



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMITTEE MEETING DATE: November 2, 2022

NAME & NUMBER OF PROJECT: Brodie Oaks Redevelopment PUD C814-2021-0099

NAME OF APPLICANT OR ORGANIZATION: Armbrust & Brown (David Armbrust)

LOCATION: 4107 S Capital of Texas Highway

COUNCIL DISTRICT: 5

ENVIRONMENTAL REVIEW STAFF: Leslie Lilly, Environmental Program Coordinator, (512)535-8914, Leslie.lilly@austintexas.gov

WATERSHED: Barton Creek Watershed/Barton Springs Zone

REQUEST: PUD zoning for the property

STAFF RECOMMENDATION: Staff recommended with conditions

STAFF CONDITION:

- A. Development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with 25-8, Subchapter A, Article 13 (Save Our Springs Initiative) at the time of permit application except as modified below.
 - a. Section A of 25-8-514 (*Pollution Prevention* Required) shall be modified to allow a maximum impervious cover for the site of 56% net site area.
- B. Development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with 25-8 Section A (*Water Quality*) at the time of permit application except as modified by the PUD ordinance.

- a. ECM 1.6.7.5 (D) shall be modified to allow captured runoff for beneficial reuse
 - b. 25-8-341 shall be modified to allow cut not to exceed a maximum of fourteen (14) feet.
 - c. 25-8-342 shall be modified to allow fill not to exceed a maximum of fourteen (14) feet.
 - d. 25-8-281 shall be modified to allow encroachment into CEFs as indicated on Exhibit F.
- C. Additionally, development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with the following requirements
 - a. Reduction in impervious cover from 84% NSA to 56% NSA
 - b. Bring the site into compliance with SOS water quality treatment requirements
 - c. Clustering impervious cover and disturbance 75'-250' away from Barton Creek Greenbelt
 - d. Restoring 2 acres of the tract to native vegetation
 - e. Provide 100% GSI for water quality controls.
 - f. Provide rainwater harvesting for landscape irrigation of not less than 50% of the landscaped area.
 - g. Provide superior tree protections.
 - h. Comply with Austin Green Building 3-star rating
 - i. Exceed landscaping requirements.
 - j. Provide superior open space and parkland dedication.



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMITTEE MEETING DATE:	November 2, 2022
NAME & NUMBER OF PROJECT:	Brodie Oaks Redevelopment Site Specific SOS Amendment C814-2021-0099
NAME OF APPLICANT OR ORGANIZATION:	Armbrust & Brown (David Armbrust)
LOCATION:	4107 S Capital of Texas Highway
COUNCIL DISTRICT:	5
ENVIRONMENTAL REVIEW STAFF:	Leslie Lilly, Environmental Program Coordinator, (512)535-8914, Leslie.lilly@austintexas.gov
WATERSHED:	Barton Creek Watershed/Barton Springs Zone
REQUEST:	In response to Council Resolution 20221011-076, consider a site-specific amendment to City Code Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to allow for limits to impervious cover as proposed in application C814-2021-0099 for the Brodie Oaks PUD development. The proposed site-specific amendment should be included as part of the discussion and consideration of the Brodie Oaks PUD development.
STAFF RECOMMENDATION:	Staff recommended with conditions
STAFF CONDITION:	<p>A. Development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with 25-8, Subchapter A, Article 13 (Save Our Springs Initiative) at the time of permit application except as modified below.</p> <p>a. Section A of 25-8-514 (<i>Pollution Prevention</i> Required) shall be modified to allow a maximum impervious cover for the site of 56% net site area.</p>

- B. Development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with 25-8 Section A (*Water Quality*) at the time of permit application except as modified by the PUD ordinance.
- a. ECM 1.6.7.5 (D) shall be modified to allow captured runoff for beneficial reuse
 - b. 25-8-341 shall be modified to allow cut not to exceed a maximum of fourteen (14) feet.
 - c. 25-8-342 shall be modified to allow fill not to exceed a maximum of fourteen (14) feet.
 - d. 25-8-281 shall be modified to allow encroachment into CEFs as indicated on Exhibit F.
- C. Additionally, development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with the following requirements
- a. Reduction in impervious cover from 84% NSA to 56% NSA
 - b. Bring the site into compliance with SOS water quality treatment requirements
 - c. Clustering impervious cover and disturbance 75'-250' away from Barton Creek Greenbelt
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 - e. Provide 100% GSI for water quality controls.
 - f. Provide rainwater harvesting for landscape irrigation of not less than 50% of the landscaped area.
 - g. Provide superior tree protections.
 - h. Comply with Austin Green Building 3-star rating
 - i. Exceed landscaping requirements.
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Brodie Oaks Redevelopment PUD

4107 S Capital of Texas Highway

C814-2021-0099

Leslie Lilly

Environmental Program Coordinator

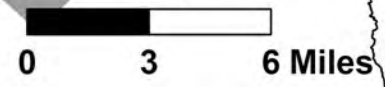
Watershed Protection



C814-2021-0099

Site

- Austin ETJ
- Austin City Limits
- Edwards Aquifer Recharge Zone
- Edwards Aquifer Contributing Zone
- Watershed Areas Full Extent
- Site Location



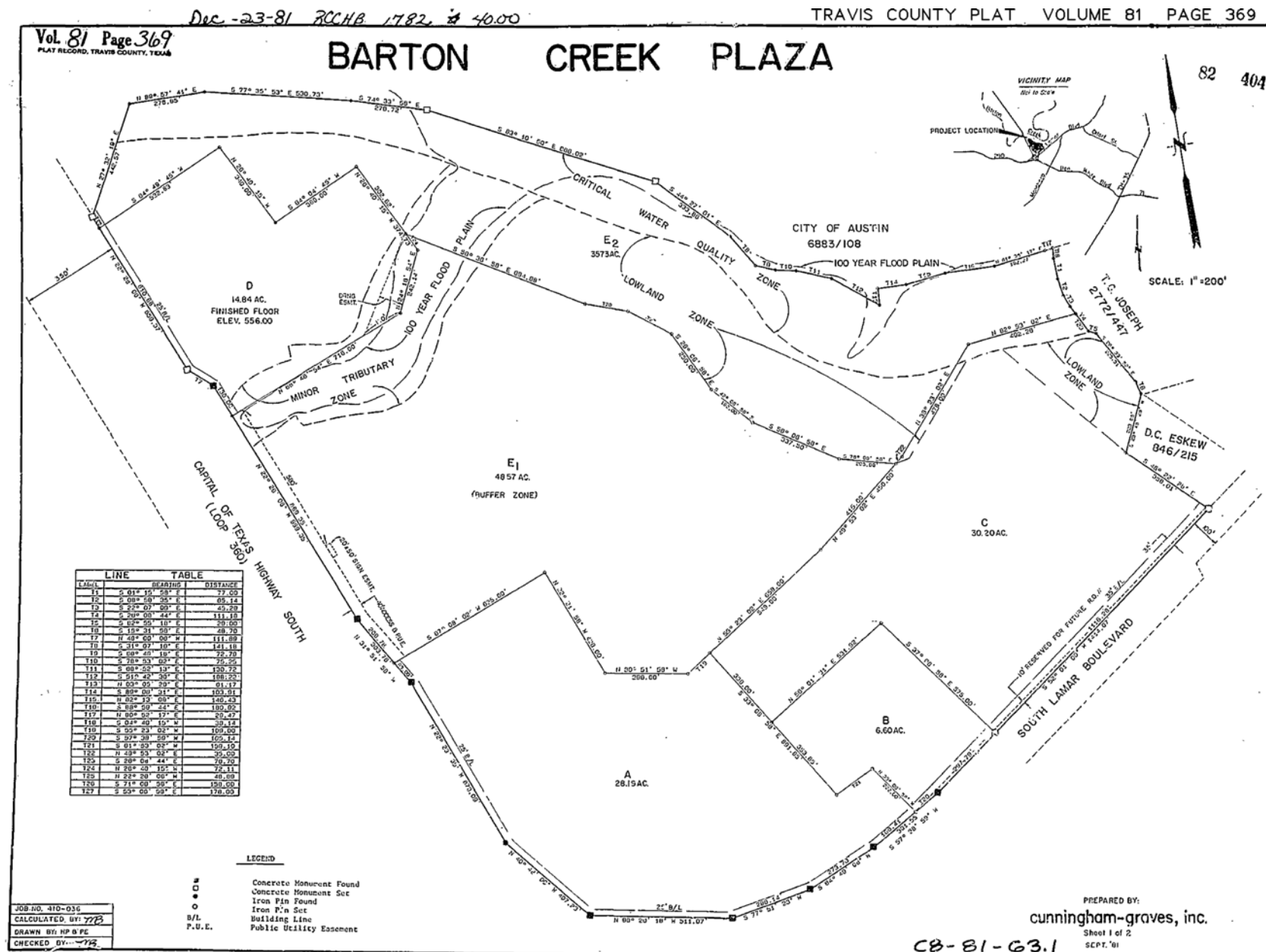


Site Background



- Proposed new PUD
- Part of original 128-acre Barton Creek Plaza Development
- Current site - 37.6 acres
- Full Purpose Jurisdiction
- Activity Center for Redevelopment in Sensitive Environmental Areas in Imagine Austin Vision Plan
- Council District 5





Restn. see Vol. 7648 DS. 49 7C#275 4842



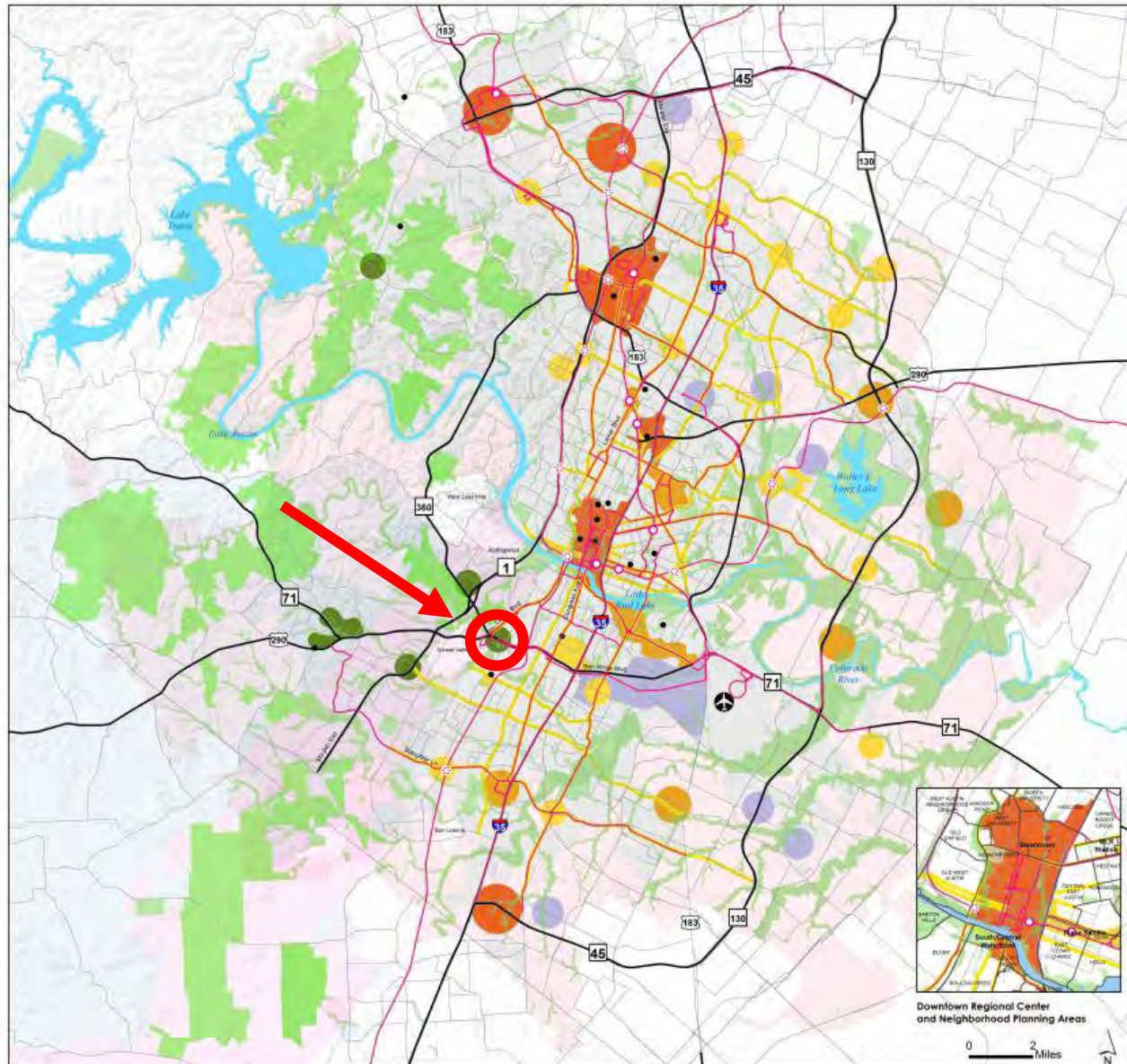
IMAGINEAUSTON

Vibrant. Livable. Connected.

Growth Concept Map

Legend

- Regional Center
 - Town Center
 - Neighborhood Center
 - Activity Corridor
 - Activity Centers for Redevelopment in Sensitive Environmental Areas
 - Job Center
 - Current Open Space
 - Future Open Space
 - Barton Springs Contributing Zone
 - Barton Springs Recharge Zone
 - College/University
- ### Transportation
- High Capacity Transit Stop
 - Proposed High Capacity Transit Stop
 - High Capacity Transit
 - Highway
 - Other Streets
- ### Boundaries
- City Limits
 - ETJ
 - County Boundaries



Downtown Regional Center and Neighborhood Planning Areas

0 2 Miles

The Growth Concept Map applies the Imagine Austin vision statement to the city's physical development. Generated through a public scenario-building process, it defines how we plan to accommodate new residents, jobs, mixed use areas, open space, and transportation infrastructure over the next 30 years.

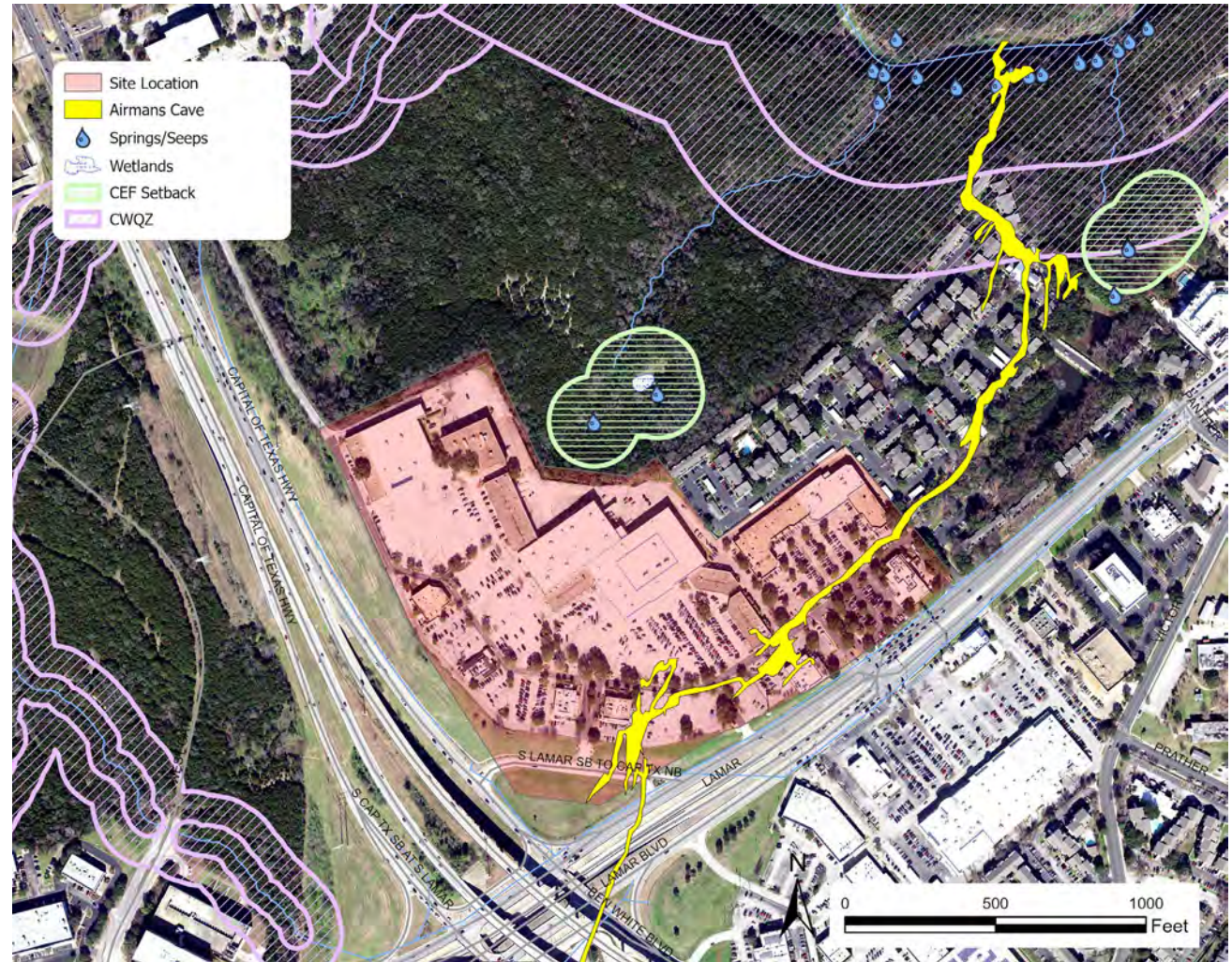
Map Disclaimers: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

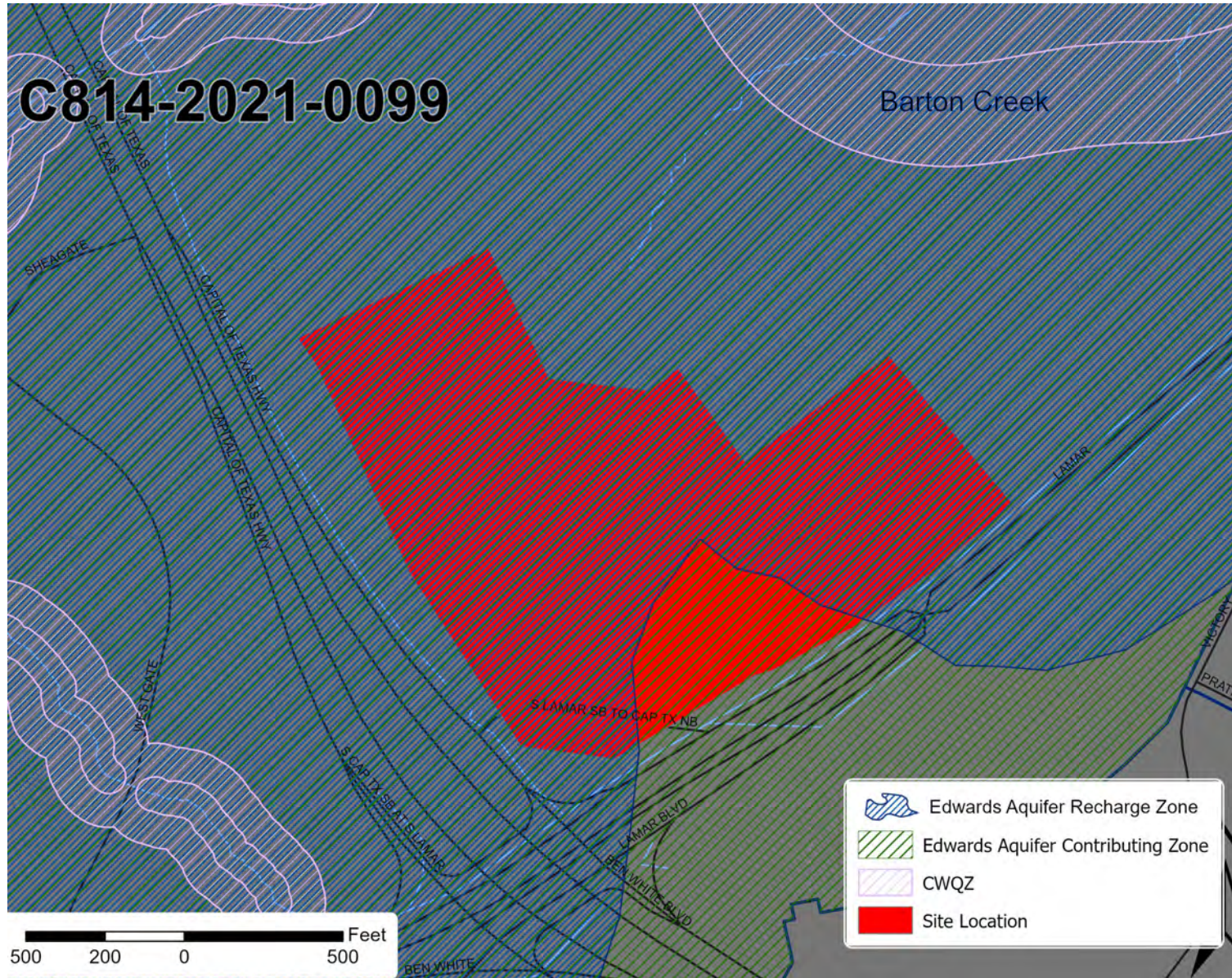
Adopted June 15, 2012



Environmental Features

- Barton Springs Watershed
- Barton Springs Zone
- Edward Aquifer Recharge and Contributing Zone
- 84% Impervious Cover
- Brodie Oaks Seep/Spring CEFs
- Airman's Cave
- Non-compliant with SOS water quality requirements







Land Use Plan

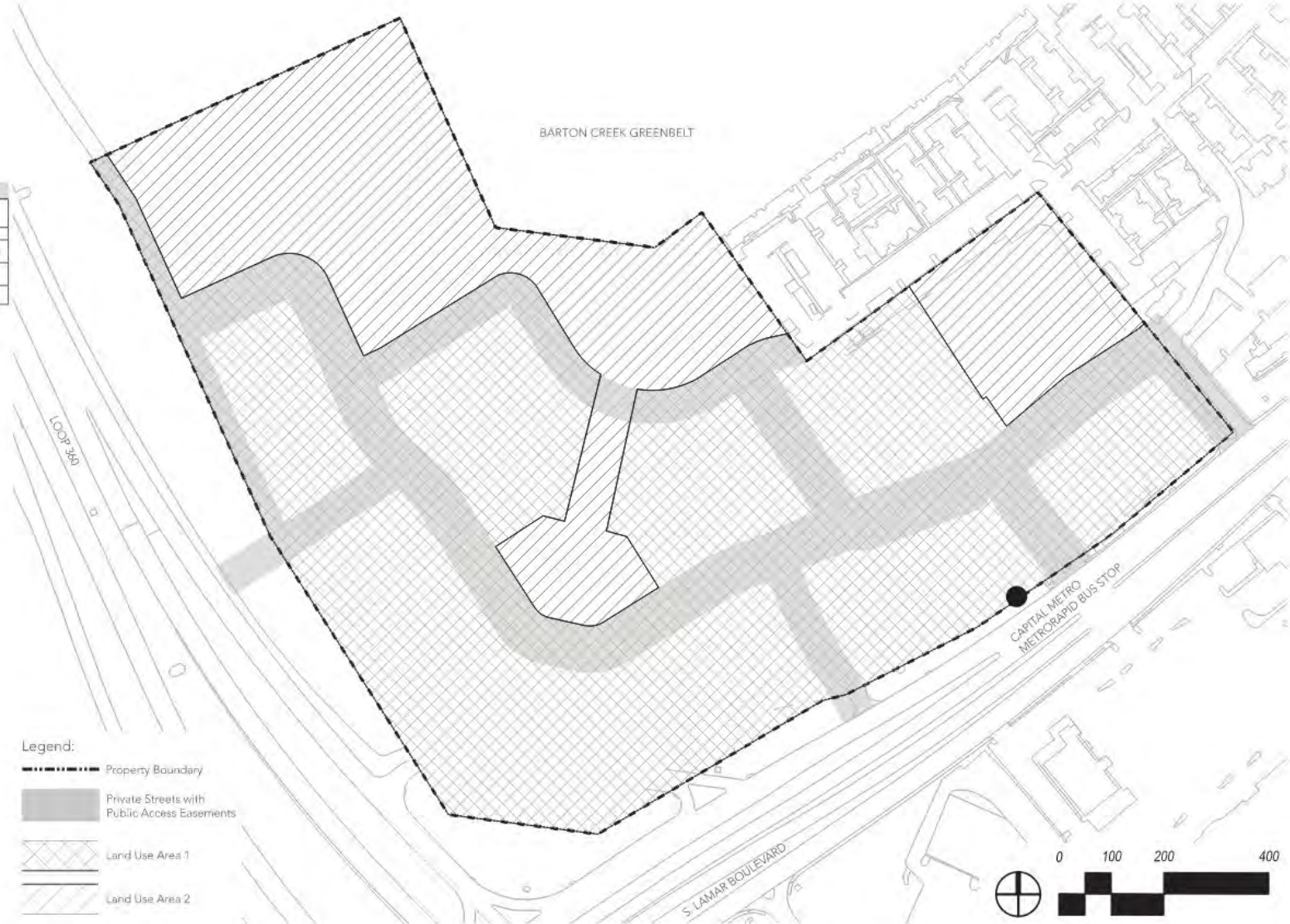


SITE METRICS	
Total Site Area	37.6 Acres / 1,637,856 Sq. Ft.
Proposed Impervious Cover	56% NSA; 54% GSA
Minimum Lot Size	5,750 Sq. Ft.
Minimum Lot Width	50 feet
Minimum Setbacks	
Front	0 feet
Street Side Yard	0 feet
Interior Side Yard	0 feet
Rear Yard	0 feet

LAND USE AREA METRICS							
	Acres	Building Cover	Impervious Cover*	Non-Residential	Maximum Hotel	Maximum Residential	
		Max	Max %	Max Sq. Ft.	Keys	Sq. Ft.	Units
Land Use Area 1	25.9	95%	95%	1,400,000	200	200,000	5,700
Land Use Area 2	11.7	9%	7.5%	5,000	—	—	—
Site Total	37.6		56%				

*Maximum impervious cover is based on Net Site Area (NSA) and will be tracked by site plan in compliance with Exhibit H - Brodie Oaks Redevelopment Phasing Plan. Impervious Cover will be higher on a site-by-site basis.

Maximum floor-to-area ratio is not applicable to the Brodie Oaks Redevelopment.





Proposed Environmental Code Modifications

- **25-8-341 (Cut Requirements)** shall be modified to allow cut not to exceed a maximum of fourteen (14) feet as indicated on Exhibit G.
- **25-8-342 (Fill Requirements)** shall be modified to allow fill not to exceed a maximum of fourteen (14) feet as indicated on Exhibit G.
- **25-8-281 (Critical Environmental Features)** shall be modified to allow encroachment into CEFs as indicated on Exhibit F.
- **SOS Ordinance Section A of 25-8-514 (Pollution Prevention Required)** shall be modified to allow a maximum impervious cover for the site of 56% net site area.

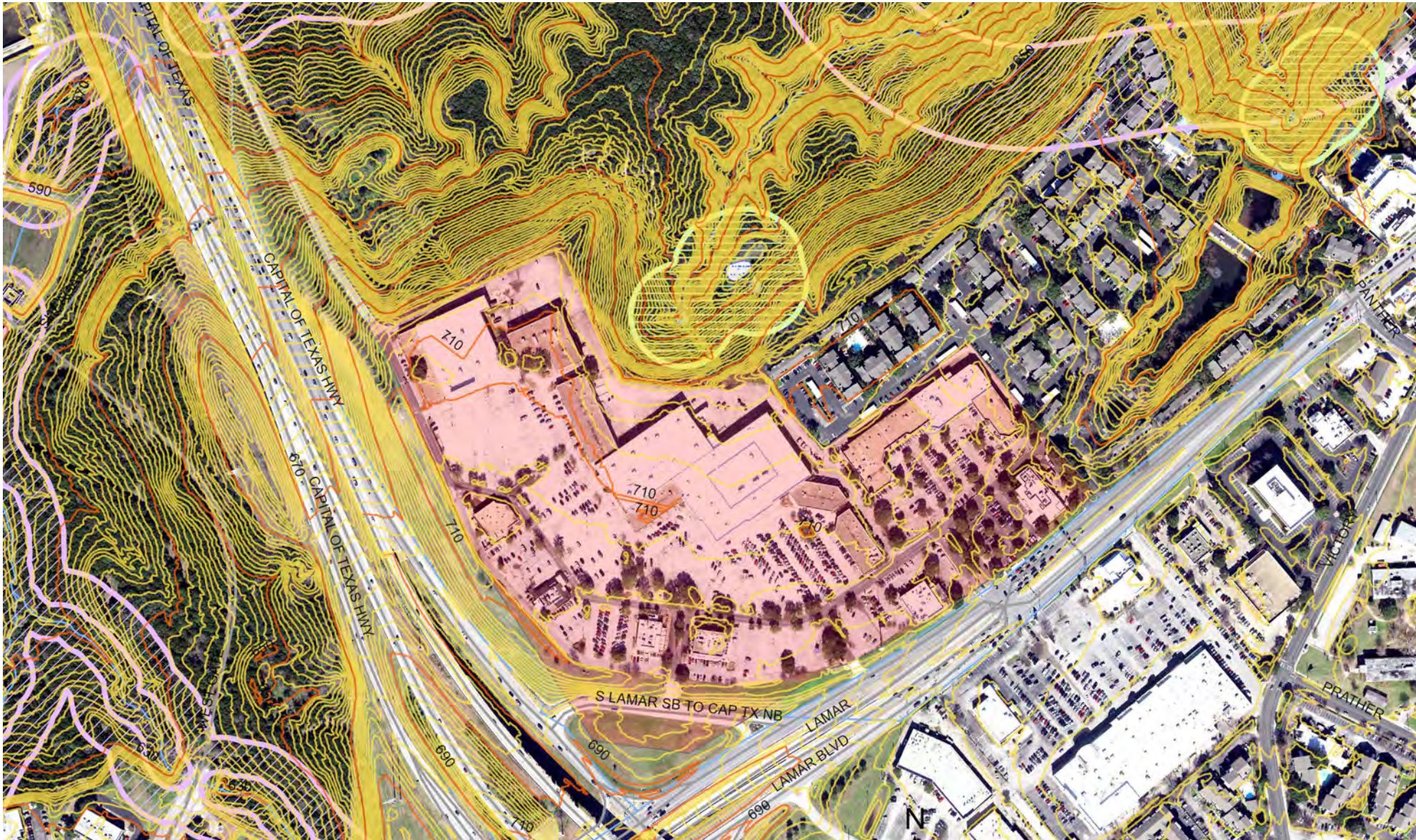




Exhibit G: Grading Plan



Notes

1. Brodie has committed to a tree health and maintenance plan for all preserved or relocated trees.

TREE TABLE	TOTAL	PRESERVED IN PLACE	RELOCATED	REMOVED TREES (ADJUSTED*)	ADJUSTED* TOTAL	PRESERVED** (%)
Heritage (24" and up)	25	19	6	0	25	100%
Protected (19" - 23 1/2")	43	23	10	9	42	79%
Regulated (8" - 18 1/2")	171	101	4	31	136	77%

* The Arborist Report submitted with the PUD application indicates which trees are not suitable for preservation. These trees have been removed from the adjusted numbers in this chart.

** The percent preserved utilizes the adjusted total.

TREE #	TYPE	SIZE	TREE #	TYPE	SIZE	TREE #	TYPE	SIZE	TREE #	TYPE	SIZE
055	LO	20.7	15523	LO	7.5	15582	LO	7.5	15705	LO	11.5
056	LO	20.5	15524	LO	20	15583	LO	19.8	15706	LO	7
057	LO	25	15525	LO	22	15584	LO	15.5	15707	LO	18.5
058	LO	19	15526	LO	18	15585	LO	17	15708	LO	10
059	LO	16	15527	LO	18	15586	LO	13.5	15709	LO	7
060	LO	15	15528	LO	26.5	15587	LO	15.8	15710	LO	10
061	LO	20	15529	LO	18.5	15588	LO	22.1	15711	LO	15
062	LO	23.7	15530	LO	20.5	15589	LO	17	15712	LO	12
063	LO	24.2	15531	LO	9	15590	LO	21.5	15713	LO	22.5
064	LO	14	15532	LO	15	15591	LO	15.5	15714	LO	25
065	LO	19.9	15533	LO	11.4	15592	LO	19	15715	LO	10
066	LO	17	15534	LO	11	15593	LO	11.5	15716	LO	9
067	LO	13	15535	LO	13	15594	LO	17.9	15717	LO	10.5
068	LO	13	15536	LO	20	15595	LO	16	15718	LO	12
069	LO	12	15537	LO	20.5	15596	LO	16	15719	LO	13.5
070	LO	13	15538	LO	12.7	15597	LO	19	15720	LO	16
071	LO	13	15539	LO	12.7	15598	LO	15	15721	LO	16
072	LO	15	15540	LO	12.7	15599	LO	21	15722	LO	10
073	LO	15	15541	LO	13.6	15600	LO	21.4	15723	LO	27.5
074	LO	15	15542	LO	23.7	15601	LO	23.7	15724	LO	20
075	LO	15	15543	LO	11.9	15602	LO	23.7	15725	LO	20
076	LO	13	15544	LO	11.9	15603	LO	23.7	15726	LO	20
077	LO	15	15545	LO	11.9	15604	LO	23.7	15727	LO	20
078	LO	15	15546	LO	11.9	15605	LO	23.7	15728	LO	20
079	LO	15	15547	LO	11.9	15606	LO	23.7	15729	LO	20
080	LO	15	15548	LO	11.9	15607	LO	23.7	15730	LO	20
081	LO	15	15549	LO	11.9	15608	LO	23.7	15731	LO	20
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173	LO	15	15641	LO	11.9	15700	LO	23.7	15823	LO	20
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178	LO	15	15646	LO	11.9	15705	LO	23.7	15828	LO	20
179	LO	15	15647	LO	11.9	15706	LO	23.7	15829	LO	20
180	LO										



Exhibit F: Environment



1. Modify CEF setback for S-1/S-2
2. Impact to Airman's Cave CEF setback is limited of up to 80' with conditions
3. Protective fencing for CEFs

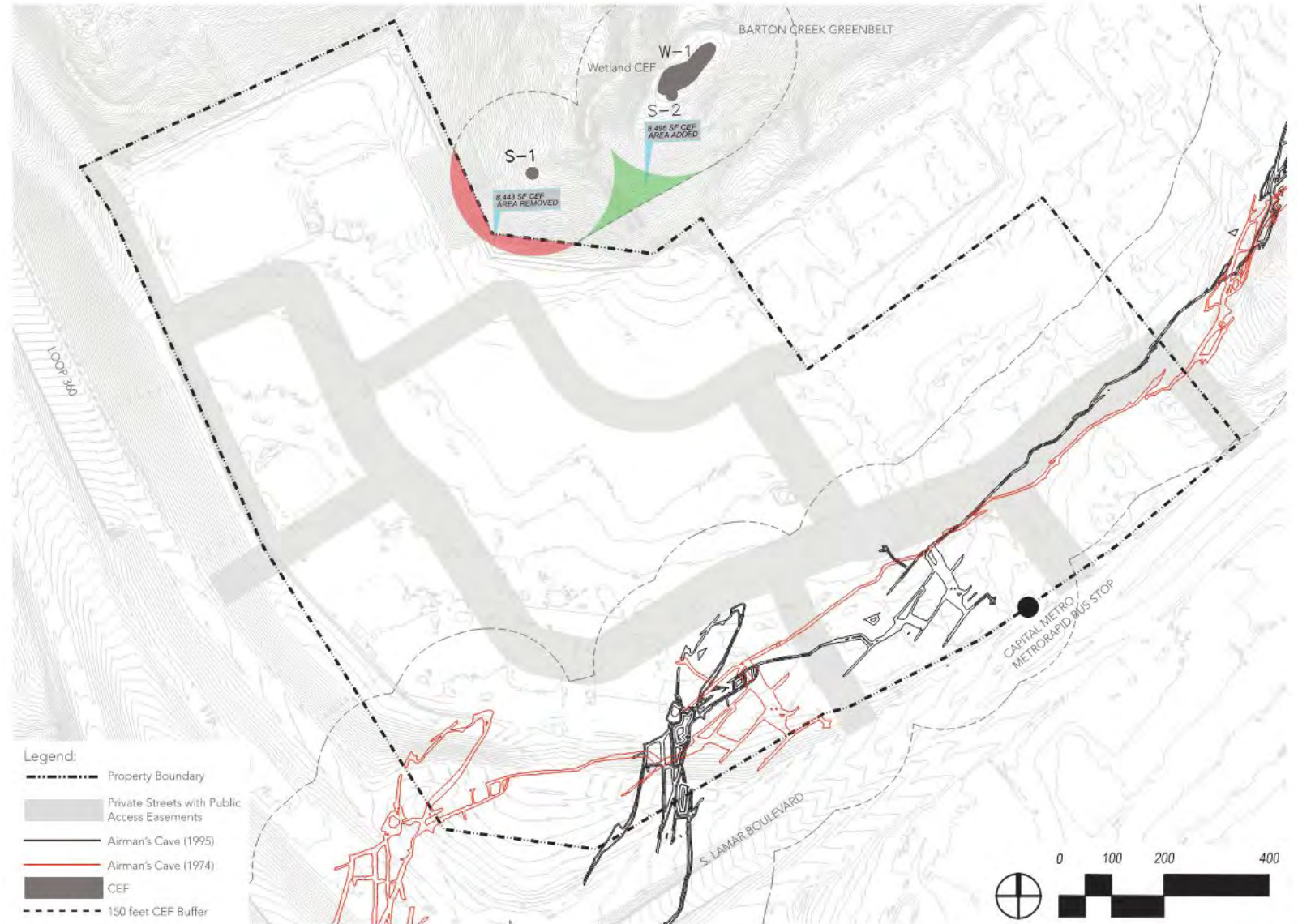




Exhibit F: Water Quality



1. Brodie PUD will comply with SOS with subgrade ponds for retention/reirrigation system and rainwater harvesting with beneficial reuse
2. Infiltration testing
3. Trenching > 5' will be inspected by geologist





Proposed Environmental Superiority

- Clustering impervious cover 75-250' away from Barton Creek Greenbelt
- Restoring 2 acres of the tract to native vegetation
- Provide 100% Green Stormwater Infrastructure for water quality controls that meet SOS non-degradation pollutant removal.
- Provides rainwater harvesting for landscape irrigation of not less than 50% of the landscaped area.
- Provides superior tree protections.
- Exceed landscaping requirements.
- Provide superior open space and parkland dedication
- Complies with Austin Green Building 3-star rating



Additional Environmental Elements

- Reducing impervious cover from 84% NAS to 56% NSA (36% decrease)
- Rainwater will be used to offset potable water demands for irrigation and cooling tower makeup water (in accordance with 25-8-151 (Innovative Management Practices))
- Remove retaining walls from greenbelt edge and restore more natural grade
- LEED Neighborhood Development certification
- U.S. Green Building Council SITES certification



Exhibit F: Open Space

Name	Total Acres	Open Space	Restored Landscape	Dedicated Parkland	Credited Acres*
Trailhead Park	8.1	Yes	Yes (2 acres)	Yes	6.7
Central Green	1.3	Yes		Yes	1.3
Neighborhood Park	2.2	Yes		Yes	1.9
Total of Site (37.6 acres)	11.6	11.6	2.0	11.6	9.9
	30.8%	30.8%	5.3%	30.8%	26.3%

ARKLAND CREDIT CALCULATIONS

Total Acres	Unencumbered	Water Quality System and Easements*	Slopes > 10%	Ponds	Floodplain: CWOZ, CEF	Total Encumbered Acres (Minimum)
Trailhead Park	8.1	1.0	5.5	1.4	2	7.1
Central Green	1.3	.7	.6	0	0	.6
Neighborhood Park	2.2	1.8	.4	0	0	.5
Percent Credited	100%	50%	50%	50%	50%	
Total	11.6	3.5	3.3*	.7	.1	8.1

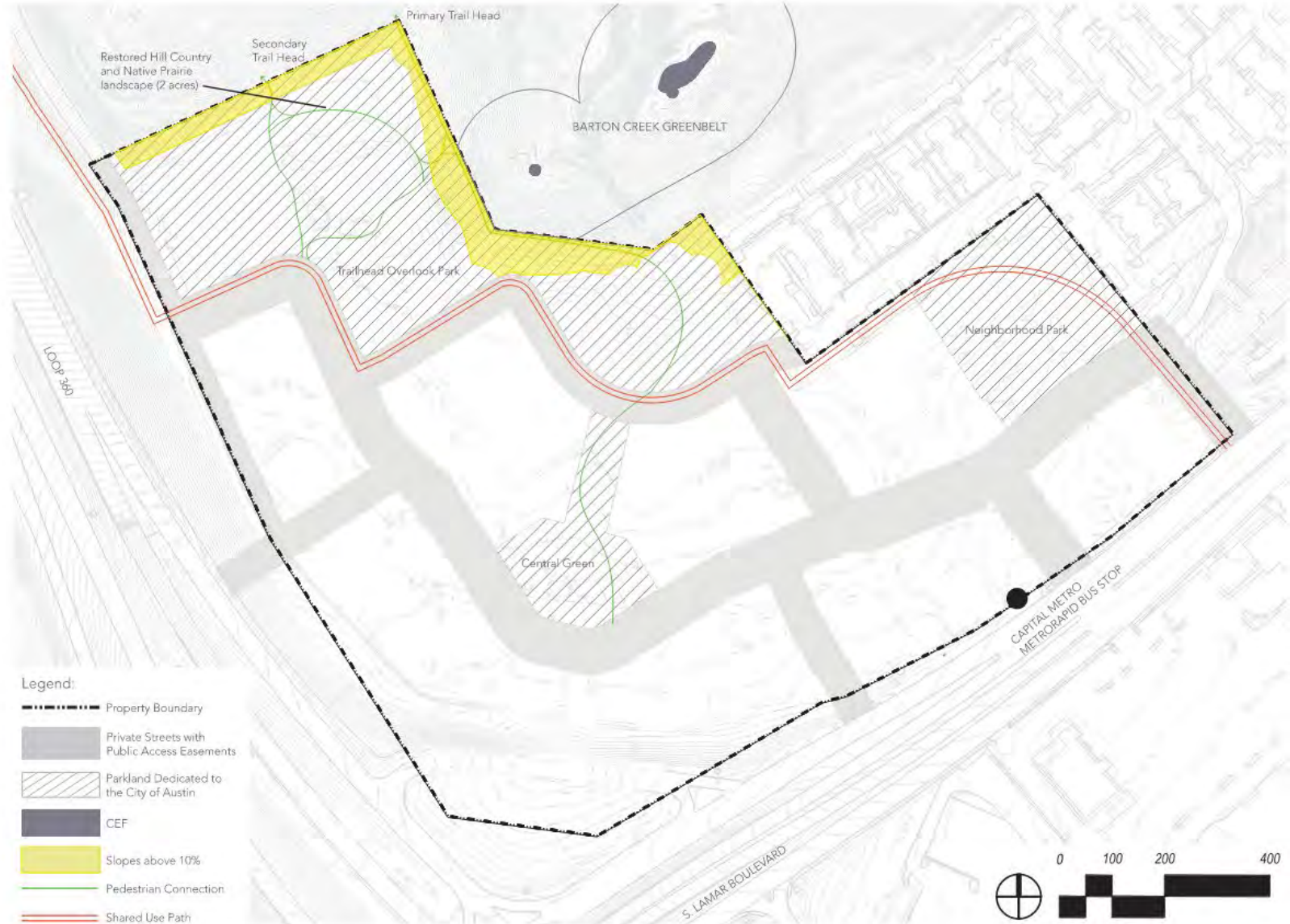
The size and location of easements associated with the SOS water quality system including sub-surface ponds and reirrigation areas will be determined at the time of dedication and after execution of the park maintenance agreement. Easement areas represented in the Arkland credit calculation table represent the maximum amount of acres needed and include accommodation for an additional 2.5 acres of reirrigation area over the anticipated 3 acres in the event that the watershed protection department requires additional water quality easements during extreme storm frequencies. Unlike the standard retention/irrigation system mentioned above where reirrigation occurs after every rain event, this system would only be used after extreme events. In comparison, the standard retention/irrigation system would irrigate after every rain event, whereas the rainwater system would only irrigate 0-2 times/year.

Re-irrigation areas will be designed as restored habitat with trails or will be designed to allow for some recreation. Subsurface ponds will allow full use on the surface and may be credited up to 100%. Exact credit assigned dedication must generally comply with the Standards for Dedicated Arkland and the Parkland Dedication Operating Procedures, as amended at any time will they be credited at less than 50%.

Notes

Parkland must generally comply with the Standards for Dedicated Parkland and the Parkland Dedication Operating Procedures, as amended.

Any surface pond or wetland area will be designed as an amenity in accordance with the Parkland Dedication Operating Procedures, as amended





AEGB 3 Star Rating



Austin Energy Green Building Commercial Rating: Introduction

2022 Requirements

- Bicycle parking and supporting facilities
- Electric vehicle charging
- Energy performance
- Dual plumbing to reduce potable demand

Table I1: AEGB Measure ID

Category	
BR	Basic Requirement
ID	Integrated Design
ST	Site and Transportation
E	Energy
W	Water
IEQ	Indoor Environment Quality
MR	Materials and Resources
EE	Equity and Education
P	Priority
Point Type	
(none)	Core
L	Local Priority
T	Typology Priority
EL	Elective
IP	Innovative Performance
EP	Exemplary Performance
EQ	Equitable Performance
Number	
A sequential numbering of measures is used. In EP or EQ points, the number corresponds to the base measure.	

All AEGB rated projects must fulfill the Basic Requirements. Projects that achieve points for voluntary measures may attain a higher Star Rating at the point thresholds described in Table I2:

Table I2: AEGB Commercial Rating Star Level Point Thresholds

AEGB Commercial Rating	Star Levels
1 Star	Basic Requirements
2 Stars	35-44 points
3 Stars	45-54 points
4 Stars	55-74 points
5 Stars	75 points or more



Recommendation

Staff recommends approval of the PUD with the following conditions

- Reduce impervious cover from 84% NSA to 56% NSA
- Cluster impervious cover 75-250' away from Barton Creek
- Restore 2 acres of the tract to native vegetation
- Provide 100% Green Stormwater Infrastructure for water quality controls that meet SOS non-degradation pollutant removal.
- Provide rainwater harvesting for landscape irrigation of not less than 50% of the landscaped area.
- Provide superior tree protections.
- Exceed landscaping requirements.
- Complies with Austin Green Building 3-star rating
- Provide superior open space and parkland dedication
- LEED Neighborhood Development certification
- U.S. Green Building Council SITES certification



Brodie Oaks Redevelopment SOS Site-Specific Amendment 4107 S Capital of Texas Highway

C814-2021-0099

Leslie Lilly

Environmental Program Coordinator

Watershed Protection



What is an SOS Site-Specific Amendment

- 1992 Save Our Springs ordinance adopted by citizen initiative
- Per 25-8-515, variances to SOS are not allowed, prohibiting modification by PUD ordinance
- 25-8-26 Redevelopment Exception in the BSZ deemed not appropriate
- Only applies to the Brodie Oaks Redevelopment PUD project
- Supermajority of Council must approve amendments to SOS
- Council Resolution 20221011-076 on October 13, 2022:
- “ The City Manager is directed to initiate site specific variances



Other SOS Site-Specific Amendments

A Site-Specific SOS Amendment for the
Eliza Spring Outlet Daylighting Project
April 19, 2016



Dr. Donelle Robinson, Environmental Scientist

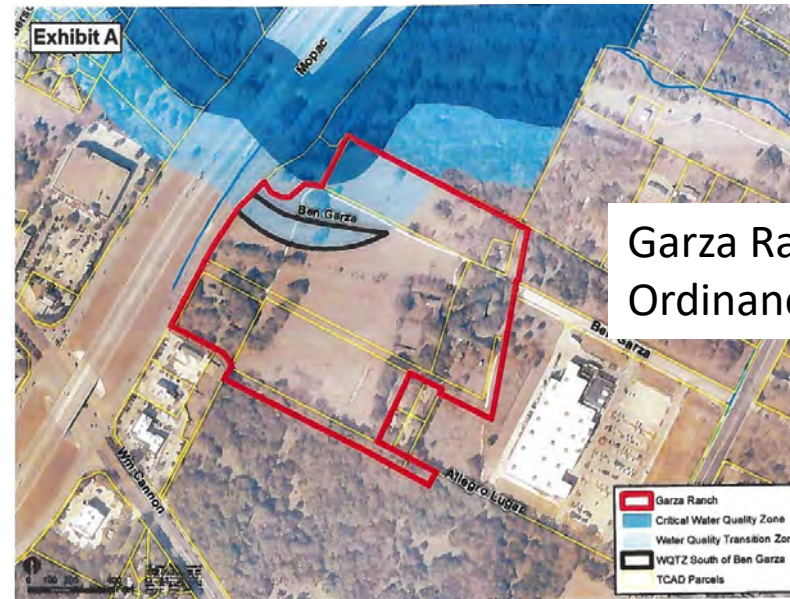


10111 Dobbin Drive

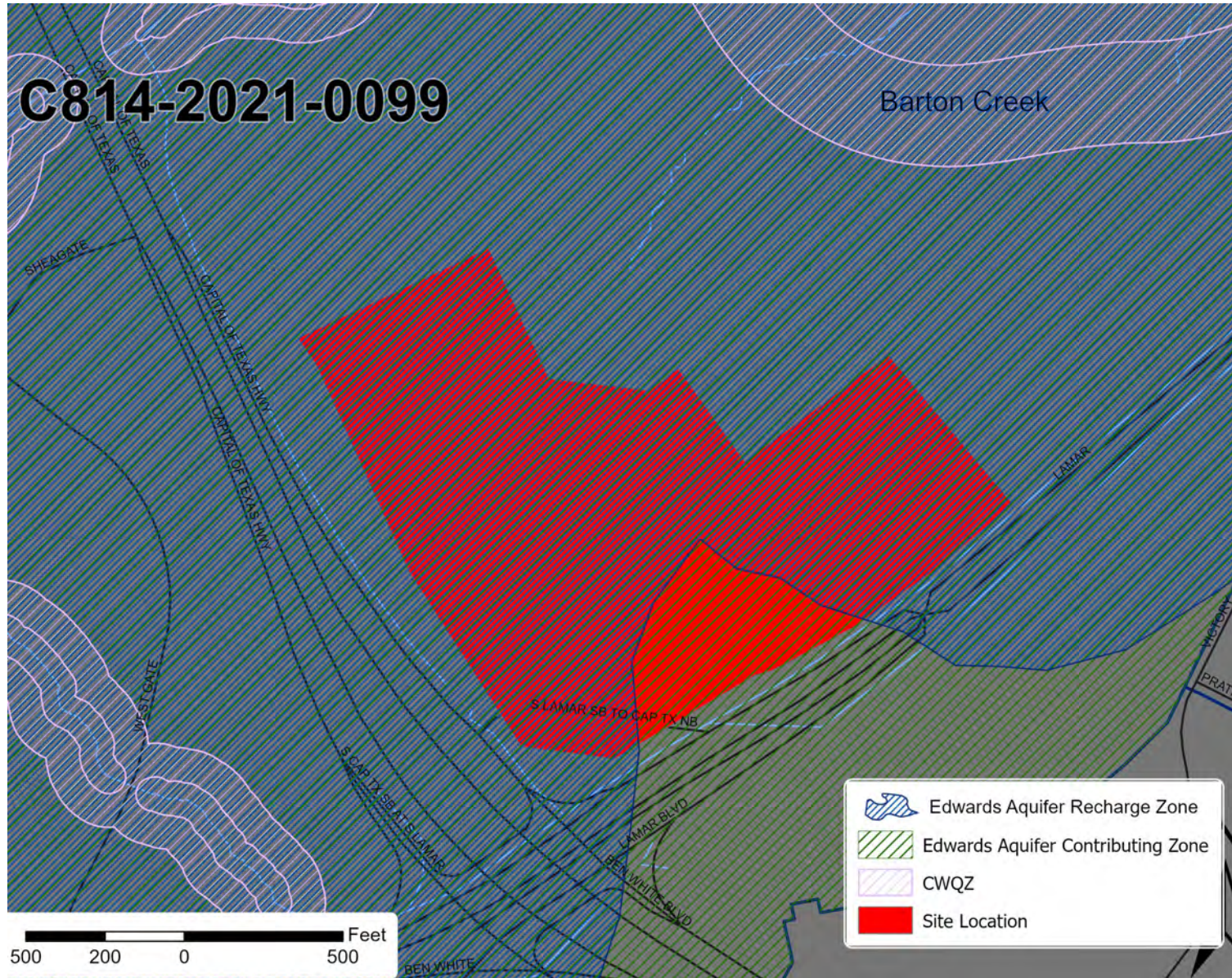
RESOLUTION NO. 20190207-030

WHEREAS, the Save Our Springs Initiative regulations (Land Development Code Chapter 25-8, Subchapter A, Article 13 “SOS”) are vital to protecting the Hill Country’s rich network of aquifers and to Austin’s long-term water management plan; and

WHEREAS, alongside the City’s vitally important commitment to SOS and longstanding tradition of environmental stewardship, there is also a need for



Garza Ranch
Ordinance No. 20130926-051





SOS Requirements

25-8-514 Pollution Prevention Required

- Impervious cover in the Edwards Aquifer Recharge Zone is 15% NSA, 20% NSA in the Contributing Zone
- Water Quality Controls required for runoff from all impervious cover to meet undeveloped conditions.



Brodie Oaks SOS Site-Specific Amendment

- **Section A of 25-8-514 (Pollution Prevention Required)** shall be modified to allow a maximum impervious cover for the site of 56% net site area.

Brodie PUD Ordinance

- 25-8-341 shall be modified to allow cut not to exceed a maximum of fourteen (14) feet as indicated on Exhibit G.
- 25-8-342 shall be modified to allow fill not to exceed a maximum of fourteen (14) feet as indicated on Exhibit G.
- 25-8-281 shall be modified to allow encroachment into CEFs as indicated on Exhibit F.



Land Use Plan



SITE METRICS	
Total Site Area	37.6 Acres / 1,637,856 Sq. Ft.
Proposed Impervious Cover	56% NSA; 54% GSA
Minimum Lot Size	5,750 Sq. Ft.
Minimum Lot Width	50 feet
Minimum Setbacks	
Front	0 feet
Street Side Yard	0 feet
Interior Side Yard	0 feet
Rear Yard	0 feet

LAND USE AREA METRICS							
	Acres	Building Cover	Impervious Cover*	Non-Residential	Maximum Hotel	Maximum Residential	
		Max	Max %	Max Sq. Ft.	Keys	Sq. Ft.	Units
Land Use Area 1	25.9	95%	95%	1,400,000	250	200,000	5,700
Land Use Area 2	11.7	9%	7.5%	5,000	—	—	—
Site Total	37.6		56%				

*Maximum impervious cover is based on Net Site Area (NSA) and will be tracked by site plan in compliance with Exhibit H - Brodie Oaks Redevelopment Phasing Plan. Impervious Cover will be higher on a site-by-site basis.

Maximum floor-to-area ratio is not applicable to the Brodie Oaks Redevelopment.

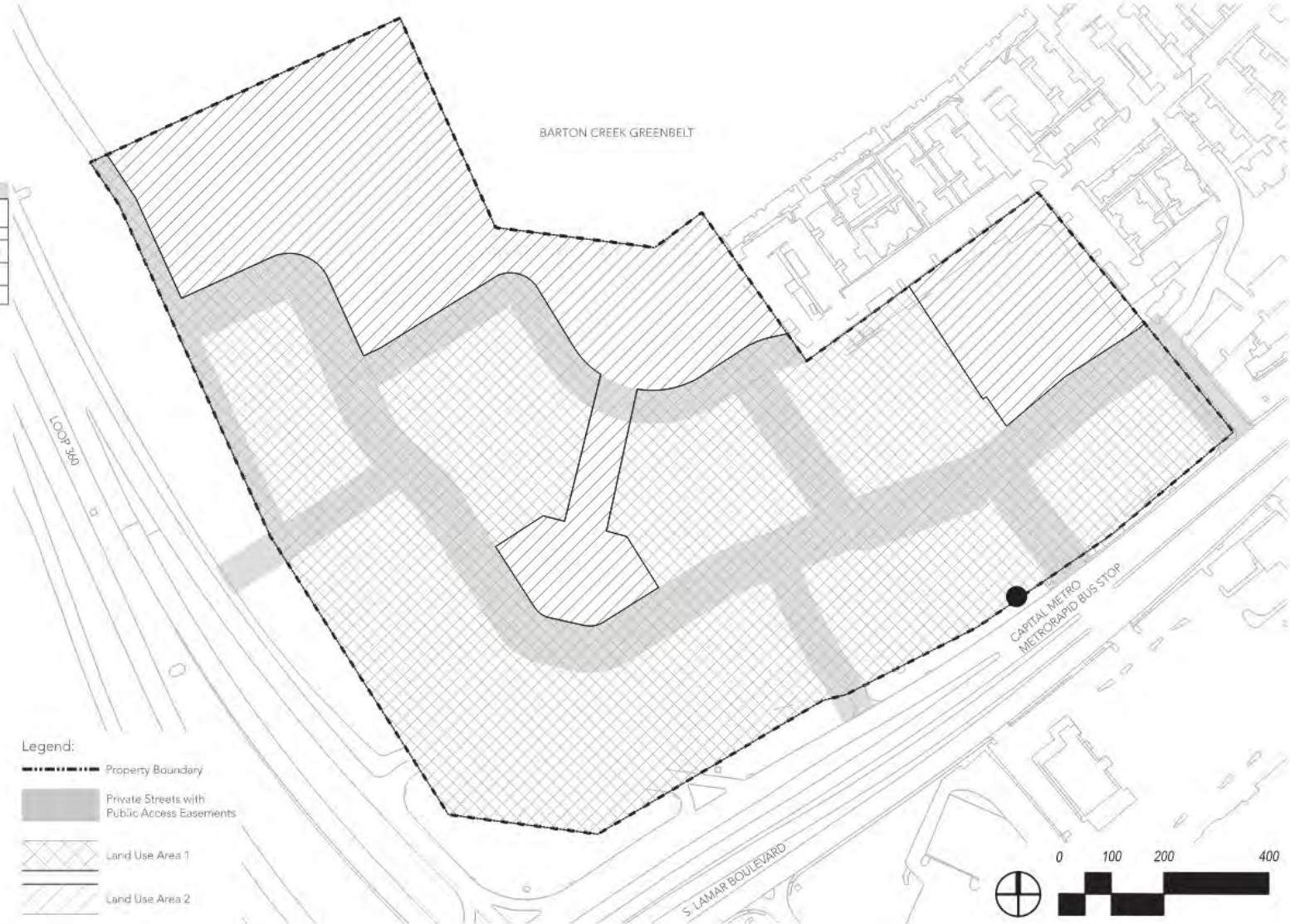




Exhibit F: Water Quality



1. Brodie PUD will comply with SOS with subgrade ponds for retention/reirrigation system and rainwater harvesting with beneficial reuse
2. Infiltration testing
3. Trenching > 5' will be inspected by geologist





Recommendation

Staff recommends approval of the SOS amendment with the following conditions

- Reduce impervious cover from 84% NSA to 56% NSA
- Cluster impervious cover 75-250' away from Barton Creek
- Restore 2 acres of the tract to native vegetation
- Provide 100% Green Stormwater Infrastructure for water quality controls that meet SOS non-degradation pollutant removal.
- Provide rainwater harvesting for landscape irrigation of not less than 50% of the landscaped area.
- Provide superior tree protections.
- Exceed landscaping requirements.
- Complies with Austin Green Building 3-star rating
- Provide superior open space and parkland dedication
- LEED Neighborhood Development certification
- U.S. Green Building Council SITES certification



Questions?

Contact Information:

Leslie Lilly

leslie.lilly@austintexas.gov

Hill Country Roadway Overlay

Hill Country Roadway Overlay Requirements shall apply differently to Land Use Area 1 (LU1) and Land Use Area 2 (LU2) as indicated in the Hill Country Roadway Overlay (HCRO) standards chart in Exhibit C: Land Use Plan (page 5):

TREE TABLE	TOTAL	LOW SUITABILITY	ADJUSTED TOTAL*	PRESERVED	% PRESERVED
Native Heritage Trees (24" and above)	12	0	12	12	100%
Native Protected Trees (19"-23'11")	2	0	2	2	100%
Native Regulated Trees (8"-18'11")	51	12	39	32	82%
Small Native Regulated Trees (6" or more; and Tree clusters)	1	1	0	0	-

TREE INDEX

TAG NO. TYPE INDICATES MULTI TRUNK

INDIVIDUAL TRUNK (DIA. IN INCHES) TOTAL (ROOT ZONE)

OPTICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

HILL COUNTRY CLUSTERS ARE REPRESENTED WITH A 10 FT. RADIIUS CIRCLE

16198 CLUSTER (16198) MAX. GAP (16198) MAX. SIZE IN INCHES

16200 CEDAR (16200) MAX. TRUNK 12", 4", AND 8"

AE = AMERICAN ELM
ASH = ASH
BUM = BURNING
CB = CHERRYBERRY
CED = CEDAR
CE = CEDAR ELM (NATIVE)
CHE = CHINESE ELM
CHT = CHINESE YALOW
CLU = CLUSTER (SEE ABOVE)
CRM = CREEP MYRTLE
CTR = COTTONWOOD
HB = HICKORY
HCH = HICKORY
LUN = LUNARUM
LQ = LIVE OAK (NATIVE)
ML = MOUNTAIN LAUREL (SMALL NATIVE)
MGO = MESQUITE
PALM = PALM
PEO = PECAN (NATIVE)
SIC = SYCAMORE
WIL = WILLOW

NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD; HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.





November 2, 2022

TO: Austin Environmental Commission

Via Hand-delivery and email

FROM: Bill Bunch, Executive Director, SOS Alliance

RE: Brodie Oaks PUD needs changes to meet required “superior” standards, to comply with Austin’s Imagine Austin Comprehensive Plan, and to meet Water Forward and Climate Equity Plan goals

Dear Chair Ramberg and Commissioners:

Save Our Springs Alliance representatives have actively engaged with Applicant representatives off and on for over a year on this project. The goal has always been to reach agreement on all issues so that Brodie Oaks would be a model project that would set a very high standard for redevelopment in the Barton Springs watershed and for the larger Austin community.

While we can agree on some key elements, and very much appreciate the Applicant’s efforts to engage with neighborhood and environmental representatives and provide answers to our questions, the project as currently proposed does not meet required “superior” standards on environmental issues and does not fully meet Imagine Austin, Austin Climate Equity, and Austin Water Forward environmental and planning standards.

For context, the current development holds approximately 360,000 square feet. The proposed development would, according to the Applicant, total about 3.2 million square feet. Thus the proposal is not simply a significant increase in overall density but would rather be roughly a 900 percent increase in density.

While some substantial density increase is readily supported, the scale and type of development proposed both push the project into “inferior” status and in direct conflict with multiple environmental standards and planning goals.

SOS does support a narrowly tailored SOS ordinance site specific amendment for the Brodie Oaks PUD. This amendment would accept the Applicant’s proposed reduction in impervious cover from 84% gross site area to approximately 56% net site area and the Applicants commitment that SOS “pollution prevention” requirements would be met with SOS level water quality controls.

Our consulting expert, Dr. Lauren Ross, Ph.D., P.E., has reviewed the details of the Applicant's water quality controls. Dr. Ross generally agrees with the Staff that if implemented as described the water quality controls would provide the necessary treatment and capture volumes to meet the "pollution prevention" standards. In doing so, pollutant loading from the site would be greatly reduced, along with the impervious cover, as compared to the current development.

The environmental shortfalls to "superiority" are, however, significant. We ask that the Environmental Commission vote to find that the proposed PUD is not environmentally superior and should be denied unless the following changes shortfalls are corrected:

1. Need for offsite mitigation land to reduce overall impervious cover to below 15% net site area and to mitigate for offsite pollution and environmental impacts.

The Brodie Oaks tract rests within the Barton Springs recharge zone and thus is otherwise subject to a 15% net site area limit. We recognize that under the SOS redevelopment exception ordinance, the council has discretion to approve a much higher level of onsite impervious cover when considering the specific circumstances of a project. That SOS exception ordinance contemplates and in some cases requires the acquisition of land or conservation easements offsite so that the overall impervious cover (taking the two tracts together) meets SOS impervious cover standards.

Absent this offsite mitigation requirement, the proposed PUD cannot be viewed as "superior" to either the SOS ordinance or the SOS redevelopment exception ordinance requirements.

The SOS redevelopment ordinance provides in relevant part at Section 25-8-26:

"(G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:

- (1) benefits of the redevelopment to the community;
- (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
- (3) the effects of offsite infrastructure requirements of the redevelopment; and
- (4) compatibility with the City's comprehensive plan.

(H) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond. . . .

- (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent."

As noted below, several of these factors are implicated by the proposed redevelopment project. Offsite impacts will be substantial given that the project is heavy on office, retail, and hotel that will drive secondary development further out into the Barton Springs watershed, in direct conflict with Imagine Austin goals. As proposed there would be developed 1.2 million sq. feet of office, 140,000 sq. ft. of retail, and a 200 room hotel – all of which will create a demand for yet more housing over the Barton Springs Edwards Aquifer watershed.

2. Need to reduce height to meet Climate Equity Plan and “carbon neutral” goals

Skyscrapers are not climate-friendly, primarily because of the “embodied” energy required to manufacture the concrete and steel required to support very tall buildings. There is now solid research showing that cities that develop with mid-rise and low-rise projects that are dense enough to support public transit and walkability and limit land consumption have greatly reduced greenhouse gas emissions when compared to skyscraper development. This [short piece from October 2021 in Resilience](#) provides an excellent summary on the issue.

We do not have an exact height limit to recommend at this time but keeping the height low enough, in the 5 to 10 story range, that use of energy intensive steel and concrete construction can be minimized or avoided altogether, while being consistent with Imagine the Imagine Austin Comprehensive plan should be recommended. This would allow substantial increase in density and likely could accommodate all of the proposed residential development if the 1.2 million square feet of office and hotel were scaled back. Converting the internal streets from auto traffic to pedestrian malls would also allow more of the onsite impervious cover to be dedicated to buildings rather than car habitat.

3. Need to remove skyscrapers or other otherwise reduce density to meet Austin Water Forward “net zero water” goals.

The skyscrapers in the plan not only push the site away from being “carbon neutral” but also result in the project failing to meet “net zero water” goals. These buildings and the extra density they accommodate translate into having too little available onsite water to meet summer cooling tower, landscaping, and other project water demands. By reducing the scale of the development, the project would be able to flush toilets and meet other onsite water demands that cannot be met as proposed.

4. Need to remove skyscrapers to be consistent with the Imagine Austin Comprehensive Plan’s call for an “activity center in a sensitive environmental area.”

SOS respectfully disagrees with Staff’s stated conclusion that the proposed development is consistent with the Imagine Austin Comprehensive Plan. The “activity center in an environmentally sensitive area” designation calls for lower density, low- to mid-rise redevelopment that supports public transit without inviting major density centers into the Barton Springs watershed. As proposed, the project would be more on the order of a “satellite

downtown,” especially when the large commercial tracts across Lamar and adjacent to the Brodie Oaks tract move toward redevelopment.

The attached list of Imagine Austin and neighborhood plan references prepared by long-time Zilker neighborhood/South Lamar development expert Lorraine Atherton make clear that the proposal, in its current form, is not consistent with the Imagine Austin Comprehensive Plan and should be scaled back to be consistent. It is certainly not “superior” to the comprehensive plan requirements.

- 5. Parks need more attention and should be “public” and mostly kept natural and not converted to outdoor commercial areas controlled by the developer.**
- 6. Please request that the matter be returned to the Environmental Commission when there is an actual draft zoning ordinance to be reviewed.**

We have learned from the Statesman PUD that having boards and commissions “review” a complex “zoning” ordinance that addresses far more than zoning when that ordinance does not actually exist leads to all kinds of problems – problems that are hidden from view or simply go unnoticed when they are not written down on paper. To address this problem, please include in your recommendation that the Environmental Commission be allowed to again review and make recommendations when there is an actual draft ordinance to review.

Currently the staff back-up says there are 43 code modifications requested. Several of these have not been addressed here, and some of these are very important. For example, the proposal appears to mostly gut Hill Country Roadway Ordinance protections that are important not just for scenic beauty but also for air quality, urban heat island, and carbon capture. These issues deserve some attention, at least to the point of what is being lost from what would otherwise be required. Regretfully, we have not figured this one out yet.

It only recently registered with us that the proposal would greatly reduce setbacks from a spring on the site. We also do not yet understand this issue but of course are concerned and don’t see how reducing setbacks from the spring can be environmentally superior.

As to Airman’s Cave, we do believe that, given the unique geology of the site and the configuration of the cave, that the cave should be adequately protected.

Thank you for your service to the community and for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bunch". The signature is fluid and cursive, with the first name "Bill" and last name "Bunch" clearly distinguishable.

Bill Bunch

Enclosure

Cc: David Armbrust, Pat Oles, Milo Burdette, Applicants
Melissa Hawthorne, Barton Hills Neighborhood Assn.
Lorraine Atherton, Zilker Neighborhood Assn.
Hon. Ann Kitchen, Councilmember, District 5

Here's a run-down of the passages relevant to the proposed Brodie Oaks PUD from Imagine Austin [with Lorraine's comments in square brackets]. The references to building height are found on page 105. Here goes:

Pages 100-103, Figures 4.2 (Bicycle and Pedestrian Networks), 4.3 (Transit Networks), 4.4 (Roadway Networks), and 4.5 (Growth Concept Map):

On all maps, the dots indicating the activity center at Ben White and Lamar are positioned to the east, between Lamar and Manchaca, not on top of Barton Creek.

Page 104, Growth Concept Map Definitions, Activity Centers and Corridors

Centers that are already established by existing small-area plans . . . are drawn to reflect those plans. Centers without small-area plans are simply shown with a circle, indicating scale and general location. Specifying boundaries for these centers may occur through small-area plans"

[In this case, the center's boundaries should now reflect the South Austin Combined neighborhood plan. The South Austin Combined NP captures perfectly the definition of an activity center in the third paragraph on page 104. The Brodie Oaks proposal, on the other hand, has no library, no college campus, no high school, no hospital, no playing fields, no housing choices other than high-rise multifamily, and no transit center. It has one bus stop, and the Brodie PUD proposal pushes it south to the equivalent of a highway on-ramp, isolating it from any possible pedestrian traffic.]

Page 105, description of Regional Centers

"The central regional center encompassing Downtown . . . is the most urban. It includes low- to high-rise residential and office buildings."

[Regional Center is the only category that includes high-rise buildings. The intersection of Ben White and South Lamar is NOT a regional center in Imagine Austin. Also see page 124 below.]

Page 105, description of Town Centers

"The buildings found in a town center will range in size from one- to three-story houses, duplexes, townhouses, and row houses, to low- to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system."

[Town Center is the only category that fits the "Activity center for redevelopment in sensitive environmental areas" designation for the intersection of Ben White and South Lamar. The South Austin Combined NP fits the Town Center description perfectly, with lots of variety embedded in a grid of South Austin bus routes with established routes to the north and east.]

"Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods."

[Note that it says "existing neighborhoods," not "new."]

"State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context."

[In this case, the size of the proposed project overwhelms the fire, power, water, and street infrastructure that can be provided within the environmental context. Attempts to provide that increased level of services to the Brodie site will necessarily divert resources away from the redevelopment of the Westgate and South Austin Hospital areas, which are already under way.]

Page 107:

"The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."

[In this case, growth should be directed to the approved South Austin Combined neighborhood plan, which is well-positioned as an education, medical, and transportation hub, and able to absorb a large population in the redevelopment of large and small shopping centers.]

Also,

"Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas."

Page 108:

"transit stops are identified as 'proposed.' As more detailed planning occurs, these may move. When this happens, the associated activity center should move as well."

[In this case, the Westgate transit center has moved to Ben White at Victory, which means the associated activity center should be the South Austin Combined neighborhood plan area. Given the state highway department's policies controlling the Lamar right of way south of Panther, it

will not be possible to change traffic patterns or make any substantial pedestrian or transit connections to the Brodie Center in the foreseeable future.]

Page 118, Best Practices:

“One of the most critical pieces of the code is the concept of ‘successional zoning.’ This allows rezoning only to the next most intense zone if the property abuts a more intense zone. This promotes a controlled evolution of the built environment and minimizes opportunities for developers to acquire a property and request a rezoning to a dramatically different intensity or use.”

[In other words, rezoning of Brodie Oaks should not exceed the zoning across the street, which is GR with a VMU overlay.]

Page 124, Figure 4.6, Combined Future Land Use Map:

There is one, and only one, parcel designated as a bright blue "Activity Center." It is the Westgate Shopping Center, on the southeast corner of the Ben White-Lamar intersection.