

ORDINANCE NO. 20221201-084

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

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

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

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

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

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

- A. Legal Description
- B. Zoning Map
- C. Setbacks and Land Use Map
- D. Sub Area Height Map

- E. Property Boundary and Right-of-Way Map
- F. Street Sections and Internal Private Driveway Typical Sections
- G. Conceptual Open Space Map
- H. Conceptual Phasing Plan
- I. Trail Realignment Plan
- J. Environmental Protection and Restoration Plan
- K. Tree Preservation and Mitigation Plan
- L. Street Trees
- M. Data Table and Notes
- N. Parkland Credit
- O. Parkland and Plaza Dedication
- P. Estimated ADA Access Point Locations
- Q. Congress Avenue Access
- R. Investment By Owner

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

PART 6. Definitions.

- A) “Landowner” shall mean the owner of the Property, and the owner’s successors and assigns, except the City. Landowner shall include the party transferring or dedicating property to City.
- B) The term “Water Forward” shall mean City of Austin’s 100-year integrated water resource plan, as amended.
- C) The term “public transit system” shall mean any transportation or mass transit system for public use and the systems related infrastructure, including without limitation the light rail depicted on Exhibit A attached to Resolution No. 20200807-003 (*Project Connect Contract with the Voters*).

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

PART 7. Community Amenities.

- A) Except as provided in Part 10, Section F, Landowner shall dedicate as parkland by deed in a form acceptable to the City of Austin ("City") a minimum of 6.53 acres of land adjacent to Lady Bird Lake ("Parkland") and dedicate in a form acceptable to the City of Austin a minimum of 1.59 acres through public access easements ("Public Easements") as shown on **Exhibit "O": Parkland and Plaza Dedication** to access the waterfront as shown on **Exhibit "N": Parkland Credit** and **Exhibit "P": Estimated ADA Access Point Locations**. Dedication of Parkland and Public Easements are subject to the conditions and shall occur as described in this ordinance.
- B) Landowner, prior to the issuance of the final certificate of occupancy for a vertical building on the Property, shall reconstruct and relocate in accordance with **Exhibit "I": Trail Realignment Plan**, approximately 1,700 linear feet of the Hike and Bike Trail to 'best practice' standards detailed in the March 21, 2021 "*Safety & Mobility Study*" of the Ann and Roy Butler Hike-and-Bike Trail commissioned by The Trail Foundation, City of Austin Parks and Recreation Department, and Public Works Department.
- C) Landowner commits to construct a minimum of five Americans with Disabilities Act (ADA) access points to the Hike and Bike trail within the Property, as conceptually shown on **Exhibit "P": Estimated ADA Access Point Locations**. Each ADA access point will be constructed within its appropriate phase in accordance with **Exhibit "H": Conceptual Phasing Plan**. Landowner shall provide one of those five access points to connect the South Congress Avenue right-of-way to the Parkland and trail as generally shown on **Exhibit "Q": Congress Avenue Access**. The width of this public realm pedestrian sidewalk and access stair must be at least 30 feet for its entire length as shown on **Exhibit "Q"**.
- D) Construction of the access points shown on **Exhibit "Q": Congress Avenue Access** is subject to approval by the City, and these access points shall not preclude the City from constructing a Capital Improvements Project for a trail

connection between the South Congress Avenue Bridge and the Butler Hike & Bike Trail within the City's right-of-way. Landowner shall fund and construct the Congress Avenue Access in an amount not to exceed two-million one-hundred thousand dollars (\$2,100,000.00) and shall use any remaining portion of designated funds as an additional park development fee to fund and construct the park elements identified below in Part 10, Section G.7.

- E) Landowner shall provide enhanced bat viewing areas on the Property that will include signage, educational elements, and cameras for virtual bat viewing and education.
- F) Landowner shall provide on the Property: (i) a minimum of one building with a primary office use, (ii) a minimum of three buildings with a primary residential use, and (iii) not less than 40,000 net operating square feet of Pedestrian Oriented Uses, including general retail sales, food sales, cocktail lounge, restaurant, or health club.
- G) Landowner shall fully fund, provide, and maintain a total of 2,000 square foot vertical green wall within the public rights-of-way, private streets, or open space areas that receives more than four hours of sunlight and will either be composed of vine and mesh or a living wall system.
- H) Landowner shall provide educational signage located in the Parkland for the rain gardens that describe the benefits to the ecosystem. Landowner shall obtain approval from the Director of the Parks and Recreation Department ("PAR") and the Director of the Watershed Protection Department ("WPD") for any educational or interpretive signage within the Parkland. Each rain garden shall have one bench located along the perimeter. Excluding the underground rainwater cistern, rain gardens located in the Parkland will be limited to a maximum of 0.9 surface acres. All rain gardens located in the Parkland will be designed in accordance with the Environmental Criteria Manual ("ECM") design specifications and will include a minimum of 30 species of native pollinator plants and will be managed to less than five percent invasive species.

PART 8. Land Use.

- A) City will provide written notice to Unite Here or successor organization upon Landowner filing of a site plan application for the Property which includes a Hotel-Motel use.
- B) Landowner shall notify City with the name of the hotelier proposed to operate on the Property as soon as Landowner is allowed to release this information.
- C) Type 3 Short-term rental (STR) use may not exceed 10 percent of the total number of dwelling units within any building on the Property.

PART 9. Environmental.

- A) Green Building Rating

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

- B) Landowner shall treat 100 percent of the required onsite water quality volume through green stormwater infrastructure, including but not limited to rain gardens, underground cisterns, pervious pavers, porous pavement, non-required vegetation, and filter strips. Landowner shall be responsible for maintenance of the rainwater cistern and rain gardens located within the Parkland. Upon redevelopment of the Property under this ordinance, onsite green stormwater controls located in the Parkland shall be limited to the amount necessary to treat 86,800 cubic feet of stormwater volume. When conveying Parkland, Landowner must reserve the rights necessary to maintain green stormwater controls if determined necessary by the City. The reservation of rights shall be in a form acceptable to the city attorney.
- C) To allow for a larger and enhanced bat viewing area near the Congress Avenue bridge, Landowner shall construct an underground rainwater cistern, as shown on **Exhibit "G": Conceptual Open Space Map**, to irrigate Parkland. The

underground rainwater cistern shall be constructed prior to issuance of the first certificate of occupancy.

- D) Landowner shall preserve 100 percent of the heritage trees, except for the trees that are dead, fatally diseased or pose an imminent hazard. Landowner shall preserve on the Property 75 percent of the caliper inches associated with native, protected size trees and 75 percent of all native caliper inches as defined in the ECM, Appendix F (*Descriptive Categories of Tree Species*).
- E) All street trees will have at least 1,000 cubic feet of soil volume per tree. Up to 25 percent of the soil volume can be shared with adjacent trees in contiguous plantings. Where necessary, load bearing soil cells shall be used to meet the soil volume requirement. Nothing in this subsection limits the City's authority to reduce the minimum soil volume if necessary to reduce utility conflict or to address other constructability issues. If the City reduces the minimum soil volume, Landowner remains compliant with this Ordinance and the ECM.
- F) Except when authorized by the city arborist, street trees will change at every block length. Landowner shall install at least five tree species on the Property. The trees must be approved species under the ECM, Appendix F, "SS-Significant Shade Provider" and "SE-Streetscape" list. The street trees will be a minimum of 3-inch caliper as measured 6 inches above grade, and the sizing will comply with the standards for nursery stock (ANSIZ60.1-2014). No more than 25 percent of street trees will be from the same species. Nothing in this subsection limits the authority of the city arborist to allow for alternative species on a case-by-case basis and to suggest alternative species based on current availability, site, and climate condition.
- G) Typical spacing of street trees will be 30 feet on center. The city arborist may waive this requirement for the spacing of street trees when the spacing requirement is infeasible due to location of utilities, loading docks, and entrances into the parking garage.
- H) A soil management plan will direct amendment for specific management areas throughout the site associated with soil components, texture, and flora to optimize conditions for the Streetscape, Rain Gardens, Floodplain Forest, Herbaceous Riparian, Lawn, Wetland Fringe, and other landscape types. Soil management is an ongoing process occurring at regular intervals. Soil testing,

decompaction, and incorporation of organic matter based on best practices for each landscape type shall be required as indicated on **Exhibit “J”**:

Environmental and Restoration Plan.

- I) Hardscape materials including concrete, pavers, and other non-impervious materials will be removed by Landowner from the half-critical root zones of impacted trees unless removal is infeasible, which is determined at the discretion of the city arborist.
- J) All plant material for streetscape and Parkland will be sourced from nurseries within 300 miles of the site, and trees will be selected from the ECM, the descriptive categories of tree species. All other plant material shall be selected from the ECM, Appendix N (*Preferred Plant List*).
- K) Landowner shall realign the existing trail and construct formalized water access points as illustrated on **Exhibit “I”: Trail Realignment Plan**, allowing for realignment no closer to the shoreline than the existing trail with an average distance of no less than 25 feet from the shoreline except at approved water access points shown on **Exhibit “G”: Conceptual Open Space Map**. The depiction of the trail realignment on **Exhibit “I”: Trail Realignment Plan**, as well as **Exhibit “G”: Conceptual Open Space Map**, is intended to be illustrative and may be revised based on site conditions to avoid conflicts with protected or heritage trees and to minimize disturbance of existing trail topography and tree canopy.
- L) The trail realignment shall be designed to provide at a minimum the acres of herbaceous riparian area necessary to restore the shoreline area as shown in the **Exhibit “J”** to a natural state with riparian and wetland vegetation. Disturbed areas between the shoreline and trail shall be restored with native vegetation appropriate for riparian woodlands, as approved by the Watershed Protection Department and not in conflict with **Exhibit “J”**.
- M) Shoreline restoration shall follow the details established in **Exhibit “J”**. Split rail fence or other landscape barriers will be installed by Landowner to prevent impact to restored and protected natural areas on the shoreline.
- N) Impervious cover for development within the Statesman PUD within the critical water quality zone (CWQZ) shall be limited to no more than five percent.

- O) Impervious cover calculations exclude (i) multi-use trails, trails open to the public and located on public land or located in a public easement; (ii) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (iii) porous pavement designed in accordance with the ECM; (iv) sidewalks located in a public right-of-way, public easement, or Parkland; and (v) an underground rainwater cistern.
- P) A completed version of Austin Water's current Water Balance Calculator tool shall be submitted with each site plan application for development within the Statesman PUD to assess non-potable water demands and alternative water supplies for the project.
- Q) Landowner shall provide a minimum of 1,500 cubic feet of rain gardens along the extension of Barton Springs Road to treat stormwater runoff from the right-of-way. If a license agreement is required for the stormwater quality controls within the right-of-way, the City shall waive the annual fee associated with this improvement.
- R) Water quality shall meet or exceed requirements for each corresponding phase for the development of the Property within the respective phase of development, provided that the existing sedimentation filtration pond may be used to achieve temporary compliance until the permanent water quality controls for any phase are constructed, and that all new controls added for any phase are green stormwater controls. Upon completion of the development of the Property, 100 percent of the water quality controls shall be green infrastructure as defined by the ECM as amended.
- S) Subject to approval by the Director of the Watershed Protection Department ("WPD Director"), and adequate conveyance, Landowner shall provide water quality treatment for up to 1.4 acres of off-site developed area.
- T) The Statesman PUD shall meet the goals and requirements of Water Forward by connecting to the existing City of Austin reclaimed water system located at the intersection of Riverside and Barton Springs, or a closer point of connection should it exist at the time of connection and extend the reclaimed water system from the point of connection into the Property. In addition, to meet the Water

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

- U) Landowner shall construct a 24-inch reclaimed water main across the Barton Springs Road / East Riverside intersection, build an offsite reclaimed main from Riverside / Barton Springs to the development, and build internal distribution reclaimed mains to serve buildings within the Statesman PUD and to facilitate looping distribution of distribution reclaimed mains to the south. In the event there is a closer point of connection available, Landowner shall be allowed to establish a new alignment for the reclaimed water distribution line. Any site development permit application within the Statesman PUD will comply with the City's mandatory connection requirements for commercial developments located in proximity to a reclaimed water distribution line, but in no event will it be required to connect to a point farther than Riverside /Barton Springs or increase the capacity of the supply to Riverside/Barton Springs.
- V) The Statesman PUD shall use reclaimed water as a primary water source for all landscape irrigation, except where prohibited within the CWQZ and the 100-year floodplain. Where prohibited Landowner shall be allowed to use raw water acquired through an agreement with the Lower Colorado River Authority for landscape irrigation to reduce demands on the potable water supply system. For the use of raw water, Landowner shall adhere to the City's Drought Contingency Plan (DCP), including adherence to all the requirements and enforcement measures of City Code Chapter 6-4 (*Water Conservation*). Notwithstanding the foregoing, additional watering between the hours of 7:00 pm and 10:00 am shall be allowed for up to three years after initial landscape establishment per phase and may be temporarily allowed for substantial landscape repairs, if necessary for planting establishment.
- W) Reclaimed water shall not be used for outdoor irrigation within the CWQZ and the 100-year floodplain.
- X) Landowner must provide an integrated pest management ("IPM") plan that complies with Section 1.6.9.2 (D) (*Pesticides and Herbicides*) and (F) (*Public Education Program*) of the ECM, as amended, with a site plan application filed for commercial, mixed use, multifamily residential, or open space development. The IPM plan must be approved before the site plan may be approved.

Landowner shall provide copies of the IPM Plan to homeowners and commercial property owners located within the boundaries of the Statesman PUD.

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

1. Use of low Kelvin rated lights (3000 Kelvin or less) for outdoor lighting.
2. Outdoor light shall be shielded so that neither the light fixture's light source nor the lens shall be visible from a distance less than the mounting height of the fixture.
3. Focus light on activity and use activity-appropriate lighting.
4. Installation of tree lights is allowed subject to City approval after City consultation with the Audubon Society, and Merlin Tuttle's Bat Conservation or Bat Conservation International.

PART 10. Parks and Recreation.

- A) Landowner shall pay an additional \$100.00 per dwelling unit over the fee required under City Code as an additional park development fee.
- B) The Parkland Development Fee and, if paid, the parkland Fee in-lieu of Parkland Dedication shall be used to build park amenities within the Statesman PUD.
- C) Parkland and Public Easement dedication shall occur prior to issuance of a final Certificate of Occupancy for the northernmost building in each of the three phases (respectively, Phase 1, Phase 2, and Phase 3) as shown in **Exhibit "H": Conceptual Phasing Plan**.
- D) Annual Parks Programming Plan.
 1. City shall follow the PARD partnership programming process in collaboration with Landowner, The Trail Conservancy, Downtown Austin Alliance, and South Central Waterfront Advisory Board as stakeholders

when seeking to implement official programming for the Parkland. PARD shall establish an Annual Programming Plan through a stakeholder engagement process. PARD may provide direct programming for the Parkland, or provide programming for the Parkland in coordination with the partners identified in the Programming Plan. The first two Programming Plans shall require City Council approval. The Director of the Parks and Recreation Department (“PARD Director”) may administratively approve subsequent programming plans.

2. The PARD Director may not approve the Annual Programming Plan until the PARD Director obtains a recommendation from the South Central Waterfront Advisory Board and Parks and Recreation Board.
 3. Annual Programming Plan must be submitted to the PARD Director at least ninety (90) days prior to the beginning of each calendar year. The requirements of the Annual Programming Plan include a biennial amendment process, and PARD shall solicit and consider comments about the Annual Programming Plan requirements from the WPD Director and Bat Conservation International.
- E) Landowner will pay 100 percent of the cost for the following improvements listed below, and as identified and defined in **Exhibit “G”**, and environmental superiority items as identified and defined in **Exhibit “J”**, all at Landowner’s expense (outside of the parkland dedication ordinance fees and obligations):
1. All plaza areas throughout the project (including those with parkland easements)
 2. Great Steps
 3. Amenitized Water Quality Pond and associated green infrastructure
 4. Underground rainwater cistern
 5. 1,700 linear feet of reconstructed hike and bike trail
 6. Environmental Superiority items including shoreline restoration (removal of invasive species and revegetation between trail and shoreline), native plantings, and split rail fence

- F) If, at the time of the third phase of dedication, the land or a portion of the land that was intended to be dedicated as Parkland or Public Easement is required for public transit system, resulting in a decrease of land available for dedication as Parkland or Public Easement, Landowner will pay the City a fee-in-lieu for the parkland dedication to offset the land that is required for public transit system. The payment of fee-in-lieu by Landowner to offset the land required for public transit system is limited to a maximum of 25,000 square feet. The amount of the fee-in-lieu will be calculated based on the City Code at the time the land is no longer available for dedication or use as Parkland or Public Easement. Careful consideration will be given to balance the land necessary for public transit with the requirement for Parkland.
- G) Landowner shall fund a public park amenities prioritization process as follows:
1. Landowner shall fund a public process to prioritize planned park amenities up to a maximum cost of thirty thousand dollars (\$30,000) including the cost of a consultant to be mutually selected by Landowner and the PARD Director; consultant shall be jointly managed by Landowner and the PARD Director.
 2. The Park Prioritization Process shall be completed within 90 days of the effective date of this ordinance.
 3. The PARD Director may extend the Park Prioritization Process timeline for one additional 90-day period. Additional extensions shall require mutual agreement by Landowner and the PARD Director.
 4. The Park Prioritization Process should include the priority ranking of the proposed park amenities defined in **Exhibit "G"**, as well as a list of park amenities from the South Central Waterfront (SCW) Vision plan to be considered as listed on Exhibit "G" and other amenities identified during the public process and agreed to by Landowner and the PARD Director.
 5. Community groups and stakeholders such as The Trail Conservancy and the Downtown Austin Alliance should be engaged to participate in the Park Prioritization Process.

6. Construction of park amenities is contingent upon design approval by the PARD Director.
 7. Landowner contribution of an additional \$100.00 per dwelling unit over the fee required under City Code as an additional park development fee and any funds derived from the parkland dedication fee-in-lieu and parkland development fees, shall be allocated towards the building of the Great Lawn, Pier, Water Steps, Boardwalk, Play Area, and other park amenities as identified and defined in **Exhibit "G"**, exclusive of the improvements described in (E).
- H) Landowner shall pay a minimum amount of six million nine hundred thousand dollars (\$6,900,000.00) to satisfy any fee in-lieu of parkland dedication and parkland development fee that will be required for site plan approval. When Landowner submits a site plan that will require dedication of parkland for Phase 3 as outlined in Part 10, Section C, City will determine the amount Landowner has paid. If Landowner has not yet paid the minimum \$6,900,000.00, then Landowner must pay the remaining amount owed before any additional site plans can be approved. Landowner will still be required to pay any additional amount above \$6,900,000.00 of fee in-lieu of parkland dedication and parkland development fees necessary to satisfy any parkland dedication code requirements for site plan approval.

PART 11. Transportation and Parking.

- A) Landowner shall dedicate to the City, in a form of deed acceptable to the city attorney, the land as right-of-way necessary to construct the Barton Springs Road extension. In the event the City has dedicated funds to reimburse Landowner for construction costs, Landowner shall construct all improvements for the Barton Springs Road extension as shown in **Exhibit "F": Street Sections and Internal Private Driveway Typical Sections**. The City will review the design of Barton Springs Road extension through a site plan process. Landowner may apply for and receive any required temporary certificates of occupancy for a maximum of three vertical buildings on the Property before Landowner completes construction of Barton Springs Road extension. A temporary certificate of occupancy described in this section expires upon the earlier of: (1) issue of permanent certificate of occupancy; or (2) two years from date the temporary certificate of

occupancy is issued. The construction of Barton Springs Road extension must be completed by Landowner and accepted by the City before the final certificate of occupancy may be issued for any vertical building on the Property. The City will only reimburse Landowner for the construction costs for improvements when Landowner has completed the construction of the Barton Springs Road extension and the City has accepted the construction. No public funds are currently identified to provide reimbursement to Landowner for the Barton Springs Road extension. Funding is subject to appropriation by council.

- B) Bollards, or other similar type of barrier, shall be used to close the Pedestrian Walkway, as shown on **Exhibit "F"** as Section EE, from vehicular traffic. Any public right-of-way or public access easement shall not be gated, except for Driveway DD as shown on **Exhibit "F"**, which can be closed weeknights, weekends, and during special events located within the Statesman PUD, with each period of closure not to exceed three consecutive days.
- C) Landowner shall reserve an area, generally shown on **Exhibit "C": Setbacks and Land Use Map** and **Exhibit "G"** for the development of a pedestrian bridge and public transit system for a period of 15 years after the effective date of this ordinance. Landowner is not obligated to construct any improvements associated with a future pedestrian bridge and transit system. If required for public transit system and prior to dedication as Parkland or Public Easement, Landowner shall dedicate to the City for transportation purposes, in a deed acceptable to the City, the land or portion of the land reserved in **Exhibits "C" and "G"**.
- D) Landowner shall design and construct a six-foot protected bicycle lane with a two-foot curbed buffer along east curb of South Congress Avenue between Congress Bridge and East Riverside Drive. The design and construction of protected bicycle lane shall be reviewed and accepted by the City, through a site plan process, before the final certificate of occupancy may be issued for any vertical building on the Property.
- E) All development within the Statesman PUD shall be subject to the approved Transportation Demand Management Plan ("TDM"), or as amended, and on file with the office of the Director of Austin Transportation Department ("ATD Director"). Monitoring and reporting shall be in accordance with the TDM.

- F) Landowner shall construct at least 95 percent of the number of parking spaces for the development within a below grade structure(s).
- G) Landowner shall comply with the recommendations listed in the Transportation Impact Analysis (TIA) memo dated December 13, 2021, or as amended. If the TIA memo and the attached exhibits conflict, the TIA memo controls.

PART 12. Affordable Housing.

- A) Landowner shall satisfy the affordable housing requirement as set out in this Part.
- B) Minimum Fee-in-Lieu.
 - 1. Landowner shall satisfy the affordable housing requirement by paying a fee-in-lieu of providing on-site affordable rental and owner-occupied units.
 - 2. Landowner shall pay a minimum of twenty-three million two hundred thousand dollars (\$23,200,000.00) to the City's Housing Trust Fund as fee-in-lieu.
 - 3. The fee-in-lieu may be utilized within a one-and-a-half-mile distance of the Property on a major transit corridor with MetroRapid transit infrastructure in partnership with an organization that has a track record of providing deeply affordable housing.
 - 4. Landowner shall pay \$23,200,000.00 upon the earlier of: (i) within 12 months of Landowner executing an agreement with the City, in a form acceptable to the city attorney, to build the improvements required in the TIA memo dated December 13, 2021, or as amended, for the construction of the Barton Springs Road extension and any related Barton Springs Road and Congress Avenue intersection improvements; (ii) the City allocating funds to reimburse the construction costs for those improvements; or (iii) City commences construction thereof. These improvements shall include any related road, utilities, or related infrastructure.
- C) Additional Fee-In-Lieu.

1. This Section C only applies if the Landowner constructs more than 1,378 residential units on the Property and the residential units are not included within a building utilizing Part 17 (Bonus Area) of this ordinance.
2. If more than 1,378 residential units are constructed on the Property, and the residential units are not included within a building utilizing Part 17 (Bonus Area) of this ordinance, Landowner shall satisfy an additional affordable housing requirement by paying a fee-in-lieu of providing on-site affordable rental and owner-occupied units that exceeds \$23,200,000.00.
3. Under this section, the number of on-site affordable units is calculated as follows:

Onsite Affordable Units (rounded to the nearest whole number)

$$= (\text{Total Number of Residential Units} - 1378) \times .04$$
4. Under this section, the additional fee-in-lieu is calculated as follows:
Additional Fee in Lieu = Onsite Affordable Units x \$421,818.00.

Example: (1500 total residential units built – 1378) x .04 = 4.88 (round to nearest whole number which is 5). 5 x \$421,818.00 = \$2,109,090.00 additional fee in lieu
5. Landowner shall pay the Additional Fee-In-Lieu before a final certificate of occupancy can be issued for a building that contains the residential units that triggered the Additional Fee-In-Lieu.
6. Landowner shall pay the Additional Fee-In-Lieu to subsidize rental units for residents at any affordability level at 422 West Riverside Drive, Austin, Texas 78704 (currently known as 422 at the Lake) provided that Landowner is lawfully able to execute (i) an agreement to preserve the minimum affordability period and related requirements at 422 West Riverside Drive and (ii) a document for recording in the real property records that provides notice of or preserves the minimum affordability requirements at 422 West Riverside Drive.
7. If Landowner is unable to execute the agreement and document described in Subsection 6, the Additional Fee-In-Lieu may be utilized within a one-

and-a-half-mile distance of the Property on a major transit corridor with MetroRapid transit infrastructure in partnership with an organization that has a track record of providing deeply affordable housing.

PART 13. Affordable Commercial Space.

- A) Landowner shall provide a minimum of four percent of the ground floor retail square footage at affordable rates inclusive of the space dedicated to bat education. Affordable commercial rates shall be calculated at 60 percent of market rate new Class A retail space in a comparable location.
- B) Landowner shall provide a minimum of 1,000 square feet of commercial ground floor space adjacent to the Parkland or plaza at no cost for bat education, in coordination with Bat Conservation International, Austin Bat Refuge, and Merlin Tuttle's Bat Conservation.

PART 14. Public Art.

The Statesman PUD will participate in the Art in Public Places (AIPP) program. Landowner shall spend a minimum of one million five hundred thousand dollars (\$1,500,000.00) on the art pieces and installation with a preference for local artists. Landowner shall provide a minimum of two art pieces approved by the Director of Economic Development Department to be displayed in prominent locations on the Property. Landowner will review the public art plan with the City's AIPP Manager for approval. The City shall not issue the final certificate of occupancy for the first phase of development in the Statesman PUD until at least seven hundred fifty thousand dollars (\$750,000.00) of the approved art is installed and on display within phase one of the Property. The City shall not issue the final certificate of occupancy for the second phase of development in the Statesman PUD until after the balance of the \$1,500,000 is expended on approved art piece(s) and is on display within the Statesman PUD property.

PART 15. Code Modifications.

- A) General Requirements and Procedures
 - 1. The definition of site in Section 25-1-21(106) (*Definitions*) is modified to provide that a site may cross a public street or right-of-way.
 - 2. Chapter 25-1, Article 14 (*Parkland Dedication*) is modified such that

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

B) Zoning

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

Regulations) is modified to allow the following additional uses within a secondary setback area: charging stations, bike/scooter repair facilities, shared bicycle facilities, restrooms facilities with or without showers, food and beverage vendors, bike valet, music vendors, retail vendors, boat rentals, bicycle rentals, performance and special events facilities, exercise courses, sports equipment rentals, storm water facilities, and child playscapes/activities.

8. Section 25-2-721 (C)(2) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow a maximum of 60 percent impervious cover within the secondary setback area.
9. Section 25-2-721(G) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to allow loading and unloading from any internal driveway without being screened from public view. Loading and unloading locations on private internal driveways are subject to the Transportation Criteria Manual ("TCM"), as amended, spacing and dimensional requirements subject to ATD approval.
10. Section 25-2-742(B)(1) (*South Shore Central Subdistrict Regulations*) is modified to reduce the primary setback line to 90 feet landward from the shoreline as shown on the **Exhibit "C"**.
11. Section 25-2-742(C)(1) (*South Shore Central Subdistrict Regulations*) is modified to require a secondary setback line be located "50 feet landward from the primary setback line."
12. Section 25-2-742(D)(1) (*South Shore Central Subdistrict Regulations*) is modified to require "For a ground level wall that is visible from parkland or a public right-of-way that adjoins parkland, at least 60 percent (exclusive of service areas, loading docks, and parking ramps) of the wall area that is between two and ten feet above grade must be constructed of clear or lightly tinted glass."
13. Section 25-2-742(D)(3) (*South Shore Central Subdistrict Regulations*) is

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

14. Development of the Property is exempt from Section 25-2-742(G)(3) and (G)(4) (*South Shore Central Subdistrict Regulations*).
15. Section 25-2-1176(A)(1) (*Site Development Regulations for Docks, Marinas and Other Lakefront Uses*) is modified to allow the construction of a pier and boardwalk to extend up to a maximum of 70 feet from the shoreline.
16. Section 25-2-1176(A)(4) (*Site Development Regulations for Docks, Marinas and Other Lakefront Uses*) is modified to allow for park elements and dimensions, as shown in **Exhibit "G"**.
17. ECM Section 1.13.5(B)(3) (*Recommended Guidance for Appropriate Method for Shoreline Stabilization and Modification*) is modified to allow structural modification for the construction of the park elements of the shoreline as shown on **Exhibit "G"**. The dimension of the Water Steps and bulkhead are not to exceed 30 linear feet of shoreline frontage and not to exceed 30 feet inland. Steps going into the water are allowed if in compliance with Section 25-2-1174 (*Structural Requirements*) and ECM Section 1.13 (*Design Guidelines for Shoreline Modification, Stabilization and Access*) and Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*).

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

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

2. Development of the Property is exempt from Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 2.2, Article 2.3, and Article 2.4.
3. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 2.6 is modified so that loading and unloading shall be allowed from any internal driveway and not required to be screened from South Congress Avenue or Barton Springs Road.
4. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 2.7 is modified to allow public open space and parkland to satisfy private common open space and pedestrian amenity gross site area requirements in the Statesman PUD.
5. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 2.8 is modified to exclude from the 50 percent calculation for shaded sidewalk the designated drop-off zone area.
6. Development of the Property is exempt from Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 3.2.2.E.

D) Subdivision

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

E) Site Plan

Section 25-5-81(B) (*Site Plan Expiration*) is modified to require that, except as provided in Subsections (C), (D), or (E) of Section 25-5-81, a site plan expires

eight (8) years after the date of its approval.

F) Transportation

1. Section 25-6-381 (*Minimum Frontage for Access*) is modified to allow restricted access to South Congress Avenue. Excluding Barton Springs Road extension, access is limited to one single lane driveway for right-out only vehicular egress for the entirety of the South Congress Avenue frontage.
2. The TDM plan shall be updated at the time of each site plan application. All bicycle and vehicular parking shall count as eligible TDM measures and reductions with the required parking total calculated by Appendix A of Chapter 25-6.
3. Section 25-6-532 (*Off-Street Loading Standards*) is modified to allow shared off-street loading facility and common loading spaces for multiple uses in a building irrespective of the location of the shared off-street loading facility and common loading spaces within the Statesman PUD.
4. TCM Section 1.3.2 (*Classification Design Criteria*) is modified to allow the construction of Barton Springs Road to adhere to the street cross-sections as shown in **Exhibit "F"**.
5. The alignment of Barton Springs Road will generally conform to the alignment shown in the TIA Memo as represented on **Exhibit "F"**. At time of site plan review, the ATD Director agrees to administratively modify current TCM sections 1.3.1(B), 1.3.1(D)(2) and Table 5-2, or the equivalent sections in an updated TCM, to accommodate the proposed alignment of Barton Springs Road.
6. If a Temporary Use of Right of Way permit ("TURP") is required for development of the Property located adjacent to Barton Springs Road extension, the City agrees for a period of 15 years following the dedication of Barton Springs Road extension to the City of Austin described in Part 11, Section A, above, to waive the right-of-way rental fees for a TURP

applying to a single lane closure on Barton Springs Road during construction of any project associated with the Property.

7. Sections 25-6-477 (*Bicycle Parking*), 25-6-478 (*Motor Vehicle Reductions General*), 25-6-532 (*Off-Street Loading Standards*), and Appendix A (*Tables of Off-Street Parking and Loading Requirements*) are modified such that the minimum off-street parking, bicycle parking, and loading requirements shall be consistent with market conditions and approved by the ATD Director subject to the TDM Plan approved as part of the Statesman PUD.

G) Environmental

1. Section 25-8-63(C)(11) (*Impervious Cover Calculations*) is modified to exclude a parking structure from impervious cover calculations when the parking structure is constructed below the finished grade of the land, is covered by soil having a minimum depth of two feet with an average depth of not less than four feet, and Landowner shall at the time of site plan submit documentation to the City evidencing the discharge or impoundment of groundwater from the parking structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property. A parking structure meeting the requirements of this Part 15, Subsection G.1, may exceed 15 percent of the site area.
2. Section 25-8-261 (*Critical Water Quality Zone Development*) and the ECM are modified to allow development within the Critical Water Quality Zone (CWQZ) that is in accordance with the **Exhibit "C"** and **Exhibit "G"** subject to the limitation in Part 9, Section N. This includes vegetation filter strips, rain gardens, underground rainwater cisterns, stormwater outfall structures designed in accordance with the ECM, park improvements including hard surface trails, bicycle trails, picnic facilities, playscapes, concessions including food and beverage vendors, bicycle rentals, sports equipment rentals, boat rentals, dining facilities, performance and special events facilities, boardwalks, sidewalks, pavilions, gazeboes, exercise equipment and courses, water steps, boat landings, piers, rail station, and stream bank stabilization to the proposed

steps. Additional open space park elements not documented on the **Exhibit “C”** and **Exhibit “G”** can be located within the CWQZ with the following limitations: impervious cover is limited to five percent of the total CWQZ, impervious cover must be located in the outer half of the CWQZ, must be situated to avoid areas shown to be restored with native vegetation on **Exhibit “J”**, and may not include restrooms.

3. Section 25-8-261(H)(4) is modified to allow no more than a maximum of 10 percent of the green stormwater controls as defined by the ECM within the 100-year floodplain. Encroachment into the 100-year floodplain is limited to the areas shown on **Exhibit “G”**. City staff can administratively modify the boundaries of the encroachment to allow greater design flexibility during the site plan process.
4. Section 25-8-367 (*Relocation of Shoreline Between Tom Miller Dam and Longhorn Dam*) is modified to allow relocation of earthen material for the water steps on Lady Bird Lake below the 435-foot contour.

H) Sign Regulations

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

PART 16. Council finds participation in the Better Builder Program by Landowner a priority and an element of superiority.

PART 17. Bonus Area. Development in the Statesman PUD may: (i) exceed 3,500,000 square feet to a maximum floor-to-area ratio of 6:1 of the 18.86 acres parent tract; and (ii) exceed the building height established in **Exhibit “D”: Sub Area Height Map** (“Allowable Building Height”) up to an additional 200 feet in height if Landowner complies with the requirements established in this Part.

A) In this Part, the following definitions apply:

1. **BONUS HEIGHT AREA** means the portion of the building that exceeds the Allowable Building Height not included in the bonus development area.

2. BONUS DEVELOPMENT AREA means the portion of the 18.86 acres parent tract that exceeds 3,500,000 square feet not included in the bonus height area.

B) Percentage of Bonus Area.

1. When Landowner exceeds the Allowable Building Height, Landowner shall provide on-site affordable housing or fee-in-lieu of on-site affordable housing in an amount that equals 10 percent of Bonus Height Area.
2. When Landowner exceeds the 3,500,000 square feet, Landowner shall provide on-site affordable housing or fee-in-lieu of on-site affordable housing in an amount that equals 10 percent of the Bonus Development Area.
3. If a building is constructed utilizing the additional height and square footage described in this part, Landowner shall provide on-site affordable housing or fee-in-lieu of on-site affordable housing in an amount that equals the greater of (i) 10 percent of the Bonus Height Area or (ii) 10 percent of the Bonus Development Area.

C) On-Site Affordable Housing.

1. For purposes of this section, a unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.
2. Affordability requirements for owner-occupied units.
 - a. On-site for sale affordable housing units shall be reserved, sold and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the Director of Housing and Planning Department ("HPD Director") for not less than 99 years from the date a certificate of occupancy is issued.
 - b. The units shall be made available for ownership and occupancy by households earning no more than 120 percent of the Austin-Round

Rock Metropolitan Statistical Area Median Family Income as determined by the HPD Director.

3. Affordability requirements for rental units.
 - a. On-site rental affordable housing units shall be reserved as affordable for a minimum of 40 years following the issuance of the certificate of occupancy.
 - b. The units shall be made available for rental by households earning no more than 80 percent of the annual median family income for the Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the HPD Director. An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
4. Rules. The HPD Director shall conduct compliance and monitoring of the affordability requirements of this ordinance. The HPD Director shall establish compliance and monitoring rules and criteria for implementing the affordability requirements of this ordinance.

D) Fee-In-Lieu of On-Site Affordable Housing.

1. Landowner may satisfy the requirements in this part by paying a fee-in-lieu of on-site affordable housing.
2. The fee-in-lieu due under this part equals a fee per square foot of bonus affordability ("Bonus Fee-In-Lieu").
3. The fee per square foot is the same bonus fee-in-lieu of affordable housing that applies to a commercial property participating in City Code Section 25-2-586 (*Downtown Density Bonus Program*) without Central Business District (CBD) zoning at the time of the issuance of the final certificate of occupancy for the building that contains the bonus built area.
4. If Landowner chooses to pay the Bonus Fee-In-Lieu, the funds shall be paid into the City's Housing Trust Fund.

5. Landowner shall pay the Bonus Fee-In-Lieu before the final certificate of occupancy can be issued for a building that contains the bonus built area.
6. The City may elect to use the Bonus Fee-In-Lieu to subsidize rental units for residents at any affordability level at 422 West Riverside Drive, Austin, Texas 78704 (currently known as 422 at the Lake) provided that Landowner is lawfully able to execute (i) an agreement to preserve the minimum affordability period and related requirements at 422 West Riverside Drive and (ii) a document for recording in the real property records that provides notice of or preserves the minimum affordability requirements at 422 West Riverside Drive.
7. If Landowner is unable to execute the agreement and document described in Subsection 6, the Bonus Fee-In-Lieu may be utilized within a one-and-a-half-mile distance of the Property on a major transit corridor with MetroRapid transit infrastructure in partnership with an organization that has a track record of providing deeply affordable housing.

PART 18. Landowner is funding infrastructure and community amenities shown in **Exhibit “R”**, which are solely Landowner’s responsibility.

PART 19. Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 20050929-Z003 that established zoning for the South River City Neighborhood Plan.

PART 20. Except as otherwise provided for in this ordinance, the terms and conditions of the Original Ordinance, as amended, remain in effect.

PART 21. This ordinance takes effect on December 12, 2022.

PASSED AND APPROVED

December 1, 2022 §
§
§
Steve Adler
Mayor

APPROVED: Anne L. Morgan *AM* **ATTEST:** Myrna Rios
City Attorney City Clerk

Exhibit A

Legal Description

Lot 1, WATERFORD II, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 88, Page 257, Plat Records of Travis County, Texas, and

Lot 1, Block A, WATERFORD, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 82, Page 327, Plat Records of Travis County, Texas, and

Lot 1, MILLER SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 77, Page 284, Plat Records of Travis County, Texas.

EXHIBIT C

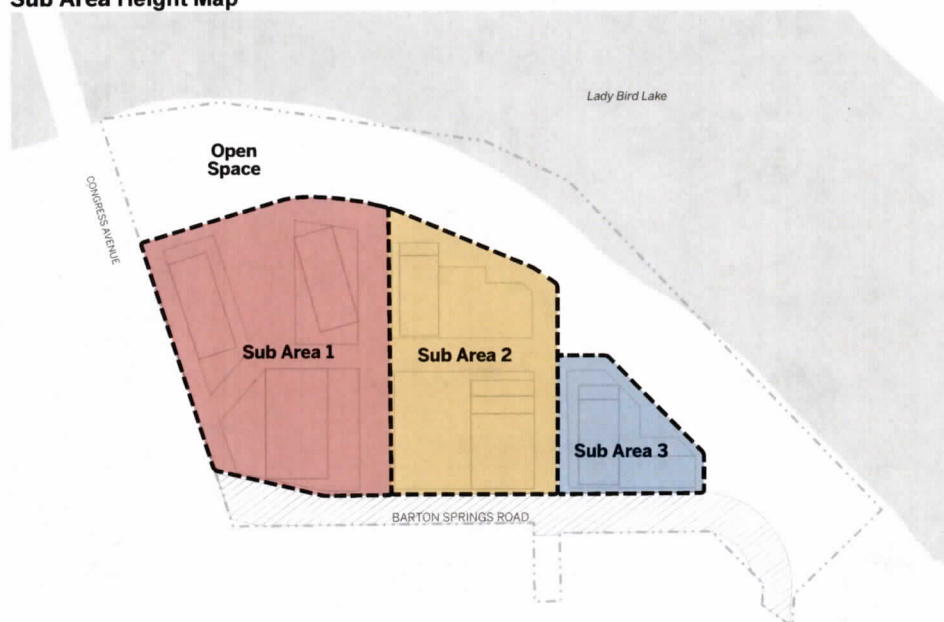


Submitted: July 24, 2019
Updated: June 26, 2020
Updated: October 12, 2020
Updated: April 14, 2021
Updated: May 9, 2021
Updated: December 7, 2021
Updated: January 31, 2022
Updated: April 6, 2022
Updated: June 1, 2022
5 / 8

305 S. Congress Avenue

EXHIBIT D

Sub Area Height Map



Sub Area 1

Maximum Building Height: 525'

Sub Area 2

Maximum Building Height: 485'

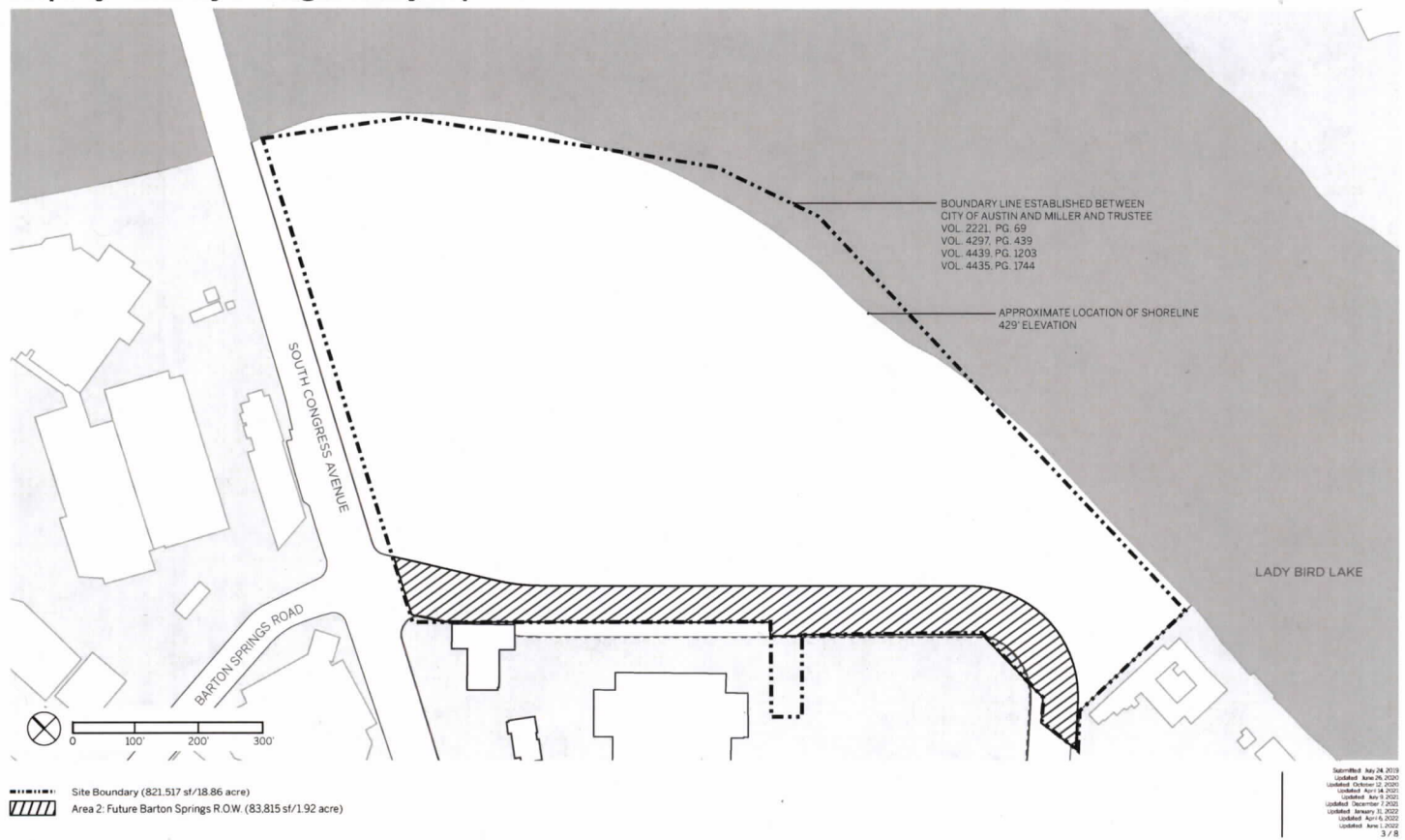
Sub Area 3

Maximum Building Height: 250'

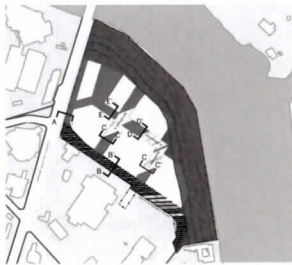
305 S. CONGRESS PUD

EXHIBIT E

Property Boundary and Right of Way Map

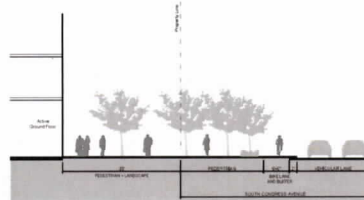


Street Sections and Internal Private Driveway Typical Sections

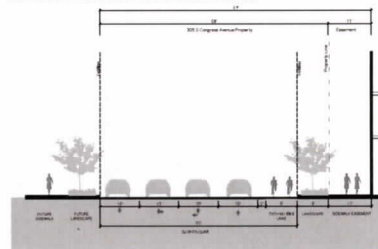


STREET SECTION A-A'
SOUTH CONGRESS AVENUE EDGE CONDITION

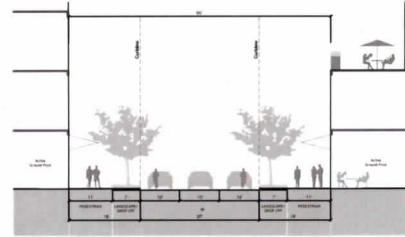
Note: Congress Avenue section represents the condition where the finished floor of the new development aligns with the adjacent elevation of Congress Avenue.



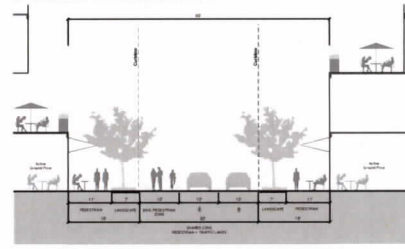
STREET SECTION B-B'
BARTON SPRINGS AVENUE TYPICAL SECTION 58' WIDE



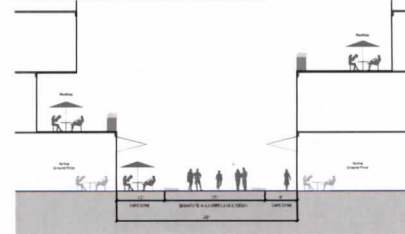
INTERNAL PVT DRIVEWAY SECTION C-C'
ENTRY STREET TYPICAL SECTION 66' WIDE



INTERNAL PVT DRIVEWAY SECTION D-D'
SHARED STREET TYPICAL SECTION 66' WIDE

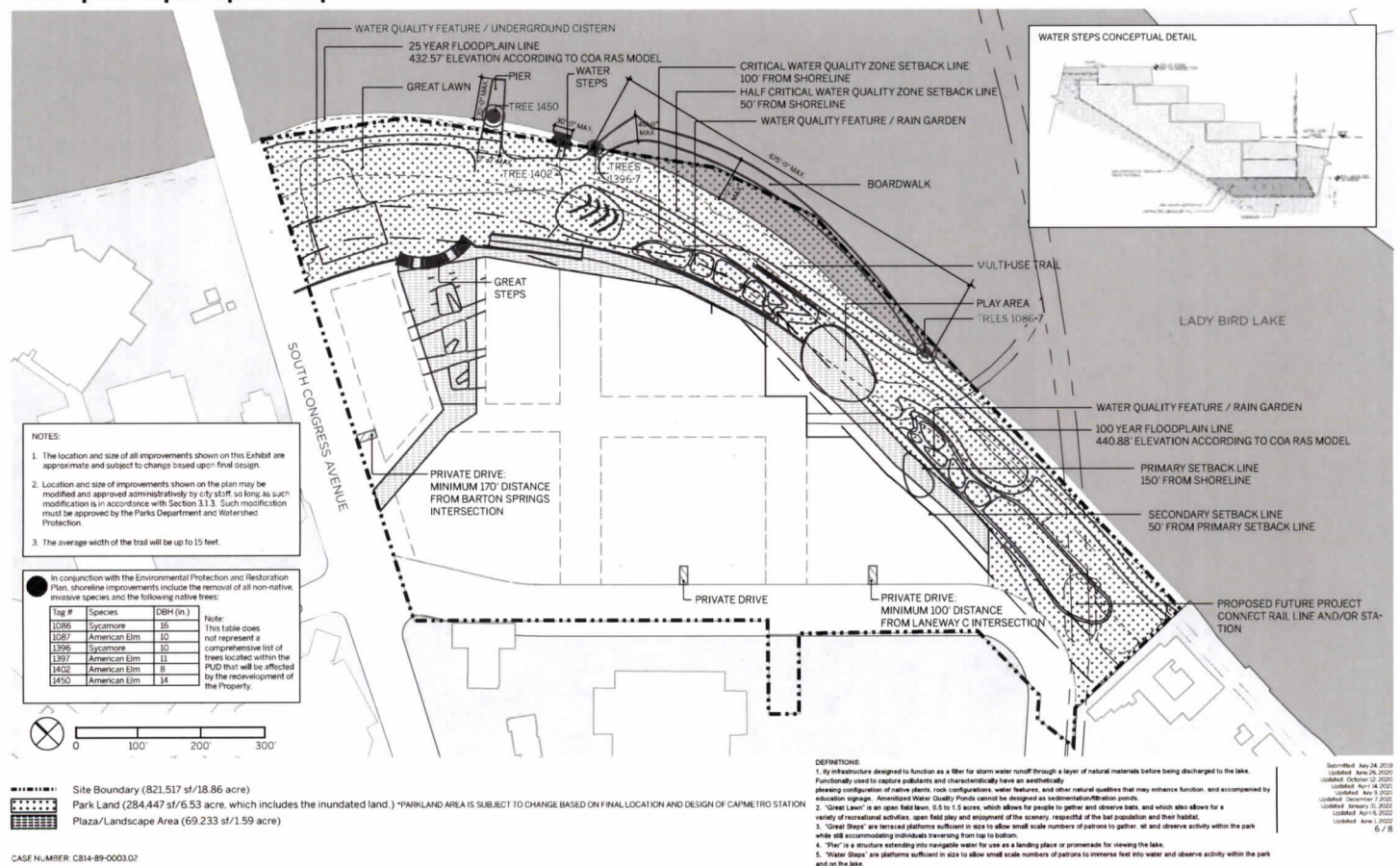


PEDESTRIAN WALKWAY TYPICAL SECTION E-E' 45' WIDE



305 S. CONGRESS PUD **Conceptual Open Space Map**

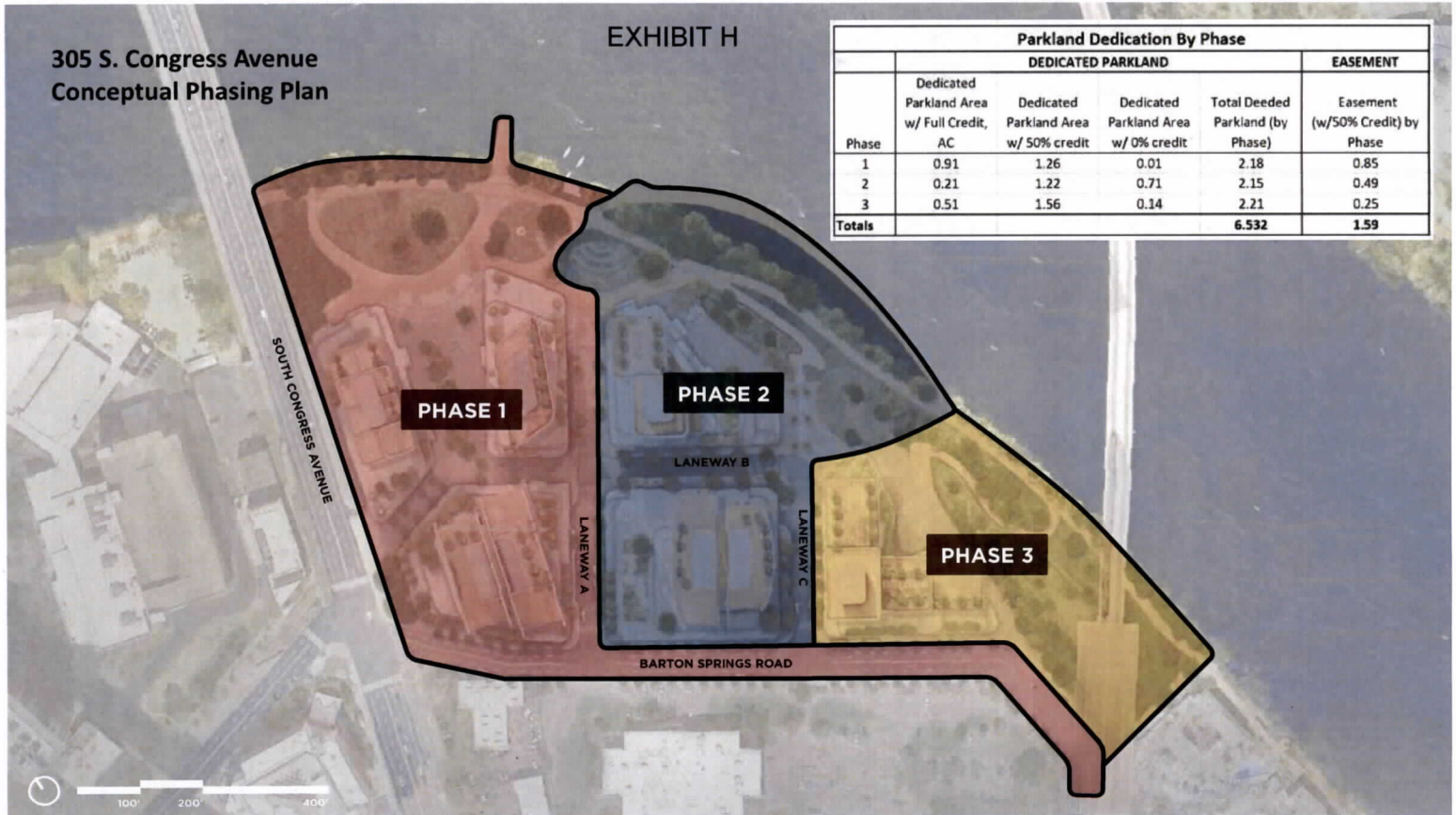
EXHIBIT G



305 S. Congress Avenue
Conceptual Phasing Plan

EXHIBIT H

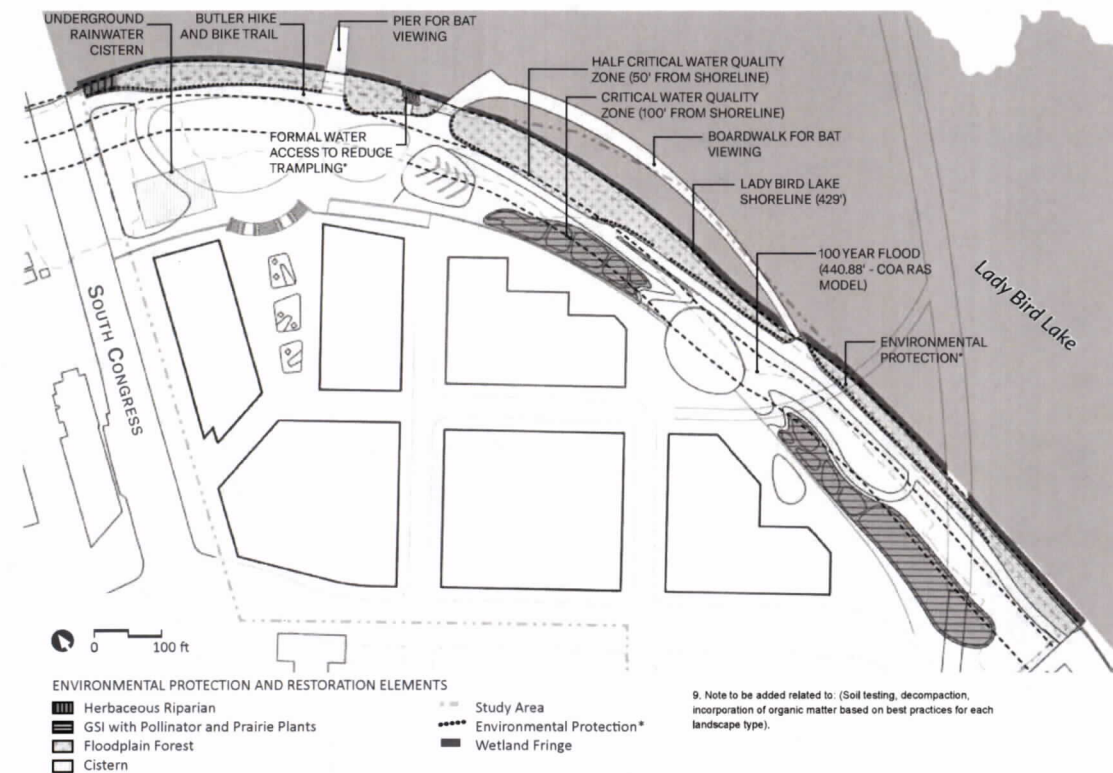
Parkland Dedication By Phase					
Phase	DEDICATED PARKLAND			Total Deeded Parkland (by Phase)	EASEMENT
	Dedicated Parkland Area w/ Full Credit, AC	Dedicated Parkland Area w/ 50% credit	Dedicated Parkland Area w/ 0% credit		Easement (w/50% Credit) by Phase
1	0.91	1.26	0.01	2.18	0.85
2	0.21	1.22	0.71	2.15	0.49
3	0.51	1.56	0.14	2.21	0.25
Totals				6.532	1.59



305 S. CONGRESS PUD

EXHIBIT J

Environmental Protection and Restoration Plan



* final location determined during site plan process

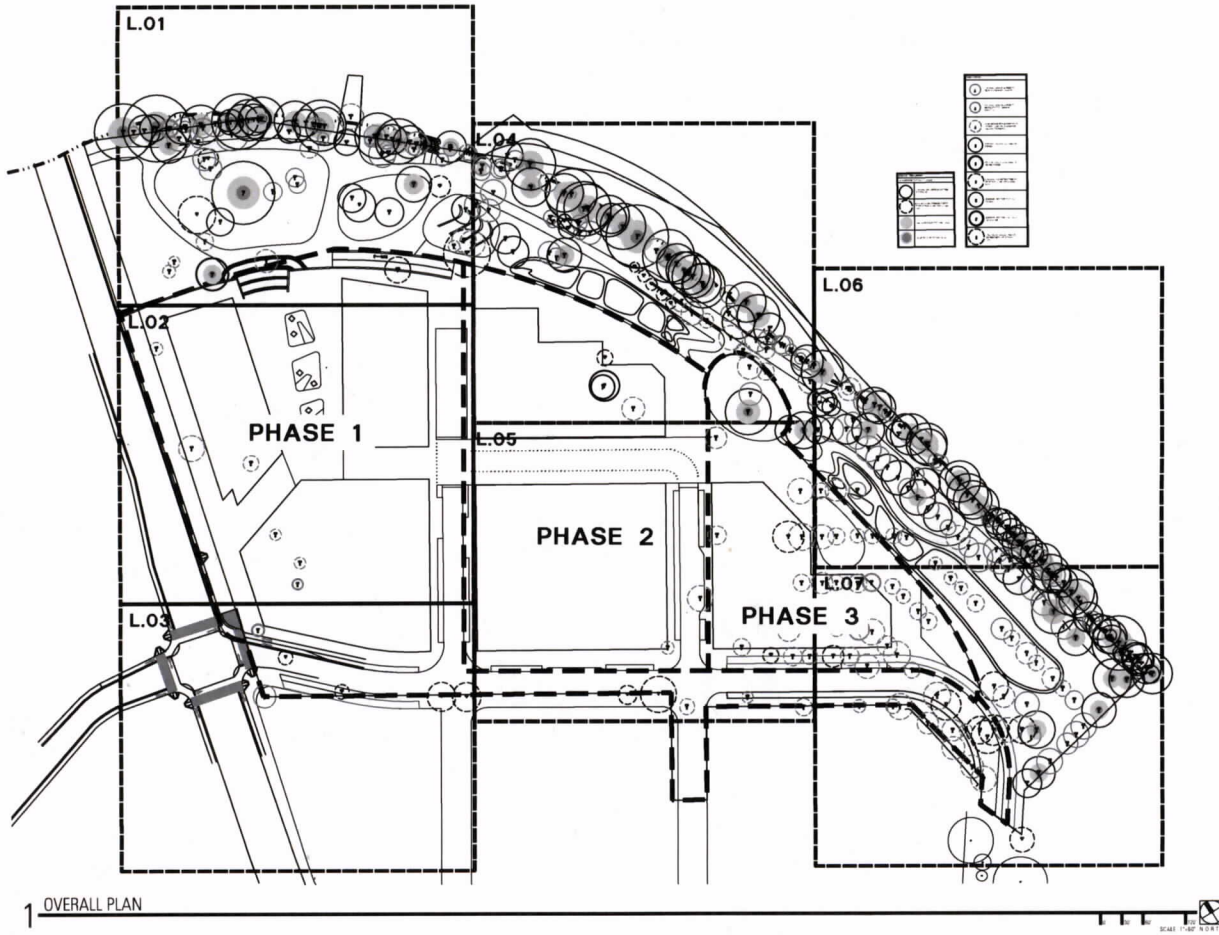
9. Note to be added related to: (Soil testing, decompaction, incorporation of organic matter based on best practices for each landscape type).

Notes:

- 1. Environmental protection and enhanced cultural experience:**
A major threat to environmental superiority of the site is the regular degradation of areas due to heavy use of the property by the public to view the bats and across the water. To accommodate additional park users, reduce trampling of restored areas, create additional bat viewing areas, and improve the views of Lady Bird Lake and the downtown Austin skyline, this project proposes to construct a pier, a boardwalk, and one hardened water access point. By directing users to these landscape features, other parts of the open space can be protected, restored, and maintained to create an environmentally superior site. Please refer to the Open Space Map for maximum shoreline proximity dimensions.
- 2. Bat conservation:**
The project will protect the Austin Bat Colony by using dark sky compliant lighting (as defined in Note 62 on Sheet 8) within 75' of the shoreline, creating safe vantage for bat viewing that do not disturb bat behavior, maintaining the hard Cypress fringe along the shoreline critical for bat navigation, and maintaining an area free of trees directly east of the Congress Avenue Bridge at the lakeshore for bats to congregate before flight. The applicant will also continue to coordinate with local bat conservation groups for best practices during the design and construction phases of the project.
- 3. Protect critical environmental features, floodplain forest, and wetland plantings:**
A combination of split rail fence, cable fence, boulders, and/or equivalent will be used to protect the wetland fringe and floodplain forest adjacent to the trail and will include at least 800 linear feet of protection.
- 4. Restore floodplain forest:**
Restore at least 1 acre of riparian woodland forest between the water edge and the trail. Restoration includes the invasive species removal (ligustrum, Nandina, Chinaberry, Chinese tallow, Arundo, Japanese honeysuckle, lacquerbark elm, tree of heaven, English ivy, Asian jasmine, Vitis, and poison ivy along with other invasives) will occupy no more than 5% vegetative cover). Temporary irrigation, soil amendments where needed (up to 1" of native compost gently tilled into upper surface), planting 500 native herbaceous and ground cover plants (1 gallon) planted in clumps 18" on center, as well as seeding 20 pounds of native riparian seed.
- 5. Restore and enhance the wetland fringe:**
The wetland fringe is shaded out by invasive understorey and is trampled in numerous areas. Restoration of the 1,000 square feet of wetland fringe will entail the removal of invasive species as described above in note 4 and begin the establishment of wetland plants where feasible with a total planting of at least 15 obligate and facultative wetland species, planting at least 200 one gallon containers in up to 10 clumps.
- 6. Restore riparian herbaceous vegetation:**
At least 500 square feet of herbaceous riparian vegetation will be planted adjacent to Congress Avenue Bridge between the trail and the lake to keep the area open for the bats and to add plant diversity. The planting will include at least 300 plants (1 gallon) planted in clumps 18" on center to reduce weeds and will include physical barriers to help minimize trampling. Preparation of the area will include woody species removal, invasive species removal, soil amendments as necessary, and temporary irrigation installation.
- 7. Pollinator plants:**
The project will include at least 30 native pollinator and prairie species (both planted and seeded) in green stormwater infrastructure that covers at least 0.75 acre of the site.
- 8. Sustainable management plan:**
The applicant is committed to creating a sustainable land management plan for the site in coordination with appropriate entities that could include the Trail Foundation, bat conservation organizations, South Central Waterfront entities, and others. The plan will use an adaptive management framework that focuses on an enhanced user experience and ecological functionality that results in long term, sustainable management of the site. At a minimum, the land management plan will include bi-annual management of invasive species (as listed above), increases in diversity through planting and seeding, ensuring native vegetation cover, and annual monitoring.

Submitted: July 24, 2019
 Updated: April 24, 2020
 Updated: October 12, 2020
 Updated: April 14, 2021
 Updated: May 10, 2021
 Updated: December 1, 2021
 Updated: January 10, 2022
 Updated: May 11, 2022
 Updated: November 7, 2022

EXHIBIT K



landscape architecture, planners & designers
1700 postoffice street
austin, tx 78701
(512) 335-1811
lsg@lsg.com

project
305 South Congress -
PUD Tree
Preservation
Plan

305 South Congress
Austin
Austin, TX 78701

project number
A20224

issue date
March 31, 2022

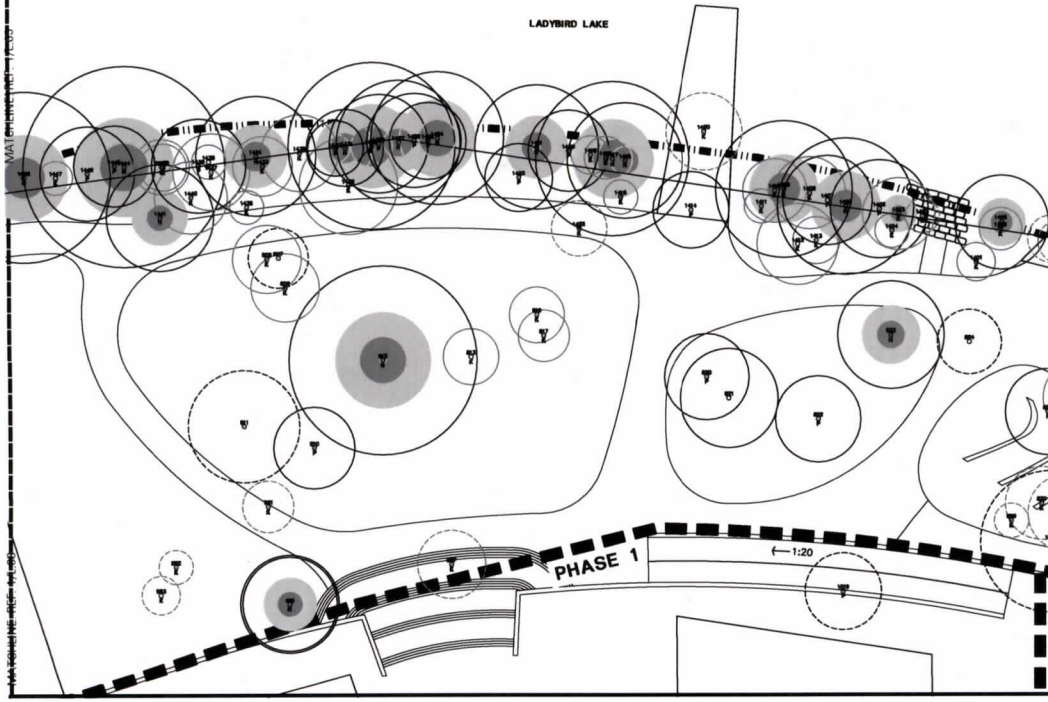
designed: KKK
drawn: KKK
checked: KKK

sheet 1/10
permit overall
site plan

sheet
L.00

MATCHLINE: REF. 1/L.02

EXHIBIT K



TREE LEGEND	
	EXISTING HERITAGE TREE TO REMAIN (Appendix F Table 107)
	EXISTING HERITAGE TREE TO BE RELOCATED (Appendix F Table 107)
	EXISTING HERITAGE TREE TO BE REMOVED AND MITIGATED FOR (Appendix F Table 107)
	EXISTING PROTECTED TREE TO REMAIN
	EXISTING PROTECTED TREE TO BE RELOCATED
	EXISTING PROTECTED TREE TO BE REMOVED AND MITIGATED FOR
	EXISTING HERITAGE TREE TO REMAIN
	EXISTING HERITAGE TREE TO BE RELOCATED
	EXISTING HERITAGE TREE TO BE REMOVED AND MITIGATED FOR

EXISTING TREE LEGEND	
1" REPRESENT HERITAGE TREES	
	EXISTING NON-APPENDIX F TREE TO REMAIN
	EXISTING NON-APPENDIX F TREE TO BE REMOVED AND MITIGATED FOR
	HALF CRITICAL ROOT ZONE (CRZ)
	100% CRITICAL ROOT ZONE (CRZ)



landscape architect, planner & designer
1100 South Congress Street
Austin, TX 78701
512.321.0211
signature.com

project
305 South Congress - PUD Tree Preservation Plan

305 South Congress
Austin, TX 78701

project number
A00001

issue date
March 31, 2022

designed: XXX
drawn: XXX
checked: XXX

sheet title
permit site plan

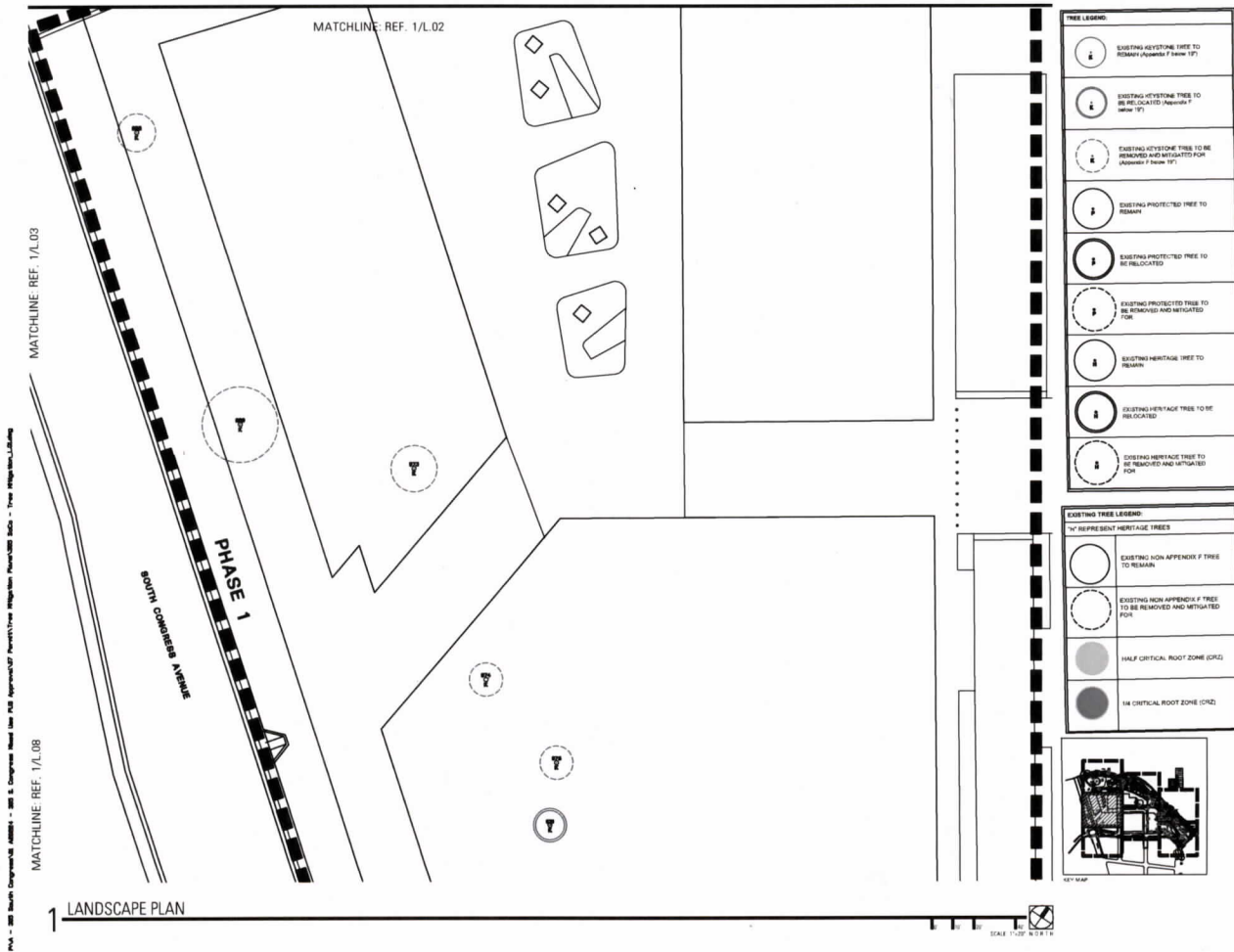
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PUD - 305 South Congress - A00001 - 305 S. Congress Street - PUD Appendix C.07 Permit/Tree Mitigation Plan - Tree Mitigation - L.01

1 LANDSCAPE PLAN

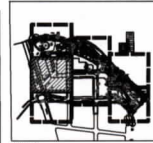


EXHIBIT K



TREE LEGEND	
	EXISTING KEYSTONE TREE TO REMAIN (Appendix F below 10')
	EXISTING KEYSTONE TREE TO BE RELOCATED (Appendix F below 10')
	EXISTING KEYSTONE TREE TO BE REMOVED AND MITIGATED FOR (Appendix F below 10')
	EXISTING PROTECTED TREE TO REMAIN
	EXISTING PROTECTED TREE TO BE RELOCATED
	EXISTING PROTECTED TREE TO BE REMOVED AND MITIGATED FOR
	EXISTING HERITAGE TREE TO REMAIN
	EXISTING HERITAGE TREE TO BE RELOCATED
	EXISTING HERITAGE TREE TO BE REMOVED AND MITIGATED FOR

EXISTING TREE LEGEND	
1/4" REPRESENT HERITAGE TREES	
	EXISTING NON APPENDIX F TREE TO REMAIN
	EXISTING NON APPENDIX F TREE TO BE REMOVED AND MITIGATED FOR
	HALF CRITICAL ROOT ZONE (CRZ)
	1/4 CRITICAL ROOT ZONE (CRZ)



landscape architecture, planning & design
1700 South Congress Street
Austin, TX 78701
512.337.1011
lsg@lsg.com

305 South Congress - PUD Tree Preservation Plan

305 South Congress
Austin, TX 78701

project number
A20224

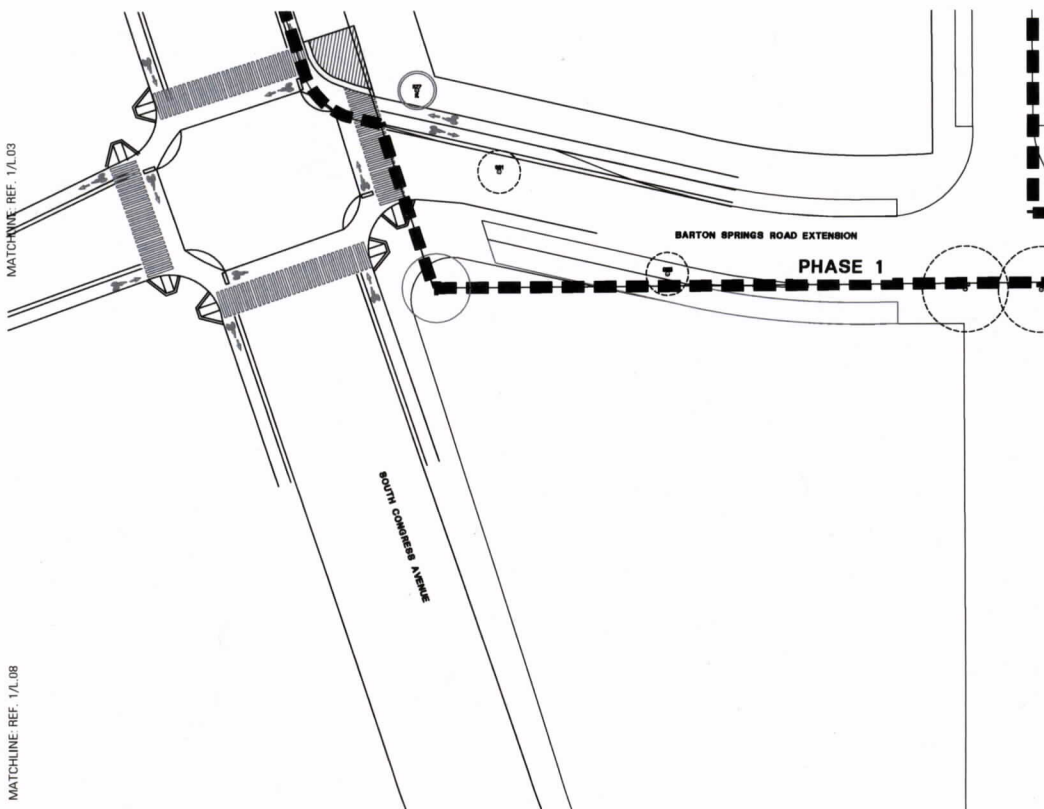
Issue date
March 21, 2022










Designed: JKL
Drawn: JKL
Reviewed: JKL





permit site plan

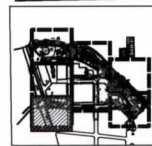
L.02

EXHIBIT K



TREE LEGEND	
	EXISTING KEYSTONE TREE TO BE REMOVED (Appendix F below 10")
	EXISTING KEYSTONE TREE TO BE RELOCATED TO Appendix F below 10")
	EXISTING KEYSTONE TREE TO BE REMOVED OR RELOCATED FOR Appendix F below 10")
	EXISTING PROTECTED TREE TO REMAIN
	EXISTING PROTECTED TREE TO BE RELOCATED
	EXISTING PROTECTED TREE TO BE REMOVED AND RE-PLANTED
	EXISTING HERITAGE TREE TO REMAIN
	EXISTING HERITAGE TREE TO BE RELOCATED
	EXISTING HERITAGE TREE TO BE REMOVED AND RE-PLANTED

EXISTING TREE LEGEND:	
1/4" REPRESENT HERITAGE TREES	
	EXISTING NON APPENDIX F TREE TO REMAIN
	EXISTING NON APPENDIX F TREE TO BE REMOVED AND MITIGATED FOR
	HALF CRITICAL ROOT ZONE (CRZ)
	1/4 CRITICAL ROOT ZONE (CRZ)



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305 South
Congress -
PUD Tree
Preservation
Plan

205 South Congress
Avenue
Austin, TX 78701

project number
A20294

Issue Date
March 21, 2022

designed	XXX
drawn	XXX
reviewed	XXX

permit site plan

sheet
L.03

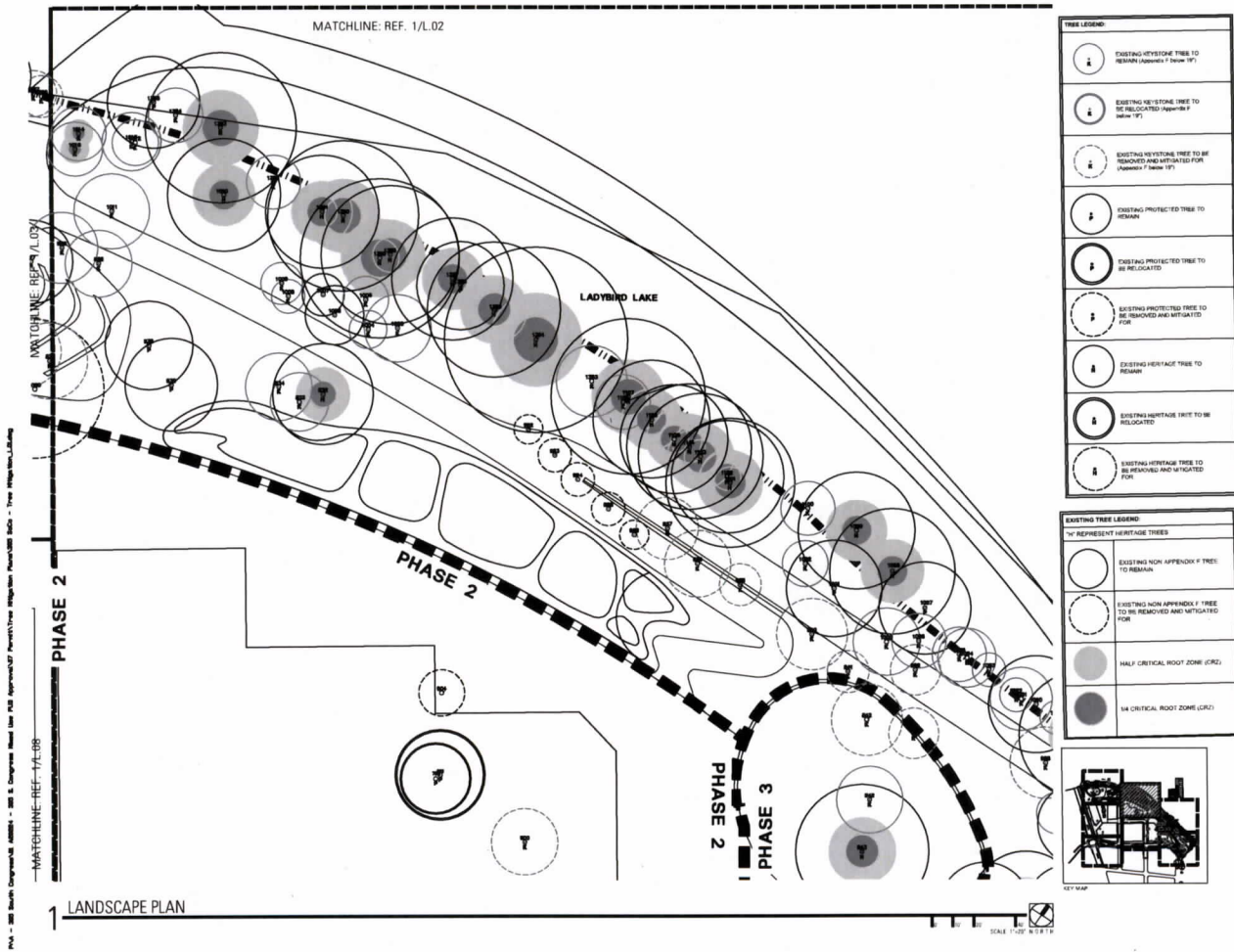
MATCHING: REF. 1/L.03

\\FA - 202 South Congress\\06 A20224 - 202 S Congress Mand Use PUB Approval\\07 Permit\\Tree Mitigation Plans\\2022 EDCs - Tree Mitigation Building

MATCHLINE: REF. 1/L.08

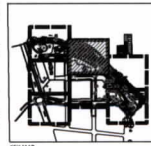
1 LANDSCAPE PLAN

EXHIBIT K



TREE LEGEND:	
	EXISTING HERITAGE TREE TO REMAIN (Appendix F Item 1P)
	EXISTING HERITAGE TREE TO BE RELOCATED (Appendix F Item 1P)
	EXISTING HERITAGE TREE TO BE REMOVED AND REPLANTED FOR (Appendix F Item 1P)
	EXISTING PROTECTED TREE TO REMAIN
	EXISTING PROTECTED TREE TO BE RELOCATED
	EXISTING PROTECTED TREE TO BE REMOVED AND REPLANTED FOR
	EXISTING HERITAGE TREE TO REMAIN
	EXISTING HERITAGE TREE TO BE RELOCATED
	EXISTING HERITAGE TREE TO BE REMOVED AND REPLANTED FOR

EXISTING TREE LEGEND:	
"H" REPRESENT HERITAGE TREES	
	EXISTING NON-APPENDIX F TREE TO REMAIN
	EXISTING NON-APPENDIX F TREE TO BE REMOVED AND REPLANTED FOR
	HALF CRITICAL ROOT ZONE (CRZ)
	1/4 CRITICAL ROOT ZONE (CRZ)



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305 South Congress - PUD Tree Preservation Plan

200 South Congress Avenue
 Austin, TX 78701

project number: A20204

sheet title: March 21, 2022

designed: KKK

drawn: KKK

checked: KKK

permit site plan

L.04



308 South Congress
Avenue
Austin, TX 78721

project number
A20224

issue date
March 21, 2022

designed	X.X.X
drawn	X.X.X
revised	X.X.X

permit site plan

L.05

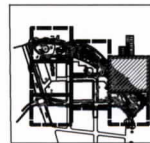
EXHIBIT K



FILE - 305 South Congress - 000000 - 000 5. Congress Road Use PUD Appendix C/F Forest/Tree Mitigation Plan/000000 - Tree Mitigation/Landscaping

TREE LEGEND	
	EXISTING APPENDIX F TREES TO BE REMOVED AND MITIGATED FOR
	EXISTING APPENDIX F TREES TO BE REMOVED AND MITIGATED FOR
	EXISTING APPENDIX F TREES TO BE REMOVED AND MITIGATED FOR
	EXISTING PROTECTED TREE TO REMAIN
	EXISTING PROTECTED TREE TO BE REMOVED
	EXISTING PROTECTED TREE TO BE REMOVED AND MITIGATED FOR
	EXISTING HERITAGE TREE TO REMAIN
	EXISTING HERITAGE TREE TO BE REMOVED AND MITIGATED FOR

EXISTING TREE LEGEND	
APPENDIX F HERITAGE TREES	
	EXISTING NON APPENDIX F TREE TO REMAIN
	EXISTING NON APPENDIX F TREE TO BE REMOVED AND MITIGATED FOR
	HALF CRITICAL ROOT ZONE (CRZ)
	WH CRITICAL ROOT ZONE (CRZ)



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305 South Congress - PUD Tree Preservation Plan

305 South Congress
Austin, TX 78701

PROJECT NUMBER
A2224

issue date
March 21, 2022

designed: GXX

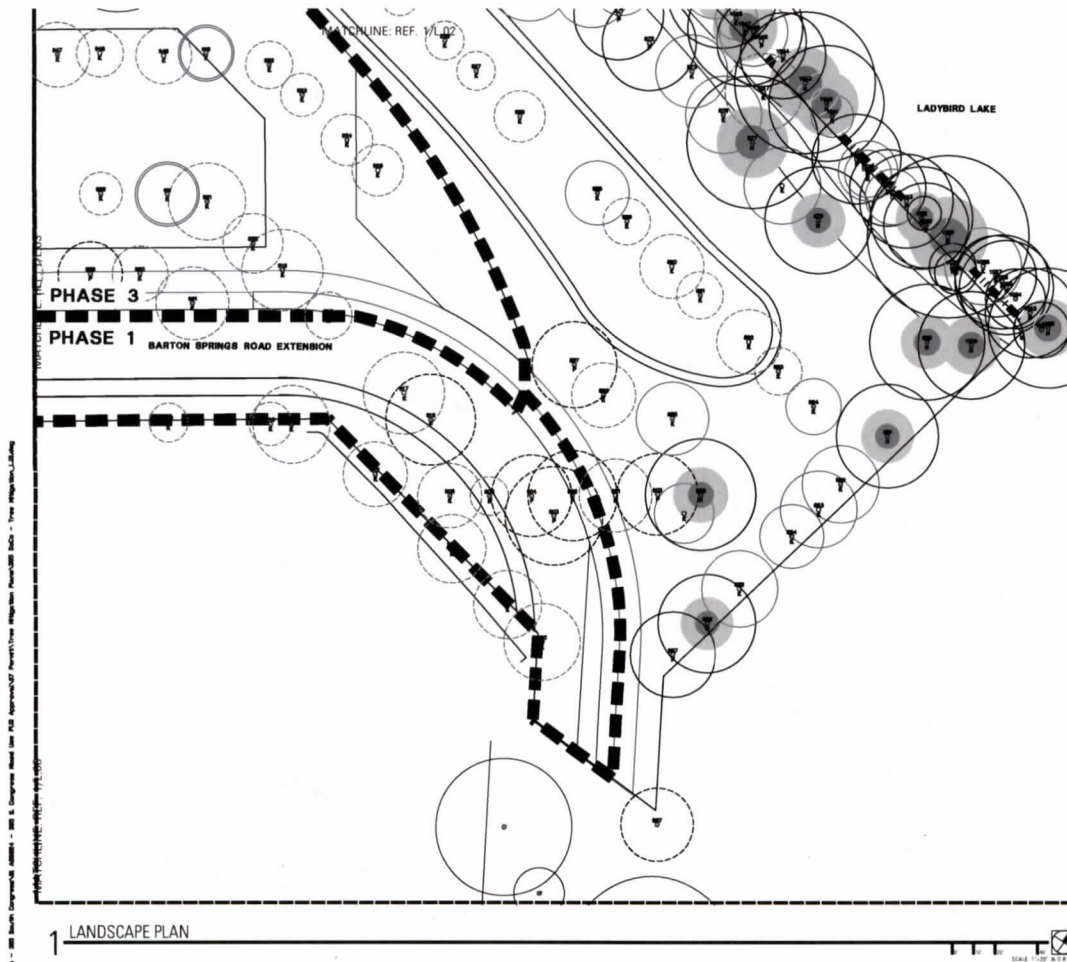
drawn: GXX

checked: GXX

permit site plan

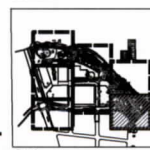
L.06

EXHIBIT K



TREE LEGEND	
	EXISTING KEYSTONE TREE TO REMAIN (Appendix F Table 1F)
	EXISTING KEYSTONE TREE TO BE RELOCATED (Appendix F Table 1F)
	EXISTING KEYSTONE TREE TO BE REMOVED AND MITIGATED FOR (Appendix F Table 1F)
	EXISTING PROTECTED TREE TO REMAIN
	EXISTING PROTECTED TREE TO BE RELOCATED
	EXISTING PROTECTED TREE TO BE REMOVED AND MITIGATED FOR
	EXISTING HERITAGE TREE TO REMAIN
	EXISTING HERITAGE TREE TO BE RELOCATED
	EXISTING HERITAGE TREE TO BE REMOVED AND MITIGATED FOR

EXISTING TREE LEGEND	
IF REPRESENT HERITAGE TREES	
	EXISTING NON APPARENT TREE TO REMAIN
	EXISTING NON APPARENT TREE TO BE REMOVED AND MITIGATED FOR
	1/2 CRITICAL ROOT ZONE (CRZ)
	1/4 CRITICAL ROOT ZONE (CRZ)



TM

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512.351.1111
taylor@taylor.com

project
305 South Congress - PUD Tree Preservation Plan

305 South Congress
Austin
Austin, TX 78701

project number
A20214

issue date
March 21, 2022

designer: G.S.
drafter: G.S.
reviewer: G.S.

sheet title
permit site plan

sheet
L.07

305 S. Congress Mixed Use PUD
Austin, Travis County, Texas

Job Number: A20224

INVASIVE CALIPER INCHES IN RED
POOR HEALTH TREES IN BLUE

TOTAL APPENDIX F PRESERVATION RATE: 77.36%

TREE LIST / MITIGATION CALCULATIONS - PROPOSED (APPENDIX F)

[illegible]

EXHIBIT K

[illegible]

[illegible]

EXHIBIT K

HERITAGE	MULTI-TUNK	ROAD OR POOR	TANK PRESERVED	SPECIES	CAL	CAL	CAL	CAL	CAL	CAL	H	Trees Removed										Trees Preserved										APDX-F TREES INSTALLED PER SPC-2014-0356C	
												ECM 3.5.1 (A)(2) - Tree Type Categories										ECM 3.5.1 (A)(2) - Tree Type Categories											
					HERITAGE 30"+	HERITAGE 24"+	APDX-F 19" & UP	APDX-F 8"-18.9"	NON-APDX-F 19" & UP	NON-APDX-F 8"-18.9"	APDX-F <8"	NON-APDX-F <8"	INVASIVE	TREE HEALTH GRADED AS POOR	HERITAGE E 30"+	HERITAGE E 24"+	APDX-F 19" & UP	APDX-F 8"-18.9"	NON-APDX-F 19" & UP	NON-APDX-F 8"-18.9"	APDX-F <8"	NON-APDX-F <8"	INVASIVE										
				999* LIVE OAK	12									12																			
				1000 LIVE OAK	16																					16							
				1001 LIVE OAK	22																			22									
				1002 LIVE OAK	11																					11							
				1003 BALD CYPRESS	16																					16							
				1004 BALD CYPRESS	9																					9							
				1005 BALD CYPRESS	11																					11							
				1008 YALPON HOLLY	8																					8							
				1009 YALPON HOLLY	10																					10							
X				1010 SPANISH OAK	30																		29.5										
				1011 LIVE OAK	18																					18							
				1012 HACKBERRY	11																					11							
				1013 PECAN	14																					14							
				1014 PECAN	13																					13							
				1015 PECAN	13																					13							
X				1016 LIVE OAK	27																			26.5									
				1017* LIVE OAK	18									18																			
				1018 HACKBERRY	11																					11							
				1019* LIVE OAK	21									20.5																			
X				1022 BALD CYPRESS	27																			27									
				1023 BALD CYPRESS	21																				21								
				1025 BALD CYPRESS	23																				22.5								
				1026 BALD CYPRESS	22																				22								
				1027 BALD CYPRESS	19																				19								
				1028 BALD CYPRESS	18																					18							
X				1029 BALD CYPRESS	37																			37									
				1030 BALD CYPRESS	22																				22								
X				1031 BALD CYPRESS	24																			24									
				1033 BALD CYPRESS	23																				23								
				1034 CEDAR ELM	14																					14							
				1037 BALD CYPRESS	19																					19							
				1038 AMERICAN ELM	12																					11.5							
				1039 BALD CYPRESS	15																					14.5							
				1040 AMERICAN ELM	23																				21								
				1041 AMERICAN ELM	11																					10.5							
X				1042 BALD CYPRESS	30																			29.5									
X				1043 BALD CYPRESS	33																			33									
				1044 BALD CYPRESS	21																				21								
				1045 BALD CYPRESS	23																				23								
				1046 BALD CYPRESS	17																					16.5							
X				1047 BALD CYPRESS	30																			30									
				1048 BALD CYPRESS	11																					11							
X				1049 BALD CYPRESS	27																				27								
				1050 AMERICAN SYCAMORE	16																					16							
				1052 BALD CYPRESS	20																				20								
X				1053 BALD CYPRESS	24																												

EXHIBIT K

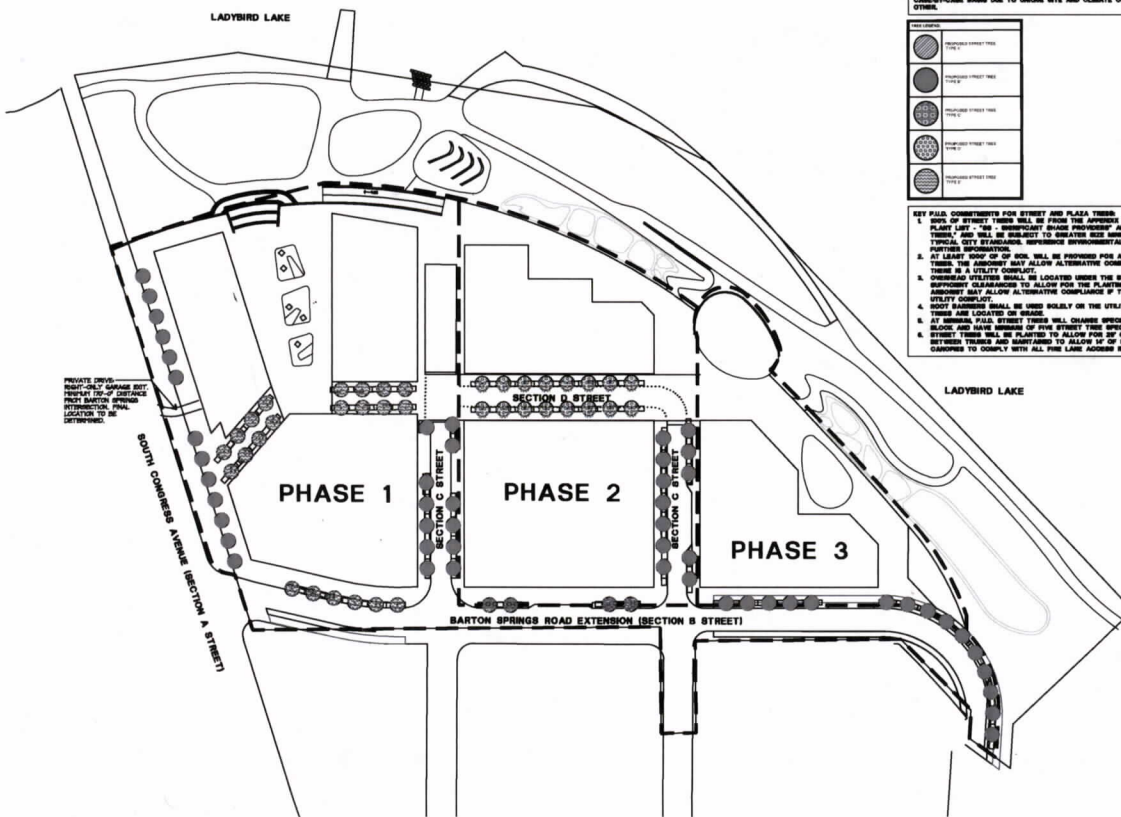
[illegible]

EXHIBIT K

										Trees Removed										Trees Preserved									
<div>HERITAGE</div> <div>MULTI-TRUNK</div> <div>DEAD OR POOR</div> <div>Total Preserved</div>					ECM 3.5.1 (A)(2) - Tree Type Categories										ECM 3.5.1 (A)(2) - Tree Type Categories														
					Heritage Trees		APDX-F		NON-APDX-F		NON-APDX-F		INVASIVE		TREE HEALTH GRADED AS POOR		Heritage Trees		APDX-F		NON-APDX-F		NON-APDX-F		INVASIVE		APDX-F TREES INSTALLED PER SPC-2014-0356C		
SPECIES					CAL 1	CAL 2	CAL 3	CAL 4	CAL 5	CAL 6	CAL 7	CAL 8	CAL 9	CAL 10	CAL 11	CAL 12	CAL 13	CAL 14	CAL 15	CAL 16	CAL 17	CAL 18	CAL 19	CAL 20	CAL 21	CAL 22			
					30"+	24"+	19" & UP	8"-18.9"	19" & UP	8"-18.9"	19" & UP	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"	8"-18.9"			
Total cal. inch removed per category					0	0	224	1109	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Grand Total Cal. Inch Removed					1333																								
COA Minimum Replacement					300%	300%	100%	50%	50%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
replace @ %					0.0	0.0	224.0	554.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
Subtotal Replacement Inches					779																								
Total Replacement (cal. inches)					Trees REMOVAL Accounting Summary																								
					Total Caliper Inches Surveyed: 5,889																								
					Total heritage cal. inches 30"+ removed: 0																								
					Total heritage cal. inches 24"+ removed: 0																								
					Total cal. inches removed, Appendix F, 19" & up: 224																								
					Total cal. inches removed, Appendix F, 8"-18.9": 1109.0																								
					Total cal. inches removed, NON-Appendix F, 19" & up: 0																								
					Total cal. inches removed, NON-Appendix F, 8"-18.9": 0																								
					Total cal. inches removed, Appendix F, <8": 0																								
					Total cal. inches removed, NON-Appendix F, <8": 0																								
					Total cal. inches removed, Invasive: 0																								
					Total cal inches removed: 1333																								
					TOTAL APPENDIX F PRESERVATION RATE: 77.36%																								
					PROTECTED TREE APPENDIX F PRESERVATION RATE: 83.66%																								

					Trees REMOVAL Accounting Summary																			
					Total Caliper Inches Surveyed: 5,889																			
					Total heritage cal. inches 30"+ preserved: 940																			
					Total heritage cal. inches 24"+ preserved: 991																			
					Total cal. inches preserved, Appendix F, 19" & up: 1137.5																			
					Total cal. inches preserved, Appendix F, 8"-18.9": 1487.5																			
					Total cal. inches preserved, NON-Appendix F, 19" & up: 0																			
					Total cal. inches preserved, NON-Appendix F, 8"-18.9": 0																			
					Total cal. inches preserved, Appendix F, <8": 0																			
					Total cal. inches preserved, NON-Appendix F, <8": 0																			
					Total cal. inches preserved, Invasive: 0																			
					Total cal inches PRESERVED: 4556																			
					TOTAL APPENDIX F PRESERVATION RATE: 77.36%																			
					PROTECTED TREE APPENDIX F PRESERVATION RATE: 83.66%																			






EXHIBIT L



NOTE:
LOCATION OF THE STREET TIERS ARE SUBJECT TO CHANGE BASED ON
VEHICLE DROP OFF AND FINAL BELOW GRADE GARAGE PARKING ENTRANCE

NOTE:

THE PURPOSE OF THIS EXHIBIT IS TO ILLUSTRATE THE OBJECTIVE TO CHANGE STREET TREE SPORES AT EACH BLOCK LENGTH. THE CITY ARBORIST MAY ALLOW FOR ALTERNATIVE EQUIVALENT COMPLIANCE ON THE TREE "TYPE" TO CHANGE AT TIME OF DESIGN AND PERMITTING BASED ON CASE-BY-CASE BASIS DUE TO UNUSUAL SITE AND CLIMATE CONDITIONS, OTHER.

ROAD LAYOUTS	
	IMPROVED STREET TYPE TYPE 1
	IMPROVED STREET TYPE TYPE 2
	IMPROVED STREET TYPE TYPE 3
	IMPROVED STREET TYPE TYPE 4
	IMPROVED STREET TYPE TYPE 5

KEY PLAC. COMMITMENTS FOR STREET AND PLAZA THEMES:

- 1. **SOUL OF STREET** THEMES WILL BE FROM THE APPROPRIATE PERSPECTIVE OF THE COMMUNITY AND WILL BE A REFLECTION OF THE "SOUL" OF THE CITY. THEMES WILL BE SUBJECT TO CHANGES BASED ON CHANGES FROM THE CITY'S CITY STANDARDS, RESPONSES FROM ENVIRONMENTAL, NOTES FOR PUBLIC CONSULTATION.
- 2. AT LEAST 80% OF SOUL WILL BE PROVIDED FOR ALL STREET THEMES. A MINIMUM OF 10% WILL BE PROVIDED FOR PLAZA THEMES. THERE IS A UTILITY CONFLICT.
- 3. **PLAZA THEMES** LOCATED UNDER THE STREET WITH SUFFICIENT CLEARANCES TO ALLOW FOR THE PLANTING ZONE, THE THEMES MAY ALSO BE ALTERNATIVE COMPLIANCE IF THERE IS A UTILITY CONFLICT.
- 4. **ROOT SYSTEMS** WILL BE USED SOLELY ON THE UTILITY SIDE WHERE THERE IS A UTILITY CONFLICT.
- 5. AT MINIMUM, PLAZA THEMES WILL CHANGE SPACING AT EVERY 10' AND MAY HAVE A MAXIMUM SPACING OF 15'.
- 6. STREET THEMES WILL BE PLANTED TO ALLOW FOR 20" OF SPACE FOR PLANTING AND 10" OF SPACE FOR PLANTING. PLANTING WILL BE CHANGED TO COMPLY WITH ALL FIRE LANE ACCESS REQUIREMENTS.

TBD

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mukwonago, wi 53151

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tbdpartners.com

305 South
Congress -
PUD Street
Tree Plan

306 South Congress
Austin, TX 78721

PROJECT NUMBER
A20224

March 27, 2022

street trees

L.01

305 S. CONGRESS PUD
Data Table and Notes

EXHIBIT M

Total Site Area		821,517 sf / 18.858 acres
Minimum Lot Size		5,750 sf
Minimum Lot Width		50 feet
Maximum Height		325 feet
Maximum Impervious Cover *		68%
Maximum Building Coverage		55%
Maximum Floor Area Ratio *		4.3 : 1
Minimum Setbacks	Front Yard	0 feet
	Street Side Yard	0 feet
	Inferior Side Yard	0 feet
	Rear Yard	0 feet

* Impervious cover, building coverage, and floor-to-area ratio of all impervious surfaces shall be calculated on all of the land within the PUD.
* Impervious cover and building coverage will be higher on a parcel by parcel calculation.

NOTES

1. The maximum height of any structure within Area 2 shall not exceed 325 feet.
2. The maximum height of any structure within Area 2 shall not exceed 325 feet.
3. The maximum height of any structure within Area 2 shall not exceed 325 feet.
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		Breakdown	Total Acres	Total GSF	Percentage
Public Realm	R.O.W.	Future Barton Springs Road Extension	1.92	83,815	10.2%
		Internal Private Driveways	1.77	77,078	9.4%
	Open Space	Park Land **	6.53	284,447	34.6%
		Plaza / Landscape Area	1.59	69,233	8.4%
	Total Public Realm Area		11.81	514,573	62.6%
	Developable Land	Development Parcel		703	307,098
Total Developable Area		703	307,098	37.4%	
Total Land Area			18.86	821,517	100%

** Park Land includes landscaped land totaling 0.56 acres / 24,342 sf

Land Use Summary	
Residential	1,378 units
Hotel	279 keys
Commercial	150,000 gsf
Office	1,500,000 gsf

Land use and intensities may change to long as development is subject to the PUD and to the limitations outlined in the TIA dated July 2, 2021.

EXHIBIT N

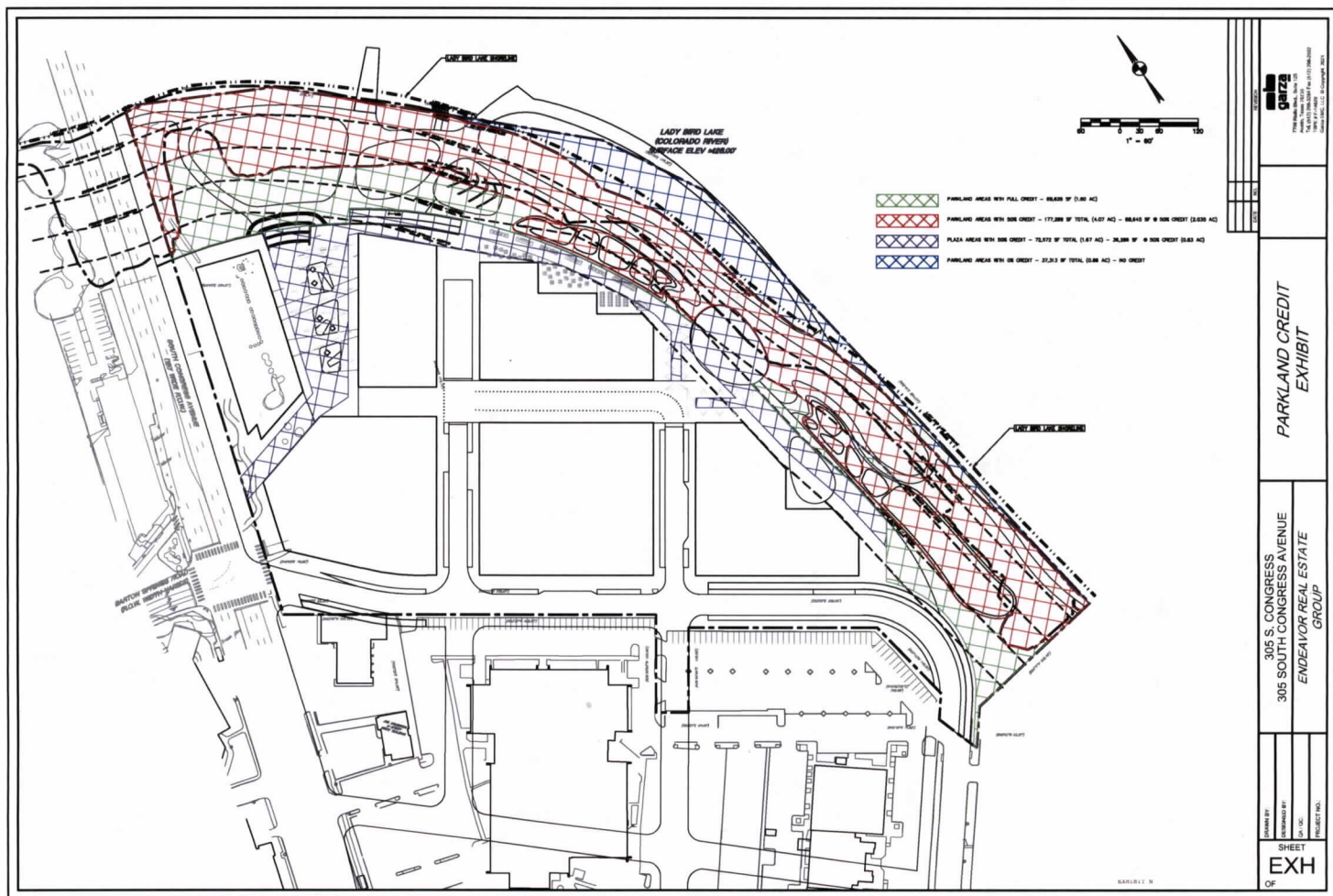
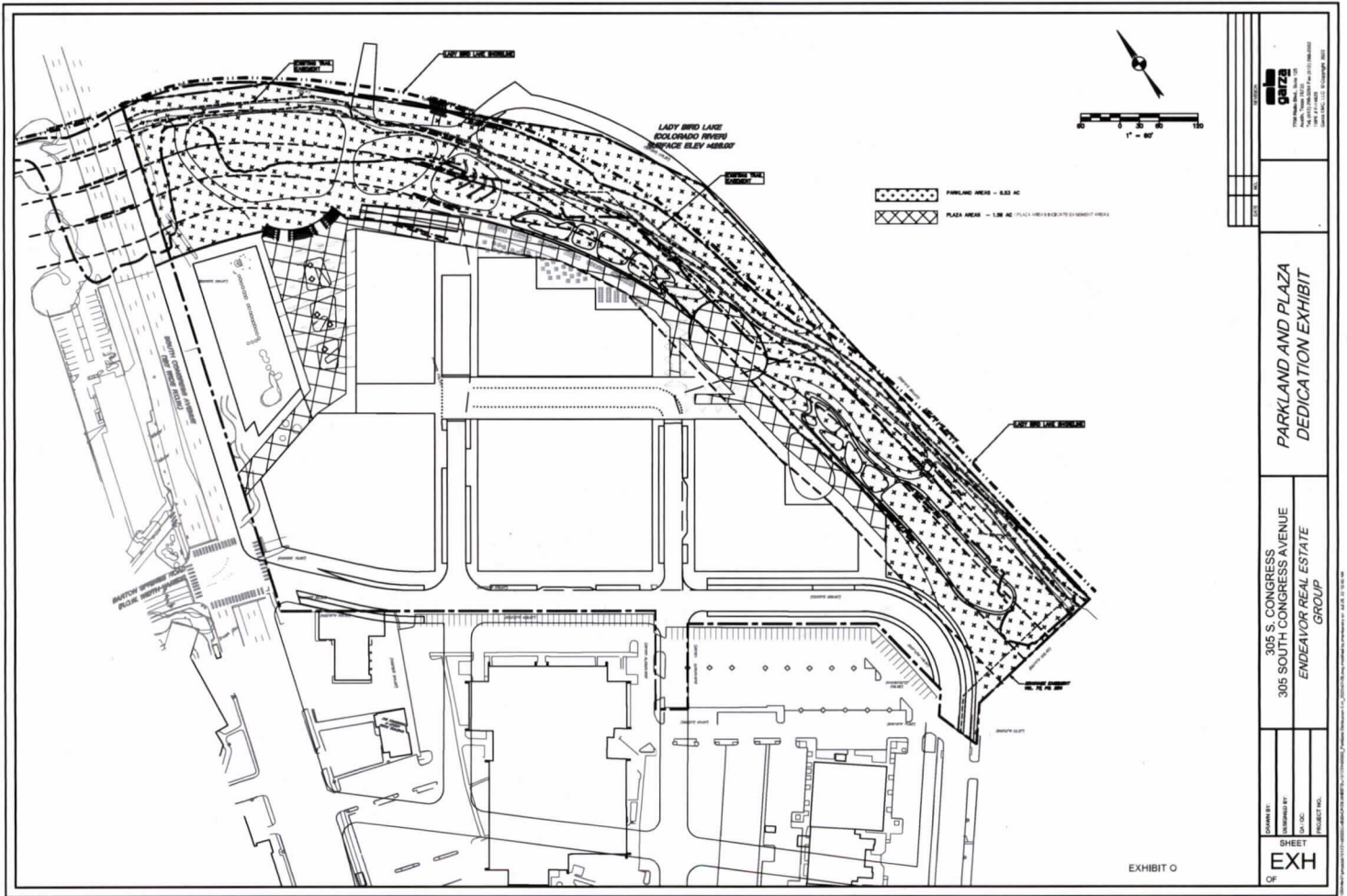
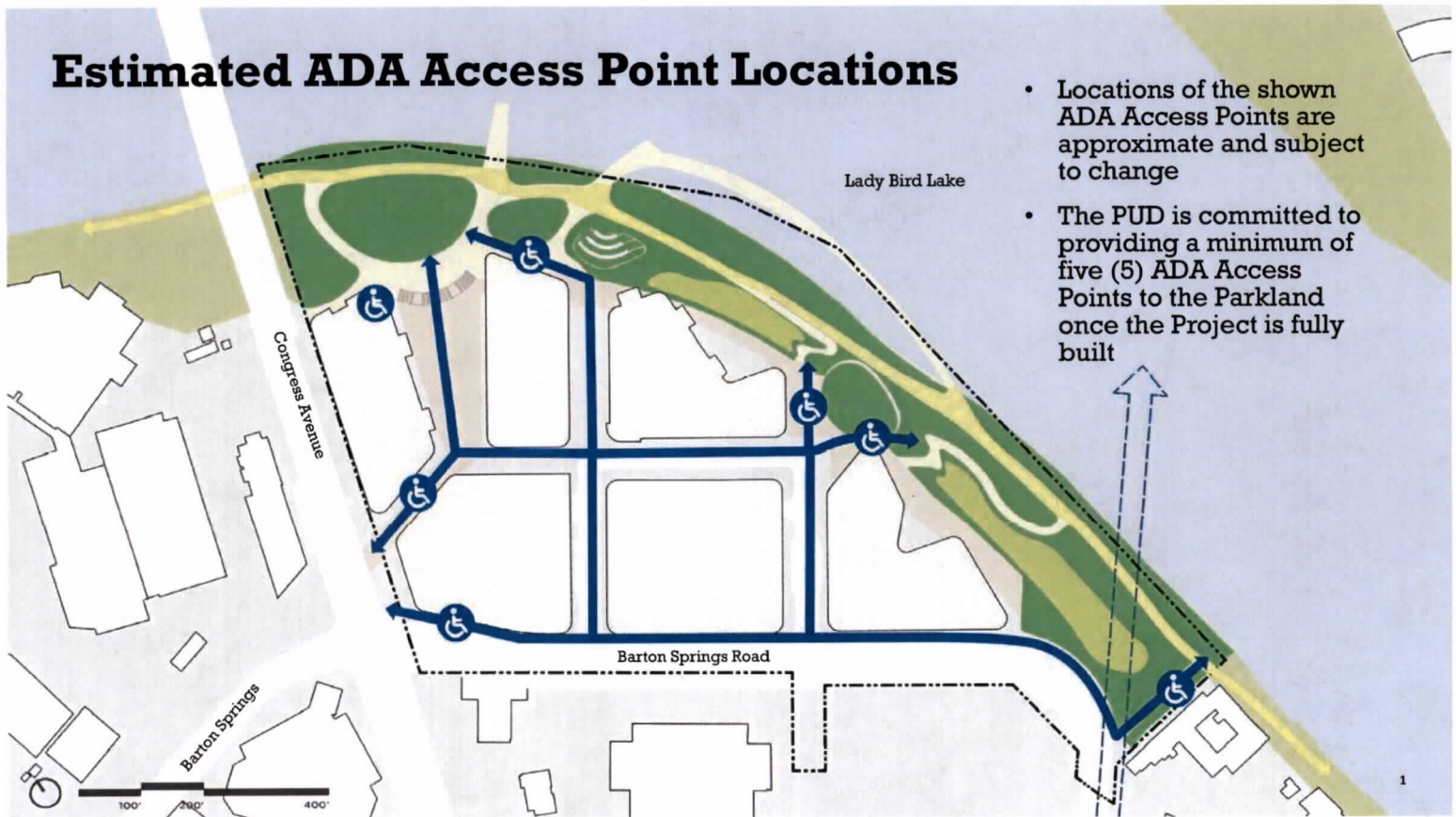


EXHIBIT O



Estimated ADA Access Point Locations

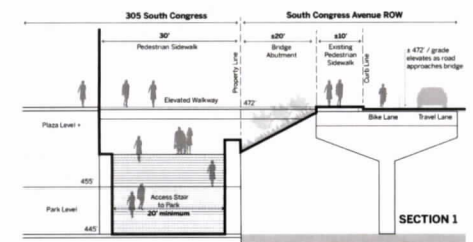
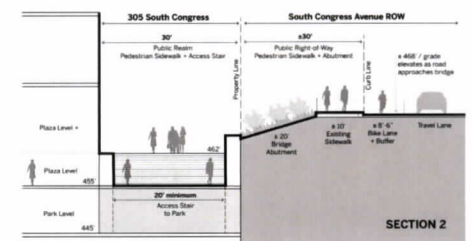
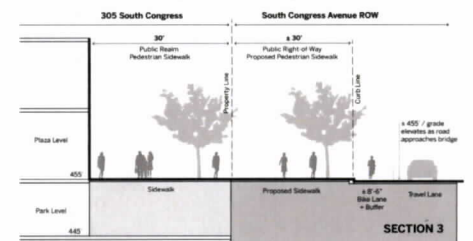
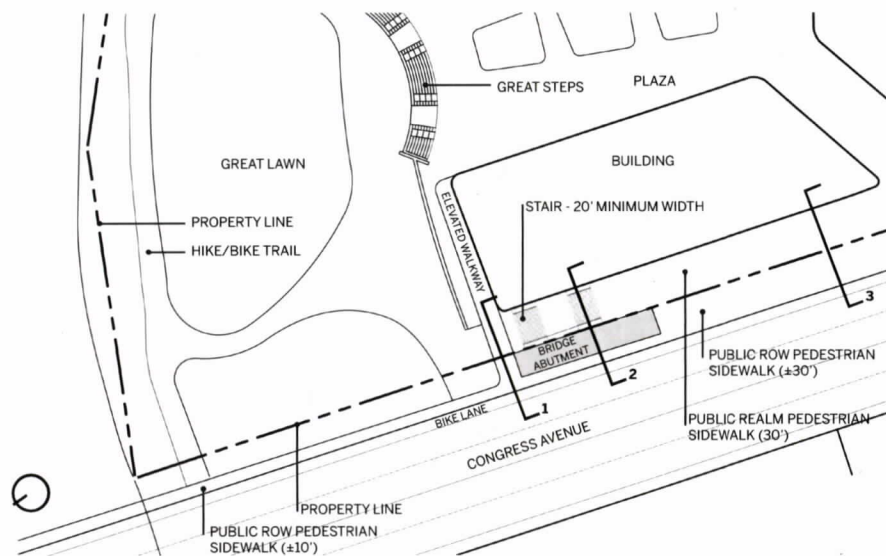


- Locations of the shown ADA Access Points are approximate and subject to change
- The PUD is committed to providing a minimum of five (5) ADA Access Points to the Parkland once the Project is fully built

EXHIBIT P

Exhibit Q: Congress Avenue Access

Diagram depicting general location for future public access and connections from Congress Avenue Bridge. Coordination with the public right-of-way on Congress Avenue required. Connection points, sidewalk design, stair design, and alignment with existing site elevations may impact final design.



305 S. CONGRESS PUD
Proposal on Public Infrastructure Investment

Exhibit R

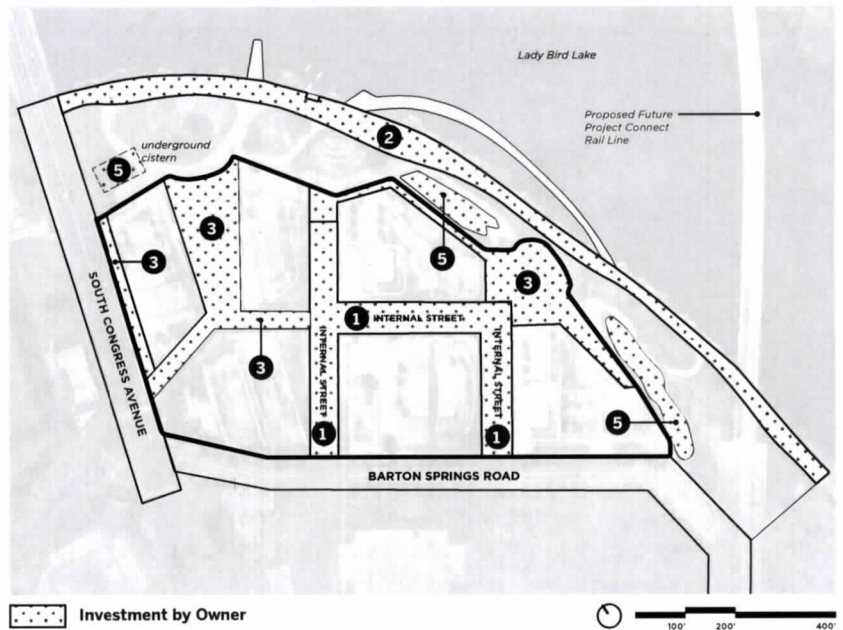
Investment by Owner

- 1** Internal Streets
- 2** Open Space: shoreline restoration, environmental superiority, and 1,700 LF of reconstructed hike and bike trail
- 3** Open Space: plaza, public park access improvements
- 4** Open Space: estimated parkland fee-in-lieu (*not shown on graphic*)
- 5** Water Quality: rain gardens and underground cistern
- 6** Enhanced Bat Viewing areas on the property that will include signage, educational elements, and cameras for virtual bat viewing and education (*not shown on graphic*)
- 7** Provide and maintain a total of 2,000 sf vertical green wall within the public rights-of-way, private streets, or open space areas that receives more than four (4) hours of sunlight and will either be composed of vine and mesh or a living wall system. (*not shown on graphic*)

NOTE:

The location and size of all improvements shown on this Exhibit are approximate and subject to change based upon final design.

CASE NUMBER: C814-89-0003.02



DECEMBER 2, 2022