

ZONING CHANGE REVIEW SHEET

CASE: C814-06-0106.03 – Hyatt West PUD Amendment

DISTRICT: 9

ZONING FROM / TO: PUD-NP, to remove the minimum parking requirement for the West Parcel

ADDRESS: 151 South 1st Street

TOTAL PUD AREA: 9.567 acres

SITE AREA OF AMENDMENT: 3.321 acres – West Parcel

PROPERTY OWNER: River South Venture, LLC

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant a third amendment to planned unit development – neighborhood plan (PUD-NP) combining district zoning, as shown in Attachment C, the proposed revised Ordinance No. 20070215-043, with the following conditions as outlined by Austin Water:

- The Hyatt West PUD Amendment shall extend the city's existing reclaimed water main located at the intersection of West Riverside Drive and South 1st Street (about 470 feet from the property) and use the reclaimed water as a supply to non-potable water uses in the project including toilet and urinal flushing, evaporative cooling, and irrigation. *Attachment B*

PLANNING COMMISSION ACTION:

September 12, 2023: *APPROVED STAFF RECOMMENDATION WITHOUT AUSTIN WATER CONDITIONS. MOTION AMENDED TO INCLUDE THE FOLLOWING WITHIN LEGAL BOUNDS:*

- Per LDC 25-9-413, an on-site reclaim water system is proposed that consists of:
 - The collection of Condensation from the 100% outside Air Roof Top Units,
 - The collection of Storm Water from the building structure,
 - Ground water collected through the sub-soil drainage system located below the 3-level below grade parking garage.
- This water will be stored in a cistern adjacent to the building on site. The water will be distributed via pumps to the commercial retail space on levels 1 and 2.

- **The reclaimed water will be utilized to supply the ground level irrigation systems around the site. The site for this project is significantly larger than most downtown urban projects that are built lot line to lot line.**

[G. ANDERSON; A. WOODS – 2ND] (8-3-1) T. SHAW, N. BARRERA-RAMIREZ, A. HAYNES – NAY; J. MUSHTALER – ABSTAINED

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

Ordinance No. 20210930-117 was approved by City Council in September of 2021, and beginning December 1, 2023, all large commercial and multi-family developments will be required to use either rainwater and A/C condensate or reclaimed water for non-potable water needs in new buildings. Since this ordinance will be put into effect later this year, Austin Water believes it is reasonable to request a PUD applicant to comply with the Water Forward Plan which was adopted in 2018 and is close to having ordinances implemented. Please see the condition listed in the staff's recommendation in reference to this case.

The applicant does not agree with the proposed condition in the staff's recommendation for this case.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Attachment A: Applicant's Summary Letter and Correspondence
Attachment B: Austin Water Correspondence
Attachment C: Proposed Revisions to the 2007 Fairfield/Hyatt PUD
(Ordinance No. 20070215-043)

CASE MANAGER COMMENTS:

The Fairfield/Hyatt Planned Unit Development (PUD) was approved in 2007 and is 9.567 acres located in central Austin south of Lady Bird Lake and north of West Riverside Drive in between South 1st Street and South Congress Avenue. The PUD property is developed and consists of three parcels – the Hotel Parcel, the West Parcel, and the South Parcel. The Hyatt Regency Austin resides within the Hotel Parcel. The West Parcel is adjacent to South 1st Street and consists of surface parking. A parking garage is located on the South Parcel. This

PUD property lies within the South Shore Central Waterfront Overlay District, and a portion of the Town Lake Hike & Bike Trail crosses the property.

There are commercial uses and multifamily to the south (CS-1-V-NP; LI-NP), Vic Mathias and Auditorium Shores as well as the Long Center are to the west (P-NP; CS-1-NP). Lady Bird Lake is directly to the north while South Congress Avenue is directly to the east.

Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.

The subject property for the proposed amendment is 3.321 acres located at 151 South 1st Street and is identified as the **West Parcel**.

The Applicant's Summary letter states:

The purpose of this PUD amendment is to remove the minimum parking requirement for this Parcel; no other changes to the PUD are being requested.

The Applicant has also provided the following information regarding what this project will be offering pertaining to reclaimed connections:

- Per LDC 25-9-413, an on-site reclaim water system is proposed that consists of:
 - The collection of Condensation from the 100% outside Air Roof Top Units,
 - The collection of Storm Water from the building structure,
 - Ground water collected through the sub-soil drainage system located below the 3-level below grade parking garage.
- This water will be stored in a cistern adjacent to the building on site. The water will be distributed via pumps to the commercial retail space on levels 1 and 2.
- The reclaimed water will be utilized to supply the ground level irrigation systems around the site. The site for this project is significantly larger than most downtown urban projects that are built lot line to lot line. ***Please refer to Attachment A.***

PROPOSED PUD AMENDMENT

The proposed modification to the PUD ordinance and accompanying land use plan are summarized in ***Attachments A and C (Applicant's Summary Letter and Proposed Revisions to Ordinance No. 20070215-043).***

BASIS OF STAFF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Per the Land Development Code, PUD district zoning was established to implement goals of preserving the natural environment, encouraging high quality, sustainable development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and thus is superior to development which could occur under conventional zoning and subdivision regulations. The PUD provides a canvas for the design of a large-scale project, with the end goal to allow flexibility, and also inform and communicate the possibilities for development.

2. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The proposed third amendment to the Fairfield/Hyatt PUD is a request to remove the minimum parking requirement for the West Parcel. The staff supports the applicant's request with the condition outlined by Austin Water.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD-NP	Surface parking
<i>North</i>	Not applicable	Lady Bird Lake; Trail access
<i>South</i>	CS-1-V-NP; LI-NP	Multi-family; Commercial retail
<i>East</i>	PUD-NP	Hyatt Regency
<i>West</i>	P-NP; CS-1-NP	Vic Mathias Shores and Auditorium Shores at Town Lake Metro Park; The Long Center

NEIGHBORHOOD PLANNING AREA: Bouldin Creek

WATERSHED: Lady Bird Lake

TIA: Is not required

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

SCHOOLS: Travis Heights Elementary Lively Middle School Travis High

COMMUNITY REGISTRY LIST:

Bouldin Creek Neighborhood Association
Bouldin Creek Zoning Committee
Downtown Austin Alliance
Austin Independent School District
Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
South Central Waterfront Advisory Board
Bouldin Creek Neighborhood Plan Contact Team

Austin Lost and Found Pets
Austin Neighborhoods Council
SEL Texas
South Central Coalition
Preservation Austin
Homeless Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-06-0106.01 – Fairfield/Hyatt PUD Amendment #1 – 208 Barton Springs Road	PUD-NP to PUD-NP with a change to a condition of zoning	To Grant	Apvd (09/26/2013)
C814-06-0106.02 – Fairfield/Hyatt PUD Amendment #2 – 208 Barton Springs Road	PUD-NP to PUD-NP with a change to a condition of zoning	To Grant	Apvd (08/07/2014)
C14-2023-0015 – 200 South Congress Ave.	LI-PDA-NP to allow automotive sales, indoors only	To Grant (7-25-2023)	Pending

RELATED CASES:

The subject property is located within the boundaries of the Bouldin Creek Neighborhood Planning Area (NP-02-0013). Current land use on Future Land Use Map (FLUM): Mixed Use. A plan amendment is not required.

PUD Zoning cases

Council approved the Fairfield/Hyatt PUD which includes approximately 9.567 acres of land on February 15, 2007 (Ordinance No. 20070215-043). The subject request is the third amendment, titled Hyatt West PUD Amendment, West Parcel comprised of 3.321 acres. The West Parcel is also known as Lot 1, Lady Bird Lake Water Front Subdivision recorded as Document No. 201000085 in the Travis County Plat Records.

There were two previous applications to amend the Fairfield/Hyatt PUD:

- 1) Amendment #1 C814-06-0106.01 – Amendment approved on September 26, 2013 and Commercial off-street parking was granted as a permitted use to both the West and South Parcels.
- 2) Amendment #2 C814-06-0106.02 – Amendment approved on August 7, 2014 and the Permitted Use Table was modified as follows:

West Parcel

1. to permit a hotel-motel use, hotel-motel accessory uses, and administrative and business offices use;

West Parcel & South Parcel

2. to clarify conditional uses of the Lake Commercial district;

South Parcel

3. to correct a reference to the South parcel.

Site Plan

SP-2022-0438C is currently in review.

Subdivision

The property is platted as Lot 1, Lady Bird Lake Water Front Subdivision, recorded on July 29, 2010 (C8-2009-0101.0A).

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

The Planned Unit Development (PUD) amendment request is to remove the minimum parking requirement for the West Parcel (151 S. 1st Street) as identified in the original PUD ordinance (C814-06-0106). The *South Central Waterfront Vision Framework Plan* contains multiple recommendations regarding the Hyatt Regency Austin hotel; however, the only mention of the West Parcel is on p. 89:

Currently, the Hyatt site, which is regulated by a Planned Unit Development (PUD), is entitled to building a tower on the western portion of the site (PUD phase 2). This entitled tower, at 200' height, is shown on the illustration and was calculated into the SCW baseline and test scenario.

The plan discusses that parking considerations should be considered as part of a district wide approach. It does not specifically mention parking for the West Parcel, but does provide direction for parking management strategies in the district as a whole for future development on pp. 52-53 on the “Toolkit: Transportation Demand” section:

Transportation Demand Management (TDM) provides opportunities to decrease trip generation on a district level and lower the burdens of increased density and development on surrounding communities. The South Central Waterfront's proximity to downtown, mix of uses, and coordinated development program is uniquely situated to take advantage of these opportunities.

Within the South Central Waterfront, it is recommended that all multi-family and mixed-use developments will be required to participate in the Transportation Demand Management program. A development receives reduced parking requirements when it provides at least four elements from the TDM toolkit.

A developer will appoint a transportation coordinator to monitor the effectiveness of the program and the status of each strategy employed from the toolkit. The transportation coordinator will submit an annual monitoring report to the Transportation Department.

This section further elaborates of the Toolkit elements of parking, transit, car sharing, bike accommodations, and education for residents.

Drainage

No changes to drainage requirements proposed. Drainage/detention quality requirements as discussed in LDC 25-8-211 are applicable at development.

Environmental

No environmental review comments.

Environmental Officer

The PUD amendment does not propose to change or increase impact to any environmental features on the subject tract. No comments at this time.

Fire Department

No comments.

Hydro Geologist

Not over Edwards Aquifer Recharge Zone or the Edwards Aquifer Contributing Zone. No known hydrogeologic Critical Environmental Features (CEFs) on or within 150' of subject area. No additional comments at this time.

PARD Planning & Design

Parkland dedication will be required at the time of subdivision or site plan application for any new applicable uses resulting from this PUD amendment; new development will need to comply with City Code § 25-1-601, as amended. The proposed development includes Lady Bird Lake waterfront, which PARD would consider toward the satisfaction of the parkland dedication requirements, if applicable – see also Exhibit F, Article IV, D.

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Austin Transportation Department – Engineering Review

Based on the limited scope of this PUD amendment (applicable only to the Western Parcel), ATD will not be seeking an easement at this time. Only the Transportation Demand Management (TDM) requirement at site plan remains.

Water Quality

No changes to water quality requirements proposed. Water quality requirements as discussed in LDC 25-8-211 are applicable at development.

Austin Water Utility

The landowner must obtain City approval of a Service Extension Request for water service. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov. Austin Water reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.

The landowner must obtain City approval of a Service Extension Request for wastewater service. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov. Austin Water reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.

The landowner must obtain City approval of a Service Extension Request for reclaimed water service. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov. Austin Water reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.

This project is subject to City Code Chapter 25-9-411 and will be required to connect to a reclaimed water line and use reclaimed water for irrigation, cooling, toilet flushing, and other significant non-potable water uses. All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

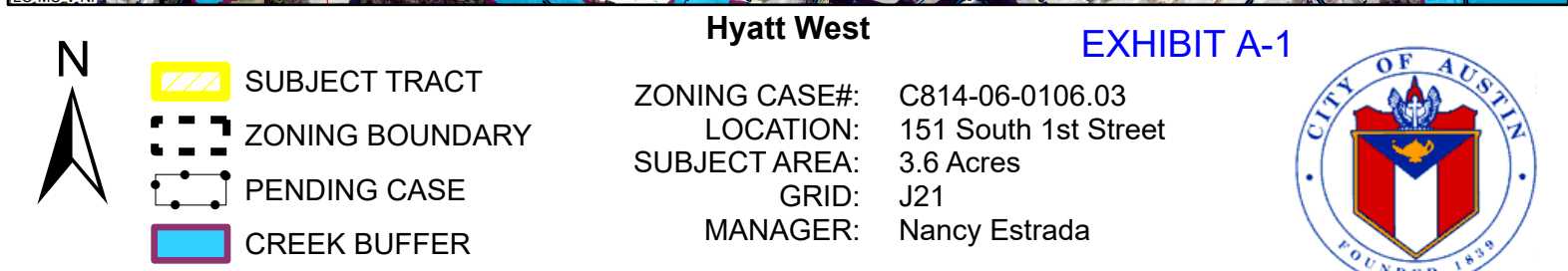
Wetlands Biologist

The PUD amendment does not propose any change or increase in impact to known Wetland CEFs or associated setbacks. No comments at this time.

 ZONING BOUNDARY

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

$$1'' = 400'$$



Created: 7/26/2023

Leah Bojo
lbojo@drennergroupp.com
512-807-2918

ATTACHMENT A

DRENNER GROUP

October 3, 2022
Revised January 23, 2023

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Fairfield/Hyatt PUD - C814-06-0106 3rd Amendment – PUD Amendment for the 3.321-acre property located at 151 S. 1st Street in the City of Austin, Travis County, Texas (the “Property”).

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed PUD amendment application for the West Parcel of the Fairfield/Hyatt PUD referenced in zoning case C814-06-0106. The Property is located at 151 S. 1st Street, is currently developed as surface parking, and is zoned PUD-NP. The Future Land Use Map (FLUM) designation for this parcel is Mixed Use, therefore no FLUM amendment is required.

The PUD encompasses 9.567 acres of land. Only Lot 1, the West Parcel, consisting of 3.321 acres of land is proposed to be amended by this application. The Property is currently platted.

The purpose of this PUD amendment is to remove the minimum parking requirement for this Parcel; no other changes to the PUD are being requested. Staff has determined that the removal of the minimum parking requirement constitutes a substantial amendment to the PUD as defined in Chapter 25-2, Subchapter B. Zoning Procedures, Article 2, Special Requirements for Certain Districts, Division 5. Planned Unit Developments, Section 3.1.2 of the City Code, and therefore is considered a PUD amendment that requires Council approval.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Jerry Rusthoven, Housing and Planning Department (*via electronic delivery*)
Joi Harden, Housing and Planning Department (*via electronic delivery*)

From: Leah Bojo

Sent: Monday, August 14, 2023 2:11 PM

To: Harden, Joi <Joi.Harden@austintexas.gov>; Estrada, Nancy <Nancy.Estrada@austintexas.gov>

Subject: FW: 151 Barton Springs

External Email - Exercise Caution

Leah M. Bojo, AICP, Director of Land Use & Entitlements

2705 Bee Caves Road, Suite 100, Austin, TX 78746

Drenner Group, PC

From: Leah Bojo

Date: Monday, August 14, 2023 at 2:23 PM

To: Stefani, Robert <Robert.Stefani@austintexas.gov>

Cc: Temaria Davis

Subject: Re: 151 Barton Springs

Hi Robert,

I apologize for the delay in getting this to you—I talked with my team and they have passed along the following items that this project is doing as far as reclaimed connections in advance of the ordinance going into effect:

- **Per LDC 25-9-413**, an on-site reclaim water system is proposed that consist of:
 - The collection of Condensation from the 100% Outside Air Roof Top Units,
 - The collection of Storm Water from the building structure,
 - Ground water collected through the sub-soil drainage system located below the 3-level below grade parking garage
- This water will be stored in a cistern adjacent to the building on site. The water will be distributed via pumps to the commercial retail space on levels 1 and 2.
- The reclaim water will be utilized to supply the ground level irrigation systems around the site. The site for this project is significantly larger than most downtown urban projects that are built lot line to lot line.

You can see these items reflected in the SDP in review, SP-2022-0438C.

Leah M. Bojo, AICP, Director of Land Use & Entitlements

2705 Bee Caves Road, Suite 100, Austin, TX 78746

Drenner Group, PC

From: Stefani, Robert <Robert.Stefani@austintexas.gov>
Sent: Friday, August 25, 2023 5:23 PM
To: Estrada, Nancy <Nancy.Estrada@austintexas.gov>
Cc: Harden, Joi <Joi.Harden@austintexas.gov>; Pandurangi, Shwetha <Shwetha.Pandurangi@austintexas.gov>; Jashinski, Katherine <Katherine.Jashinski@austintexas.gov>
Subject: RE: Hyatt PUD amendment rezoning case

Nancy,

Austin Water staff reached out to the project agent on last Thursday August 17th and have yet to hear back from the agent to date.

The language provided to the agent is included in the bottom of this email.*

As a result we have yet to clear our comment at this point.

We did coincidentally meet the applicant during the South Central Water Front Regulating Plan discussion with staff this Thursday.

Executive management and the applicant did agree to meet next week to attempt a final resolution prior to the upcoming planning commission item.

The date and time are yet to be formalized.

We understand you need comment status and responses for the staff report by Monday and we are currently prepared to move forward with the conditional staff approval as discussed earlier with the condition being the following from Austin Water.

The project shall extend the city's existing reclaimed water main located at the intersection of Riverside and S. 1st Streets (about 470 feet from the property) and use the reclaimed water as a supply to non-potable water uses in the project including toilet and urinal flushing, evaporative cooling, and irrigation.

I will update you by COB Monday the 28th with a final status report in the chance that the meeting with the applicant is scheduled prior to your report being finalized.

We appreciate your patience with us as we go attempt on last time to negotiate directly with the applicant.

Please let me know if you have any questions or concerns.

*"Thank you for providing this additional information as it is not shown in the current site development permit application SP-2022-0438C which has been submitted for a 14-story office building. In addition, the water benchmarking form for this site development permit was marked to indicate that no onsite water reuse system was being installed for the project.

While we appreciate the willingness to install an onsite water reuse system that is not required by code, meeting just the project's irrigation and commercial space demands with a non-potable water source would result in a development that uses over one million gallons annually of the city's drinking water to flush toilets. For this, and for the following reasons, Austin Water is still requesting that the project extend the city's existing reclaimed water main located at the intersection of Riverside and S. 1st Streets (about 470 feet from the property) and use the reclaimed water as a supply to non-potable water uses in the project including toilet and urinal flushing, evaporative cooling, and irrigation:

- City's Imagine Austin Comprehensive Plan and Water Forward Plan:

Council adopted the South Central Waterfront Vision Framework Plan as an amendment to the Imagine Austin Comprehensive Plan in 2016 and approved the Water Forward Plan in 2018. The two approved plans detail the need for non-potable water use in new developments and offer strategies to accomplish the objective. Furthermore, Council adopted Water Forward Land Development Code amendments in 2021 to require new large development projects with at least 250,000 square feet gross floor area within 500 feet of a reclaimed water line to connect to the city's reclaimed water line and use the reclaimed water for irrigation, cooling and toilet/urinal flushing. The draft South Central Waterfront Regulating Plan which has been in development since 2018 specifies all new buildings within the district will use reclaimed water for non-potable water needs.

- Reclaimed connection precedent within the South Central Waterfront area:

Currently, the only two approved PUD's (Snoopy PUD & Statesman PUD) within the South Central Waterfront area have both agreed to connect to the existing reclaimed water system as a condition of their approval. There are three other proposed PUD's, including the Hyatt West PUD, within the district and the remaining three are all being asked to connect to the existing reclaimed system as a condition of their PUD approval. If the Hyatt West PUD were not to connect, they would be the only PUD project within the South Central Waterfront not utilizing the available reclaimed system.

- Water offset delta:

Utilizing the city's reclaimed water for non-potable water demands within the project would result in an estimated 1.9 million gallons of drinking water saved each year. An onsite water reuse system would at most save only a third of that volume of the city's drinking water.

- System cost delta:

It is estimated that cost of connecting to the existing reclaimed system would be similar, if not less, than the proposed onsite water reuse system. The proposed onsite system would require extensive treatment to safely reuse the water, particularly with storm water and groundwater. The additional treatment cost for the proposed onsite system would be for a water savings offset substantially lower than could be achieved with the reclaimed water connection.

- Ongoing drought conditions:

Austin Water initiated stage 2 of the Austin's Drought Contingency Plan on August 15 as the combined lake levels of Travis and Buchanan have dropped below the 900,000 acre foot threshold. The need for strong conservation measures in new development becomes increasingly important as

the City of Austin continues to adapt to droughts with increasing frequency and duration.

Management and staff are available to you for discussion at your convenience. I am available to coordinate schedules should you want to continue the discussion.”

Sincerely,



Robert Stefani

Environmental Program

Coordinator

[Austin Water](#) | City of Austin

Office: 512-974-9302



ORDINANCE NO. 20070215-043

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE FAIRFIELD/HYATT PUD PROJECT LOCATED AT 208 BARTON SPRINGS ROAD IN THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA FROM LAKE COMMERCIAL-NEIGHBORHOOD PLAN (L-NP) COMBINING DISTRICT AND COMMERCIAL-LIQUOR SALES-NEIGHBORHOOD PLAN (CS-1-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base zoning district from lake commercial-neighborhood plan (L-NP) combining district and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in File C814-06-0106 on record at the Neighborhood Planning and Zoning Department, as approximately 9.567 acres of land, being more particularly described by metes and bounds in Exhibit A (*Description of Property*) incorporated into this ordinance (the "Property"), locally known as the property located at 208 Barton Springs Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit B (*Zoning Map*).

PART 2. This ordinance, together with the attached Exhibits A through J, are the land use plan for the Fairfield/Hyatt planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the Fairfield/Hyatt planned unit development land use plan (the "Land Use Plan"). If this ordinance and the attached exhibits conflict, the ordinance applies. If either the Land Use Plan attached as Exhibit C, or the Land Use Plan with Maximum Shoreline Reclamation attached as Exhibit I, conflicts with a requirement, prohibition or other provision of Exhibit D, E, or F, the requirement, prohibition, or other provision of Exhibit D, E, or F, applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City, including Ordinance No. 020523-33, in effect on the effective date of this ordinance apply to the PUD.

PART 3. The Property is subject to Ordinance No. 020523-33 that established the Bouldin Creek neighborhood plan combining district.

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:

Exhibit A:	Description of Property
Exhibit B:	Zoning Map
Exhibit C:	Land Use Plan
Exhibit D:	Phasing Plan
Exhibit E:	Permitted Uses Table
Exhibit F:	Site Development Regulations
Exhibit G:	Field Notes for former CS-1 -NP Portion of South Parcel
Exhibit H:	Existing Conditions Plan
Exhibit I:	Land Use Plan with Maximum Shoreline Reclamation
Exhibit J:	Green Building Program

PART 5. Definitions.

A. In this ordinance:

1. **PARCEL.** The PUD is divided into three separate Parcels: the Hotel Parcel, the West Parcel and the South Parcel which shall be used and developed according to the Phasing Plan.
2. **HOTEL PARCEL** means the area shown on the Land Use Plan generally along Town Lake on the north where the existing hotel is located and on which certain uses and site development regulations apply.
3. **WEST PARCEL** means the area shown on the Land Use Plan generally along the South First Street on the west and on which certain uses and site development regulations apply.
4. **SOUTH PARCEL** means the area shown on the Land Use Plan generally located along the Barton Springs Road to the south and on which certain uses and site development regulations apply.
5. **PHASING PLAN** means the plan of development for the PUD as shown in Exhibit D. Any portion of any Parcel may be developed as a phase and any phase may be implemented at any time.

B. All other terms have the meaning provided in the Code.

PART 6. Use Regulations.

A. The locations of the Parcels and land use areas within the PUD are shown on Exhibit C (*Land Use Plan*).

B. Permitted, conditional and prohibited uses applicable to each Parcel land use area are shown in Exhibit E (*Permitted Uses Table*).

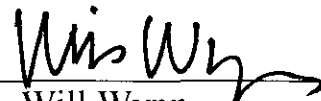
PART 7. In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the site development regulations as shown on Exhibit F (*Site Development Regulations*) apply to the PUD instead of otherwise applicable City regulations.

PART 8. This ordinance takes effect on February 26, 2007.

PASSED AND APPROVED

February 15, 2007

§
§
§



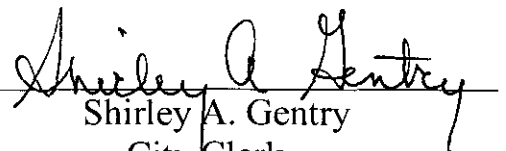
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

9.567 Acres
Fairfield Town Lake/Zilker LP.
Travis County, Texas

EXHIBIT A

FN 4121(EMD)
March 03, 2006
SAM, Inc. Job No. 25184-01

9.567 ACRES

DESCRIPTION OF A 9.567 (416,730 SQ. FT.) ACRE TRACT OF LAND, BEING ALL OF THAT CALLED TRACT 1 AND TRACT 2, AS DESCRIBED IN THE DEED TO FAIRFIELD TOWN LAKE/ZILKER LP., AS RECORDED IN DOCUMENT NO. 2005191745, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9.567 (416,739 SQ. FT.) TRACT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the north right-of-way line of Barton Springs Road (100' Right-of-Way), same being the southwest corner of a called 0.575 acre tract of land, described in deed to Bathhaus Ltd. as recorded in Document No. 2001174688 of the Official Public Records of Travis County, Texas, for the most southerly southeast corner of said Tract 1, and the tract described herein;

THENCE, with the north right-of-way line of Barton Springs Road, S 76°21'17" W, a distance of 266.27 feet to an "X" cut in the concrete at the most southerly southwest corner of said Tract 1, and the southeast corner of that called Lot 5B of the Resubdivision of T.L. Subdivision No. 1 as per plat duly recorded in Document No. 200200297, of the Official Plat Records of Travis County, Texas, same being the southeast corner of a 30' Access Easement recorded in Volume 68, Page 52 of the Plat Records of Travis County, Texas;

THENCE with the common line of said Tract 1, and said Lot 5B and the east line of said 30' Access Easement, N 12°44'42" E, a distance of 11.11 feet to a cotton spindle found;

THENCE continuing with said common line, N 13°40'38" W, a distance of 244.01 feet to a cotton spindle found;

THENCE continuing with said common line, N 26°12'00" E, a distance of 228.38 feet to a cotton spindle found;

THENCE, with the common line of said Tract 1 and a called Lot 5A, of said Resubdivision, the following four (4) courses and distances:

1. N 63°46'01" W, a distance of 327.55 feet to a ½-inch iron rod found;
2. S 62°04'24" W, a distance of 22.51 feet to a concrete nail found at a point of non-tangent curve from which a pk nail with washer stamped "UDG" bears N 12°05'20" E, a distance of 1.44 feet;
3. with a non-tangent curve to the right a distance of 28.01 feet, through a central angle of 53°29'14" having a radius of 30.00 feet, and whose chord bears N 89°43'07" W, a distance of 27.00 feet to a concrete nail found from which a pk nail with washer stamped "UDG" bears N 22°19'24" E, a distance of 1.35 feet, and
4. N 63°48'50" W, a distance of 45.28 feet to a ½-inch iron rod found for the southwest corner of said Tract 1 and the northwest corner of said Lot 5A same being in the east right-of-way line of the frontage road of South First Street (variable width);

THENCE, with the common line of the frontage road of South First Street and said Tract 1, N 30°54'58" E, a distance of 150.66 feet to a ½-inch iron rod found for the common west corner of said Tract 1 and said Tract 2;

THENCE leaving said common corner, with said east right-of-way line, same being the west line of said Tract 2, the following five (5) courses and distances:

1. N 30°55'24" E a distance of 90.79 feet to a ½-inch iron rod found,
2. N 18°03'56" E, a distance of 44.36 feet to a 1-inch iron pipe found at a point of non-tangent curve,

9.567 Acres
Fairfield Town Lake/Zilker LP.
Travis County, Texas

FN 4121(BMD)
March 03, 2006
SAM, Inc. Job No. 25184-01

3. with a non-tangent curve to the left a distance of 32.39 feet, through a central angle of $03^{\circ}55'54''$ having a radius of 471.96 feet, and whose chord bears $N 17^{\circ}57'38'' E$, a distance of 32.38 feet to a 1-inch iron pipe found,
4. with a non-tangent curve to the left a distance of 23.25 feet, through a central angle of $07^{\circ}36'20''$ having a radius of 175.17 feet, and whose chord bears $N 10^{\circ}52'46'' E$, a distance of 23.24 feet to a $\frac{1}{2}$ -inch iron rod with a "SAM, Inc." plastic cap set, and
5. $N 30^{\circ}54'48'' E$, a distance of 91.48 feet to a $\frac{1}{2}$ -inch iron rod found, for the northwest corner of said Tract 2 and the tract described herein;

THENCE with the north line of said Tract 1 and said Tract 2, $S 63^{\circ}49'09'' E$, a distance of 739.28 feet to a point, submerged in Town Lake for the northeast corner of said Tract 1 and the northwest corner of said 0.575 acre tract, same being the northeast corner of the tract described herein;

THENCE leaving the south line of Town Lake and with the common line of said Tract 1 and said 0.575 acre tract, the following three (3) courses and distances:

1. $S 18^{\circ}59'21'' W$, passing at a distance of 17.65 feet a $\frac{1}{2}$ " iron rod found and continuing a total distance of 254.16 feet to a $\frac{1}{2}$ -inch iron rod found,
2. $S 70^{\circ}56'01'' W$, a distance of 58.30 feet to a punch hole in concrete for the most westerly northwest corner of said 0.575 acre tract same being an inside ell corner, and

$S 19^{\circ}00'21'' W$, a distance of 400.15 feet to the **POINT OF BEGINNING**, and containing 9.567 (416,730 sq. ft.) acres of land, more or less.

Bearing Basis:

Cotton Spindles at an inside ell corner of said 9.567 acre tract and being the common line with said Lot 5A and Lot 5B. Called bearing and distance between these Cotton Spindles is $N 26^{\circ}12' E$ - 228.39 feet. Held called bearing of $N 26^{\circ}12'00'' E$ and found actual distance to be 228.38 feet.

STATE OF TEXAS

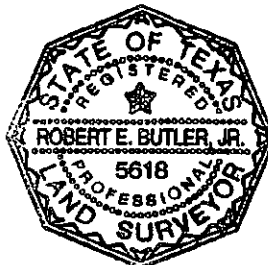
KNOW ALL MEN BY THESE PRESENTS:


COUNTY OF TRAVIS

That I, Robert E. Butler, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 3rd day of March, 2006 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735




Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 - State of Texas

[illegible]

Item	Quantity
1	11.4
2	11.4
3	11.4



CITY OF ALBANY, NEW YORK OFFICE OF THE COMPTROLLER

WELLS FARGO BANK, N.A.

3. How many connections must you have?
4. How many users can you have?
5. How many connections must you have?
6. How many users can you have?

1

CALL 800-368-5868
FOR MORE INFORMATION

10-10-10

STANLEY
1000 WEST HIGHLAND AVE
LOS ANGELES 12, CALIF
ALBERT, JR. 787-9595
PHONE: (213) 417-4229
FAX: (213) 416-0225

10

ALBERT, TX 76201
PHONE: (817) 438-4703
FAX: (817) 438-4790

EXHIBIT B (2)

[illegible]

208 EARTON SPRINGS ROAD
AREA ZONING MAP

A21

LJA Engineering & Surveying, Inc.
 2015 Highway 200 East
 Suite 100
 Austin, Texas 78746
 Phone 512.835.0200
 Fax 512.835.0175

EXHIBIT D

PHASING PLAN

A. The PUD is divided into three separate parcels identified on the Land Use Plan as the Hotel Parcel, the West Parcel and the South Parcel. The PUD shall be developed in phases to accommodate the redevelopment of the existing parking improvements and to meet market demand. The existing hotel on the Hotel Parcel shall continue to be used and operated during the construction of any and all of the phases of the redevelopment of the PUD. Any portion of any parcel may be included in a phase and more than one parcel may be involved in a phase.

B. Impervious cover, building coverage, floor to area ratio, parking, landscaping and required open space are reflected on the Land Use Plan and are calculated on the cumulative gross site area of the PUD. The portions of the property included in any phase and the site plan of each phase are not required to satisfy those requirements on a stand alone basis and shall be approved if consistent with the Land Use Plan for such phase.

C. During construction of any phase a minimum 250 parking spaces on-site and off-site shall be provided for use of the Hotel Parcel.

D. The West Parcel may be developed in two phases. The first phase may be construction of the lower portion of a building that will contain enclosed parking spaces and pedestrian-oriented uses. The second phase may be the completion of the remainder of the building, containing residential, multifamily or condominium units.

E. Following development of the West Parcel, the South Parcel may be developed and include enclosed parking spaces for the Hotel Parcel. Upon completion of either the West Parcel or South Parcel, the required parking for hotel use shall be provided on a cumulative basis on the entire PUD property. After completion of the first phase of the West Parcel, it is currently contemplated that the South Parcel would be developed to provide, among other things, permanent enclosed parking for the Hotel Parcel. The foregoing sequence is what is currently contemplated, however, the number and location of the phases and the sequence of the development shall be as the owner shall determine. As a result of the loss of the existing surface parking satisfying the required parking for the use of the Hotel Parcel during the construction of the improvements on the West Parcel and the South Parcel, it is intended that the continued use of the Hotel Parcel shall be permitted during the construction of a phase on the West Parcel or the South parcel, so long as upon completion of such phase the required parking for the use of the hotel is provided on a cumulative basis on all of the PUD property.

F. During construction of any phase of the PUD, the requirements under Section 25-2-721 (*Waterfront Overlay Combining Regulations*) are modified to allow the following:

1. Construction staging areas, including laydown area for building materials, temporary construction office, storage of building construction equipment and vehicles, and daytime parking of personal vehicles, shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) within the waterfront overlay district primary and secondary setback areas within the West Parcel. Landscaping shall be installed on the Town Lake side of the construction staging areas to screen the staging areas from Town Lake.
2. Construction and temporary security fencing around the limits of construction and the construction staging areas shall be permitted on existing paved surfaces shown as paved surfaces on the Existing Conditions Plan (Exhibit H) in the waterfront overlay district primary and secondary setback areas with the West Parcel.
3. A temporary access road, including a temporary curb cut, to South First Street as shown on the Land Use Plan shall be permitted in the waterfront overlay district primary and secondary setback areas within the West Parcel until the permanent internal circulation drive is installed in the West Parcel upon completion of the final phase of the building and related improvements in the West Parcel.

G. During construction of any phase of the PUD, the requirements under Section 25-2-691 (C) (*Pedestrian Oriented Uses*) are modified to allow the following:

To accommodate the construction of subsequent phases of the buildings to be constructed on the West Parcel and the South Parcel, until the earlier of a) the completion of the final phase of such building, or b) the number of years after the issuance of a Certificate of Occupancy for the first phase of such building as indicated below.

1. Permanent landscaping and related improvements are not required to be installed until two years after the issuance of a Certificate of Occupancy for the first phase of such building.
2. Occupancy and use of the first floor of the first phase of a building for pedestrian oriented uses are not required until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building.
3. The facade of the lower floors of the first phase of a building including enclosed parking shall be permitted to remain with concrete finish, until three years and six months after the issuance of a Certificate of Occupancy for the first phase of such building.

H. During construction of a subsequent phase of a building, a construction office and a sales and leasing office may be located in the retail or garage portions of the first phase of such building.

I. In the event that construction activity associated with a phase on any of the parcels ceases for six months or longer, the City shall require that the original number of parking spaces on the Property be reestablished.

J. At no time shall construction, or staging of materials or equipment, obstruct, intrude upon, or require detour of existing Town Lake Hike and Bike Trail through the property as shown in the Existing Conditions Plan (Exhibit H), unless authorized or permitted by the City, or unless such construction or staging of materials or equipment is for the sole purpose of improving the Town Lake Hike and Bike Trail, or unless the south Town Lake shore is filled and extended north from its present location, as shown in the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) and set forth in more detail in the Site Development Regulations (Exhibit F, Subsection IV.A)

EXHIBIT E

PERMITTED USES TABLE

Hotel Parcel.

- A. All uses in effect on the date of this ordinance specified as permitted uses, conditional uses, or pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code are permitted uses in the Hotel Parcel, except as set forth in Subsection A. 2 and Subsections B and C.

1. The following uses are additional permitted uses:

Hotel-motel

Hotel-motel accessory uses (meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premise consumption only; cocktail lounge not to exceed 20,000 square feet gross floor area, fitness center, business center, bike rentals, guest laundry, concierge services, secretarial services, swimming pool, and spa) or other uses as determined by the City of Austin.

2. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B. All uses specified as conditional uses in the commercial-liquor sales (CS-1) district which are not specified as permitted uses in Subsection A, are conditional uses, except the following uses set forth below are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
	Communication service facilities
	Group residential

Adult oriented businesses

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

II. West Parcel.

- A. All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A. 2 and Subsections B and C.

1. In addition, a residential use that is permitted in a multifamily base district is also a permitted use.
2. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- B. All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
	Service station
	Outdoor entertainment

Local utility services	Communication service facilities
Telecommunication tower	Group residential
Adult oriented businesses	

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

III. South Parcel.

- A. All uses specified as permitted uses or as pedestrian-oriented uses in the lake commercial (L) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, and any other uses that are permitted in said districts or subdistrict by subsequent amendments applicable to said districts or subdistrict are permitted uses in the West Parcel, except as set forth in Subsection A. 3 and Subsections B and C.

1. In addition, a residential use that is permitted in a multifamily base district is also a permitted use.
2. In addition, only the following hotel accessory uses are permitted: meeting room rental, food sales, beverage sales including the sale of alcoholic beverages for on-premises consumption only, fitness center, business center, bike rentals, guest laundry, secretarial services, pool, spa and indoor entertainment, provided that parking on all accessory uses shall be determined as though each use is a principal use as opposed to an accessory use.

3. The following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
	Outdoor entertainment
	Communication service facilities

Telecommunication tower Group residential
Adult oriented businesses

- B. All uses specified as conditional uses in the lake commercial (L) district are conditional uses, except the following uses are prohibited uses:

Automotive rentals (not including taxicab parking and dispatching)	Automotive repair services
Automotive sales	Automotive washing (of any type)
Local utility services	Service station
Telecommunication tower	Outdoor entertainment
Adult oriented businesses	Communication service facilities
	Group residential

- C. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

A privately owned health club, gymnasium, spa, health or physical fitness studio or similar personal improvement services that has memberships available to the guests of the hotel and to the general public (not to exceed a total of 12,000 square feet of gross floor area)

Residential sales and leasing office (not to exceed a total of 2,000 square feet of gross floor area)

EXHIBIT F

SITE DEVELOPMENT REGULATIONS TABLE

Except as otherwise provided in this ordinance and the attached Exhibits, development of the Hotel Parcel, the West Parcel and the South Parcel of the Property shall comply with the site development regulations for the lake commercial (L) district in effect on the date of this ordinance.

I. Hotel Parcel.

- A. Except as otherwise provided in the PUD, the footprint and height of a building, structure, or improvement on the Hotel Parcel as shown on the Land Use Plan (Exhibit C) and Existing Conditions Plan (Exhibit H), may not be increased, enlarged, remodeled, expanded, relocated, reconstructed, changed, or improved over what is legal and permitted according to the rules, regulations, codes and ordinances of the City of Austin applicable to the Hotel Parcel in effect as of November 14, 2006.
- B. An existing building, structure, parking area, loading area and other improvement located in the Hotel Parcel may be maintained, repaired, restored, modified, altered, renovated, improved, replaced and upgraded under the following conditions.
 - 1. Within a building envelope for that portion of the Existing Hotel as shown on the Existing Conditions Plan (Exhibit H) that is less than 60 feet in height, the alteration, modification, replacement, addition, and other improvements:
 - a) may not enlarge the existing hotel building footprint greater than 25 linear feet;
 - b) may not exceed 30 feet in height where currently there is no building;
 - c) may not exceed 60 feet in height to a building existing as of the date of this ordinance; and
 - d) may not be within the primary or secondary setbacks of the South Shore Central waterfront overlay subdistrict.
 - 2. For an accessory building, pool, deck, patio, parking area, and loading area, the alteration, modification, replacements, addition and other improvements:

- a) may not increase the existing amount of impervious cover in the Hotel Parcel;
 - b) may not exceed their respective heights existing as of the effective date of this ordinance; and
 - c) may not extend closer to Town Lake than the existing deck, patio, and other improvements.
- 3. In the event the existing structures on the Hotel Parcel (the "Hotel Structures") are destroyed or damaged by a natural catastrophe, fire, acts of terrorism, or other casualty, the following applies:
 - a) The size of the restored building is limited to the size of the destroyed or damaged building, including height, footprint and floor-to area ratio, provided that the damaged building was in compliance with this PUD. Otherwise, such restoration is limited to the size of the structure as it existed on the effective date of this ordinance.
 - b) For purposes of this Exhibit F (Site Development Regulations Table), a structure, building, footprint or other improvement shall be deemed existing, if a building permit, or certificate of occupancy was issued for such structure, building footprint, or other improvement as of the effective date of this ordinance, or if such structure, building, footprint, or other improvement is shown on the Existing Conditions Plan (Exhibit H).
- 4. If a structure on the Hotel Parcel is intentionally demolished or destroyed by the owner, then it may only be rebuilt according to the City Code in effect at the time of such rebuilding.
- 5. The interior portions of the existing Hotel Structures may be remodeled, renovated, maintained, repaired, restored, modified, altered and upgraded.
- C. Section 25-2-492 (*Site Development Regulations*), Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*), and Section 25-8-261 (*Critical Water Quality Zone Development*) are modified to allow improvements, repairs, additions, and replacements along and adjacent to the hike and bike trail and drainage easements along Town Lake, including existing landscaping and associated irrigation systems, existing slope stabilization structures, existing retaining walls and similar

improvements, and existing screening of the existing parking and loading areas shown on the Existing Conditions Plan (Exhibit H).

- D. Parallel parking and sidewalks along any portion of the internal circulation are permitted.
- E. Prior to the issuance of a final Certificate of Occupancy for a building on the South Parcel or the West Parcel, a vegetative screen that complies with the provisions of the Environmental Criteria Manual of the City of Austin shall be provided along the northern property line of the Hotel Parcel adjacent to the surface parking lot on the east side of the Hotel Parcel.
- F. The height of a new structure, expansions and renovations constructed after November 14, 2006 shall be measured as the vertical distance from the average of the highest natural grade and lowest natural grade adjacent to the building:
 - 1. for a flat roof, to the highest point of the coping;
 - 2. for a mansard roof, to the deck line;
 - 3. for a pitched or hip roof, to the mid-point of the highest gable; and
 - 4. for other roof styles, to the highest point of the roof.

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006 as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature.

- G. Green Building. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006 to achieve a minimum two-star rating. (See Exhibit J). A hotel-motel use is not a residential use and is not subject to this requirement.

II. West Parcel.

- A. Except as otherwise provided in the PUD ordinance and attached exhibits, the provisions of Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*) apply to development of the West Parcel.
 - 1. Within the 150 foot primary setback as defined in Section 25-2-712 (*Definitions*):
 - a) The existing improvements and impervious cover, including specifically, but without limitation, the existing boat docks and facilities as shown on the Land Use Plan (Exhibit C), are permitted. These improvements may be upgraded, improved,

and, if and only if the shoreline is reconstructed in accordance with Section IV. A of this exhibit, may be relocated within the boundaries of the West Parcel, as long as they do not encroach further into any setback from the relocated shoreline.

- b) The internal circulation drive and impervious cover are permitted and may be upgraded, improved and relocated within the boundaries of the West Parcel.
 - c) Sidewalks along the internal circulation drive are permitted.
 - d) No structures, pavement, or buildings not existing as of the effective date of this ordinance are permitted except as shown on the Land Use Plan (Exhibit C).
 - e) Temporary construction areas and construction offices are permitted on existing pavement as shown on the Existing Conditions Plan (Exhibit H).
2. Within the 50 foot secondary setback as defined in Section 25-2-712 (*Definitions*):
- a) The internal circulation drive and impervious cover as shown on the Land Use Plan (Exhibit C) are permitted and may be upgraded, improved and relocated within the boundaries of the West Parcel.
 - b) Sidewalks along the internal circulation drive are permitted.
 - c) No structures, pavement, or buildings not existing as of the effective date of this ordinance are permitted, except as shown on the Land Use Plan (Exhibit C).
 - d) Temporary construction areas and construction offices are permitted on existing pavement shown on the Existing Conditions Plan (Exhibit H).
3. Parallel parking along the internal circulation drive is permitted.
4. Entries to parking garages as generally shown on the Land Use Plan (Exhibit C) are permitted.
- B. Except as otherwise provided in the PUD, the provisions of Section 25-8-261 (*Critical Water Quality Zone Development*) apply to development of the West Parcel.

1. Improvements, repairs, additions, and replacements that consist only of landscaping and associated irrigation systems, slope stabilization and retaining walls, and screening of the existing parking and loading area, including associated retaining walls, are permitted along and adjacent to the hike and bike trail and drainage easement along Town Lake.
 2. Existing boat docks and associated facilities as shown on the Land Use Plan (Exhibit C) are permitted.
- C. Green Building. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006 to achieve a minimum two-star rating. (See Exhibit J).
- D. Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, an access easement shall be provided to the City that allows i) public access to the internal drive as shown on the Land Use Plan; ii) public access from the internal drive to the Town Lake hike and bike trail as shown on the Land Use Plan; and iii) a dedicated bike lane no less than five feet in width for each of two directions of travel either on the internal drive shown on the Land Use Plan or elsewhere on the Property following the alignment of the internal drive.
- E. Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, at least ten bicycle parking mechanisms shall be provided within the portion of the public access easement area from the internal drive to the Town Lake hike and bike trail as shown on the Land Use Plan, at such location(s) as may be determined by the owner of the West Parcel at the time. Bicycle parking requirements and standards shall be City of Austin, Class III Style Bicycle Parking as set forth under Standard No. 710S-1 of the Transportation Criteria Manual, adopted on February 17, 2000.
- F. Prior to the issuance of a final Certificate of Occupancy for a pedestrian-oriented use or a residential dwelling unit constructed on the West Parcel, a dedicated bike lane shall be constructed, differentiated by a different surface color from that of the internal circulation drive and sidewalk as shown on the Land Use Plan. The bike lane shall be no less than five feet in width for each of two directions of travel either on the internal drive shown on the PUD Land Use Plan or elsewhere on the Property following the alignment of the internal drive. Bike lane improvements are permitted uses within the primary and secondary setback and shall be constructed of pervious material such as crushed granite.

- G. The height of a structure shall be measured as the vertical distance from the average of the highest finished grade and lowest finished grade adjacent to the building:

1. for a flat roof, to the highest point of the coping;
2. for a mansard roof, to the deck line;
3. for a pitched or hip roof, to the mid-point of the highest gable; and
4. for other roof styles, to the highest point of the roof.

Finished grade for purposes of measuring height on all portions of the West Parcel within the one hundred-year floodplain shall be no higher than either i) three feet above the one hundred-year flood elevation, or ii) the minimum number of feet above the one hundred-year flood elevation required for compliance by applicable law, whichever is lower.

Finished grade for purposes of measuring height on all portions of the West Parcel outside the one hundred-year floodplain shall be no higher than two feet above natural grade.

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006, as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature.

III. South Parcel.

- A. The South Parcel is not within any primary or secondary setback of the South Central Subdistrict waterfront overlay district.
- B. Green Building. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect August 9, 2006, to achieve a minimum two-star rating. (See Exhibit J).
- C. The height of a structure shall be measured as the vertical distance from the average of the highest finished grade and lowest finished grade adjacent to the building:
1. for a flat roof, to the highest point of the coping;
 2. for a mansard roof, to the deck line;
 3. for a pitched or hip roof, to the mid-point of the highest gable; and
 4. for other roof styles, to the highest point of the roof.

Finished grade for purposes of measuring height on all portions of the West Parcel within the one hundred-year floodplain shall be no higher than either i) three feet above the one hundred-year flood elevation, or ii)

the minimum number of feet above the one hundred-year flood elevation required for compliance by applicable law, whichever is lower.

Finished grade for purposes of measuring height on all portions of the West Parcel outside the one hundred-year floodplain shall be no higher than 454 feet mean sea level.

Natural grade shall mean the grade of a parcel as the parcel existed on November 14, 2006, as shown on the Existing Conditions Plan (Exhibit H), before modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural landscape feature.

The maximum height is 90 feet for a building or structure existing on the portion of the South Parcel zoned CS-1-NP as of November 14, 2006. (See Exhibit G-field notes)

IV. General Regulations Applicable to all Parcels.

- A. If the Town Lake shoreline is reclaimed as shown on the Land Use Plan with Maximum Shoreline Reclamation (Exhibit I) in accordance with all applicable local, state, federal and other governmental regulations, the primary setback is 150 feet and the secondary setback is 200 feet from the reconstructed shoreline. In no event shall the reclaimed shoreline be relocated more than 15 feet to the north of its current location as shown on Exhibit I. The Land Use Plan may be administratively amended to show the new shoreline.
- B. A payment instead of structural controls under Section 25-8-214 (*Optional Payment Instead of Structural Controls in Urban Watersheds*) of the City Code shall be permitted and is approved for each Parcel. The amount of such payment for each Parcel shall be calculated and paid at the time the first site development permit ("SDP") for each Parcel is released.
- C. The following transportation related standards apply:
 - 1. The internal circulation drive as depicted on the Land Use Plan is permitted. Access to South First Street in the locations as depicted on the Land Use Plan is permitted and shall be included in the applicable SDP.
 - 2. A minimum of one loading area and a minimum of one loading space shall be provided:
 - a) within or adjacent to a proposed building as shown on the Land Use Plan (Exhibit C) constructed on the West Parcel; and

- b) within or adjacent to a proposed building as shown on the Land Use Plan (Exhibit C) constructed on the South Parcel.

3. Except as set forth in the Phasing Plan (Exhibit D) of this ordinance the following applies:

a) No minimum parking shall be required for this parcel.

~~a) The minimum number of required off-street parking spaces shall be 80 percent of the number otherwise required under Appendix A (Tables of Off Street Parking and Loading Requirements) of Chapter 25-6 (Transportation) of the City Code. A maximum number of off-street parking spaces are not required. Surface, structured and underground parking facilities are permitted; and~~

~~b) During construction activities of the PUD property, the minimum number of off-street parking spaces is not required and off-site parking is permitted at the option of the owner.~~

- D. A voluntary donation made by the owner of the property to the City of Austin for park purposes shall be applied toward any parkland dedication requirements that may be required for the development.
- E. Pole signage is prohibited.
- F. Except as otherwise provided in this ordinance the provisions of Section 25-8-281 (*Critical Environmental Features*) apply to the PUD. The provisions of Section 25-8-282 (*Wetland Protection*) does not apply to the PUD.
- G. The 50-foot wetlands setback located along Town Lake in the northwest portion of the Property does not apply to i) the hike and bike trail located on the Property, or ii) any portion of the Property to the south of the hike and bike trail.
- H. The following drainage related standards shall apply:
 - 1. Fill dirt required by federal, state, or local regulations for the purpose of raising the area required for the construction and lateral support of buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements shown on the Land Use Plan (Exhibit C) and located within the 100-year base flood elevation is permitted but may not exceed three feet above the 100-year base flood elevation.

2. Fill dirt required to raise the area required for the construction and lateral support of buildings, drives, sidewalks, parking, pedestrian improvements, patio areas and other improvements-shown on the Land Use Plan (Exhibit C) and located outside the 100-year base flood elevation is permitted but may not exceed four feet above the natural grade as it exists on the date of this ordinance as shown on the Existing Conditions Plan (Exhibit H) and may in no instance exceed 454 feet above mean sea level.
 3. The requirements of Section 25-7-93 (*General Exceptions*) of the City Code apply to improvements including buildings and boat docks as shown on the Land Use Plan (Exhibit C). The existing floodplain within the PUD may be modified in connection with and at the time of approval of each SDP.
 4. The requirements of Section 25-7-94 (*Exceptions in Central Business Area*) do not apply to any SDP for any portion of the Property.
 5. The requirements of Section 25-7-31 (*Director Authorized to Require Drainage Studies*) and Section 25-7-61 (*Criteria for Approval of Plats, Construction Plans and Site Plans*) do not apply to any SDP.
 6. A request for modification of the FEMA floodplain submitted by the owner that reflects the modifications to the existing floodplain as shown in Subsection H (1) shall be promptly processed by the Director of the Watershed Protection and Development Review Department, or its successor department, according to applicable FEMA regulations.
- I. All construction staging area and construction offices on the Property shall be screened from view outside the boundaries of the Property by an opaque screen eight feet in height, and any and all construction staging areas, trailers, offices, and other facilities shall be removed from the Property within 30 days following the granting of a final Certificate of Occupancy for the structure with which the staging areas, trailers, offices, or other facilities are associated. In the event that construction associated with a staging area, trailer, office, or other facility ceases for a period of 120 days or more, all such construction staging areas, trailers, offices, and facilities shall be removed immediately. With regard to the West Parcel, upon removal of the construction staging areas, trailers, offices, and other facilities, the then owner of the West Parcel shall immediately remove all pavement or other improvements not shown on and in compliance with the Land Use Plan (Exhibit C). Notwithstanding anything to the contrary, with regard to all parcels included in this ordinance, no construction staging

areas, trailers, offices, or facilities may remain i) in the primary setback of the waterfront overlay district for a period longer than one year, or ii) in the secondary setback of the waterfront overlay district for a period longer than two and one-half years, from the date said staging areas, trailers, offices, or facilities are placed within the waterfront overlay district.

- J. All rooftop mechanical equipment and machinery on new construction shall be screened from view of adjacent property by screening up to the height of such machinery and equipment, and the noise level of all mechanical equipment and machinery may not exceed 70 decibels at the property line.

EXHIBIT G

0.491 acre (21,375 sq. ft.)

SAM, Inc. Job No. 26267-04

FN4352(ALG)

November 8, 2006

DESCRIPTION OF A 0.491 ACRE (21,375 SQ. FT.) TRACT OF LAND BEING A PORTION OF THAT CALLED LOT A OF THE T.L. SUBDIVISION 3A AS PER PLAT DULY RECORDED IN VOLUME 82, PAGE 380, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND FURTHER DESCRIBED AS TRACT 1, IN THE DEED TO FAIRFIELD TOWN LAKE/ZILKER LP, AS RECORDED IN DOCUMENT NO. 2005191745, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.491 ACRE (21,375 SQ. FT.) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found in the north right-of-way line of Barton Springs Road, a 100-foot wide right-of-way, same being the south common corner of said Lot A, and a called 0.575 acre tract of land described in the deed to Bathhaus Ltd., as recorded in Document No. 2001174688, of the Official Public Records of Travis County, Texas, from which a punch-hole in concrete found for the northwest corner of said 0.575 acre tract, also being an interior ell corner of said Lot A, bears N 19° 00' 21" E, a distance of 400.15 feet;

THENCE with said north right-of-way line, S 76° 21' 17" W, a distance of 60.33 feet to calculated point, for the southeast corner and the **POINT OF BEGINNING** of the tract described herein;

THENCE continuing with said north right-of-way line, S 76° 21' 17" W, a distance of 171.00 feet to a calculated point, for the southwest corner of the tract described herein, from which an "X" cut in concrete found in said north right-of-way line, same being a south common corner of said Lot A and a tract of land (Tract 3), described in the deed to Fairfield Town Lake/Zilker LP, as recorded in Document No. 2005191745, of the Official Public Records of Travis County, Texas, bears S 76° 21' 17" W, a distance of 34.94 feet;

THENCE leaving said north right-of-way line, crossing through the interior of said Lot A, the following three (3) courses and distances:

1. N 13° 40' 38" W, a distance of 125.00 feet to a calculated point,
2. N 76° 21' 17" E, a distance of 171.00 feet to a calculated point, and

EXHIBIT "A"

0.491 acre (21,375 sq. ft.)

SAM, Inc. Job No. 26267-04

FN4352(ALG)

November 8, 2006

3. S 13° 40' 38" E, a distance of 125.00 feet to the **POINT OF BEGINNING** and containing 0.491 acre (21,375 sq. ft.) of land more or less.

BEARING BASIS: Cotton spindles at an inside ell corner of Lot A and a point of intersection in a west line of Lot A of T. L. Subdivision 3A, a subdivision of record in Volume 82, Page 380, of the Plat Records of Travis County, Texas. Called bearing and distance between these cotton spindles is N26°12'E - 228.39 feet. Held called bearing of N26°12'00"E and found actual distance to be 228.38 feet.

This description is accompanied by a separate plat; see "Sketch to Accompany Field Note No. 4352", attached hereto and made a part hereof.

THE STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, C. M. Solomon., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 8th day of November A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


C. M. Solomon
Registered Professional Land Surveyor
No. 5734 - State of Texas



△ CALCULATED POINT
 ⊕ PUNCH IN CONCRETE
 1/2" IRON ROD FOUND UNLESS NOTED
 ✕ "X" CUT IN CONCRETE
 O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
 D.R.T.C.TX. DEED RECORDS OF TRAVIS COUNTY, TEXAS
 P.R.T.C.TX. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
 P.O.B. POINT-OF-BEGINNING
 P.O.C. POINT-OF-COMMENCEMENT



**FAIRFIELD TOWN LAKE/ZILKER LP
(TRACT 1)**

DOC. NO. 2005191745
O.P.R.T.C.TX.

LOT A
T.L. SUBDIVISION 3A
VOL. 82, PG. 380
P.R.T.C.TX.

LOT 5A
RESUBDIVISION OF
T.L. SUBDIVISION NO. 1
DOC. #200200297
O.P.R.T.C.TX.
LAKESHORE TOWERS LIMITED PARTNERSHIP
DOC. #2001025832
O.P.R.T.C.TX.
(COMMERCIAL)

LOT 5B
RESUBDIVISION OF
T.L. SUBDIVISION NO. 1
DOC. #200200297
O.P.R.T.C.TX.
LRC LAKEVIEW PROPERTIES, LTD
DOC. #2003222211
O.P.R.T.C.TX.
(COMMERCIAL)

FAIRFIELD TOWN LAKE/ZILKER LP
(TRACT 3)
30' ACCESS EASEMENT
DOC. NO. 2005191745 —
O.P.R.T.C.TX.

LOT 6
T.L. SUBDIVISION NO. 1
VOL. 68, PG. 52
P.R.T.C.TX.
ASSOCIATED GENERAL
CONTRACTORS OF AMERICA, INC.
VOL. 6923, PG. 155
D.R.T.C.TX.
(COMMERCIAL)

BATHHAUS LTD.
CALLED 0.575 ACRES
DOC. #2001174888
(COMMERCIAL)

DORIS J. FINKELSTEIN, TRUSTEE
CALLED TRACT II
DOC #2007091440
O.P.R.T.C.TX
(RETAIL)

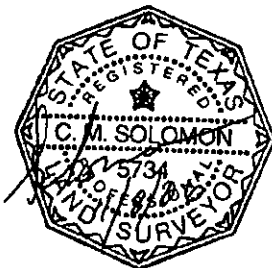
SOUTH CONGRESS AVENUE
(120' WIDE FRONT-OF-WAY)

57°21'17"W
BARTON SPRINGS ROAD
(100' WIDE RIGHT-OF-WAY)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S76°21'17"W	60.33'
L2	S76°21'17"W	34.94'

BEARING BASIS:

COTTON SPINDLES AT AN INSIDE ELL CORNER OF LOT A AND A POINT OF INTERSECTION IN A WEST LINE OF LOT A OF T. L. SUBDIVISION 3A, A SUBDIVISION OF RECORD IN VOLUME 82, PAGE 380 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. CALLED BEARING AND DISTANCE BETWEEN THESE COTTON SPINDLES IS N26°12'E - 228.39 FEET. HELD CALLED BEARING OF N26°12'00"E AND FOUND ACTUAL DISTANCE TO BE 228.38 FEET.



PROJECT:	HYATT REGENCY
JOB NUMBER:	28287-D4
DATE:	NOVEMBER 8, 2006
SURVEYOR:	CWS
PARTY CHIEF:	NA
FIELDBOOK:	NA
FIELDNOTE:	FM4352(ALD).DOC
TECHNICIAN:	ALD
DRAWING:	FM4352.DWG
SCALE:	1" = 100'



3508 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78755
(512) 447-0575
FAX: (512) 326-3029
EMAIL: SAM@SAMINCAUS.COM

SKETCH TO ACCOMPANY
FIELD NOTE No. 4352
PAGE 3 OF 3

GREEN BUILDING PROGRAM EXHIBIT J

COMMERCIAL RATING

PROJECT:

Point Requirements for Star Ratings		Star Rating	
★	Basic Requirements	Sub-Totals: Basic Reqs	0
★★	30-36 points		Not Achieved
★★★	37-43 points	Team	0
★★★★	44-58 points	Site	0
★★★★★	59 or more points	Energy	0
		Water	0
		IEQ	0
		Materials	0
		Innovation	0
		Total Points:	0

To the best of my knowledge, this project meets requirements for the rating I am requesting.

Signature _____ Date _____

Project Information Summary	Project Team Summary
Physical Address: Primary Use of Building(s): Green Building Zoning: Requires 1 star Description: Type of Construction: Approx. Sq. Ft.: 0,000 # of Floors: Project Cost: \$0,000.00 Estimated Completion Date: 01/01/04 Actual Completion Date: 01/01/04 Demand and Energy Savings - Calculated: kW kWh/yr. CCF/yr. Water and Solid Waste Savings - Calculated: Building Water 0 Gallons or reduction over Code Irrigation Water 0 Gallons or reduction over Code Construction Waste Management 0 Tons or diverted from landfill	GBP Representatives: Building Owner/Developer: (000) 000-0000 Architect: (000) 000-0000 Mechanical Engineer: (000) 000-0000 Structural Engineer: (000) 000-0000 Electrical Engineer: (000) 000-0000 General Contractor: (000) 000-0000 Commissioning Authority: (000) 000-0000 Professional Title: (000) 000-0000 Professional Title: (000) 000-0000 Professional Title: (000) 000-0000

Instructions

1. Use the "Worksheet" to indicate the green building measures implemented.
2. An X will be automatically marked in the green boxes below when the corresponding measure on the Worksheet is implemented.

The Rating Score Sheet reports the green building measures implemented and assigns a Star Rating.
It is directly linked to the Worksheet.

Basic Requirements

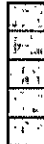
A building must fulfill all 8 items on this page to qualify for a Rating.

An X in the green box indicates implementation of the measure.



1. Building Systems Commissioning

A commissioning agent with documented commissioning experience on at least two other building projects, will verify and ensure that mechanical and electrical systems are installed, and calibrated to operate according to the design intent and the owner's operational needs. The following commissioning activities will be completed:



Develop design intent and basis of design documentation.



Develop and utilize a commissioning plan.



Include commissioning requirements in the construction documents.



Verify installation, functional performance, training, and documentation.



Complete a commissioning report.



2. Storm Water Run-off & Water Quality Control

Meet current city drainage and water quality standards applicable in the watershed where the project is located.



3. Roofing to Reduce Heat Island - Reduce heat island effects to minimize the impact on microclimate and human wildlife habitat.



Use ENERGY STAR compliant, high-reflectance roofing (according to the EPA Energy Star Roof Criteria), for a minimum of 75% of the total roof area.

OR



Vegetated roofing material for a minimum of 50% of the total roof area.

OR



Roofing materials are a combination of vegetated roofing and ENERGY STAR compliant high-reflectance roofing for a combined total of at least 75% of the total roof area.



4. Exceed Energy Code by 15%

Reduce building lighting and envelope energy use compared to the current City of Austin Energy Code by 15%.



5. Building Water Use Reduction by 15%

Reduce planned indoor water consumption below the current City of Austin Plumbing Code by 15%.



6. Low VOC Interior Paints and Coatings

All paint used in the interior of the building must meet Green Seal Standards; all coatings used in the building interior meet South Coast Air Quality Management District (SCAQMD) standards.



7. Storage and Collection of Recyclables

Provide an easily accessible area that serves the entire facility and is dedicated to the separation, collection, and storage of materials for recycling including, at a minimum, the top two identified recyclable waste stream items. Building loading dock or pick-up location must be sized appropriately to handle the recycling material volumes generated by the building occupants.



8. Construction Waste Plan

Recycle or salvage at least 50% (by weight) of construction, demolition, and land clearing waste.



BASIC REQUIREMENTS WERE NOT FULFILLED.













Voluntary Measures

TEAM: Integrating the design team, setting and achieving sustainability goals

- 0 **1. Integrated Design Team**
-  Choose design team professionals and consultants early in design phase who are experienced in sustainable design, especially Austin Energy Green Building Program (AE-GBP) members and / or other LEED Accredited Professionals.
 -  During Schematic Design, hold a sustainable design charrette to form goals and initial design criteria. Involve sustainability specialists and end users in this charrette.
 -  During DD & CD Phases, hold a sustainability meeting with entire team: restate project goals and design intent.
 -  Incorporate the green elements of the project and proposed certification into the pre-construction meeting with all subcontractors who will be affected by them, include, at a minimum, project goals and design intent.
 -  Throughout the Programming, Schematic Design, DD & CD, and Construction phases, track the progress toward meeting the project's goals and obtaining a Green Building Program Star Rating.
- 0 **2a. Goal Setting - Financial**
-  Establish and document financial goals, objectives, & constraints; determine an appropriate minimum return on investment (ROI) for evaluating sustainable options; utilize life cycle analysis; and submit report demonstrating how financial goals were met.
- 0 **2b. Goal Setting - Sustainability**
-  Establish and document sustainability goals. Communicate the sustainability goals throughout the design process to Project Team and check progress toward meeting them. Clearly explain the sustainability goals in the Specifications.

0 Total Team Points

SITE: Sustainability through site selection...

- 1. Site Selection** - Avoid development of environmentally sensitive sites and reduce the environmental impact from the location of the building structures on the site.
- 0 **a. Environmental Sensitivity**
-  Project site is not located in an environmentally sensitive area.
- 0 **b. Preferred Location**
-  Project site is located within a desired development corridor.
- 0 **c. CBD/RMMA Location**
-  Project site is located within the Central Business District.
- 2. Urban Development** - Develop sites within existing municipal infrastructures to increase localized density, protect greenfields and preserve habitat and natural resources.
- 0 **a. Municipal Infrastructure**
-  Project utilizes existing infrastructure, is in close proximity to basic services and is not a greenfield.
- 0 **b. Mixed-Use Development**
-  Project supports mixed-use development.
- 0 **3. Brownfield Redevelopment** - Rehabilitate sites where development is complicated by environmental contamination.
-  Project demonstrates effective remediation of site contamination (using established technologies that have minimal disruption on the site's natural features above and below ground).
- 0 **4. Environmental Site Assessment** - Reduce the impact of the structures to the environment and optimize building placement on a site.
-  Evaluate the proposed site's environmental characteristics. Document existing water elements, soil conditions, ecosystems, trees and other vegetation; and map all potential natural hazards including traffic and pollution sources. Plan to maintain or restore existing site features.
- 5. Transportation Alternatives** - Reduce pollution and development impact from automobile use.
- 0 **a. Public Transportation**
-  Building is located within 1/4 mile of at least 2 bus stops or within 1/2 mile of a rail stop (or future rail stop with proposed completion within 5 years).
- 0 **b. Bicycle Use**
-  Project incorporates bicycle securing areas and shower / changing facilities that accommodate 10% or more of the building occupants.
- 0 **c. Parking Capacity**
-  Parking does not exceed minimum local zoning requirements and provides preferred parking for carpools for at least 5% of building occupants.
- 6. Site Disturbance** - Limit site disturbance or restore damaged open areas to provide habitat and promote biodiversity.
- 0 **a. Protect or Restore Open Areas**
-  On greenfield sites plan to limit disturbance to 40 ft beyond the building perimeter, 5 ft beyond roadways and utility trenches and 25 ft beyond any pervious paving areas that require additional staging. On previously developed sites, restore at least 50% of the remaining open area through re-vegetation.
- 0 **b. Reduce Development Footprint**
-  Development footprint exceeds local zoning open space requirements by at least 25%.

SITE Cont'd: Sustainability through site selection...	
0	7. Site Impervious Surfaces to Reduce Heat Island - Reduce heat island effects to minimize the impact on microclimate and human wildlife habitat. <input type="checkbox"/> Open-grid pavement system, (net impervious area of less than 50%) above an underground water quality, retention facility for a minimum of 50% of the parking lot area. QR At least 50% of the parking spaces are located underground. QR High-albedo materials applied and include calculations demonstrating that these materials are installed on at least 30% of the non-roof impervious surfaces. QR All non-roof impervious surfaces that will be shaded and include calculations demonstrating that at least 30% of the impervious surfaces will be shaded within five years.
0	8. Light Pollution Reduction - Minimize light trespass from the building and site, improve night sky access and reduce development impact on nocturnal environments. <input type="checkbox"/> Lighting meets "An Ordinance to Improve Outdoor Lighting in the City of Alpine, TX" adopted May 23, 2000 Section 4(A,B,C2, D,& E), Section 5(A), and Section 7(A).
0	9. Integrated Pest Management - Preserve the site's ecological integrity, enhance biological diversity, and protect wildlife by employing least toxic grounds management practices while supporting building performance and integration into surrounding landscapes. <input type="checkbox"/> Implement an Integrated Pest Management Plan and practices.
0	10. Outdoor Environmental Quality - Outdoor Spaces - Provide outdoor places on site to enable building occupants and visitors to connect to and enjoy the natural environment. <input type="checkbox"/> Usable outdoor areas accommodate shaded seating for 10% or more of the building's occupants.
0	Total Site Points
ENERGY:	
0	1. Additional Energy Use Efficiency - Reduce environmental impacts associated with excessive energy use. Energy model shows building performs: <input type="checkbox"/> 20% better than City of Austin Energy Code. <input type="checkbox"/> 25% better than City of Austin Energy Code. <input type="checkbox"/> 30% better than City of Austin Energy Code. <input type="checkbox"/> 35% better than City of Austin Energy Code. <input type="checkbox"/> 40% better than City of Austin Energy Code.
0	2. Green Energy - Encourage the use of <input type="checkbox"/> Have a 10 year Green Power contract in place for 50% of building's non-renewable energy needs.
0	3. Renewables - <input type="checkbox"/> Install on-site renewable energy system for 2% of energy needs. <input type="checkbox"/> Install on-site renewable energy system for 5% of energy needs.
0	4. Additional Commissioning - In addition to the Building Systems Commissioning Pre-Requisite the following must be completed: <input type="checkbox"/> Commissioning agent shall at a minimum conduct design document review prior to 50% CD's. <input type="checkbox"/> Demonstrate that all building systems operate according to design intent narrative. <input type="checkbox"/> Demonstrate building structure and envelope perform according to design intent narrative. <input type="checkbox"/> Provide seasonal re-commissioning through warranty period. <input type="checkbox"/> Complete a commissioning report.
0	5. District Cooling - <input type="checkbox"/> Tie into Austin Energy's district cooling and heating loop for all HVAC building energy needs.
0	Total Energy Points
WATER: Better water quality, water conservation, rainwater catchment	
0	1. Irrigation Water Reduction - Reducing the use of potable water for landscape irrigation purposes reduces the load on municipal water systems, saving water and energy. Irrigation potable water consumption is reduced by at least: <input type="checkbox"/> 50% <input type="checkbox"/> 75% <input type="checkbox"/> 100%
0	2. Indoor Potable Water Use Reduction Total indoor potable water use is reduced by at least: <input type="checkbox"/> 25% <input type="checkbox"/> 35% <input type="checkbox"/> 45% <input type="checkbox"/> 55%
0	3. Stormwater Management - Limit the disruption of natural water flows by reducing stormwater runoff, increasing on-site infiltration and eliminating contaminants. Rate and Quantity <input type="checkbox"/> For sites with less than 50% imperviousness, there is no net increase in the rate and quantity of stormwater runoff. QR For sites with greater than 50% imperviousness, decrease the rate and quantity of stormwater runoff by 25% or more.
0	Total Water Points

Indoor Environmental Quality: Better indoor environmental quality, humidity control, comfort	
0	1. Indoor Air Quality Monitoring <input type="checkbox"/> Install permanent carbon dioxide monitoring system that provides feedback in a usable form to make adjustments to ventilation system. Commission all systems to the preferred set point parameters and optimal performance for all operating conditions.
0	2. Indoor Chemical & Pollutant Sources For areas of identified point source pollution, including copy rooms and print shops, copy machines, break rooms, laboratories, and janitorial chemical storage rooms: <ul style="list-style-type: none"> <input type="checkbox"/> Provide ventilation directly to the outside of the building and provide drains for appropriate disposal. <input type="checkbox"/> Construct a structural floor-to-floor partition between these areas and occupied spaces. <input type="checkbox"/> Operate at a negative pressure relative to surrounding areas under all operating conditions by testing.
0	3. Daylighting <input type="checkbox"/> Integrate daylighting systems, electric lighting systems, and controls to optimize daylighting strategies and minimize energy consumption and heat generation.
0	4. Views to the Outside <input type="checkbox"/> Glazing systems and interior partitions allow for a minimum of 75% of regularly occupied spaces a view of vision glazing (between 2'-6" and 7'-6" from finished floor height) and a view of the outdoors.
0	5. Thermal Comfort <input type="checkbox"/> Install mechanical systems (thermal, ventilation, and dehumidification) and monitoring systems to ensure optimal parameters for thermal comfort for all operating conditions according to ASHRAE 55-1992 (1995 Addenda).
0	6. Individual Controllability <input type="checkbox"/> Install and commission systems for individual occupant controllability for visual and thermal comfort.
0	7. Low-Emitting Materials - To reduce the quantity of indoor air contaminants that are odorous or potentially irritating to provide installer and occupant health and comfort <ul style="list-style-type: none"> a. Sealants & Adhesives <input type="checkbox"/> All installed sealants and adhesives meet South Coast Air Quality Management District (SCAQMD) standards. b. Carpet & Carpet Pad <input type="checkbox"/> All installed carpet and carpet pad meets Carpet & Rug Institute's (CRI) Green Label Plus minimum standards. c. Composite Wood <input type="checkbox"/> All installed composite wood contains no added urea-formaldehyde. d. Insulation <input type="checkbox"/> All installed insulation meets GreenGuard certification standards.
0	8. Moisture Prevention <input type="checkbox"/> No vinyl wallcoverings or other vapor barrier may be installed as the finish material on the interior of any exterior wall. <ul style="list-style-type: none"> <input type="checkbox"/> Ensure proper installation of building envelope drainage systems, including flashing and overhang systems. <input type="checkbox"/> Provide on-site training and inclusion in sub-contractor contracts. <input type="checkbox"/> Ensure positive building pressure prior to occupancy.
0	9. Acoustic Quality <input type="checkbox"/> Install wall systems and sound deadening materials and devices to optimize acoustics and meet ANSI NC (American National Standards Institute Noise Criteria) ratings.
0	10. Outdoor Pollutant Sources <input type="checkbox"/> Entrances, operable windows and fresh air intakes shall be located a minimum 30 feet away from designated smoking areas. Install appropriate signage to clearly designate where smoking is permitted and not permitted. <ul style="list-style-type: none"> <input type="checkbox"/> Install permanent entryway systems.
0	11. Construction Indoor Air Quality <input type="checkbox"/> Implement Construction Indoor Air Quality Management Plan, such as the Sheet Metal and Air Conditioning National Contractor's Association (SMACNA) Guidelines for Occupied Buildings Under Construction. The plan should include each of these key areas of IAQ protection: Scheduling, Source Control, HVAC Protection, Pathway Interruption, and Housekeeping.
0	Total Indoor Environmental Quality Points

MATERIALS & RESOURCES:

- ☐ **1. Additional Construction Waste Management** - Divert construction, demolition, and land clearing debris from landfill disposal. Redirect recyclable material back to the manufacturing process.
☐ 75% (by weight) diverted from landfill.
- ☐ **2. Building Reuse** - Extend the life cycle of existing building stock, conserve resources, retain cultural resources, reduce waste, and reduce environmental impacts of new buildings as they relate to materials manufacturing and transport.
- ☐ **a. Existing Building Shell and Structure**
☐ Incorporate at least 40% (surface area) of existing building shell and structure in order to conserve the use of building materials and reduce demolition effects where practicable.
☐ Incorporate at least 80% (surface area) of existing building shell and structure in order to conserve the use of building materials and reduce demolition effects where practicable.
- ☐ **b. Interior Non-structural Elements**
☐ Incorporate at least 50% (surface area) of interior non-structural elements in order to conserve the use of building materials and reduce demolition effects where practicable.
- ☐ **3. Salvaged Materials** - Extend the life cycle of targeted building materials by reducing environmental impacts related to materials manufacturing and transport. Salvaged or refurbished materials account for:
☐ 5% (dollar value) of project building materials.
☐ 10% (dollar value) of project building materials.
- ☐ **4. Recycled Content** - Increase demand for building products that have incorporated recycled content materials, therefore reducing the impacts resulting from the extraction of new materials.
 Building materials contain recycled content (the sum of post-consumer recycled content plus one-half of the post-industrial content) of at least:
☐ 5% (dollar value) of the materials in the project.
☐ 10% (dollar value) of the materials in the project.
- ☐ **5. Rapidly Renewable Material** - Reduce the use and depletion of finite raw, and long-cycle renewable materials by replacing them with rapidly renewable materials.
☐ At least 5% (dollar value) of the project materials are made from rapidly renewable sources.
- ☐ **6. Regionally Sourced Material** - Increase demand for materials that are manufactured locally; thereby reducing the environmental impacts resulting from their transportation and supporting the local economy.
 Building materials and products are extracted and/or manufactured (final assembly) regionally within the state of Texas for at least:
☐ 30% (dollar value)
☐ 50% (dollar value)
- ☐ **7. Certified Wood** - Encourage environmentally responsible forest management.
☐ At least 50% (dollar value) of wood-based materials are certified in accordance with the Forest Stewardship Council (FSC) guidelines for wood building components.
- ☐ **8. Low VOC Exterior Materials** - To reduce the quantity of air contaminants that are odorous or potentially irritating to provide installer health and comfort.
 Exterior sealants, coatings and adhesives meet South Coast Air Quality Management District (SCAQMD) standard; exterior paints meet Green Seal standard; and exterior composite wood products contain no added urea formaldehyde by at least:
☐ 50% (dollar value)
☐ 100% (dollar value)

☐ Total Materials & Resources Points

INNOVATION:

- ☐ **1 Title -**
- ☐ **2 Title -**
- ☐ **3 Title -**
- ☐ **4 Title -**
- ☐ **5 Title -**
- ☐ **6 Title -**
- ☐ **7 Title -**
- ☐ **8 Title -**
- ☐ **9 Title -**
- ☐ **10 Title -**

☐ Total Innovation Points