

## PART 7. Community Amenities.

- B) Landowner prior to the issuance of the final certificate of occupancy for a vertical building on the Property at the time of initial site plan review shall reconstruct and relocate in accordance with **Exhibit “I”: Trail Realignment Plan** 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.
- D) Landowner shall provide a larger and enhanced bat viewing areas 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.
- 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 underground rainwater 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.

## PART 9. Environmental.

- T) The Statesman PUD shall meet the goals and requirements of Water Forward by connecting to the existing City of Austin reclaimed water system located at the intersection of Riverside and Barton Springs, or a closer point of connection should it exist at the time of connection and extend the reclaimed water system from the point of connection

into the Property. In addition, to meet the Water Forward goals, each building located on the Property will include dual plumbing to allow for use of reclaimed water for non-potable water needs.

- 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. In the event there is a closer point of connection available, the Landowner shall be allowed to establish a new alignment for the reclaimed water distribution line. 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, but in no event will it be required to connect to a point farther than Riverside /Barton Springs or increase the capacity of the supply to Riverside/Barton Springs.
- V) The Statesman PUD shall use reclaimed water as a primary water source for all landscape irrigation, except where prohibited within the Critical Water Quality Zone ("CWQZ") and the 100-year floodplain. Where prohibited the Landowner shall be allowed to use raw water acquired through an agreement with the Lower Colorado River Authority for landscape irrigation to reduce demands on the potable water supply system. For the use of raw water, the Landowner shall adhere to the City's Drought Contingency Plan (DCP), including adherence to all the requirements and enforcement measures of City Code Chapter 6-4 (*Water Conservation*). Notwithstanding the foregoing, additional watering between the hours of 7:00 pm and 10:00 am shall be allowed for up to three years after initial landscape establishment per phase and may be temporarily allowed for substantial landscape repairs, if necessary for planting establishment.
- 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 located within the boundaries of the Statesman PUD.

## **PART 11. Transportation**

- 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 may be issued for any development vertical building 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, with the exception of Driveway D as shown on Exhibit F, which can be closed weeknights, weekends, and during special events located within the Statesman PUD, with each period of closure not to exceed three consecutive days.
- 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-final certificate of occupancy may be issued for any development vertical building on the Property.
- F) All development within the Statesman PUD shall be subject to the approved 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 TDM Transportation Criteria Manual (“TCM”).

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

### **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 rate new Class A retail space in a comparable location determined and approved by the Director of the Economic Development Department.

### **PART 15. Code Modifications.**

- F) 1. Section 25-6-381 (*Minimum Frontage for Access*) is modified to allow restricted access to South Congress Avenue. Excluding Barton Springs Road extension, ~~Access~~ is limited to one single lane driveway for right-out only vehicular egress for the entirety of the South Congress Avenue frontage.
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 for a period of 15 years following the dedication of Barton Springs Road extension to the City of Austin described in Section 11. A) above to waive the right-of-way rental fees for a TURP applying to a single lane closure on Barton Springs Road during construction of any project associated with the Property.