

I move to approve on Second Reading this draft ordinance for Item # 69 including exhibits “A” through “P” posted in back-up and adding an exhibit for South Congress Access described in Part 7., C) when completed.

**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

**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.

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2 D) The term “light rail line” shall mean the light rail depicted on Exhibit A attached  
3 to Resolution No. 20200807-003 (*Project Connect Contract with the Voters*).  
4  
5 E) Unless otherwise specifically defined, all terms in this ordinance shall have the  
6 meaning established in Title 25 of Code of the City of Austin, Texas (the “Land  
7 Development Code”).  
8

9 **PART 7. Community Amenities.**

- 10  
11 A) Except as provided in Part 10, Section H, Landowner shall dedicate as parkland  
12 by deed in a form acceptable to the City of Austin (“City”) a minimum of 6.53  
13 acres of land adjacent to Lady Bird Lake (“Parkland”) and dedicate in a form  
14 acceptable to the City of Austin a minimum of 1.59 acres through public access  
15 easements (“Public Easements”) as shown on **Exhibit “O”: Parkland and Plaza**  
16 **Dedication** to access the waterfront as shown on **Exhibit “N”: Parkland Credit**  
17 **and Exhibit “P”: Estimated ADA Access Point Locations**. Dedication of  
18 Parkland and Public Easements are subject to the conditions and shall occur as  
19 described in this ordinance.  
20  
21 B) Landowner at the time of initial site plan review shall reconstruct and relocate to  
22 the extent deemed appropriate by the City, approximately 1,700 linear feet of the  
23 Hike and Bike Trail to ‘best practice’ standards detailed in the March 21, 2021  
24 “*Safety & Mobility Study*” of the Ann and Roy Butler Hike-and-Bike Trail  
25 commissioned by The Trail Foundation, City of Austin Parks and Recreation  
26 Department and Public Works Department.  
27  
28 C) Landowner ~~at the time of site plan review shall provide~~ commits to construct a  
29 minimum of five Americans with Disabilities Act (ADA) access points to the  
30 Hike and Bike trail within the Property, as conceptually shown on Exhibit “P”:  
31 Estimated ADA Access Point Locations. Each ADA access point will be  
32 constructed within its appropriate phase in accordance to Exhibit “H”:  
33 Conceptual Phasing Plan. Landowner shall provide one of those five access  
34 points to connect the South Congress Avenue right-of-way to the Parkland and  
35 trail as generally shown on Exhibit “R”: South Congress Access. The width of  
36 this public realm pedestrian access point must be at least 30’ for its entire length.

~~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 fully fund, 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 Criteria 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.

#### Pool: Parks

### PART 8. Land Use.

#### Bats

~~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.~~

Hotel Use

## PART 9. Environmental.

### A) Green Building Rating

#### LEED

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 preserve on the Property 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*).

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- 2 E) All street trees will have at least 1,000 cubic volume of soil volume per tree. Up
- 3 to 25 percent of the soil volume can be shared with adjacent trees in contiguous
- 4 plantings. Where necessary, load bearing soil cells shall be used to meet the soil
- 5 volume requirement. Nothing in this Subsection limits the City's authority to
- 6 reduce the minimum soil volume if necessary to reduce utility conflict or to
- 7 address other constructability issues. If the City reduces the minimum soil
- 8 volume, Landowner remains compliant with this Ordinance and the ECM.
- 9
- 10 F) Except when authorized by the city arborist, street trees will change at every
- 11 block length. Landowner shall install at least five tree species on the Property.
- 12 The trees must be approved species under the ECM, Appendix F, "SS-Significant
- 13 Shade Provider" and "SE-Streetscape" list. The street trees will be a minimum of
- 14 3-inch caliper as measured 6-inches above grade, and the sizing will comply with
- 15 the standards for nursery stock (ANSIZ60.1-2014). No more than 25 percent of
- 16 street trees will be from the same species. Nothing in this subsection limits the
- 17 authority of the city arborist to allow for alternative species on a case-by-case
- 18 basis and to suggest alternative species based on current availability, site, and
- 19 climate condition.
- 20
- 21 G) Typical spacing of street trees will be 30 feet on center. The city arborist may
- 22 waive this requirement for the spacing of street trees when the spacing
- 23 requirement is infeasible due to location of utilities, loading docks, and entrances
- 24 into the parking garage.
- 25
- 26 H) A soil management plan will direct amendment for specific management areas
- 27 throughout the site associated with soil components, texture, and flora to
- 28 optimize conditions for the Streetscape, Rain Gardens, Floodplain Forest,
- 29 Herbaceous Riparian, Lawn, Wetland Fringe, and other landscape types. Soil
- 30 management is an ongoing process occurring at regular intervals. Soil testing,
- 31 decompaction, incorporation of organic matter based on best practices for each
- 32 landscape type shall be required as indicated on **Exhibit "J": Environmental**
- 33 **and Restoration Plan.**
- 34
- 35 I) Hardscape materials including concrete, pavers, and other non-impervious
- 36 materials will be removed by Landowner from the half-critical root zones of



1 impacted trees unless removal is infeasible which is determined at the discretion  
2 of the city arborist.

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

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12 **Kitchen -2**  
13 **Trail**  
14 **Realignment**

15 K) Landowner shall realign the existing trail and construct formalized water access  
16 points as illustrated on the **Exhibit "I": Trail Realignment Plan**, allowing for  
17 realignment no closer to the shoreline than the existing trail with an less than an  
18 average distance of no less than 25 feet from the shoreline except at approved  
19 water access points shown on Exhibit "G": Conceptual Open Space Map,  
20 excluding trails sections built specifically to access water access points. The  
21 depiction of the trail realignment on Exhibit "I": Trail Realignment Plan, as  
22 well as Exhibit "G": Conceptual Open space Map is intended to be illustrative  
23 and may be revised based on site conditions and feasibility to address erosion  
24 issues, avoid conflicts with protected or heritage trees, and to minimize  
25 disturbance of existing trail topography and tree canopy. The relocation of the  
26 trail and placement shall be finalized during the development review process and  
27 are subject to the approval by the Directors of Watershed Protection and Parks  
28 and Recreation Department.

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35 **Kitchen -3**  
36 **Restored**  
**Vegetation**

37 L) The trail realignment shall be designed to provide at a minimum the acres of  
38 herbaceous riparian area necessary to restore the shoreline area as shown in the  
39 **Exhibit "J"** to a natural state with riparian and wetland vegetation. Disturbed  
40 areas between the shoreline and trail shall be restored with native vegetation  
41 appropriate for riparian woodlands, as approved by Watershed Protection  
42 Department and not in conflict of Exhibit "J".

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

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

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- 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. 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. Landowner's proposed path to Water Forward compliance is 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 if the primary sources are depleted or unavailable.~~

Irrigation

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 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.

Park Fees

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.~~

Timing of Parkland Dedication

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

D) Annual Park Programming Plan.

Pool: Parks

~~1. Landowner 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. City and Landowner shall follow the PARD partnership programming process in collaboration with The Trail Conservancy, Downtown Austin Alliance, and South Central Waterfront Advisory Board as stakeholders when seeking to implement official programming for the Parkland. PARD shall establish an Annual Programming Plan through a~~

1 stakeholder engagement process. PARD may provide direct programming for  
2 the Parkland, or provide programming for the Parkland in coordination with  
3 the partners identified in the Programming Plan. The first two Programming  
4 Plans shall require City Council approval. The Director may administratively  
5 approve subsequent programming plans.

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

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

16  
17 2. The Director may not approve the Annual Programming Plan until the  
18 Director obtains a recommendation from the South Central Waterfront  
19 Advisory Board and Parks and Recreation Board.

20  
21 3. Annual Programming Plan must be submitted to the Director at least ninety  
22 (90) days prior to the beginning of each calendar year. The requirements of  
23 the Annual Programming Plan include a biennial amendment process, and  
24 PARD shall solicit and consider comments about the Annual Programming  
25 Plan requirements from the Director of WPD and Bat Conservation  
26 International.

27 F)

28 E)

29  
30 **Pool: Parks**

31 ~~Landowner shall construct the Great Steps and Amenitized Water Quality Ponds~~  
32 ~~as identified and defined in Exhibit “G” and 1,700 linear feet of reconstructed~~  
33 ~~Hike and Bike Trail, contingent upon PARD design approval. Landowner shall~~  
34 ~~provide fiscal surety deposits to the City in amounts equaling the costs of~~  
construction for each improvement pursuant to City Code. Landowner will pay  
100 percent of the cost for the following improvements as identified and defined  
in Exhibit “G” and 1,700 linear feet of reconstructed hike and bike trail and

environmental superiority items as identified and defined in Exhibit “J” at Landowner’s expense (outside of the parkland dedication ordinance fees and obligations):

1. All plaza areas throughout the project (including those with parkland easements)
2. Great Steps
3. Amenitized Water Quality Pond and associated green infrastructure
4. Underground rainwater cistern
5. 1,700 linear feet of reconstructed hike and bike trail
6. Environmental Superiority items including shoreline restoration (removal of invasive species and revegetation between trail and shoreline), native plantings and split rail fence

G)

~~F) — 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.~~

Parkland  
Maintenance

H)

~~G) — 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.~~

Bats

I)

H) 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, resulting in a decrease of land available for dedication as Parkland or Public Easement, Landowner will pay the City a fee-in-lieu for the parkland dedication to offset the land that is required for light

1 rail line and related infrastructure. The amount of the fee-in-lieu will be  
2 calculated based on the City Code at the time the land is no longer available to be  
3 dedicated or used for Parkland or Public Easement.

4  
5 I) Landowner shall fund a public park amenities prioritization process as follows:

6  
7 **Pool: Parks**

- 8 1. Landowner shall fund a public process to prioritize planned park amenities  
9 up to a maximum cost of \$30,000 to include the cost of a consultant to be  
10 mutually selected by Landowner and the Director and to be jointly  
11 managed.
- 12 2. The Park Prioritization Process shall be completed within 90 days of  
13 approval of PUD zoning.
- 14 3. The PARD Director may extend the Park Prioritization Process timeline  
15 for one additional 90-day period with additional extensions by mutual  
16 agreement.
- 17 4. The Park Prioritization Process should include the priority ranking of the  
18 proposed park amenities defined in Exhibit "G", as well as a list of park  
19 amenities from the South Central Waterfront Vision plan listed on Exhibit  
20 "G" (Exhibit "G" shall be updated to include a list of the SCW Vision Plan  
21 park amenities), and other amenities identified during the public process  
22 and agreed to by the Landowner and PARD Director.
- 23 5. Community groups and stakeholders such as The Trail Conservancy and  
24 the Downtown Austin Alliance should be engaged to participate in the  
25 Park Prioritization Process.
- 26 6. Construction of park amenities is contingent upon design approval by  
27 PARD Director.
- 28 7. Landowner contribution of an additional \$100.00 per dwelling unit over  
29 the fee required under City Code as an additional park development fee  
30 and any funds derived from the parkland dedication fee-in-lieu and  
31 parkland development fees, shall be allocated towards the building of the  
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Great Lawn, Pier, Water Steps, Boardwalk, Play Area, fee-in-lieu and parkland s the building of the Great Lawn as and other park amenities identified and defined in Exhibit “G”, exclusive of the improvements described in (F).

## 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, 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.



Bike/Ped  
Infra

~~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.~~

~~F)~~

- E) All development within the PUD shall be subject to a Transportation Demand Management Plan (“TDM”), or as amended, and on file with the office of the Director of Austin Transportation Department. Monitoring and reporting shall be in accordance with the Transportation Criteria Manual (“TCM”).

~~G)~~

- 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).

~~(H)~~

Parking  
Garage

- 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.

Affordable  
Housing  
Requirement

Landowner shall provide onsite affordable housing as follows:

1. A minimum of ~~ten~~ four percent of the for-rent 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~~ Median 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 certificate of occupancy initial sale, for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area ~~Medium~~ Median 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  $(\$450,000 \times \text{number of for-sale residential units constructed on the Property} \times 0.04 = \text{Fee-in-Lieu Payment})$ . Landowner shall remit fee-in-lie payment in pro rata installments for each 25 residential units sold and closed.

**Bedroom  
Mix**

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 offered in the market rate rental units and affordable owner-occupied 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.

Affordable  
Commercial Rate**PART 13. Affordable Commercial Space.**

A) The Landowner shall provide a minimum of four percent of the ~~commercial~~ **ground floor retail** square footage at affordable rates inclusive of the space dedicated to bat education. Affordable commercial rates shall be **calculated at 60 percent of market new Class A retail space in a comparable location determined and approved by the Director of the Economic Development Department.**

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.

Kitchen -4  
Local  
Artists**PART 14. Public Art.**

The Statesman PUD will participate in the Art in Public Places (AIPP) program. The Landowner shall spend a minimum of \$1,500,000.00 dollars on the art pieces and installation with a preference for local artists. 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 the first phase of any development in the Statesman PUD until at least \$750,000 of the approved art is installed and pieces are on display within phase one of the property. or receipt of contribution has been made to the AIPP. The City shall not issue the final certificate of occupancy for the second phase of development in the Statesman PUD until after the balance of the \$1,500,000 is expended on approved art piece(s) and is on display within the Statesman PUD property.

**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

1 parkland dedication shall be satisfied in accordance with **Exhibit “G”** and  
2 Exhibit “N”.

3  
4 B) Zoning

- 5  
6 1. Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) is  
7 modified to establish the specific set of conditional uses and permitted uses  
8 in Notes 4 and 6 of **Exhibit “M”: Data Table and Notes**, allowed within  
9 Area 2 identified in **Exhibit “C”**.
- 10  
11 2. Section 25-2-517(A) (*Requirements for Amphitheaters*) is modified to  
12 allow a site plan approved under Section 25-5, Article 2 (*Administrative*  
13 *Site Plan*) for the construction of an amphitheater associated with a  
14 commercial, civic, or residential use.
- 15  
16 3. Section 25-2-691(C) (*Waterfront Overlay (WO) District Uses*) is modified  
17 to allow as a pedestrian-oriented use those uses provided on Note 5 of  
18 **Exhibit “M”**.
- 19  
20 4. Section 25-2-691(D)(2) (*Waterfront Overlay (WO) District Uses*) is  
21 modified to permit pedestrian-oriented uses above the ground floor of a  
22 structure.
- 23  
24 5. Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*) is  
25 modified to require “Not less than 50 percent of the net usable floor area  
26 on the ground level of a structure within 50 feet of the exterior wall  
27 directly adjacent to and facing Lady Bird Lake must contain pedestrian-  
28 oriented uses.”
- 29  
30 6. Section 25-2-721(B)(2) (*Waterfront Overlay (WO) Combining District*  
31 *Regulations*) is modified to allow uses, within Area 1 as identified in  
32 **Exhibit “C”**, to be consistent with the allowable uses in Section 25-2-624  
33 (Public (P) Public District Uses).
- 34

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 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.

Reflectivity

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”**.

Setbacks

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 a mix of native natural stone material and exposed architectural concrete as a natural building materials in a proportion and style that enhances the relationship to the waterfront, is sensitive to the natural shoreline and parkland setting, and is reviewed by the Design Commission.
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.

Kitchen -5  
Building  
Material



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.

1 D) Subdivision

- 2 1. Any extension of Barton Springs Road is exempt from Section 25-4-51  
3 (*Preliminary Plan Requirement*).  
4  
5 2. Section 25-4-171(A) (*Access to Lots*) is modified to require that each lot in  
6 a subdivision shall abut a dedicated public right-of-way, private street, or  
7 driveway.

8 E) Site Plan

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

12 F) Transportation

- 13 1. Section 25-6-381 (*Minimum Frontage for Access*) is modified to allow  
14 restricted access to South Congress Avenue. Access is limited to one  
15 single lane driveway for right-out only vehicular egress for the entirety of  
16 the South Congress Avenue frontage.  
17  
18 2. The TDM plan shall be updated at the time of each site plan application.  
19 All bicycle and vehicular parking shall account as eligible TDM measures  
20 and reductions with the required parking total calculated by Appendix A of  
21 Chapter 25-6.  
22  
23 3. Section 25-6-532 (*Off-Street Loading Standards*) is modified to allow  
24 shared off-street loading facility and common loading spaces for multiple  
25 uses in a building irrespective of the location of the shared off-street  
26 loading facility and common loading spaces within the Statesman PUD.  
27  
28 4. TCM Section 1.3.2 (*Classification Design Criteria*) is modified to allow  
29 the construction of Barton Springs Road to adhere to the street cross-  
30 sections as shown in **Exhibit "F"**.  
31  
32 5. The alignment of Barton Springs Road will generally conform to the

alignment shown in the TIA Memo as represented on **Exhibit “F”**. At time of site plan review, the Director agrees to administratively modify current TCM sections 1.3.1(B), 1.3.1(D)(2) and Table 5-2, or the equivalent sections in an updated TCM, to accommodate the proposed alignment of Barton Springs Road.

6. If a Temporary Use of Right of Way permit (“TURP”) is required for development of the Property located adjacent to Barton Springs Road extension, the City agrees to waive the right-of-way rental fees for a TURP during construction of any project associated with the Property.

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, 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 **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*).

#### Better Builder

**PART 19.** Council finds participation in the Better Builder Program by Landowner a priority and an element of superiority.

**PART XX.** Except for park amenities that exceed Landowner contribution in Part 10, Section F, Landowner shall not use public funds to build infrastructure described in this ordinance as a requirement of Landowner or to build infrastructure that is a requirement of code at the time of site plan.

Tovo: Public  
Funds

**PART XX.** *Direction:* Add a new Part XX, and renumber the remainder of the ordinance accordingly, that accomplishes the following:

Allow for more development in the Statesman PUD in exchange for more affordable housing through an affordable housing bonus for allowable development above the proposed 3.5 million square feet.

Mayor: Affordable Housing Bonus Entitlements

**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                      Myrna Rios  
City Attorney                      City Clerk