



## ENVIRONMENTAL COMMISSION MOTION 20221102-002

**Date:** November 2, 2022

**Subject:** Brodie Oaks Redevelopment PUD, C814-2021-0099

**Motion by:** Jennifer Bristol

**Seconded by:** Kevin Ramberg

**WHEREAS**, the Environmental Commission recognizes the applicant is Request PUD zoning for the property and;

**WHEREAS**, the Environmental Commission recognizes that the applicant is proposing 11 acres of parkland dedication, although the density dictates 29 acres, and the applicant is proposing to address the additional 18 acres with a pay in lieu fee, and the Environmental Commission recognizes the environmental fragility of the area; and

**WHEREAS**, the Environmental Commission recognizes the site is located in the Barton Creek Watershed and the Barton Springs Zone; and

**WHEREAS**, the Environmental Commission recognizes that Staff recommends this PUD with conditions.

**THEREFORE**, the Environmental Commission recommends the Brodie Oaks Redevelopment PUD with the following conditions:

**Staff Conditions:**

- 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.

**and the following Environmental Commission Conditions:**

1. Work with staff to reduce the maximum height of the buildings to reduce the canyon effects and reduce bird strikes in the Balcones Canyonlands Preserve zone
2. Utilize dark skies best practices for all outdoor lighting
3. Require all buildings to utilize bird friendly glass and building best practices
4. Require on-site energy creation including solar and combined heat and cooling systems
5. Increase EV stations prewiring preparation to 50% throughout the property including spaces at the free parking spaces at the park
6. Include pollinator gardens and plants to support Monarch butterfly and other pollinators
7. Utilize best practices to contain trash to ensure it does not spill over into Barton Creek
8. Work with staff to consider mitigation within the Barton Creek Watershed to bridge the gap between the SOS impervious cover requirements
9. Include restroom and dog waste station at the trailhead and neighborhood park
10. Include natural play area best practices in the neighborhood park
11. Environmental Commission will be kept apprised of void discovery during construction of Brodie Oaks PUD and notified timely by report and/ via email, especially as it relates to any structural or catastrophic voids encountered, including efficacy of water quality modeling and attenuation of the water quality features onsite.

**VOTE 9-1**

For: Aguirre, Barrett Bixler, Bedford, Brimer, Bristol, Qureshi, Ramberg, Schiera, and Scott

Against: Thompson

Abstain: None

Recuse: None

Absent: Nickells

Approved By:



Kevin Ramberg, Environmental Commission Chair



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

<b>COMMITTEE MEETING DATE:</b>	November 2, 2022
<b>NAME &amp; NUMBER OF PROJECT:</b>	Brodie Oaks Redevelopment PUD C814-2021-0099
<b>NAME OF APPLICANT OR ORGANIZATION:</b>	Armbrust & Brown (David Armbrust)
<b>LOCATION:</b>	4107 S Capital of Texas Highway
<b>COUNCIL DISTRICT:</b>	5
<b>ENVIRONMENTAL REVIEW STAFF:</b>	Leslie Lilly, Environmental Program Coordinator, (512)535-8914, Leslie.lilly@austintexas.gov
<b>WATERSHED:</b>	Barton Creek Watershed/Barton Springs Zone
<b>REQUEST:</b>	PUD zoning for the property
<b>STAFF RECOMMENDATION:</b>	Staff recommended with conditions
<b>STAFF CONDITION:</b>	<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 style="padding-left: 40px;">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> <p>B. Development associated with C814-2021-0099, located at 4107 S Capital of Texas Highway, shall comply with 25-8 Section A (<i>Water Quality</i>) at the time of permit application except as modified by the PUD ordinance.</p>

- 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.





## ENVIRONMENTAL COMMISSION MOTION 20221102-003

**Date:** November 2, 2022

**Subject:** Brodie Oaks Redevelopment Site Specific SOS Amendment, C814-2021-0099

**Motion by:** Jennifer Bristol

**Seconded by:** Kevin Ramberg

**WHEREAS**, the Environmental Commission recognizes the applicant is making a 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 and;

**WHEREAS**, the Environmental Commission recognizes the site is located in the Barton Creek Watershed and the Barton Springs Zone; and

**WHEREAS**, the Environmental Commission recognizes that Staff recommends this Site Specific SOS Amendment with conditions.

**THEREFORE**, the Environmental Commission recommends the Brodie Oaks Redevelopment Site Specific SOS Amendment with the following conditions:

**Staff Conditions:**

- 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
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**and the following Environmental Commission Conditions:**

- 1. Work with staff to reduce the maximum height of the buildings to reduce the canyon effects and reduce bird strikes in the Balcones Canyonlands Preserve zone
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- 5. Increase EV stations prewiring preparation to 50% throughout the property including spaces at the free parking spaces at the park
- 6. Include pollinator gardens and plants to support Monarch butterfly and other pollinators
- 7. Utilize best practices to contain trash to ensure it does not spill over into Barton Creek
- 8. Work with staff to consider mitigation within the Barton Creek Watershed to bridge the gap between the SOS impervious cover requirements
- 9. Include restroom and dog waste station at the trailhead and neighborhood park
- 10. Include natural play area best practices in the neighborhood park
- 11. Environmental Commission will be kept apprised of void discovery during construction of Brodie Oaks PUD and notified timely by report and/ via email, especially as it relates to any structural or catastrophic voids encountered, including efficacy of water quality modeling and attenuation of the water quality features onsite.

**VOTE 9-1**

For: Aguirre, Barrett Bixler, Bedford, Brimer, Bristol, Qureshi, Ramberg, Schiera, and Scott

Against: Thompson

Abstain: None

Recuse: None

Absent: Nickells

Approved By:



Kevin Ramberg, Environmental Commission Chair



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

<b>COMMITTEE MEETING DATE:</b>	November 2, 2022
<b>NAME &amp; NUMBER OF PROJECT:</b>	Brodie Oaks Redevelopment Site Specific SOS Amendment C814-2021-0099
<b>NAME OF APPLICANT OR ORGANIZATION:</b>	Armbrust & Brown (David Armbrust)
<b>LOCATION:</b>	4107 S Capital of Texas Highway
<b>COUNCIL DISTRICT:</b>	5
<b>ENVIRONMENTAL REVIEW STAFF:</b>	Leslie Lilly, Environmental Program Coordinator, (512)535-8914, <a href="mailto:Leslie.lilly@austintexas.gov">Leslie.lilly@austintexas.gov</a>
<b>WATERSHED:</b>	Barton Creek Watershed/Barton Springs Zone
<b>REQUEST:</b>	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.
<b>STAFF RECOMMENDATION:</b>	Staff recommended with conditions
<b>STAFF CONDITION:</b>	<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
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  - e. Provide 100% GSI for water quality controls.
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  - 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.



# **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



0 3 6 Miles



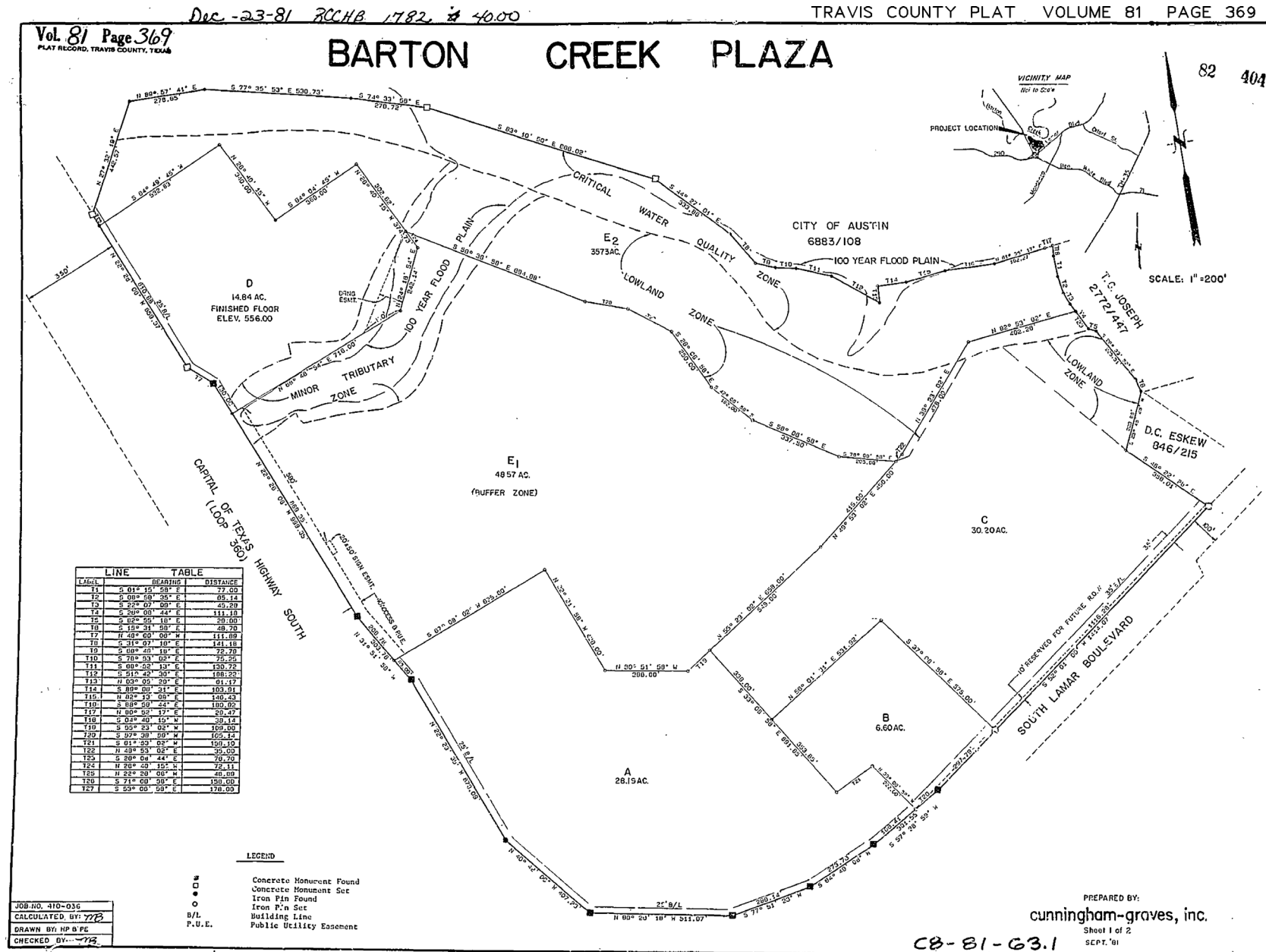
# Site Background



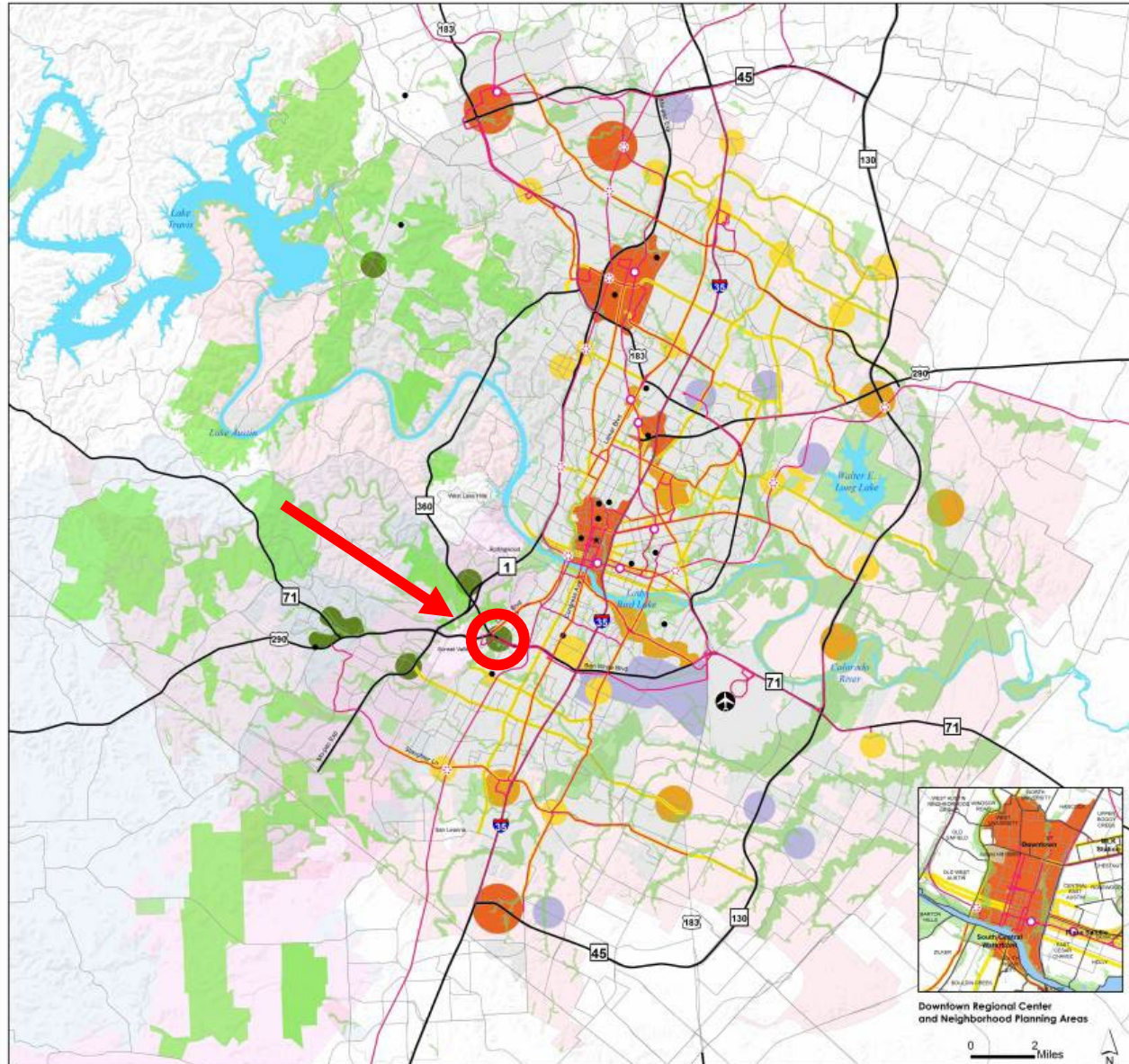
- Proposed new PUD
- Part of original 128-acre Barton Creek Plaza Development
- Current site - 37.6 acres
- Full Purpose Jurisdiction
- Activity Center for Redevelopment in Sensitive Environmental Areas in Imagine Austin Vision Plan
- Council District 5











## 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

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.

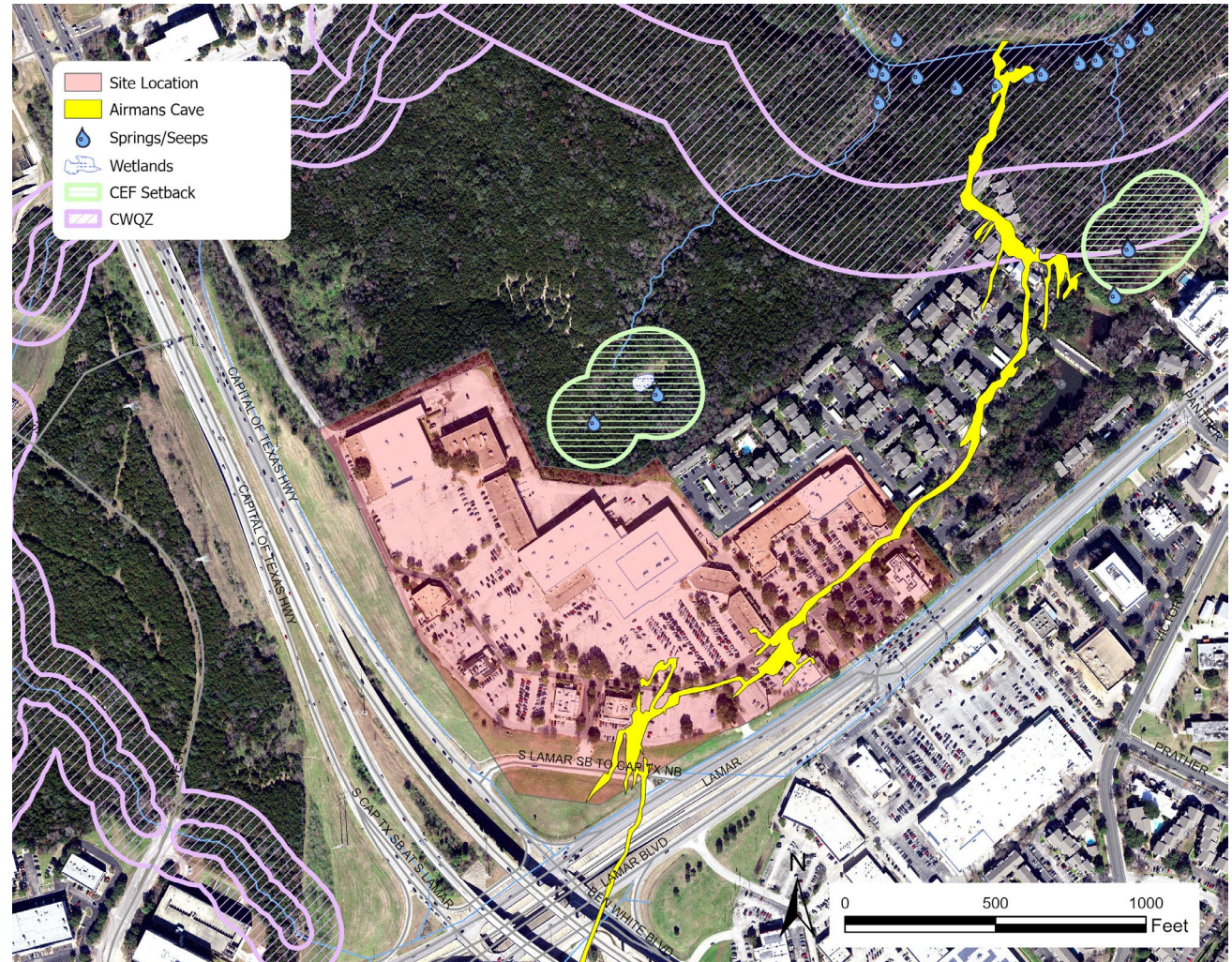
Adopted June 15, 2012



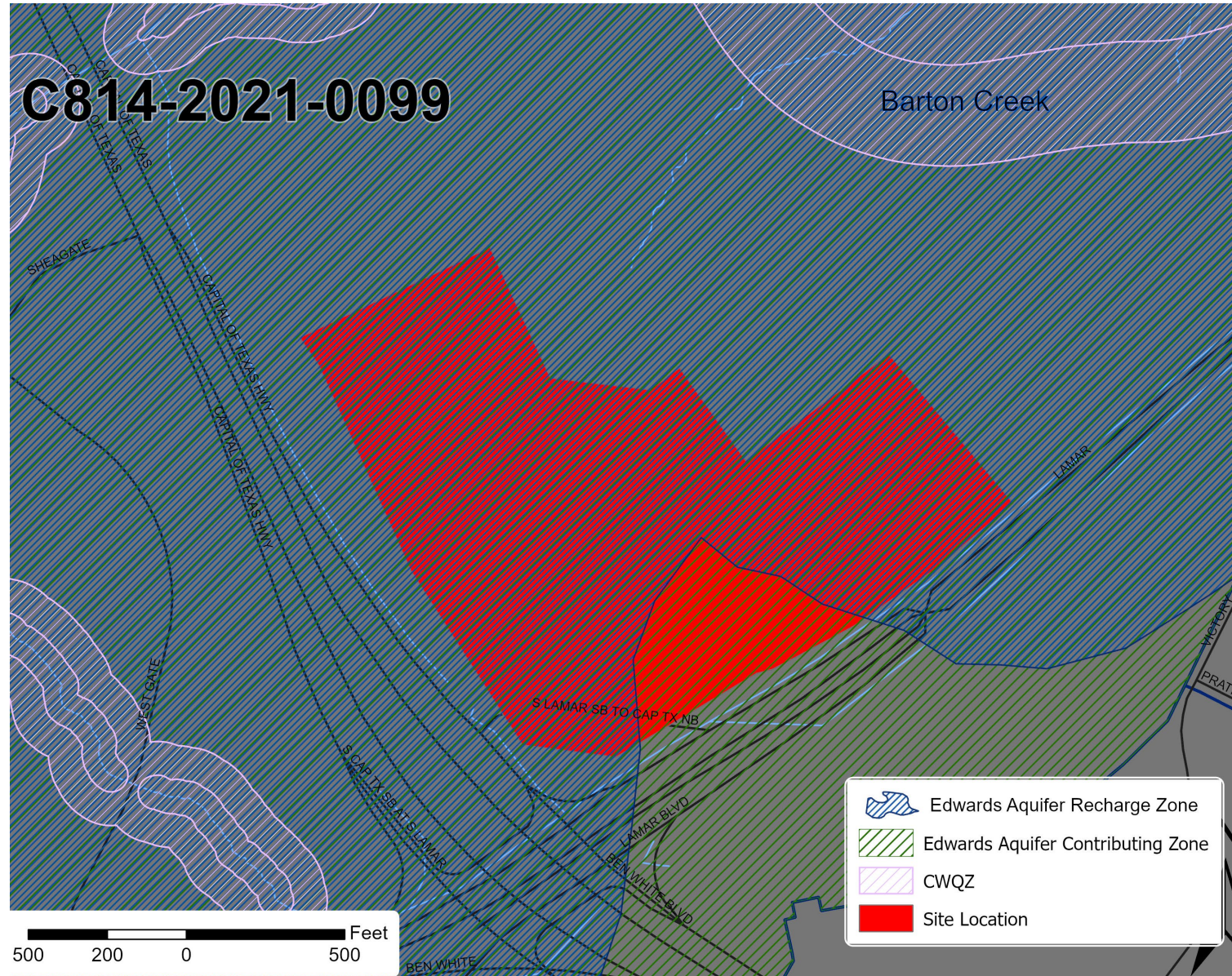


# Environmental Features

- 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

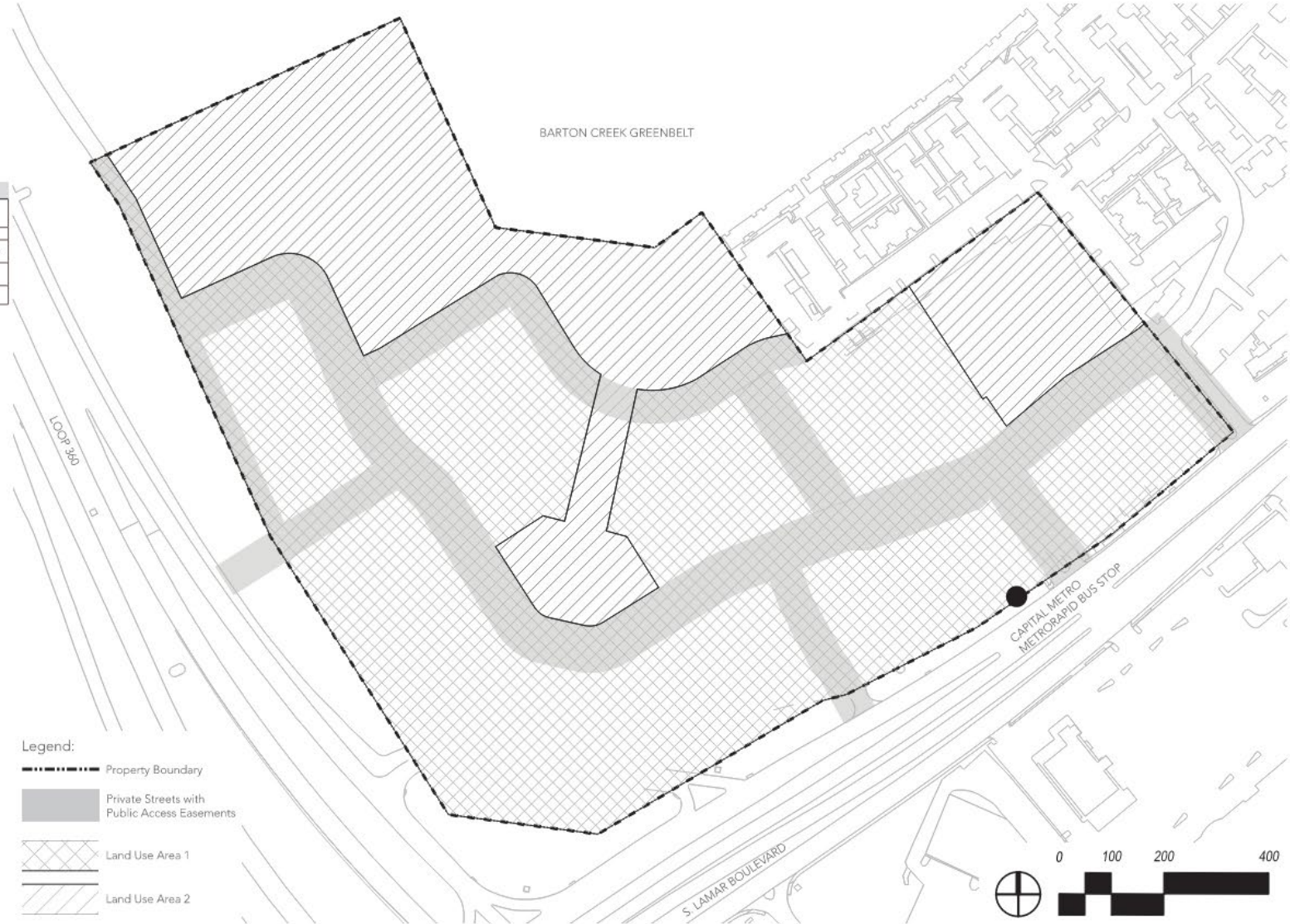


SITE METRICS	
Total Site Area	37.6 Acres / 1,637,856 Sq. Ft.
Proposed Impervious Cover	56% NSA; 54% GSA
Minimum Lot Size	5,750 Sq. Ft.
Minimum Lot Width	50 feet
Minimum Setbacks	
Front	0 feet
Street Side Yard	0 feet
Interior Side Yard	0 feet
Rear Yard	0 feet

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	1,700
Land Use Area 2	11.7	5%	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.

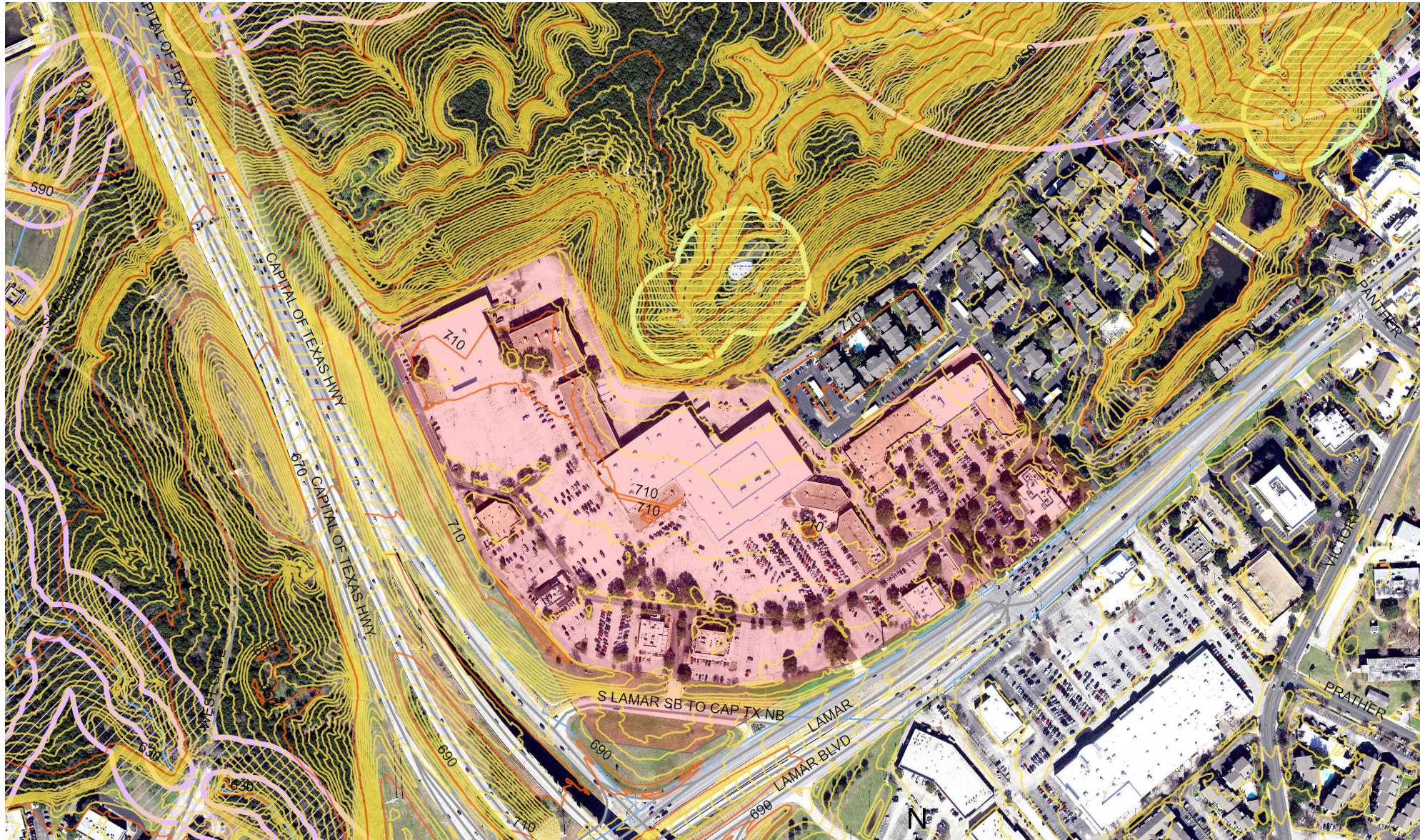




# Proposed Environmental Code Modifications

- **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



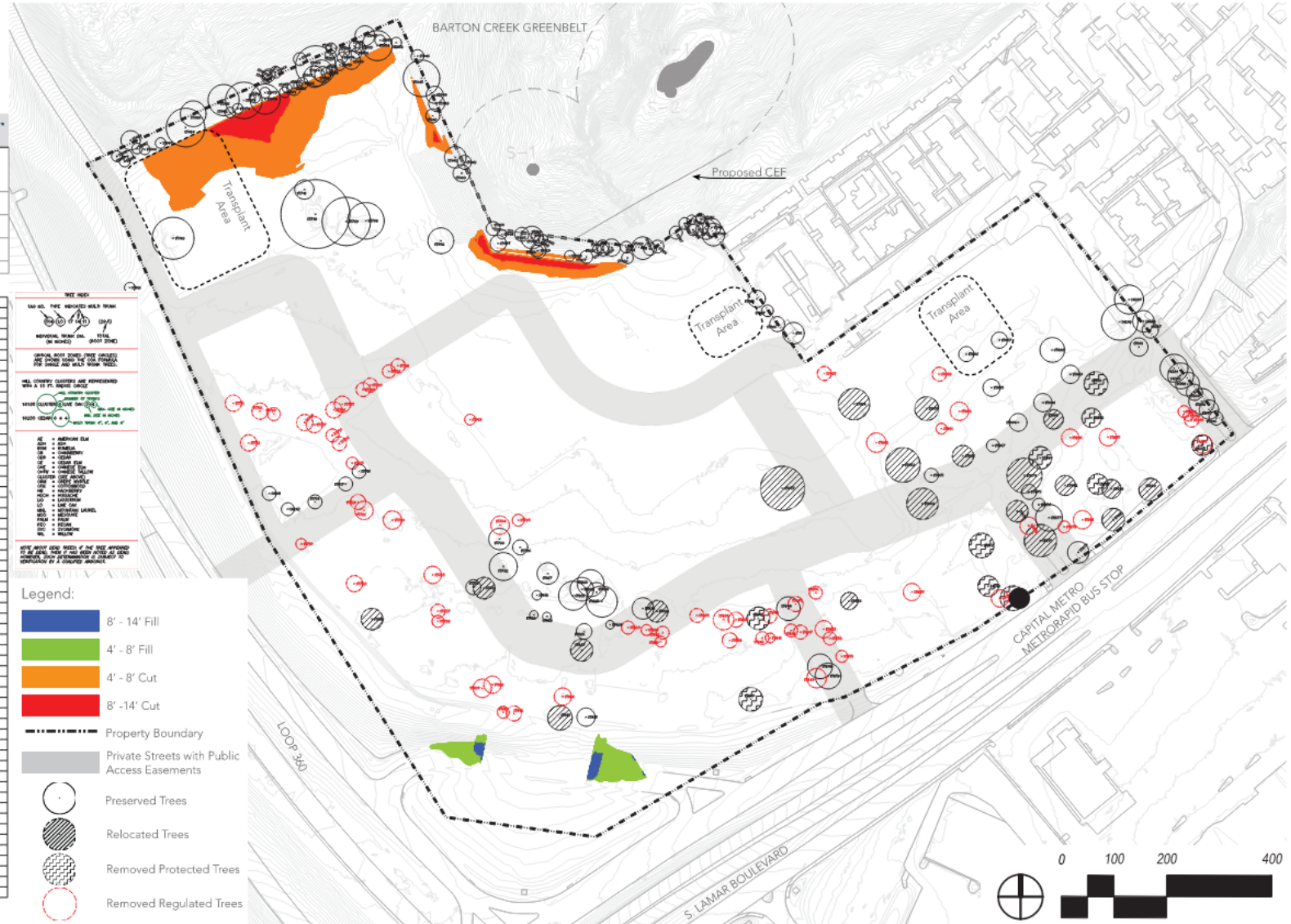
## Notes

- 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"- 23'11")	43	23	10	9	42	79%
Regulated (8"- 18'11")	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
1500	LO	20	15820	LO	7.5	15882	LO	15	15945	LO	31.5
15023	LO	20.5	15821	LO	20	15883	LO	19.8	15946	CDR	7
15034	LO	25	15822	LO	20	15884	LO	15.5	15947	CB	18.5
15035	LO	19	15823	LO	23	15885	LO	17	15948	MSQ	10
15036	LO	18	15824	LO	18	15886	LO	13.5	15949	AE	7
15037	LO	15	15825	LO	26.3	15887	LO	15.8	15950	HB	10
15038	LO	20	15826	LO	16.5	15888	LO	22.1	15951	HB	15
15039	LO	23.7	15827	LO	20.5	15889	LO	17	15952	CE	12
15040	LO	24.2	15828	LO	9	15890	LO	21.5	15953	CE	7.5
15041	LO	11	15829	LO	15	15891	LO	15.5	15954	CE	28
15042	8' Pear	2	15830	LO	1.4	15892	LO	19	15955	CE	10
15043	LO	17	15831	LO	11	15893	LO	17.5	15956	CE	9
15044	LO	17	15832	LO	13	15894	LO	17.9	15957	CE	10.5
15045	LO	13	15833	LO	20	15895	LO	16	15958	CE	12
15046	LO	12	15834	LO	20.6	15896	LO	16	15959	CE	13.5
15047	LO	13	15835	LO	12.7	15897	LO	19	15960	CE	18
15048	LO	13	15836	LO	18.5	15898	LO	16	15961	CE	12
15049	LO	15	15837	LO	12.7	15899	LO	21	15962	CDR	10
15050	LO	15	15838	LO	13.6	15900	LO	39.4	15963	CE	37.5
15051	LO	15	15839	LO	23.1	15901	MSQ	10	15964	CE	20
15052	LO	15	15840	LO	11.9	15902	MNL	0.5	15965	CE	20
15053	LO	13	15841	LO	9.8	15903	LO	27.8	15966	AE	11
15054	LO	15	15842	LO	21	15904	LO	13.5	15967	AE	8
15055	LO	16	15843	LO	12.8	15905	CE	14.5	15968	AE	13
15056	LO	16	15844	LO	22.8	15906	CE	10.8	15969	AE	11
15057	LO	11	15845	LO	13.8	15907	CE	15.9	15970	AE	9
15058	LO	13	15846	LO	12.4	15908	PIC	12	15971	CE	12
15059	LO	11	15847	LO	13	15909	CDR	12.8	15972	CE	7
15060	LO	12	15848	LO	23.7	15910	CDR	19	15973	CDR	9
15061	LO	13	15849	LO	17.8	15911	CE	9	15974	CE	9
15062	LO	13	15850	LO	23.9	15912	CE	9	15975	CE	5
15063	LO	10.5	15851	LO	11.7	15913	CDR	19	15976	CE	5
15064	LO	15	15852	LO	11.7	15914	MSQ	11	15977	CE	18
15065	LO	15	15853	LO	16	15915	CE	9	15978	CE	18
15066	LO	15	15854	LO	16	15916	HB	12.4	15979	CE	14
15067	LO	15	15855	LO	16	15917	HB	12	15980	CE	14
15068	LO	15	15856	LO	18	15918	CE	12.5	15981	CE	12
15069	LO	15	15857	LO	13	15919	CE	12.5	15982	CE	12
15070	LO	15	15858	LO	13	15920	CE	16	15983	LO	24
15071	LO	15	15859	LO	22	15921	CDR	11	15984	LO	36
15072	LO	15	15860	LO	17	15922	HB	11	15985	CE	5
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15074	LO	25.4	15862	LO	10	15924	CDR	12	15987	CE	7
15075	LO	20.1	15863	LO	8	15925	CE	12	15988	CE	18
15076	LO	15.4	15864	LO	27.2	15926	CDR	8	15989	CE	12
15077	LO	11.7	15865	LO	25.3	15927	CE	12	15990	CE	12
15078	LO	16	15866	LO	13	15928	CE	10	15991	CE	10.5
15079	LO	39.8	15867	LO	19.5	15929	CE	10	15992	CE	24
15080	LO	15.6	15868	LO	19.5	15930	AE	11	15993	LO	12.5
15081	LO	21	15869	LO	22.3	15931	CE	7	15994	LO	10.5
15082	LO	18.7	15870	LO	23	15932	CDR	9	15995	LO	14
15083	LO	20.5	15871	LO	25.7	15933	CDR	9	15996	LO	13.5
15084	LO	18.7	15872	LO	16	15934	CDR	21	15997	LO	14
15085	LO	13	15873	LO	16	15935	CE	13	15998	LO	13.5
15086	LO	13	15874	LO	16	15936	CE	13	15999	LO	13.5
15087	LO	14	15875	LO	27.3	15937	CE	15	16000	LO	22
15088	LO	13.5	15876	LO	14	15938	CE	13			
15089	LO	22.7	15877	LO	11.4	15939	CE	13			
15090	LO	17	15878	LO	23	15940	CE	13			
15091	LO	10.7	15879	LO	10.7	15941	CE	13			
15092	LO	20.8	15880	LO	20	15942	CE	13			
15093	LO	8.7	15881	LO	21	15943	CE	15			
15094	LO	8.5	15882	LO	17	15944	CE	15.5			

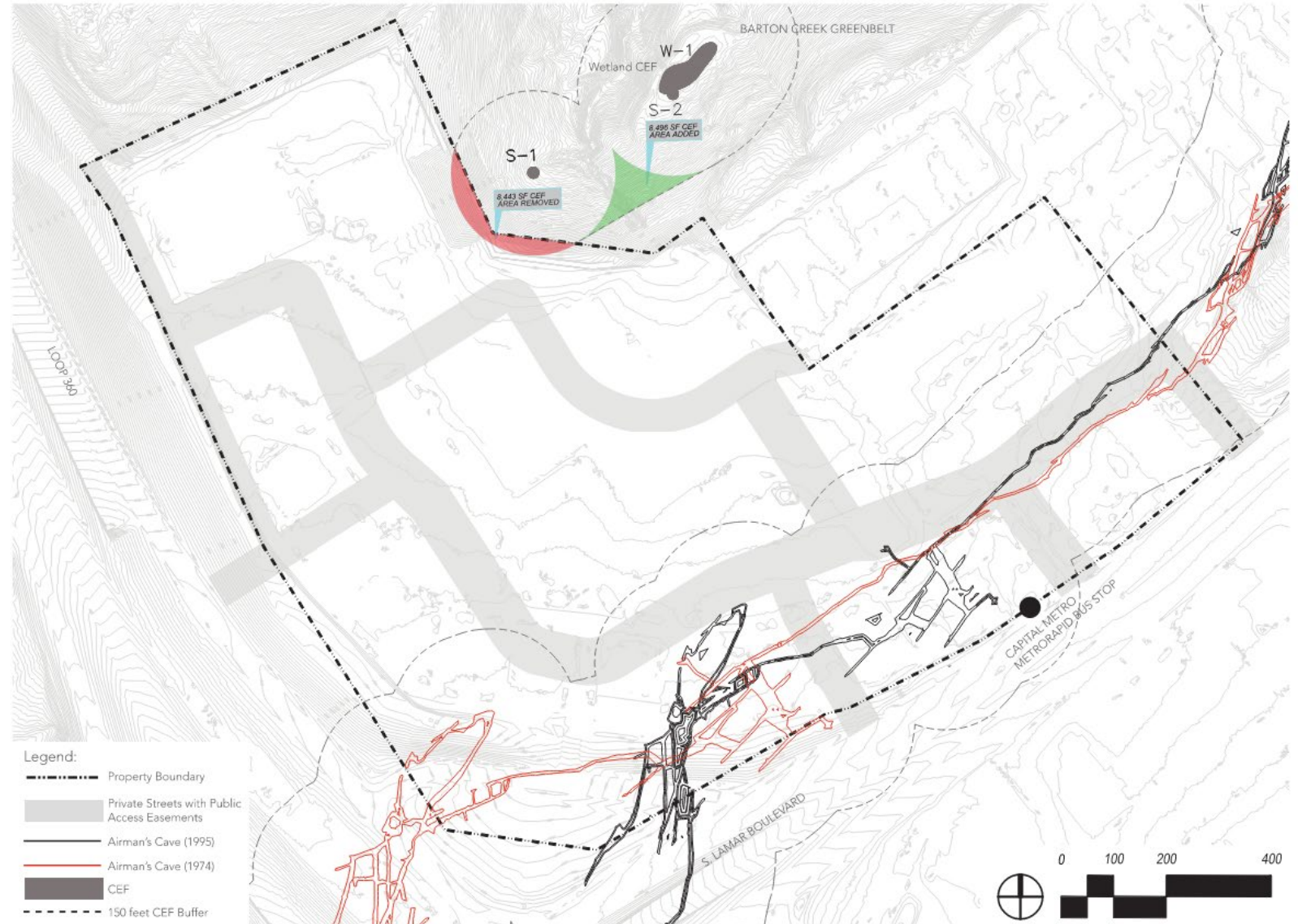




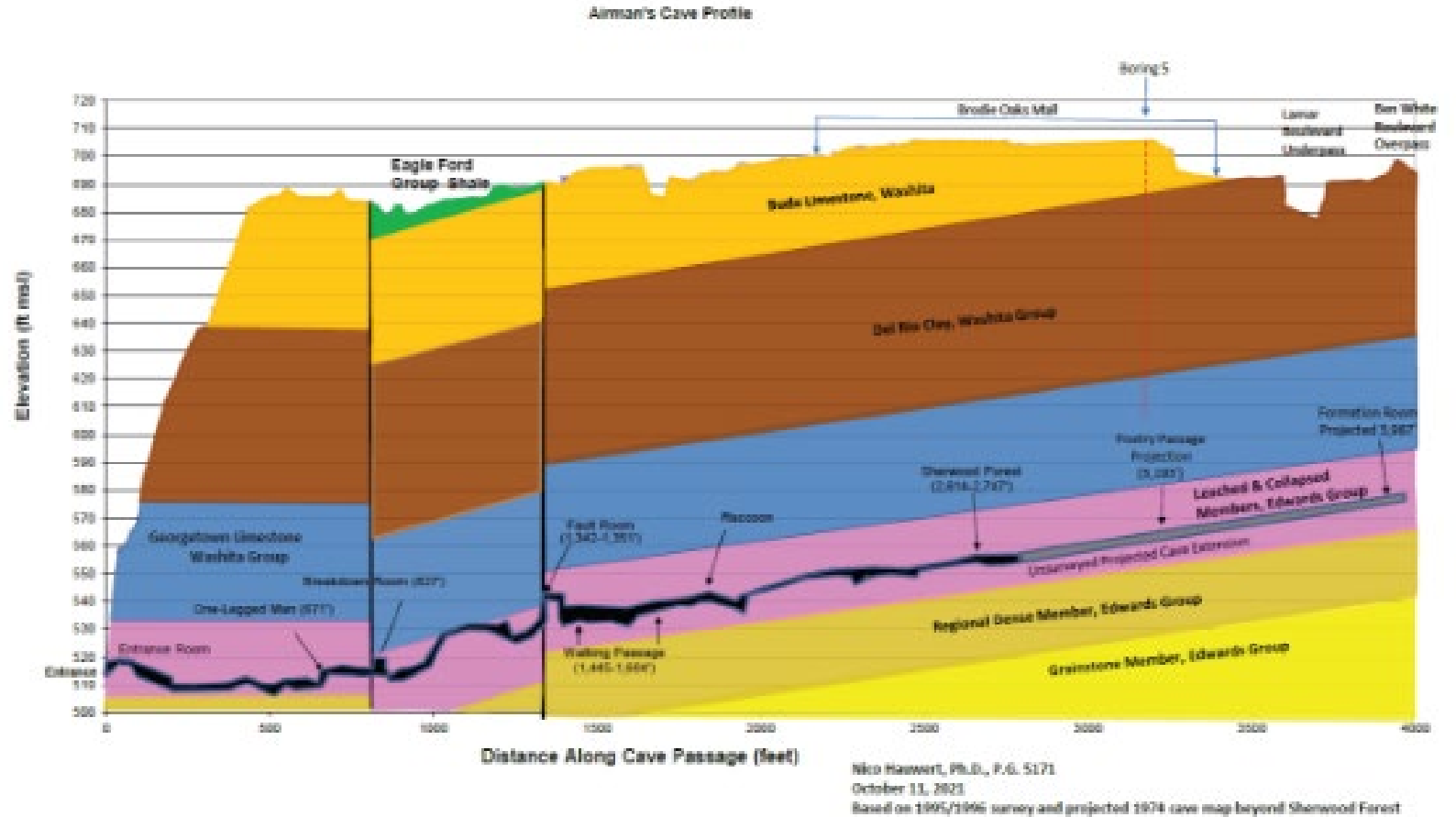
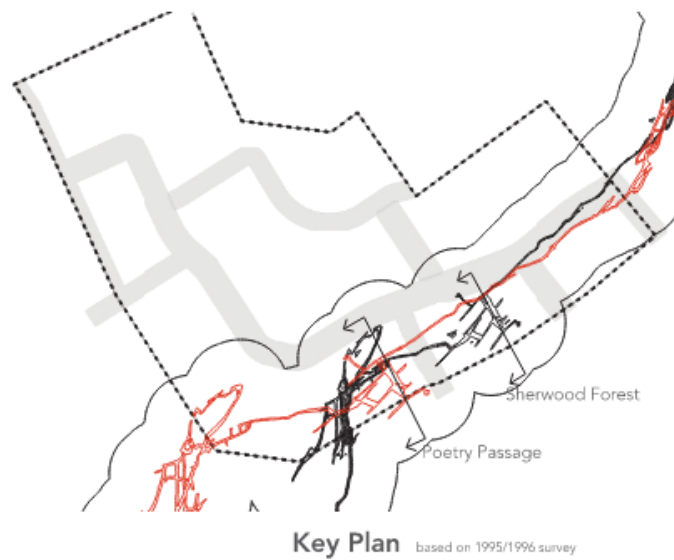
# Exhibit F: Environment



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







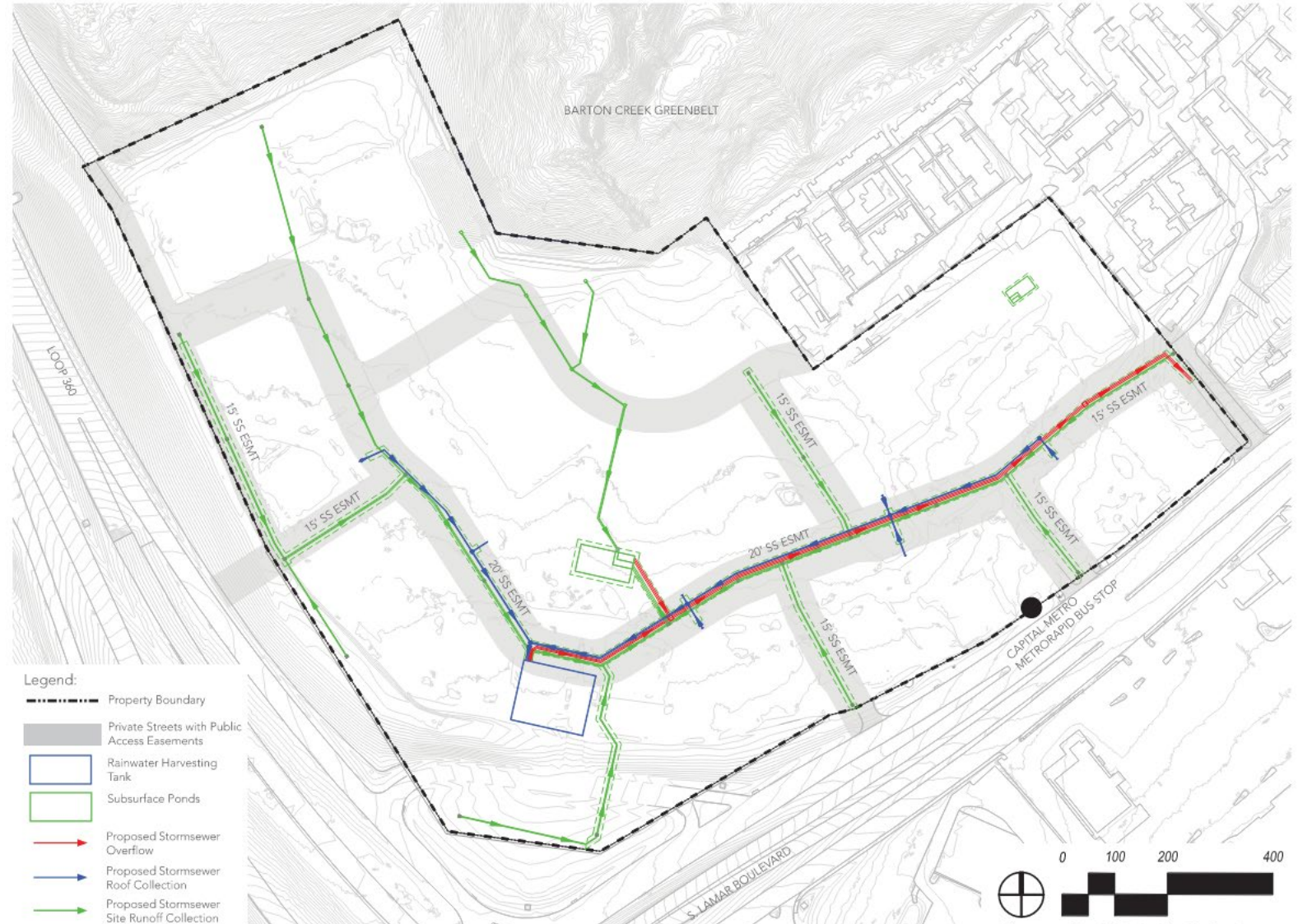
Lateral Section of the Airman's cave



# 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 Overlook 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
<b>Total</b>	<b>11.6</b>	<b>11.6</b>	<b>2.0</b>	<b>11.6</b>	<b>9.9</b>
of Site (37.6 acres)	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 Overlook Park	8.1	1.0	5.5	1.4	2	0	7.1
Central Green	1.3	.7	.6	0	0	0	.6
Neighborhood Park	2.2	1.8	.4	0	0	0	.5
Percent Credited		100%	50%	50%	50%	50%	
<b>Total</b>	<b>11.6</b>	<b>3.5</b>	<b>3.3*</b>	<b>.7</b>	<b>.1</b>	<b>0</b>	<b>8.1</b>

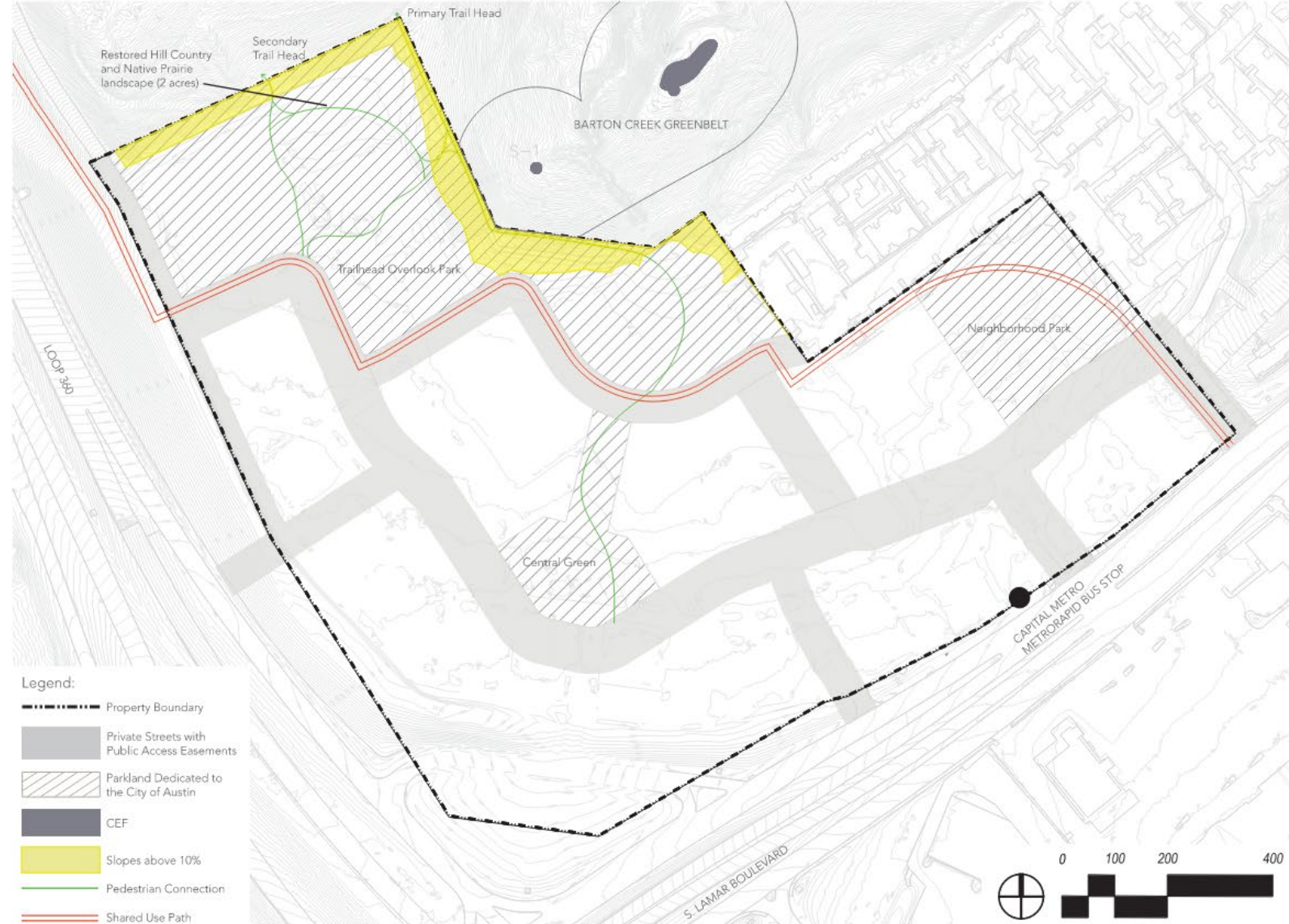
The size and location of easements associated with the SOS water quality system including sub-surface ponds and reirrigation areas will be determined at the time of dedication and after execution of the parkland maintenance agreement. Easement areas represented in the Arkland credit calculation table 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 deduction must generally comply with the Standards for Dedicated Arkland and the Parkland Dedication Operating Procedures, as amended at no 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



(c) 2011 J. Hayley Gillespie



2013 Tom Devitt



Dr. Donelle Robinson, Environmental Scientist

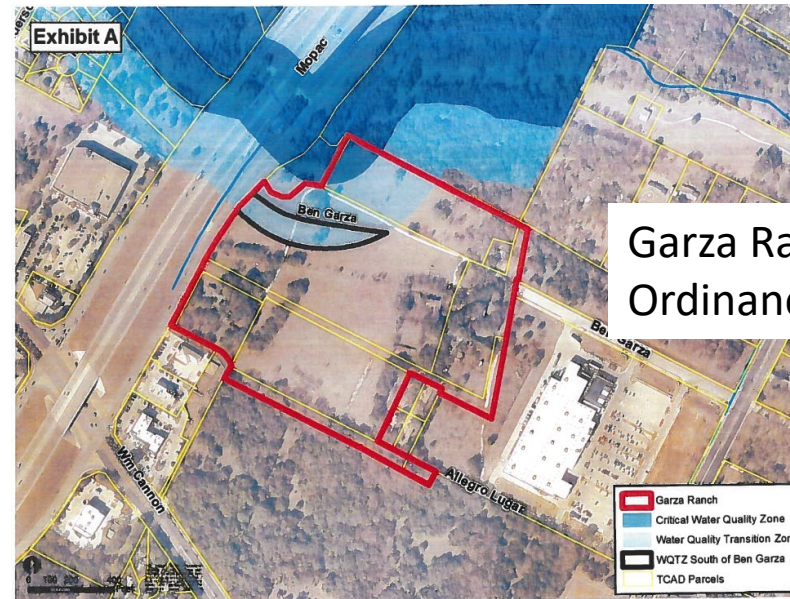


## 10111 Dobbin Drive

### RESOLUTION NO. 20190207-030

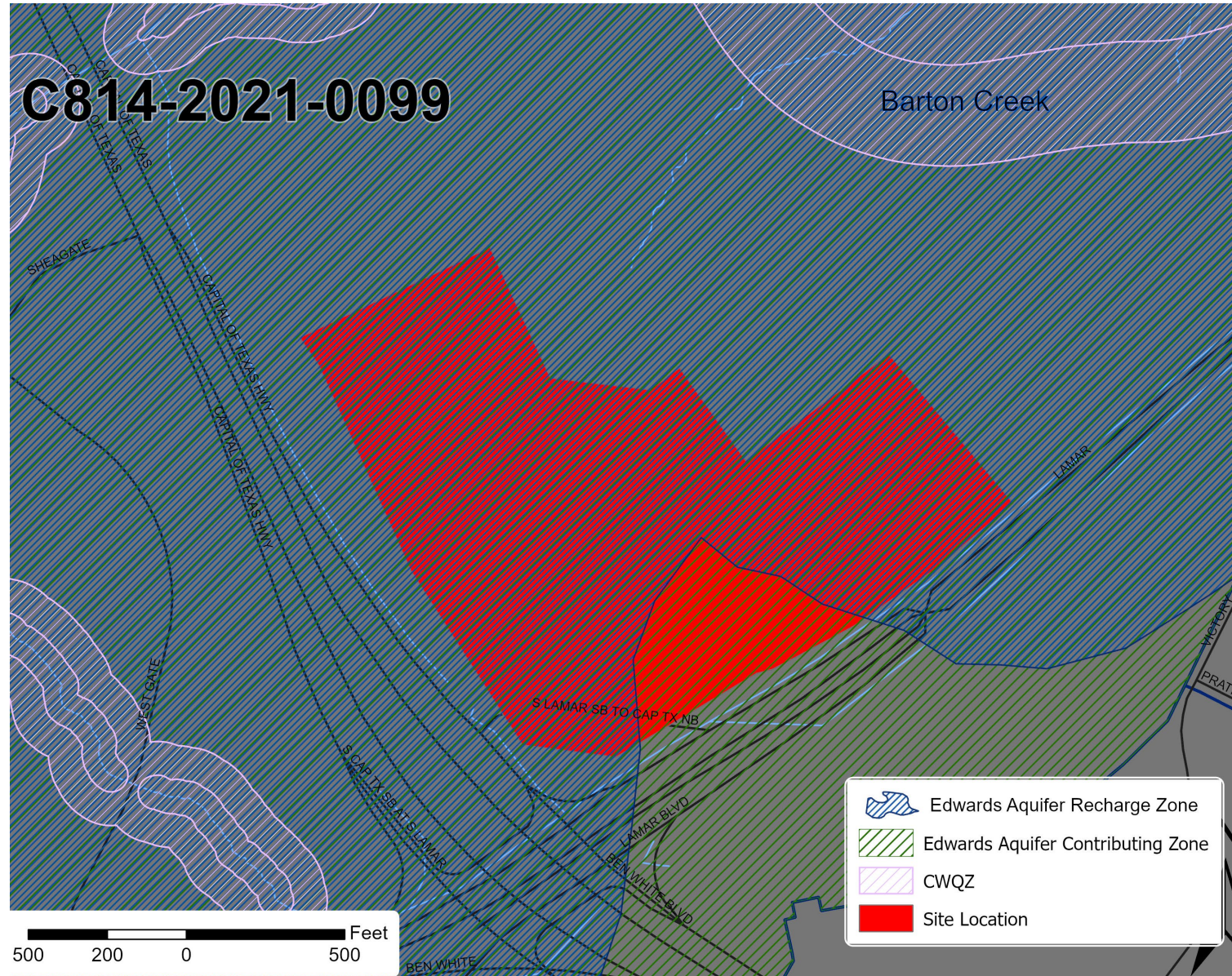
**WHEREAS**, the Save Our Springs Initiative regulations (Land Development Code Chapter 25-8, Subchapter A, Article 13 “SOS”) are vital to protecting the Hill Country’s rich network of aquifers and to Austin’s long-term water management plan; and

**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

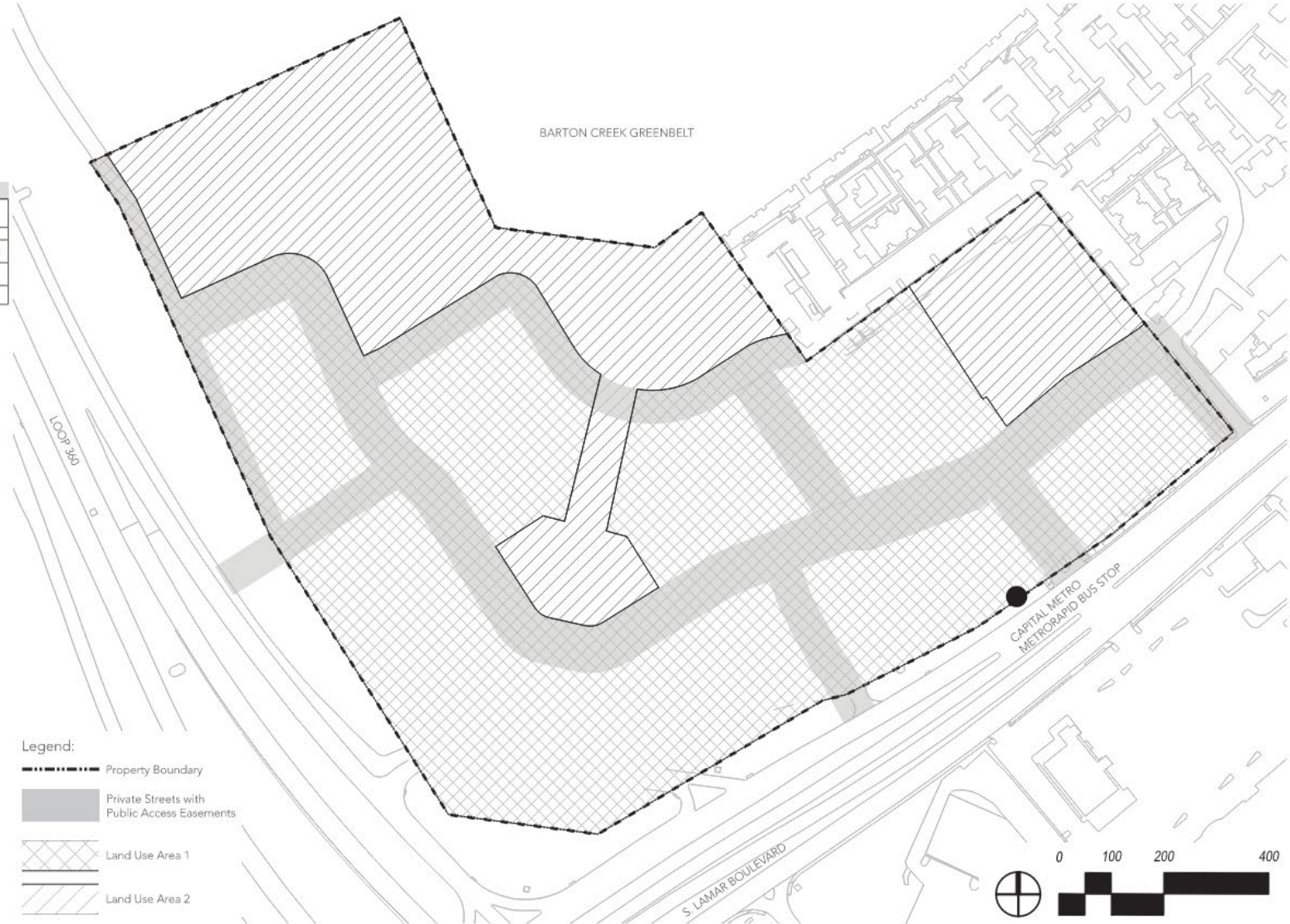


SITE METRICS	
Total Site Area	37.6 Acres / 1,637,856 Sq. Ft.
Proposed Impervious Cover	56% NSA; 54% GSA
Minimum Lot Size	5,750 Sq. Ft.
Minimum Lot Width	50 feet
Minimum Setbacks	
Front	0 feet
Street Side Yard	0 feet
Interior Side Yard	0 feet
Rear Yard	0 feet

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	200	200,000	1,700
Land Use Area 2	11.7	5%	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.



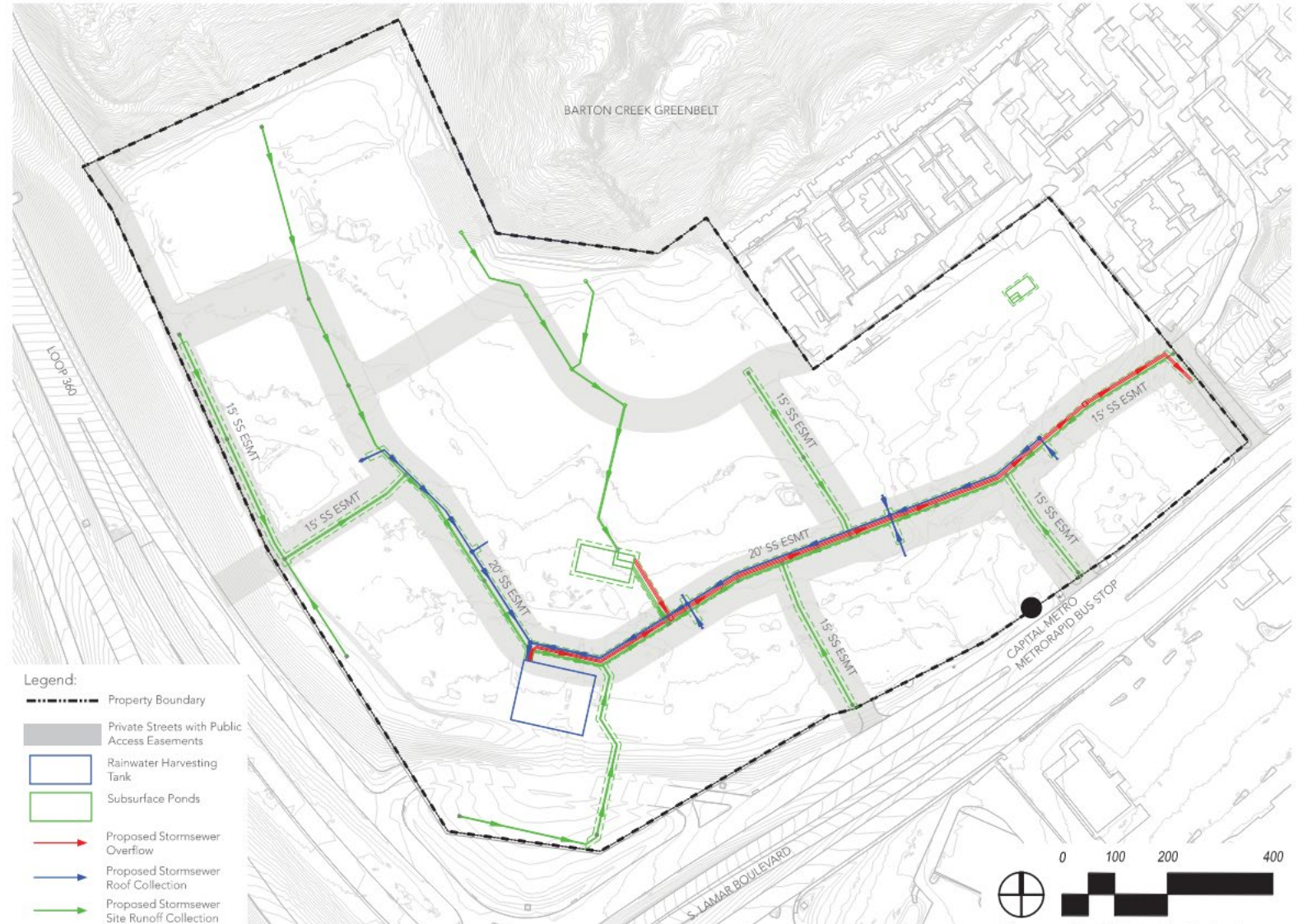




# Exhibit F: Water Quality



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](mailto: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)

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

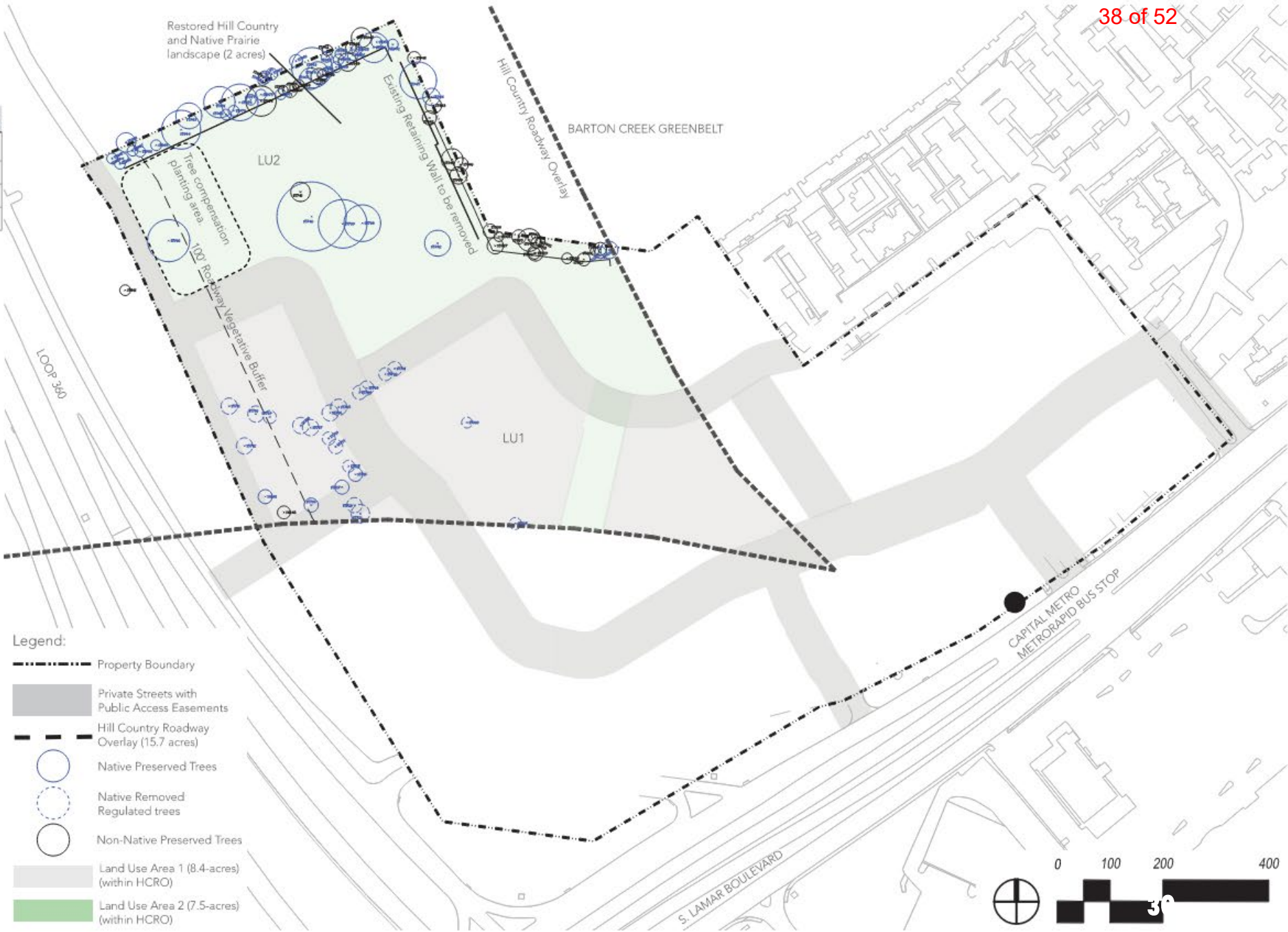
HILL COUNTRY CLUSTERS ARE REPRESENTED WITH A 10 FT. RADIIUS CIRCLE

16198 CLUSTER (5 LINE OAK) MIN. SIZE 18 INCHES

16200 CEDAR (6 4 4) MIN. SIZE 18 INCHES

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.

AE = AMERICAN ELM  
ASH = ASH  
BAM = BAMBU  
CB = CHERRYBERRY  
CED = CEDAR  
CE = CEDAR ELM (NATIVE)  
CHE = CHINESE ELM  
CHT = CHINESE TALLOW  
CLU = CLUSTER (SEE ABOVE)  
CRM = CREEP MYRTLE  
CTR = COTTONEWOOD  
HB = HICKBERRY  
HCH = HORSERADISH  
LAP = LARGESTRUM  
LO = LIVE OAK (NATIVE)  
ML = MOUNTAIN LAUREL (SMALL NATIVE)  
MO = MESQUITE  
PAL = PALM  
PEC = PECAN (NATIVE)  
SYC = SYCAMORE  
WIL = WILLOW





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.]

Page 106, Activity Centers for Redevelopment in Sensitive Environmental Areas

"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.

**From:**  
**To:** [Rivera, Andrew](#); [Rhoades, Wendy](#)  
**Cc:**  
**Subject:** Brodie Oaks PUD postponement request at Planning Commission C814-2021-0099  
**Date:** Monday, November 7, 2022 10:40:11 AM

---

\*\*\* External Email - Exercise Caution \*\*\*

Hello, Ms. Rhodes and Mr. Rivera,

The Zilker Neighborhood Association requests that the Planning Commission rezoning hearing for the Brodie Oaks PUD, case C814-2021-0099 (items 2, 3, and 4 on the Nov 8 agenda), be postponed to November 15. We'd like to review materials presented at and after the Environmental Commission hearing, including but not limited to the affordable housing agreement and bonus calculations, the terms of the site-specific amendments to the SOS ordinance and the proposed restrictive covenant amendments, the parking calculations, the traffic and transit recommendations, the school impact analysis, the tree plans, the limits on excavations, the electric demand, the water and sewer demand, the fire and EMS demand, and conflicts with Imagine Austin and other planning guidelines. Thank you for your time.

Best regards,

David Piper, ZNA Secretary

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

**From:** [Rhoades, Wendy](#)  
**To:** [Rivera, Andrew](#)  
**Subject:** RE: November 8, 2022 Planning Commission Agenda  
**Date:** Tuesday, November 8, 2022 2:01:00 PM  
**Attachments:** [image001.png](#)

---

Andrew,  
 Please see my responses below.

Wendy

---

**From:** Rivera, Andrew <Andrew.Rivera@austintexas.gov>  
**Sent:** Friday, November 4, 2022 2:11 PM  
**To:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Subject:** FW: November 8, 2022 Planning Commission Agenda

Wendy,

Please see questions below from Commissioner Schneider.

Thank you,  
 Andrew

---

**From:** Schneider, Robert - BC <[BC-Robert.Schneider@austintexas.gov](mailto:BC-Robert.Schneider@austintexas.gov)>  
**Sent:** Friday, November 4, 2022 1:16 PM  
**To:** Rivera, Andrew <[Andrew.Rivera@austintexas.gov](mailto:Andrew.Rivera@austintexas.gov)>  
**Subject:** Re: November 8, 2022 Planning Commission Agenda

Hi Andrew --

I have some questions for staff regarding the Brodie Oaks PUD.

I am unable to attend Tuesday's meeting but would appreciate their response for my own as well as other PC members better understanding of the case.

Thanks!  
 Rob

Questions on Items 02, 03, and 04, Brodie Oaks PUD

As I understand it, this is the first case for a development in an activity center in an environmentally sensitive area. The SOS ordinance would require strict limits on impervious cover if this were a new development (as opposed to a redevelopment). While the applicant is reducing the impervious cover on this site compared to the site's existing coverage, it is expected to be at a significantly higher level than the standard for new development under SOS.

Redevelopment under SOS envisions the ability of an applicant to offset impervious coverage that exceeds current SOS limits by acquiring land or conservation easements so the impervious coverage of the two tracts taken together meets or exceeds the 15% SOS ordinance standard. Is the applicant doing that? If not, does staff believe the proposal demonstrates superiority, and if not, could staff articulate its rationale for that analysis? **RESPONSE: The Brodie Oaks PUD**

**project is not eligible for the conditions of the BSZ Redevelopment Exception due to proposed impacts of Critical Environmental Features on the site; therefore, staff did not require the project to comply with the conditions described in 25-8-26, including the purchasing of mitigation land. However, staff would support any recommendation from Planning Commission or Council to adopt this requirement. Instead of the Redevelopment Exception, the applicant was directed by staff to follow the process for a site-specific SOS**



amendment to address proposed impervious cover limits. This process requires a higher level of approval at City Council (super majority) and a higher level of water quality protection (full compliance with SOS water quality non-degradation requirements) compared to the BSZ Redevelopment Exception. Staff finds the Brodie Oaks PUD project to be environmentally superior with the included site-specific SOS amendment for impervious cover.

I understand that the applicant is proposing to provide support for affordable housing by donating a portion of the site's land to Foundation Communities for affordable housing. The idea is this is the offset for the bonus heights the applicant is requesting for the office buildings on the site.

- In a recent case further north on Lamar, the "Taco Cabana" PUD, did the applicants offer both land and funding for an affordable housing project in order to support its claim of superiority? What were the details of the Taco Cabana PUD's affordable housing contribution? **RESPONSE:** Council approved an amendment to the 0.933 acre Taco Cabana PUD on October 17, 2019 that revised its affordable housing program to include two different community benefit contributions for a total of \$3,700,000 as follows: 1) a \$1,200,000 cash donation for affordable housing to the Housing and Planning Department, and 2) a \$2,500,000 cash donation to a Non-Profit for acquisition of the site at 1508 South Lamar Boulevard. The complete affordable housing program in the amended Taco Cabana PUD ordinance is provided in Part 8 (please refer to pages 5-6) below:

[document.cfm \(austintexas.gov\)](#)

Is staff able to provide an analysis of the value of the affordable housing contribution on this site, and to what extent it demonstrates superiority? **RESPONSE:** The affordable housing requirement for office buildings is typically a fee-in-lieu. The fee-in-lieu is equivalent to \$7 per SF of bonus area. While the amount of bonus area is not able to be determined until building permits, the Applicant has provided an estimate of approximately \$8.6 million dollars. The Applicant's commitment as part of this PUD is to provide for a new Foundation Communities affordable housing project with a minimum of 100 family-sized units affordable to residents earning between 30% – 60% of median income. The commitment also includes a restrictive covenant that will ensure the property remains affordable at these levels in perpetuity. This commitment is superior to the PUD requirements by:

- Requiring that units are constructed on-site in this High-Opportunity area instead of paying the Fee-in-lieu. The value of a new affordable housing complex is much higher than the potential fee-in-lieu commitment.
- Filing a restrictive covenant that ensures an affordability period in perpetuity instead of the PUD required 40-year period.
- Collaborating with Foundation Communities, an organization with a long track-record of delivering successful projects that support residents on many levels beyond affordability.

For the residential units the applicant is planning, I understand applicant intends to develop on-site affordable units at the 10 percent standard in typical bonus programs for the city. Does staff believe that commitment demonstrates superiority to meet the PUD approval requirement? **RESPONSE:** The commitment to affordability on this site does meet superiority as a full package. The Applicant reports that the project is also committing to source-of-income protections and affirmative marketing provisions.

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**From:** Rivera, Andrew <[Andrew.Rivera@austintexas.gov](mailto:Andrew.Rivera@austintexas.gov)>

**Sent:** Friday, November 4, 2022 11:01 AM

**To:** Shaw, Todd - BC <[BC-Todd.Shaw@austintexas.gov](mailto:BC-Todd.Shaw@austintexas.gov)>; Hempel, Claire - BC <[BC-Claire.Hempel@austintexas.gov](mailto:BC-Claire.Hempel@austintexas.gov)>

**Subject:** November 8, 2022 Planning Commission Agenda

Dear Chair Shaw, Vice-Chair Hempel and Members of the Planning Commission:

Below please find the link to the November 8, 2022 agenda and backup (prelim. proposed consent agenda attached).

If you have not done so, please let me know if you will be absent Tuesday evening.

Please fill out the form, link below, to inform me of your availability to attend Tuesday evening. An absence without informing me of a reason prior to the date of the scheduled meeting will result in an unexcused absence (City Code, § 2-1-26).

## Planning Commission Question and Answer

2, 3, and 4:

### Commission Shaw / Staff Response:

As I understand it, this is the first case for a development in an activity center in an environmentally sensitive area. The SOS ordinance would require strict limits on impervious cover if this were a new development (as opposed to a redevelopment). While the applicant is reducing the impervious cover on this site compared to the site's existing coverage, it is expected to be at a significantly higher level than the standard for new development under SOS.

Redevelopment under SOS envisions the ability of an applicant to offset impervious coverage that exceeds current SOS limits by acquiring land or conservation easements so the impervious coverage of the two tracts taken together meets or exceeds the 15% SOS ordinance standard. Is the applicant doing that? If not, does staff believe the proposal demonstrates superiority, and if not, could staff articulate its rationale for that analysis? **RESPONSE:** The Brodie Oaks PUD project is not eligible for the conditions of the BSZ Redevelopment Exception due to proposed impacts of Critical Environmental Features on the site; therefore, staff did not require the project to comply with the conditions described in 25-8-26, including the purchasing of mitigation land. However, staff would support any recommendation from Planning Commission or Council to adopt this requirement. Instead of the Redevelopment Exception, the applicant was directed by staff to follow the process for a site-specific SOS amendment to address proposed impervious cover limits. This process requires a higher level of approval at City Council (super majority) and a higher level of water quality protection (full compliance with SOS water quality non-degradation requirements) compared to the BSZ Redevelopment Exception. Staff finds the Brodie Oaks PUD project to be environmentally superior with the included site-specific SOS amendment for impervious cover.

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**Commissioner Mushtaler/ Staff Response:**

1. I would like to know which department oversees water quality runoff for a development site both during and after construction? I would like to know the city process for this.

Development Services Department (DSD) water quality reviewers and Watershed Protection Department (WPD) engineering staff will review the construction plans before construction begins. DSD Environmental Inspectors will inspect the project during construction and provide a final inspection once construction is complete. The developer is also required to obtain an



annual Barton Springs Zone operating permit, requiring them to submit an annual maintenance plan and maintain their water quality infrastructure to the standards required by current code and applicable ordinances. WPD staff will inspect the water quality facilities for compliance.

I would like legal to comment on status of MOU between BCP and developer?

Will be sent via separate communications.

I would like to know more from watershed on how this area feeds into drinking supply? aquifers? potable water?

Water runoff from the Brodie Oaks site does not impact the drinking supply for Austin since the water source for our drinking supply comes from the Colorado River upstream of the site and treated at a water treatment plant. Regarding the Edward's Aquifer and based on the analysis of Austin Water and Watershed Protection staff, there is little to no point-source infiltrations on the Brodie Oaks site to the Edwards Aquifer due to an existing layer of Del Rio Clay. However, the runoff from the site has the potential of entering the Edward's Aquifer at a point recharge feature in the Barton Creek Greenbelt. The proposed project is required to comply with the Save Our Springs non-degradation water quality requirements, which would prevent the project from increasing sediment and pollutant loads from the pre-developed condition for any water flowing offsite. The project also proposes to reduce potable water demands by harvesting rainwater off all buildings within the project and using it for beneficial reuse.

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#### Commissioner Thompson / Staff Response:

- **For the Secondary metric, is it the Percent of SF units that are affordable? I wasn't aware Census included this data. If it is simply the number of SF homes, how does that indicate that we are preserving affordable housing? If we bulldoze 3 affordable homes and replace with 40 units, 10% of which are affordable how does the metric change?**
  - At this time, the secondary metric is simply the percent of SF units out of the total universe of housing units within the station (and not tied to explicitly affordable SF units). ETOD Goal 3 aims to both preserve and increase both affordable housing and "attainable" (non-luxury) market-rate housing. These Complete Community Indicators (that this metric is part of) are intended to help staff find a starting point of future detailed station area planning that will follow approval of the Policy Plan. This metric allows us at a glance to see whether most of the residents living in a station area live in SF homes or not. For instance, if a station today has a large percentage of its existing housing stock as SF homes, it could indicate that allowing and/or incentivizing more types of housing units (beyond SF) could help increase the amount of attainable and affordable units overall, benefiting transit ridership as well as providing access to