (4) hours of sunlight and will either be composed of vine and mesh or a living wall system.

G) Landowner shall provide educational signage located in the Parkland for the rain gardens that describe the benefits to the ecosystem. The Landowner shall obtain approval from the Director of Parks and Recreation Department ("PARD") and the Director of the Watershed Protection Department ("WPD") for any educational or interpretive signage within the Parkland. Each rain garden shall have one bench located along the perimeter. Excluding the rain garden cistern, rain gardens located in the Parkland will be limited to a maximum of 0.9 surface acres. All rain gardens located in the Parkland will be designed in accordance with the Environmental Criterial Manual ("ECM") design specifications and will include a minimum of 30 species of native pollinator plants and will be managed to less than five percent invasive species.

PART 8. ~~**Land Use.**~~

~~A) All residential use defined in Section 25-2-3 (*Residential Uses Described*) is prohibited within 400 feet of the northwest corner of the Property and below 20 feet above the elevation of the South Congress Avenue bridge.~~

~~B) Hotel-Motel use is a conditional use on the Property.~~

PART 9. Environmental.

A) Green Building Rating

All buildings in the Statesman PUD shall achieve either a Leadership in Energy and Environmental Design (LEED) Gold Rating or a three-star or greater rating under the Austin Energy Green Building program using the applicable rating version in effect at the time a rating registration application is submitted for the building.

B) Landowner shall treat 100 percent of the required onsite water quality volume through green stormwater infrastructure, including but not limited to rain gardens, underground cisterns, pervious pavers, porous pavement, non-required vegetation, and filter strips. Landowner shall be responsible for maintenance of the rainwater cistern and rainwater gardens located within the Parkland. Upon redevelopment of the Property under this ordinance, onsite green stormwater controls located in the Parkland shall be limited to the amount necessary to treat 86,800 cubic feet of stormwater volume. When conveying Parkland, the Landowner must reserve the rights necessary to maintain green stormwater controls if determined necessary by the City. The reservation of rights shall be in a form acceptable to the city attorney.

C) To allow for a larger and enhanced bat viewing area near the Congress Avenue bridge, Landowner shall construct an underground rainwater cistern, as shown on **Exhibit "G": Conceptual Open Space Map**, to irrigate Parkland. The underground rainwater cistern shall be constructed prior to issuance of the first certificate of occupancy.

D) Landowner shall preserve 100 percent of the Heritage trees, except for the trees that are dead, fatally diseased or poses an imminent hazard. The Landowner shall provide on the Property, as new plantings 75 percent of the caliper inches associated with native, protected size trees and 75 percent of all native caliper inches as defined in ECM, Appendix F *(Descriptive Categories of Tree Species)*.

E) All street trees will have at least 1,000 cubic volume of soil volume per tree. Up to 25 percent of the soil volume can be shared with adjacent trees in contiguous plantings. Where necessary, load bearing soil cells shall be used to meet the soil volume requirement. Nothing in this Subsection limits the City's authority to reduce the minimum soil volume if necessary to reduce utility conflict or to address other constructability issues. If the City reduces the minimum soil volume, Landowner remains compliant with this Ordinance and the ECM.

F) Except when authorized by the city arborist, street trees will change at every block length. Landowner shall install at least five tree species on the Property. The trees must be approved species under the ECM, Appendix F, "SS-Significant Shade Provider" and "SE-Streetscape" list. The street trees will be a minimum of 3-inch caliper as measured 6-inches above grade, and the sizing will comply with the standards for nursery stock (ANSIZ60.1-2014). No more than 25 percent of street trees will be from the same species. Nothing in this subsection limits the authority of the city arborist to allow for alternative species on a case-by-case basis and to suggest alternative species based on current availability, site, and climate condition.

G) Typical spacing of street trees will be 25 feet on center. The city arborist may waive this requirement for the spacing of street trees when the spacing requirement is infeasible due to location of utilities, loading docks, and entrances into the parking garage.

H) A soil management plan will direct amendment for specific management areas throughout the site associated with soil components, texture, and flora to optimize conditions for the Streetscape, Rain Gardens, Floodplain Forest, Herbaceous Riparian, Lawn, Wetland Fringe, and other landscape types. Soil management is an ongoing process occurring at regular intervals. Soil testing, decompaction, incorporation of organic matter based on best practices for each landscape type shall be required as indicated on **Exhibit "J": Environmental and Restoration Plan.**

I) Hardscape materials including concrete, pavers, and other non-impervious materials will be removed by Landowner from the half-critical root zones of impacted trees unless removal is infeasible which is determined at the discretion of the city arborist.

J) All plant material for streetscape and Parkland will be sourced from nurseries within 300 miles of the site, and trees will be selected from the ECM, the descriptive categories for tree species. All other plant material shall be selected from **ECM, Appendix N: (*Preferred Plant List).***

K) Landowner shall realign the existing trail and construct formalized water access points as illustrated on the **Exhibit "I": Trail Realignment Plan,** allowing for

realignment no closer to the shoreline than existing trail alignment and no closer ~~less~~ than an average of 25 feet from the shoreline~~, excluding trails sections built specifically to access water access points. The depiction of~~ with the approximate trail realignment depicted on **Exhibit "I"** ~~is intended to be illustrative and may be revised based on site conditions and feasibility. The relocation of the trail and placement shall be finalized during the development review process and are subject to the approval by the Directors of Watershed Protection and Parks and Recreation Department~~.

L) The trail realignment shall be designed to provide at a minimum the acres of herbaceous riparian area necessary to restore the shoreline area as shown in the **Exhibit "J"** to a natural state with riparian and wetland vegetation**.**

M) Shoreline restoration shall follow the details established in **Exhibit "J".** Split rail fence or other landscape barriers will be installed by the Landowner to prevent impact to restored and protected natural areas on the shoreline.

N) Impervious cover for development within the Statesman PUD within the Critical Water Quality Zone (CWQZ) shall be limited to no more than five percent.

O) Impervious cover calculations exclude (i) multi-use trails, trails open to the public and located on public land or located in a public easement, (ii) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base, (iii) porous pavement designed in accordance with the ECM, (iv) sidewalks located in a public right-of-way or public easement, and (v) an underground rainwater cistern.

P) A completed version of Austin Water's current Water Balance Calculator tool shall be submitted with each site plan application for development within the Statesman PUD to assess non-potable water demands and alternative water supplies for the project.

Q) Landowner shall provide a minimum of 1,500 cubic feet of rain gardens along the extension of Barton Springs Road to treat stormwater runoff from the right-of-way. If a license agreement is required for the stormwater quality controls within the right-of-way, the City shall waive the annual fee associated with this improvement.

R) Water quality shall meet or exceed requirements for each corresponding phase for the development of the Property within the respective phase of development, provided that the existing sedimentation filtration pond may be used to achieve temporary compliance until the permanent water quality controls for any phase are constructed, and that all new controls added for any phase are green stormwater controls. Temporary compliance may continue until the issuance of the certificate of occupancy. Upon completion of the development of the Property, 100 percent of the water quality controls shall be green infrastructure as defined by the ECM as amended.

S) Subject to approval by the Director of the Watershed Protection Department, and adequate conveyance, the Landowner shall provide water quality treatment for up to 1.4 acres of off-site developed area.

T) The Statesman PUD shall meet the goals ~~and requirements~~ of Water Forward~~, as incorporated into City codes and ordinances as part of the ongoing Water Forward plan implementation process.~~., ~~,~~ including dual plumbing within the buildings~~.,~~ and Landowner's proposed path to Water Forward compliance as detailed in **Exhibit Q: Water Forward Compliance.**

U) Landowner shall construct a 24-inch reclaimed water main across the Barton Springs Road / East Riverside intersection, build an offsite reclaimed main from Riverside / Barton Springs to the development, and build internal distribution reclaimed mains to serve buildings within the Statesman PUD and to facilitate looping distribution of distribution reclaimed mains to the south. Any site development permit application within the Statesman PUD will comply with the City's mandatory connection requirements for commercial developments located in proximity to a reclaimed water distribution line.

V) ~~The Statesman PUD shall use reclaimed water as a primary water source for all landscape irrigation, except where prohibited.~~ The Landowner may use water acquired through an agreement with Lower Colorado River Authority as the source for all landscape irrigation on the Property. Alternative water sources, including AC condensate, fountain drain water, rainwater, stormwater, or reclaimed water shall only be used as backup supply is the primary sources are depleted or unavailable.

W) Reclaimed water shall not be used for outdoor irrigation within the CWQZ and the 100-year floodplain.

X) Landowner must provide an integrated pest management ("IPM") plan that complies with Section 1.6.9.2 (D) *(Pesticides and Herbicides)* and (F) *(Public Education Program)* of the ECM, as amended, with a site plan application filed for commercial, mixed use, multifamily residential, or open space development. The IMP plan must be approved before the site plan may be approved. The Landowner shall provide copies of the IPM Plan to homeowners and commercial property owners.

Y) Landowner shall comply with Leadership in Energy and Environmental Design (LEED) Bird Collision Deterrence standards on the Property.

Z) Landowner shall comply with the City's Dark Sky regulations as follows:

1. Use of low Kelvin rated lights (3000 Kelvin or less) for outdoor lighting.

2. Outdoor light shall be shielded so that neither the light fixture's light source nor the lens shall be visible from a distance less than the mounting height of the fixture.

3. Focus light on activity and use activity-appropriate lighting.

PART 10. Parks and Recreation.

A) Landowner shall pay an additional $100.00 per dwelling unit over the fee required under City Code as an additional park development fee.

B) The Parkland Development Fee and, if paid, the parkland Fee in-lieu of Parkland Dedication may be used to build park amenities within the Statesman PUD.

C) Parkland and Public Easement dedication shall occur prior to issuance of a Certificate of Occupancy for the northernmost building in each of the three phases (respectively, Phase 1, Phase 2, and Phase 3) as shown in **Exhibit H: Phasing Plan.** ~~In the event all Parkland and Public Easements required for Phase 1, Phase 2, and Phase 3 are not dedicated to the City by the first day of the ninth~~

~~year following the effective date of this ordinance, Landowner shall dedicate all Parkland and Public Easements to the City at that time.~~

D) Design of the Parkland shall take place through a public process led and implemented by PARD.

E) Annual Programming Plan.

1. ~~Landowner~~Landowner shall collaborate with the Trail Foundation, Downtown Austin Alliance, and South Central Waterfront Advisory Board, as stakeholders in the development of an annual plan for programming the Parkland (the "Annual Programming Plan"). As part of Landowner's operation and maintenance agreement with PARD, Landowner shall provide an Annual Programming Plan to the Director of PARD (Director), drafted and submitted to the Director after consultations with the above stakeholders. ~~must provide the Director of PARD (Director) with an annual plan for programming the Parkland (the "Annual Programming Plan"). The Annual Programming Plan shall be consistent with the City's Public Participation Principles, allow for coordination and cooperation between Landowner and PARD, and include a plan for community engagement and regular reporting requirements.~~
2.

   ~~a. Within 90 days from the issuance of the first certificate of occupancy for the Property, Landowner shall provide an Annual Programming Plan for the first full calendar year (the "Initial Annual Programming Plan").~~

   ~~b. Except for the Initial Annual Programming Plan, each~~Each Annual Programming Plan will include an annual programming report that provides information regarding the previous year, including, but not limited to, events, activities and issues, and vendors' performance.

3. The Director may not approve the Annual Programing Plan until the Director obtains a recommendation from the ~~South Central Waterfront Advisory Board~~ stakeholders and Parks and Recreation Board.

4. Annual Programming Plan must be submitted to the Director at least ninety (90) days prior to the beginning of each calendar year. The requirements of the Annual Programming Plan include a biennial amendment process, and PARD shall solicit and consider comments about the Annual Programming Plan requirements from the Director of WPD and Bat Conservation International.

F) Landowner shall construct the Great Steps~~, Great Lawn, Pier,~~ and Amenitized Water Quality Ponds, ~~Water Steps~~ as identified and defined in **Exhibit "G"** and 1,700 linear feet of reconstructed Hike and Bike Trail, contingent upon PARD design approval. ~~Landowner shall provide fiscal surety deposits to the City in amounts equaling the costs of construction for each improvement pursuant to City Code.~~

G)

~~H) After dedication of the Parkland to the City, the Landowner shall keep and maintain the Parkland in a good state of appearance and repair to at least a "Level 1" standard based on current PARD maintenance standards, as amended, at the sole expense of the Landowner, and its successor and assigns. Level 1 standard includes specific maintenance requirements, intervals, and priority prescribed by PARD in the "Park Maintenance Notebook", as amended, for, including, but not limited to, Turf Care, Edging, Fertilizer, Irrigation, Playgrounds, Restrooms/Pavilions, Litter Control/Surfaces, Graffiti, Pruning, Disease and Pest Management, Tree and Plant Care, Security Lights, Flag Poles, Park Signage, Sports Courts Trails, and Sustainability.~~

~~I) Landowner shall provide a minimum 10-foot wide vegetative buffer along the Parkland adjacent to the South Congress Avenue bridge, excluding the reconstructed Hike and Bike Trail.~~

H) ~~J)~~ If, at the time for the third phase of dedication, the land or a portion of the land that was intended to be dedicated as Parkland or Public Easement is required for light rail line and related infrastructure, or for other transit purposes and infrastructure, Landowner will pay the City a fee-in-lieu for the parkland dedication to offset the land that is required for light rail line and related infrastructure, or for other transit purposes and infrastructure. The amount of the

fee-in-lieu will be calculated based on the City Code at the time the land is no longer available to be dedicated or used for Parkland or Public Easement.

PART 11. Transportation and Parking.

A) Landowner shall dedicate to the City in a form of deed acceptable to the City Attorney, the land as right-of-way necessary to construct, and shall construct all improvements for the Barton Springs Road extension as shown in **Exhibit "F": Street Sections and Internal Private Driveway Typical Sections.** The design and construction of Barton Springs Road shall be reviewed and accepted by the City, through a site plan process, before the first certificate of occupancy can be issued for any development on the Property.

B) Bollards, or other similar type of barrier shall be used to close the Pedestrian Walkway, as shown on **Exhibit F** as Section EE, from vehicular traffic. Any public right-of-way or public access easement shall not be gated.

C) Landowner shall reserve an area, generally shown on **Exhibit "C": Setbacks and Land Use Map** and **Exhibit "G"** for the development of a pedestrian bridge and transit station for a period of 15 years after the effective date of this PUD. Landowner is not obligated to construct any improvements associated with a future pedestrian bridge and transit system, but shall dedicate to the City for transportation purposes the land or portion of the land, in a deed acceptable to the City, if required for light rail line and related infrastructure, or for other transit purposes and infrastructure, prior to dedicated as Parkland or Public Easement.

D) Landowner shall design and construct a six-foot protected bicycle lane with a two foot curbed buffer along east curb of South Congress Avenue between Congress Bridge and East Riverside Drive. The design and construction of protected bicycle lane shall be reviewed and accepted by the City, through a site plan process, before the first certificate of occupancy may be issued for any development on the Property.

~~E) Landowner shall in addition to the improvement required in Section D above either fund or construct up to $200,000 of additional bicycle and pedestrian safety upgrades near the Congress Avenue and Riverside Drive intersection as approved by the City.~~

E) All development within the PUD shall be subject to a Transportation Demand Management Plan ("TDM"). Monitoring and reporting shall be in accordance with the Transportation Criteria Manual ("TCM").

F) Landowner shall construct 95 percent of the required number of parking spaces for the development as prescribed in the TDM plan, within a below grade structure(s).

G) Landowner shall comply with the recommendations listed in the Transportation Impact Analysis (TIA) memo dated December 13, 2021, or as amended. If the TIA memo and the attached exhibits conflict, the TIA memo controls.

PART 12. Affordable Housing.

Landowner shall provide onsite affordable housing as follows:

1. A minimum of ~~ten~~ four percent of the residential units within a residential development shall be reserved as affordable for at least 40 years from the date of issuance of the certificate of occupancy, for lease and occupancy by households earning ~~60~~ 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department

2. A minimum of ~~five~~ four percent of the residential units within an owner-occupied residential development shall be reserved as affordable, for at least ~~99~~ 40 years from the date of ~~initial sale~~ certificate of occupancy, for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department, including approval of a plan for managing homeowner association fees or including an assumption that a homeowner will be required to pay an ownership association fee when determining the maximum affordable sales price. Landowner may elect to satisfy the affordable owner-occupied unit requirement by fee in lieu payment to the Housing Trust Fund calculated as ($450,000.00 x number of residential units constructed on the Property x 0.04 = Fee In Lieu Payment). Landowner shall remit fee in lieu payment in pro rata installments for each 25 residential units sold.

3. Unless otherwise approved by the Director of Housing and Planning Department Require affordable rental units and affordable owner-occupied units shall include an equal mix of bedrooms as the market rate rental units ~~a mix of bedroom units with an emphasis on multi-bedroom units to accommodate multi-generational households.~~

4. All affordable rental units and affordable owner-occupied units shall meet the following requirements:

   a) Provide equal access and use of on-site amenities, common areas, and parking facilities as provided to market rate units; and

   b) Include interior components that are functionally equivalent to market-rate units; and

   c) Have shared access routes among affordable rental units and affordable owner-occupied and market-rate residential units.

5. The affordable rental units and affordable owner-occupied units will be dispersed throughout the market-rate residential units within the development.

6. The Landowner shall prohibit discrimination on the basis of an individual's source of income as defined in Section 5-1-13 (*Definitions*).

7. Landowner shall prepare and utilize an affirmative marketing and outreach plan consistent with U.S. Department of Housing and Urban Development regulations and approved by the Director of the Housing and Planning Department.

PART 13. Affordable Commercial Space.

A) The Landowner shall provide a minimum of four percent of the commercial square footage at affordable rates inclusive of the space dedicated to bat education. Affordable commercial rates shall be ~~determined and approved by the Director of the Economic Development Department.~~calculated at sixty percent of market of new Class A retail space in a comparable location.

B) The Landowner shall provide a minimum of 1,000 square feet of commercial ground floor space adjacent to the Parkland or plaza at no cost for bat education, in coordination with Bat Conservation International, Austin Bat Refuge, and Merlin Tuttle's Bat Conservation.

PART 14. Public Art.

The Statesman PUD will participate in the Art in Public Places (AIPP) program. The Landowner shall provide a minimum of two art pieces approved by the Director of Economic Development Department to be displayed in a prominent location on the Property, or the Landowner shall make an approved contribution to the AIPP program. The Landowner will review the public art plan with the City's AIPP Manager for approval. The City shall not issue the final certificate of occupancy for any development in the Statesman PUD until the approved art pieces are on display or receipt of contribution has been made to the AIPP.

PART 15. Code Modifications.

A) General Requirements and Procedures

1. Section 25-1-21(105) (*Definitions, Site*) is modified to provide that a site may cross a public street or right-of-way.

2. Chapter 25-1, Article 14 (*Parkland Dedication)* is modified such that parkland dedication shall be satisfied in accordance with **Exhibit "G"** and Exhibit **"N"**.

B) Zoning

1. Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) is modified to establish the specific set of permitted uses in Note 6 of **Exhibit "M": Data Table and Notes,** allowed within Area 2 identified in **Exhibit "C"**.

2. Section 25-2-517(A) (*Requirements for Amphitheaters)* is modified to allow a site plan approved under Section 25-5, Article 2 (*Administrative Site Plan)* for the construction of an amphitheater associated with a commercial, civic, or residential use.

3. Section 25-2-691(C) (*Waterfront Overlay (WO) District Uses*) is modified to allow as a pedestrian-oriented use those uses provided on Note 5 of **Exhibit "I"**.

4. Section 25-2-691(D)(2) (*Waterfront Overlay (WO) District Uses*) is modified to permit pedestrian-oriented uses above the ground floor of a structure.

5. Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*) is modified to require "Not less than 50 percent of the net usable floor area on the ground level of a structure within 50 feet of the exterior wall directly adjacent to and facing Lady Bird Lake must contain pedestrian-oriented uses."

6. Section 25-2-721(B)(2) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow uses, within Area 1 as identified in **Exhibit "C"**, to be consistent with the allowable uses in Section 25-2-624 (Public (P) Public District Uses).

7. Section 25-2-721(C)(1) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow the following additional uses within a secondary setback area: charging stations, bike/scooter repair facilities, shared bicycle facilities, restrooms facilities with or without showers, food and beverage vendors, bike valet, music vendors, retail vendors, boat rentals, bicycle rentals, performance and special events facilities, exercise courses, sports equipment rentals, storm water facilities, and child playscapes/activities.

8. Section 25-2-721 (C)(2) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow a maximum of 60 percent impervious cover within the secondary setback area.

9. Section 25-2-721(E) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to impose a ~~a single~~ regulation on the Property requiring that all building glazing systems shall have a 15 percent maximum reflectivity from ground level to 40 feet in height on all buildings and structures contiguous to the Parkland. A maximum 35% reflectivity is permitted for all other buildings and structures on the

Property.

10. Section 25-2-721(G) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow loading and unloading from any internal driveway without being screened from public view. Loading and unloading locations on private internal driveways are subject to Transportation Criteria Manual ("TCM"), as amended, spacing and dimensional requirements subject to ATD approval.

11. Sections 25-2-742(B)(1) (*South Shore Central Subdistrict Regulations*) is modified to reduce the primary setback line to 90 feet landward from the shoreline as shown on the **Exhibit "C"**.

12. Section 25-2-742(C)(1) (*South Shore Central Subdistrict Regulations*) is modified to require a "50 feet landward from the primary setback line".

13. Section 25-2-742(D)(1) (*South Shore Central Subdistrict Regulations*) is modified to require "For a ground level wall that is visible from parkland or a public right-of-way that adjoins parkland, at least 60 percent (exclusive of service areas, loading docks, and parking ramps) of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass."

14. Section 25-2-742(D)(3) (*South Shore Central Subdistrict Regulations*) is modified to allow exposed architectural concrete as a natural building material.

15. Development of the Property is exempt from Section 25-2-742(G)(3) and (G)(4) (*South Shore Central Subdistrict Regulations*).

16. Section 25-2-1176(A)(1) (*Site Development Regulations for Docks, Marinas and Other Lakefront Uses*) is modified to allow the construction of a pier to extend up to a maximum of 70 feet from the shoreline.

17. Section 25-2-1176(A)(4) (*Site Development Regulations for Docks,*

Marinas and Other Lakefront Uses) is modified to allow for construction of the pier, and park elements and dimensions, except for the boardwalk, as shown in **Exhibit "G"**.

18. ECM Section 1.13.5(B)(3) *(Recommended Guidance for Appropriate Method for Shoreline Stabilization and Modification)* is modified to allow structural modification of the shoreline and associated steps as shown on **Exhibit "G"**. The dimension of the Water Steps and bulkhead are not to exceed 30 linear feet of shoreline frontage and not to exceed 30 feet inland. Steps going into the water are allowed if in compliance with Section 25-2-1174 (Structural Requirements) and ECM Section 1.13 (*Design Guidelines for Shoreline Modification, Stabilization and Access)* and Section 25-8-368 *(Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long)*.

C) Subchapter E *(Design Standards and Mixed Use)*

1. The Barton Springs Road extension shall be considered an Urban Roadway for the purposes of complying with Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*, and will be designed in accordance with the Statesman PUD street cross-sections and streetscape depicted on **Exhibit "F"**.

2. Development of the Property is exempt from Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*, Article 2.2, Article 2.3, and Article 2.4.

3. Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*, Article 2.6 is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from South Congress Avenue or Barton Springs Road.

4. Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*, Article 2.7 is modified to allow public open space and parkland to satisfy private common open space and pedestrian amenity gross site area requirements in the Statesman PUD.

5. Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*, Article 2.8 is modified to exclude from the 50% calculation for shaded sidewalk the designated drop-off zone area.

6. Development of the Property is exempt from Chapter 25-2, Subchapter E *(Design Standards and Mixed Use)*, Article 3.2.2.E.

D) Subdivision

1. Any extension of Barton Springs Road is exempt from Section 25-4-51 (*Preliminary Plan Requirement).*

2. Section 25-4-171(A) (*Access to Lots)* is modified to require that each lot in a subdivision shall abut a dedicated public right-of-way, private street, or driveway.

E) Site Plan

Section 25-5-81(B) (*Site Plan Expiration)* is modified to require except as provided Subsection (C), (D), or (E) of Section 25-5-81, a site plan expires eight (8) years after the date of its approval.

F) Transportation

1. Section 25-6-381 (*Minimum Frontage for Access)* is modified to allow restricted access to South Congress Avenue. Access is limited to one single lane driveway for right-out only vehicular egress for the entirety of the South Congress Avenue frontage.

2. A TDM plan shall be submitted for initial review at the time of each site plan application. All bicycle and vehicular parking shall account as eligible TDM measures and reductions with the required parking total calculated by Appendix A of Chapter 25-6.

3. Section 25-6-532 (*Off-Street Loading Standards)* is modified to allow shared off-street loading facility and common loading spaces for multiple uses in a building irrespective of the location of the shared off-street loading facility and common loading spaces within the Statesman PUD.

4. TCM Section 1.3.2 (*Classification Design Criteria*) is modified to allow the construction of Barton Springs Road to adhere to the street cross-sections as shown in **Exhibit "F"**.

5. The alignment of Barton Springs Road will generally conform to the alignment shown in the TIA Memo as represented on **Exhibit "F"**. If the alignment of Barton Spring Road requires any administrative modifications or waivers, the Director of Austin Transportation Department ("ATD") may grant the modification or waivers from applicable administrative design criteria, providing the modification or waiver does not result in an unsafe road design.

G) Environmental

1. Section 25-8-63(C)(11) (*Impervious Cover Calculations)* is modified to exclude a parking structure from impervious cover calculations when the parking structure is constructed below the finished grade of the land, is covered by soil having a minimum depth of two feet with an average depth of not less than four (4) feet, and the Landowner shall at the time of site plan submit documentation to the City evidencing the discharge or impoundment of groundwater from the parking structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property. A parking structure meeting the requirements of this Part 15, G (1) may exceed 15 percent of the site area.

2. Section 25-8-261 *(Critical Water Quality Zone Development)* and the ECM is modified to allow development within the Critical Water Quality Zone (CWQZ) that is in accordance with the **Exhibit "C"** and **Exhibit "G"** subject to the limitation in Part 9, N. This includes vegetation filter strips, rain gardens, underground rainwater 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, gazeboes, 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 **Exhibit "C"** and **Exhibit "G"** can be located within the CWQZ with the following limitations: impervious cover is limited to five (5) percent 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 **Exhibit "J"**, and may not include restrooms.

3. Section 25-8-261(H)(4) is modified to allow no more than a maximum of 10% of the green stormwater controls as defined by the ECM within the 100-year floodplain. Encroachment into the 100-year floodplain is limited to the areas shown on **Exhibit "G"**. City staff can administratively modify the boundaries of the encroachment to allow greater design flexibility during the site plan process.

4. Section 25-8-367 (*Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam)* is modified to allow relocation of earthen material for the steps on Lady Bird Lake below the 435-foot contour.

H) Sign Regulations

All signage on the Property shall comply with the requirements of Section 25-10-129 (*Downtown Sign District Regulations).*

PART 19. Council finds participation in the Better Builder Program by Landowner a priority and an element of superiority. Landowner agrees to adhere to the Better Builder Program standards adopted as of April 2022, except for the requirement to use a Better Builder Certified Monitor. Landowner agrees to include Workers Defense Project Private Monitor in the monitor bidding process for the Property along with the third-party independent monitors.

PART 20. Except as otherwise provided in this ordinance**,** the Property is subject to Ordinance No. 20050929-Z003 that established zoning for the South River City Neighborhood Plan.

PART 21. Except as otherwise provided for in this ordinance, the terms and conditions of the Original Ordinance, as amended, remain in effect.

PART 22. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

§
§
_____, 2022 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan
City Attorney

Myrna Rios
City Clerk

Exhibit Q

305 S. Congress PUD – Water Forward Compliance Path

The identified methods listed below encompass the commitment of the project to meet the Water Forward plan and a brief description of the means through which the project will meet those goals:

DEMAND MANAGEMENT STATEGIES

Advanced Metering - The project infrastructure and service to each proposed building will be designed to accept City of Austin Smart Water Meters. If smart meters are unavailable for purchase at the time of initial meter installation, AWU will be required to install the Smart Water Meters when readily available.

Landscape Transformation – The project will install water efficient landscapes to the fullest extent possible additionally landscape proposed will be required to meet the PUD environmental requirements noted in the environmental restoration plan, in the event of conflict the restoration plan shall govern.

Irrigation Efficiency – Provide high efficiency irrigation systems that include advanced irrigation controllers to decrease water consumption by responding to leaks, high pressure, soil moisture, and making flow data accessible.

Alternative Water Use –

Stormwater Harvesting – we are collecting 55,000 cubic feet of stormwater for water quality that will be utilized for irrigation onsite.

Rainwater Harvesting - we are collecting 55,000 cubic feet of stormwater for water quality that will be utilized for irrigation onsite.

Grey water Harvesting - No Greywater is proposed to be collected and reused on site – however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

Wastewater Reuse - No wastewater is proposed to be collected and reused on site – however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

AC Condensate Reuse - No AC Condensate is proposed to be collected and reused on site – however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

WATER SUPPLY STATEGIES

Direct Non-Potable Reuse (Centralized Reclaimed Water System) – The project will provide an extension of a public reclaimed water main from Riverside and Barton springs road intersection to the development for connection of the buildings to reclaimed water. Additionally Build internal reclaimed services to each building and facilitate looping of distribution reclaimed mains to the south of the project within the Barton Springs Extension. Connection to the Reclaim system is not required until AWU can provide reliable reclaimed service to the city.

Onsite Water Reuse Systems (OWRS) - Greywater or Blackwater – No Greywater or Blackwater systems are proposed by this project. However, if either of these systems are developed as part of the South Central Waterfront Plan, as a project by others, however the Dual plumbing in the proposed buildings will allow either auxiliary, greywater, or reclaimed water reuse in buildings.

Indirect Potable Reuse (IPR) through Lady Bird Lake – NOT IN THE SCOPE OF THIS PROJECT – THIS STRATEY IS ONLY IMPEMENTED BY AWU IN EXTREME EMERGENCY CONDITIONS. This water source would not change the building design as the water will be delivered to the project through the existing domestic meters.