

## BRIEFING SUMMARY SHEET

DEVELOPMENT ASSESSMENT CASE NUMBER: CD-2020-0002 – Brodie Oaks Redevelopment

REQUEST:

Presentation of a development assessment report for the Brodie Oaks Redevelopment, located at 4021, 4025, 4107, 4109, 4115 and 4141 S. Capital of Texas Hwy NB, and 4220, 4040, 4036, 4006, 4032, 4030, 3940, 4024, 4200 and 4236 S. Lamar BLVD SB, within the Barton Creek Watershed – Barton Springs Zone.

DISTRICT AREA: 5

DEPARTMENT COMMENTS:

The applicant has submitted a development assessment for a proposed 37.6-acre mixed-use development to be known as the Brodie Oaks Redevelopment. It is located at the northwest intersection of S. Lamar Boulevard and S. Capital of Texas Highway, see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

The project site (site) is located within the boundaries of an Activity Center for Redevelopment in Sensitive Environmental Areas (Lamar & Ben White) and along the South Lamar Activity Corridor, as identified within the Imagine Austin's Growth Concept Map. It is also located within the South Lamar Neighborhood Planning Area. This neighborhood area does not have an adopted neighborhood plan and therefore this project would not require a neighborhood plan amendment (NPA).

The site is within the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code (LDC). The majority of the property is located within the Recharge Zone, with the exception of the southeast corner which is in the Contributing Zone. This site does not have any floodplain located within it but does contain other potential environmental features. An updated Environmental Resource Inventory (ERI) report has been requested to be submitted with the PUD application to identify these areas and features.

The applicant's proposed PUD plans "*for approximately 1,564 residential units, 1,150,678 square feet of office, 448 hotel rooms, 110 thousand square feet of retail, and 30,000 square feet of restaurant uses located along private streets with public access easements including an Internal Circulator Route meeting Great Streets standards with activated ground floor uses.*" The Applicant is requesting a maximum building height of 275 feet along S. Lamar Boulevard and S. Capital of Texas Highway, transitioning down to 160 feet internal to the development and 28 feet within their open space and park areas, see *Exhibit F: Land Use Plan and Notes* and *Exhibit G: Open Space and Parks Plan*. The proposed project intends to cluster development away from the Barton Creek Greenbelt reducing the total existing impervious cover from approximately 84 percent to 54 percent. This would allow for the project to "*restore and reserve 13.7-acres of the site that is*

*currently developed as surface parking lots and single-story retail and office buildings as private park and open space.”*

The applicant has stated in their application materials that the proposed PUD will meet or exceed all applicable Tier One requirements, and several Tier Two items (open space, environmental/drainage, art, community amenities, transportation, affordable housing, accessibility and local small business). By meeting or exceeding these items, the applicant has stated the proposed PUD will result in a superior development compared to that which could be developed under conventional zoning standards, see *Exhibit C: Letter from Agent* and *Exhibit D: Tier 1 & 2 Compliance Chart*. Examples of proposed superiority include: exceeding open space requirements by approximately 8.9 acres, providing a network of up to 4,700 feet of trails and a publicly accessible trailhead to the Barton Creek Greenbelt, reducing the maximum impervious coverage allowed on site by approximately 36 percent, and restoring over 25 percent of the site to open space adjacent to the Barton Creek Greenbelt.

At this time, code modifications are requested to the General, Zoning, Subdivision, Transportation and Environmental and Site Planning chapters of the LDC. Examples of requested code modifications include modifying term definitions, increased maximum building height and floor to area calculations, Subchapter E requirements, standard street cross sections, and redevelopment exception in the Barton Springs Zone. Please see *Exhibit E: PUD Code Modification Table* for the applicant’s full list of requested code modifications.

The applicant intends to redevelop the property as a mixed-use development project which will increase the access and visibility to the Barton Creek Greenbelt while providing additional housing and commercial uses along an established transit and activity corridor. Please see the following exhibits which were included within the applicant’s development assessment submittal:

- Exhibit F: Land Use Plan and Notes
- Exhibit G: Open Space and Parks Plan
- Exhibit H: Street Sections
- Exhibit I: Water Quality and Drainage
- Exhibit J: Grading Plan
- Exhibit K: Phasing Plan

Staff’s comments on the applicant’s development assessment submittal for this proposed PUD project were completed on January 17, 2021, please see *Exhibit L: Comment Report*. Staff also received comments from the Save Our Springs (SOS) Alliance which are included in *Exhibit M: Comments Received*.

Additional information is required to demonstrate how the proposed PUD would meet the objectives of the City Code and produce a development that achieves a higher level of environmental preservation, quality of development, innovation of design, and adequate public facilities and services than that could be done under conventional zoning and land development regulations.

OWNER/APPLICANT: LCFRE Austin Brodie Oaks LLC. (John Schaefer)

AGENT: Lionheart Places (Rebecca Leonard)

## ENVIRONMENTAL COMMISSION BRIEFING:

**March 3, 2021      Staff briefing conducted with the Environmental Commission.**

February 17, 2021      Environmental Commission meeting was canceled.

The Commissioners raised various questions and concerns with the proposed development and requested the applicant to consider the following when filing their formal PUD application:

- Look at and address the environmental comments raised within the Staff Comment Report.
- Reducing the glare and reflectivity of glass on buildings.
- Look into the availability of and consider using purple pipe or other innovative technologies to reduce and reuse water.
- Look at right sizing the amount of parking onsite (balance reduction in parking requirements with having enough for the proposed development and Barton Creek Greenbelt users).
- Achieving a 3-star or higher rating with Austin Energy Green Building.
- Utilize district heating and renewable energy sources (e.g. solar) within the development.
- Consider the climate vulnerability of different species of trees and plants used within the development's landscaped areas.

## CITY COUNCIL BRIEFING:

**March 23, 2021      Staff briefing conducted with the City Council.**

March 2, 2021      Staff briefing was postponed to March 23, 2021

The City Council Members raised the following questions and concerns about the proposed development and requested the applicant consider the following when filing their formal PUD zoning application:

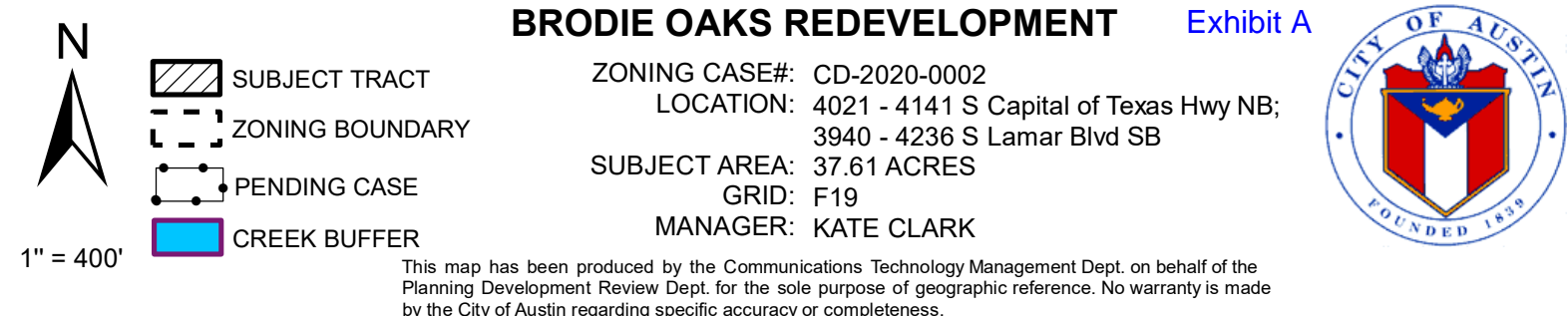
- Continue working with the various interest and stakeholder groups throughout the process.
- The site is in an environmental sensitive area, proposed development should consider the impact of the built infrastructure through:
  - Utilization of energy saving programs like the Austin Energy Green Building program, net-zero energy, and water usage and onsite water reuse.
  - Mitigation of potential flooding/runoff towards the creek and greenbelt, and reducing overall impervious cover.
  - The amount of preserved/restored active and passive open spaces within the project boundary.
- Continue to look at affordable housing as a part of this project:
  - Think about incorporating family supportive housing.
  - Consider increasing the amount of onsite affordable housing.
- This site is located at the intersection of two major traffic roadways and is the right place for additional density, but determining the right balance between land uses, building height and traffic mitigation is important.
  - Continue discussions with staff on the requested height (currently stated as 275').

- Think about what the development will look like from S. Lamar to avoid creating a “canyon feel” along the road and designing a “human-scaled” environment both internal and external to the project boundary.
- Consider a pedestrian tunnel under major street(s) to provide better access to/from the development.
- Continue discussions on right-sizing the parking requirements (consideration of transit corridor and greenbelt parking needs, environmentally sensitive area, and potential parking reduction requirements, etc.)
- Continue discussions with ATD on existing and proposed improvements along S. Lamar (e.g. Project Connect, Corridor Planning Office, etc.).

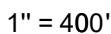
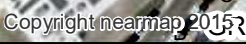
ASSIGNED STAFF: Kate Clark





e-mail: [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov)









-  SUBJECT TRACT  
 ZONING BOUNDARY  
 PENDING CASE  
 CREEK BUFFER

## BRODIE OAKS REDEVELOPMENT

ZONING CASE#: CD-2020-0002  
LOCATION: 4021 - 4141 S Capital of Texas Hwy NB;  
3940 - 4236 S Lamar Blvd SB  
SUBJECT AREA: 37.61 ACRES  
GRID: F19  
MANAGER: KATE CLARK



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



December 3, 2020

Jerry Rusthoven, Assistant Director (Acting Lead)  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> floor  
Austin, TX 78704



Re: Development Assessment Application for Brodie Oaks Redevelopment

**A Development Assessment Application for a Planned Unit Development that will govern the redevelopment of a 37.6 acre site from a suburban shopping center and surface parking lots to a compact, vibrant, transit-oriented, and mixed-use center that includes 13.6 acres of new publicly accessible open space with views of the downtown skyline and Hill Country forming a new gateway to the Barton Creek Greenbelt.**

Dear Mr. Rusthoven

As the authorized agent of the owner of the Brodie Oaks Shopping Center, Lionheart Places is respectfully providing this Development Assessment application as a preliminary step in the process to rezone the property from General Commercial Services (CS), General Commercial Services – Liquor Sales (CS-1), and Community Commercial (GR) to the Planned Unit Development (PUD) zoning with a base zoning of CS. The purpose of this zoning request is to transform the existing Brodie Oaks shopping center into a vibrant, mixed-use destination for South Austin. Located at the northeast intersection of S. Lamar Boulevard and Loop 360, this 37.6-acre site is adjacent to CapMetro’s Metro Rapid Route 803, along the South Lamar Imagine Austin Corridor, within the South Lamar Neighborhood Planning Area (a suspended neighborhood plan), and within an Activity Center for Redevelopment in Sensitive Environmental Areas on Imagine Austin’s Growth Concept Map.

The site is part of an original 128-acre development that contributed to setting a standard for development in environmentally sensitive areas for its time in 1981 including the dedication of 84.3-acres of the Barton Creek Greenbelt, and clustering of impervious cover on the remaining acreage. This legacy makes the Brodie Oaks Redevelopment well suited for realizing the Imagine Austin vision for an Activity Center for Redevelopment in Sensitive Environmental Areas.

The owner wants to achieve the vision of the Imagine Austin Comprehensive Plan, Strategic Housing Blueprint, Watershed Protection Master Plan, Austin Strategic Mobility Plan, Austin Community Climate Plan, and the Austin Strategic Direction 2023 Plan through the following set of project goals:

- **Ecology – Meet the highest environmental standards.**  
The Brodie Oaks Redevelopment will reduce total impervious cover from approximately 84 percent to a maximum impervious cover of 54 percent, a 36 percent reduction, and fully comply

with the Save Our Springs (SOS) Ordinance standards for nondegradation of water quality. The project will restore and reserve 13.7-acres of the site that is currently developed as surface parking lots and single-story retail and office buildings as private park and open space. The Brodie Oaks PUD is proposing to preserve all heritage trees in place or transplant on-site and develop interpretive materials about the Edwards Aquifer and Barton Creek Greenbelt. These efforts will reduce heat island effect and provide a more biophilic landscape which will help foster pedestrian transportation. Finally, the focus on multi-modal travel will reduce emissions and reliance on fossil fuels.

- **Vitality – Create a transit-oriented, walkable, mixed-use activity center.**

The project will reserve prominent areas with views of Downtown and the Hill Country as publicly accessible open space. The project is planning for approximately 1,564 residential units, 1,150,678 square feet of office, 448 hotel rooms, 110 thousand square feet of retail, and 30,000 square feet of restaurant uses located along private streets with public access easements including an Internal Circulator Route meeting Great Streets standards with activated ground floor uses. The current plat contains a scrivener's error restricting residential uses on a portion of the site. A plat amendment to address this error will be submitted concurrently with the PUD application. A central green will be developed and programmed for events and entertainment acting as the central core of food and beverage options.

- **Connectivity – Connect the site to its surroundings.**

The Brodie Oaks Redevelopment will support ridership on Capital Metro's existing high capacity transit route (MetroRapid Route 803) on S. Lamar Boulevard with the development of a high-density, mixed-use project. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles. The project will also provide a network of up to 4,700 feet of active trails, 10,000 feet of sidewalk, and a publicly accessible trailhead into the Barton Creek Greenbelt. The project will work with the City of Austin, Texas Department of Transportation, Capital Metro and the Central Texas Regional Mobility Authority on improving access external to the site through a Traffic Impact Analysis process.

- **Character – Express the South Austin character.**

The Brodie Oaks Redevelopment will be a destination landmark for South Austin and reflect the unique character of South Austin through its creative design and the incorporation of public art and performance venues. Biophilic design, energy and water conservation and the use of regional architectural styles and materials will all help contribute to the South Austin character.

- **Performance – Position the project for the future.**

The restoration of over 25 percent of the site to open space adjacent to the Barton Creek Greenbelt is made possible through heights of up to 275' along the Loop 360 and S. Lamar Boulevard frontage. Affordable housing set asides equal to 10 percent of the bonus height will be included and dispersed throughout the site. The project is meeting the Imagine Austin vision of an Activity Center for Redevelopment in Sensitive Environmental Areas. Finally, repositioning the retail environment from single-use, auto-oriented to mixed-use and walkable will align the physical environment with the social and environmental trends.

The proposed Development Assessment demonstrates that the Brodie Oaks Redevelopment meets all Tier I requirements and achieves numerous Tier II requirements, thus resulting in a superior development that could not be achieved through conventional zoning.

Please let us know if your team requires additional information or has any questions. We are grateful for the opportunity to continue our collaboration with the City and stakeholders.

Respectfully,



Rebecca Leonard, FAICP, PLA, LEED-AP, CNU-A  
Founder and CEO  
[Rebecca@lionheartplaces.com](mailto:Rebecca@lionheartplaces.com)

Attachments included:

Development Assessment Application

Superiority Table

Code Modifications Table

Exhibit A: *(Placeholder for City Location Map)*

Exhibit B: Brodie Oaks Redevelopment Context Map

Exhibit C: Brodie Oaks Redevelopment Land Use Plan

Exhibit D: Brodie Oaks Redevelopment Parks and Open Space

Exhibit E: Brodie Oaks Redevelopment Street Cross Sections

Exhibit F: Brodie Oaks Redevelopment Water Quality and Drainage

Exhibit G: Brodie Oaks Redevelopment Grading Plan

Exhibit H: Brodie Oaks Redevelopment Phasing Plan

Tax Plat Map

Restrictive Covenants

Environmental Resources Inventory

CC:

**Project and Ownership Team**

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**Reviewing Agencies**

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Capital Metropolitan Transportation Authority, [Lawrence.Deeter@capmetro.org](mailto:Lawrence.Deeter@capmetro.org);  
[Mark.Herrera@capmetro.org](mailto:Mark.Herrera@capmetro.org)

**Surrounding Environmental and Neighborhood Organizations**

Save Our Springs Alliance: [notices@sosalliance.org](mailto:notices@sosalliance.org)

[Save Barton Creek Association: SBCA@savebartoncreek.org](mailto:SBCA@savebartoncreek.org)

Barton Hills-Horseshoe Bend (Barton Hills Neighborhood Association): [president@bartonhills.org](mailto:president@bartonhills.org)

Barton View Neighborhood Association: [info@bartonview.net](mailto:info@bartonview.net)

Westgate Neighborhood Plan Contact Team: [WestgateNPCT@gmail.com](mailto:WestgateNPCT@gmail.com)

Western Trails Neighborhood Association: [wtnaboard@gmail.com](mailto:wtnaboard@gmail.com)

Zilker Neighborhood Association: [zna@zilkerneighborhood.org](mailto:zna@zilkerneighborhood.org)

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
<b>2.3 TIER 1 REQUIREMENTS</b>		
General	2.3.1.A: <b>(MEET)</b> Meet the objectives of the City Code.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will meet the objectives of the City Code.</li> </ul>
	2.3.1.B: <b>(MEET)</b> Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 ( <i>General Intent</i> ) than development under the regulations in the Land Development Code. Section 1.1 says, “This division provides the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.”	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide for the preservation and enhancement of the natural environment within and immediately adjacent to the subject property, along the Barton Creek Greenbelt. Including the reclamation of approximately 9.4 acres of the subject property adjacent to the greenbelt.</li> <li>The Brodie Oaks Redevelopment is a high-quality, mixed-use development promoting innovative design in keeping with the South Austin character. The plan will offer a live, work and play environment and will undoubtedly become a beloved South Austin gathering place.</li> <li>The Brodie Oaks Redevelopment will provide a dense mixed-use development transforming approximately 21-acres of surface parking lots and drive aisles and approximately 8-acres of single use office and retail buildings to a vibrant neighborhood and destination for South Austin.</li> <li>The Brodie Oaks Redevelopment will reduce greenhouse gases by providing a true transit-oriented development taking advantage of Capital Metro’s adjacent bus stop for the MetroRapid route number 803. The project will construct a new transit stop that meets or exceeds Capital Metro’s requirements and integrate the stop into the development by providing comfortable waiting areas, easy access for bicycles and pedestrians, and urban amenities.</li> <li>The density and height proposed for the Brodie Oaks Redevelopment enable the project to meet the vision established in Imagine Austin of an “Activity Center for Redevelopment in Sensitive Environmental Areas” including state-of-the-art development practices to improve stormwater retention and water quality flowing into the Edwards Aquifer Recharge Zone and Barton Creek Zone. The Brodie Oaks Redevelopment will provide an environmentally superior project that complies with the Save Our Springs (SOS) Ordinance for water quality.</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
Open Space	<p><b>2.3.1.C: (MEET)</b></p> <p>Provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD.</p>	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will include a variety of parks and open spaces that will expand and enhance the connection to and experience of the Barton Creek Greenbelt for both greenbelt visitors and visitors to the Brodie Oaks Redevelopment. The Brodie Oaks Redevelopment will create great public spaces by establishing publicly accessible and well-planned trailheads accessing the Barton Creek Greenbelt and the greater Violet Crown Trail System.</li> <li>Open Spaces and parks within the Brodie Oaks Redevelopment will include spaces with civic/cultural, neighborhood, nature/play, and active recreation and equal to 13.7-acres or 36 percent of the 37.6-acre subject property.</li> <li>The subject property is part of the original Barton Creek Plaza development which dedicated approximately 84.3-acres of parkland in 1981 to the City of Austin contributing an important piece of the Barton Creek Greenbelt. After including the additional 8.4 acres of credited Private Parkland from the current Brodie Oaks Redevelopment, the total parkland contribution is 92.7 acres, which is 55% of the total original 167-acre site.</li> </ul>
Green Building Program	<p><b>2.3.1.D: (MEET)</b></p> <p>Comply with the City's Planned Unit Development Green Building Program.</p>	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will comply with the City's Planned Unit Development Green Building Program and will meet or exceed the 2-Star Requirement.</li> <li>Besides green stormwater treatments required by the SOS Ordinance and described elsewhere, the Brodie Oaks Redevelopment will consider district heating, water conservation and reuse strategies, and on-site energy production as strategies to enhance the sustainability of the district.</li> </ul>



## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
Neighborhood Plans and Historic Compatibility	<p>2.3.1.E: <b>(MEET)</b></p> <p>Be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area, and landmark regulations, and compatible with adjacent property and land uses.</p>	<ul style="list-style-type: none"> <li>• There are no applicable neighborhood plans, neighborhood conservation combining district regulations, historic areas, or landmark regulations for the property. The site is within the S. Lamar Boulevard Combined Neighborhood Planning Area (Barton Hills) which does not have a City Council approved neighborhood plan.</li> <li>• The Brodie Oaks Redevelopment has placed compatible land uses adjacent to the adjoining Barton Creek Greenbelt and the multifamily residence moderate to high density (MF4) tract.</li> <li>• The Brodie Oaks Redevelopment will include a 75' – 550' park and open space buffer running along the entire length of the greenbelt property line. Refer to <i>Exhibit D: Brodie Oaks redevelopment Parks and Open Space Plan</i></li> <li>• The Hill Country Roadway Ordinance is not applicable to the Brodie Oaks Redevelopment due to the urban nature of the existing development and entire intersection of S. Lamar Boulevard and Loop 360. Applying the Hill Country Roadway overlay to any portion of this site would be inconsistent with the Imagine Austin Center for Redevelopment in an Environmentally Sensitive Area and the South Lamar Corridor Plans.</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
Water Quality/Environmental	<p><b>2.3.1.F: (MEET)</b></p> <p>Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural/traditional character of the land.</p>	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will remove existing buildings, surface parking areas and other impervious improvements that currently cover approximately 84 percent of the site and restore those portions of the site adjacent to the greenbelt back to natural grade. Density will be clustered along S. Lamar Boulevard and Loop 360. The overall site impervious cover will be reduced to a maximum 54 percent impervious - a 36% reduction from current conditions. Removing this level of pervious cover is achievable due to the increased height and density in the remaining portions of the site where this can better serve the goals of establishing a vibrant, attractive, pedestrian environment; expanding open space and creating great public spaces, enhancing connections to and along the Barton Creek Greenbelt and acting as an example for implementing the vision of "Activity Center for Redevelopment in Sensitive Environmental Areas" as described in Imagine Austin Comprehensive Plan.</li> <li>The Brodie Oaks Redevelopment will capture all run-off prior to leaving the site into appropriately sized retention water quality ponds and then irrigating this water on-site and within the adjacent parkland thus meeting the SOS Ordinance water quality requirements. Refer to <i>Exhibit F: Brodie Oaks Redevelopment Water Quality and Drainage Plan</i></li> </ul>
Public Facilities	<p><b>2.3.1.G: (MEET)</b></p> <p>Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities.</p>	<ul style="list-style-type: none"> <li>As an infill project, the improvements in the Brodie Oaks Redevelopment will provide increased tax revenue to the City on an ongoing basis without adding any new land into its service area, helping fund public services in this area and across the City.</li> <li>The Brodie Oaks Redevelopment proposes to include the following public facilities: <ul style="list-style-type: none"> <li>13.7 acres of publicly accessible open space;</li> <li>A variety of new private streets with public access easements and trails achieving connectivity for all modes of transportation and including a lively, attractive pedestrian and bicycle environment; expanding and connecting open spaces to and along the Barton Creek Greenbelt;</li> <li>Implementation of a new activity center and community destination in South Austin with active and passive recreation opportunities;</li> <li>Enhanced location and connections to transit along S. Lamar Boulevard including an enhanced bus stop, shady, wide sidewalks from the bus stop to the core of the development, transit supportive densities and mixed-use development.</li> </ul> </li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
Grow Green Landscaping	2.3.1.H: <b>(MEET)</b> Exceed the minimum landscaping requirements of the City Code.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will exceed the landscaping requirements. First, we will restore the native woodland prairie to portions of the site. In addition, we will provide a double allee of street trees on the north side of the main Internal Circulator Route which will be dedicated as a public easement.</li> </ul>
Connectivity	2.3.1.I: <b>(MEET)</b> Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will deliver an attractive, walkable, and sustainable development pattern around the existing high-capacity MetroRapid Route 803 transit stop that maximizes Capital Metro's system ridership and offers Austin residents ample vibrant housing choices and convenient access to jobs, services and diverse amenities.</li> <li>Capital Metro's TOD Priority Tool identifies the Brodie Oaks Station as an opportunity for redevelopment as a Transit Oriented Development and identified several missing elements that the Brodie Oaks Redevelopment will be able to provide including: <ul style="list-style-type: none"> <li>Compact, mixed-use development;</li> <li>Public realm improvements, including shade, street furniture, pedestrian-scale lighting;</li> <li>Pedestrian and bicycle connections and enhanced crossings;</li> <li>Sidewalk improvements; and</li> <li>Wayfinding.</li> </ul> </li> </ul>
Gated Roadways	2.3.1.J: <b>(MEET)</b> Prohibit gated roadways.	<ul style="list-style-type: none"> <li>Brodie Oaks Redevelopment will prohibit gated roadways.</li> </ul>
Architectural, historical, cultural, and archeological areas	2.3.1.K: <b>(MEET)</b> Protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.	<ul style="list-style-type: none"> <li>There are no identified historic structures or landmarks on this site.</li> <li>The Brodie Oaks Redevelopment includes the incorporation of a new dedicated trailhead and trails to enhance the use of the Barton Creek Greenbelt, which is of cultural significance. The construction of a formal and highly accessible trailhead may reduce the pressure on other informal access points in neighborhoods and under MoPac (Loop 1) so that they may be redesigned to mitigate for environmental impacts.</li> </ul>
PUD size and uniqueness	2.3.1.L: <b>(MEET)</b> Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	<ul style="list-style-type: none"> <li>At 37.6 acres, the Brodie Oaks Redevelopment exceeds the 10-acre minimum.</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
<b>2.3.2 ADDITIONAL REQUIREMENTS</b>	<b>2.3.2.A: (MEET)</b> Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will comply with Subchapter E (Design Standards and Mixed Use) as amended in the Code Modifications".</li> </ul>
	<b>2.3.2.B: (Meet)</b> Inside the urban roadway boundary depicted in Figure 2, Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), follow the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks and Building Placement); and	<ul style="list-style-type: none"> <li>Sidewalks, pedestrian clear zones, planting areas and supplemental zones will meet or exceed requirements associated with Core Transit Corridors and Internal Circulation Routes. In addition, street sections have been enhanced to meet the goals of the project as a vibrant and connected mixed use center. A public access easement will be provided for all private streets within the site. Refer to <i>Exhibit E: Brodie Oaks Redevelopment Street Cross Sections</i>.</li> </ul>
	<b>2.3.2.C: (Meet)</b> Contain pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed-use building.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will comply with pedestrian-oriented uses on the first floor of a multi-story commercial or mixed-use building.</li> </ul>
<b>2.4 TIER 2 REQUIREMENTS</b>		
Open Space	Provides open space at least 10 percent above the requirements of Section 2.3.1.A. ( <i>Minimum Requirements</i> ). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 ( <i>Design Standards and Mixed Use</i> ), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will include publicly accessible open space of 13.7-acres which is equivalent to approximately 57 percent of the developed area. See <i>Exhibit D: Brodie Oaks Redevelopment Parks and Open Space Plan</i></li> <li>In addition to exceeding the required amount of open space by approximately 8.9-acres the project is proposing extensive improvements within the open space including an intentional trailhead, 4,700 LF of active trails, a central green and gathering space, a potential interpretive center, and extensive landscaping.</li> <li>The project is committing to maintain all private parkland in perpetuity.</li> </ul>
Environment / Drainage	Complies with current City of Austin Code instead of asserting entitlement to follow older code provisions by application of law or agreement.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide drainage facilities that meet current code requirements as of 2020.</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
	Provides water quality controls superior to those otherwise required by code.	<ul style="list-style-type: none"> <li>The Barton Creek Zone Redevelopment Exception allows sedimentation / filtration as the sole source of water quality if the impervious cover exceeds 40 percent impervious cover. However the Brodie Oaks Redevelopment is meeting the SOS Ordinance for the entire development with a maximum impervious cover of 54 percent.</li> <li>The maximum impervious cover permitted under the Barton Creek Zone Redevelopment Exception is limited to the existing site impervious cover (84 percent), however the Brodie Oaks Redevelopment is proposing to reduce impervious cover to a maximum of only 54 percent on-site, a roughly 36 percent reduction in impervious cover.</li> </ul>
Environment / Drainage	Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code.	<ul style="list-style-type: none"> <li>Water quality controls will be used to treat 100 percent of the water quality volume in accordance with the SOS Ordinance. Key stormwater controls may include, retention/ re-irrigation, pervious pavement or pavers, rainwater harvesting, rain gardens, and flow-through planters.</li> </ul>
	Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.	<ul style="list-style-type: none"> <li>There are no off-site areas draining to the site.</li> </ul>
	Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will reduce existing impervious cover on the site from approximately 84 percent to less than or equal to 54 percent. This equates to a roughly 36 percent reduction in impervious cover.</li> </ul>
	Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.	<ul style="list-style-type: none"> <li>There are no waterways on the site.</li> </ul>
	Provides volumetric flood detention as described in the Drainage Criteria Manual.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is proposing to participate in the City's Regional Stormwater Management Program (RSMP). As such, on site detention ponds will not be required.</li> </ul>
Environment / Drainage	Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit.	<ul style="list-style-type: none"> <li>No upgrades are required. In addition, stormwater flow is significantly reduced due to the decrease in impervious cover.</li> </ul>
Environment / Drainage	Proposes no modifications to the existing 100-year floodplain.	<ul style="list-style-type: none"> <li>There are no floodplains on the site.</li> </ul>
Environment / Drainage	Uses natural channel design techniques as described in the Drainage Criteria Manual.	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
	Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.	<ul style="list-style-type: none"> <li>There are no Critical Water Quality Zones on the site.</li> </ul>
	Removes existing impervious cover from the Critical Water Quality Zone.	<ul style="list-style-type: none"> <li>There are no Critical Water Quality Zones on the site.</li> </ul>
Environment / Drainage	Preserves all heritage trees; preserves 75 percent of the caliper inches associated with native protected size trees; and preserves 75 percent of all the native caliper inches.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment pays particularly close attention to the existing trees found on site and dramatically enhances their current root constrained conditions. By removing approximately 30 percent of the impervious cover on site, the existing trees will be able to thrive in their improved site conditions.</li> <li>The Brodie Oaks Redevelopment anticipates preserving all heritage trees in place or by transplant within the site.</li> </ul>
	Tree plantings use Central Texas seed stock native and with adequate soil volume.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will plant native trees and plants per the City of Austin's Grow Green Guide as part of its broader restoration goals.</li> </ul>
Environment / Drainage	Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.	<ul style="list-style-type: none"> <li>There are no waterways or known Critical Environmental Features on site</li> </ul>
	Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is clustering development away from the Barton Creek Greenbelt and restoring the property from surface parking lots back to original grades along the Barton Creek Greenbelt.</li> <li>The Brodie Oaks Redevelopment will maintain a buffer of between 75' and 550' to Land Use Area 1A or 1B from the Barton Creek Greenbelt property line.</li> </ul>
	Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is mostly located over the Edwards Aquifer Recharge Zone.</li> </ul>
	Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is mostly located over the Edwards Aquifer Recharge Zone.</li> </ul>
	Provides rainwater harvesting for landscape irrigation to serve not less than 50 percent of the landscaped areas.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide rainwater harvesting for landscape irrigation to serve 50 percent of the landscaped areas.</li> <li>The Brodie Oaks Redevelopment will also utilize the SOS Ordinance compliant ponds for landscape irrigation.</li> </ul>
	Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is fully compliant with the SOS Ordinance.</li> </ul>
Austin Green Builder Program	Provides a rating under the Austin Green Builder Program of three stars or above.	<ul style="list-style-type: none"> <li>No superiority. The Brodie Oaks Redevelopment will provide a 2- Star Austin Energy Green Building rating.</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
Art	<ul style="list-style-type: none"> <li>Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.</li> </ul>	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment anticipates an artful and vibrant environment within open spaces and streetscapes and has identified a minimum of three locations for the incorporation of public art.</li> <li>The Brodie Oaks Redevelopment will provide a performance pavilion in the Central Green.</li> </ul>
Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> ).	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will meet or exceed the Great Street Program on the Internal Circulator Route.</li> </ul>
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide 13.7-acres of amenitized and publicly accessible open space maintained by the development.</li> </ul>
Community Amenities	Provides publicly accessible multi-use trail and greenway along creek or waterway.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide an extensive publicly accessible open space and trail system with a dedicated trailhead and connection to the Barton Creek and Violet Crown Trail System.</li> </ul>
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide a series of bicycle facilities for all types of users along the private streets with public access easements and will provide a shared use path adequate for recreational cycling that will connect through the site and to off-site trail networks.</li> <li>All private streets within the project will be within a public access easement.</li> <li>The Brodie Oaks Redevelopment will provide a Traffic Demand Management Plan identifying Travel Demand Management techniques intended to reduce vehicular trips to the site by a minimum of 40 percent and encourage more transit ridership on Capital Metro's high-capacity MetroRapid Route 803 located adjacent to the site on S. Lamar Boulevard.</li> </ul>
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> ).	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is modifying aspects of Subchapter E to respond to specific site conditions and will ultimately provide a building design that meets and exceeds the design standards of Section 3.3.2 Subchapter E.</li> </ul>

## Brodie Oaks Development Assessment Superiority Table

ITEM	REQUIREMENT	PROPOSED PUD SUPERIORITY
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) ( <i>Waterfront Overlay District Uses</i> ) in ground floor spaces.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will design at least 75 percent of the building frontage of all parking structures along the Internal Circulator Route for pedestrian oriented uses.</li> <li>Special treatments such as false facades, vertical art or green walls will be utilized on parking garages visible from Loop 360 and S. Lamar Boulevard to enhance the aesthetic of the site.</li> </ul>
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment is proposing to provide 10 percent of the bonus area as affordable housing.</li> <li>All affordable units will be provided on site and will be dispersed throughout the development.</li> <li>Due to the compact nature of the development and the need for additional height to achieve the desired open space and impervious cover, the project will be providing a higher amount of affordability on site than what would be achievable with lower density development.</li> </ul>
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	<ul style="list-style-type: none"> <li>There are no identified historic structures on the site.</li> </ul>
Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	<ul style="list-style-type: none"> <li>The Brodie Oaks Redevelopment will provide a superior level of accessibility on the site including the addition of ADA accessible sidewalks on all streets and shared use paths within the park space.</li> </ul>
Local Small Business	Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	<ul style="list-style-type: none"> <li>To the extent possible and in agreement with existing businesses, the Brodie Oaks Redevelopment will provide space to existing on-site businesses such as the grocery store and food and beverage establishments.</li> </ul>



## Brodie Oaks Redevelopment Code Modification Table

THE ORIGINAL CODE HAS BEEN PROVIDED IN THE “PROPOSED PUD REGULATION” COLUMN IN BLACK, WITH MODIFIED OR REMOVED TEXT HIGHLIGHTED IN RED AND UNDERLINED.

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
<b>General</b>		
25-1-21 – Definitions. (11)	Modify: BLOCK means one or more lots, tracts, or parcels of land bounded by streets <u>(public or private), 30’ wide or larger pedestrian paseo or courtyard with a minimum 5’ sidewalk or trail, public or private park space/open space, easement, or plaza space,</u> railroads, or subdivision boundary lines.	Creative use of open space, parks, plazas, and paseos will be used throughout the development to achieve maximum walkability, connectivity, and value for the development.
25-1-21 – Definitions	Modify: GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, <u>parking structures,</u> driveways, and enclosed loading berths and off-street maneuvering areas.	Vehicular facilities were never anticipated to be included in gross floor areas. It is desirable to clarify that parking structures are excluded from gross floor area as originally intended.
25-1-21 – Definitions	Addition: <u>OPEN SPACE (OS) means the areas identified as Parks and Open Space on Exhibit C: Brodie Oaks Redevelopment Land Use Plan.</u>	Designated Parks and Open Space are intended as a buffer providing enhanced accessibility and vistas into the Barton Creek Greenbelt.
25-1-21 – Definitions. (98)	Modify: ROADWAY means the portion of a street right-of-way, <u>alley, and/or private streets with public access easements</u> used for vehicular travel.	We are expanding upon the given definition in the Land Development Code to include all vehicular paths that may be used within the Brodie Oaks Redevelopment.
25-1-21 – Definitions. (105)	Modify: SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. <u>A site may not cross a public street or right-of-way. A site within the Brodie Oaks Redevelopment boundary may cross a public or private street with public access easements.</u>	The Brodie Oaks Redevelopment boundary is 37.6 acres and is split into seven tracts by private streets with public access easements. Flexibility for a site to cross a public or private street is needed to create a unified design throughout the entirety of the development.
<b>Zoning</b>		
25-2, Subchapter B, Article 2, Subpart C, Section 3.2.2. (C) (Residential Uses)	Remove: <u>(C) for multifamily development, the maximum floor to area ratio;</u>	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums.
25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3. (B) (Nonresidential Uses)	Remove: <u>(B) the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;</u>	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums. Floor to area ratios apply sitewide, but not on a parcel by parcel basis.

## Brodie Oaks Redevelopment Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
	<p>Modify: (D) the minimum front yard and street side yard setbacks, <del>shall be modified as stated in Exhibit C: Brodie Oaks Redevelopment Land Use Plan which must be not less than the greater of:</del></p> <ol style="list-style-type: none"> <li><del>1. 25 feet for a front yard, and 15 feet for a street side yard; or</del></li> <li><del>2. those required by Subchapter C, Article 10 (Compatibility Standards);</del></li> </ol>	Building locations shall conform with an urban development located along a high capacity transit corridor.
25-2, Subchapter B, Article 2, Subpart B, Section 2.5.2.B – Requirements for Exceeding Baseline.	<p>Modify: (B). the developer either:</p> <ol style="list-style-type: none"> <li>1. for developments with residential units, provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing); or</li> <li>2. for developments with no residential units, <del>either provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 ( Requirements for Rental Housing ) and Section 2.5.4 ( Requirements for Ownership Housing ) within the boundaries of the Brodie Oaks Redevelopment OR</del> provides the amount established under Section 2.5.6 ( In Lieu Donation ) for each square foot of bonus square footage above the baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.</li> </ol>	The exact size and density of the future development will be contingent on the market. The Brodie Oaks Redevelopment is committed to meeting affordability requirements for both residential and non-residential buildings and would like the option to meet affordability requirements in non-residential buildings within another building on the site.
25-2-491 – Permitted, Conditional, And Prohibited Uses	Modify: (A) <del>Exhibit C: Brodie Oaks Redevelopment Land Use Plan</del> <del>The table in Subsection (C)</del> provides the permitted uses for the property.	Brodie Oaks Redevelopment is planned to be more mixed-use than the base zoning district would allow.
25-2-491- Permitted, Conditional and Prohibited Uses	Addition: The permitted uses included in <i>Exhibit C: Brodie Oaks Redevelopment Land Use Plan</i> may be amended administratively in the future provided there is no increase in trips, number of units, or impervious cover.	The Brodie Oaks Redevelopment is anticipated to be governed by this PUD into the foreseeable future, as new uses are added or amended the PUD should be able to accommodate those administratively.
25-2-492 – Site Development Regulations	<p>Modify: (A) <del>The table in Subsection (C) provides the permitted and conditional uses for each base district. "P" means a use is a permitted use, "C" means a use is a conditional use, and "X" means a use is prohibited. Endnotes provide additional information. Exhibit C: Brodie Oaks Redevelopment Land Use Plan</del> establishes the principle site development regulations.</p>	The Brodie Oaks Redevelopment is proposing denser and more compact uses along S. Lamar Boulevard and Loop 360 frontages to minimize impervious cover. To achieve this goal, it is necessary to have more flexibility in the minimum setbacks and development standards in the Brodie Oaks Redevelopment.

## Brodie Oaks Redevelopment Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2-1052 Compatibility Standards – Exceptions;	Addition: This Article does not apply to: <u>(4) The Brodie Oaks Redevelopment PUD</u>	The Barton Creek Greenbelt is currently zoned SF-2 instead of public. While the Brodie Oaks Redevelopment has included open space along most of the parkland boundary, compatibility standards may impact portions of the site designated for development. The proposed Land development Code revisions had dedicated the park as "Park".
25-2 - Subchapter E Sec 2.2.1 B	Modify: The roadway with the highest level of priority adjacent to the lot or site is considered the "principal street" for purposes of this Subchapter. For a lot or site that is adjacent to more than one roadway of equal priority, the development shall be subject to the standards associated with the roadway with the highest level of transit service <u>that does not contain TxDOT ROW</u> as determined by the Director. If the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner. <u>The priority street for the Brodie Oaks Redevelopment is the Internal Circulator Route.</u>  For large sites subject to Section 2.2.5. or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking requirements) shall apply along <u>all abutting streets or the</u> Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.	S. Lamar Boulevard is predominantly a TxDOT ROW and functions more as an on-ramp for Loop 360 in this location. The character of this roadway in this location does not lend itself to the active, vibrant, and high-quality pedestrian environment that is desired by the Brodie Oaks Redevelopment.  The Brodie Oaks Redevelopment is planning extensive improvements along South Lamar to include sidewalks a transit stop and street trees.
25-2 Subchapter E 2.2.2B 1 Planting Zone	Modify B1a. Planting Zone. The planting zone shall have a minimum width of <del>eight</del> <u>six</u> feet (from face of curb) and shall be continuous and located adjacent to the curb <u>or cycle track provided that the sidewalk width is never less than 15'.</u>	The Brodie Oaks Redevelopment is including a double allee of trees and a cycle track within the street frontage. In addition, the project may need to alter the size of the planting strip in order to accommodate existing trees along the Internal Circulator Route.
25-2 Subchapter E 2.2.2B 2 Clear Zone	Modify: B2. Clear Zone. The clear zone shall be a minimum width of <del>seven</del> <u>six</u> feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of <del>seven</del> <u>six</u> feet and a minimum height of eight feet <u>provided that the sidewalk width is never less than 15'.</u>	The Brodie Oaks Redevelopment is including a double allee of trees and a cycle track within the street frontage. In addition, the project may need to alter the size of the clear zone in order to accommodate existing trees along the Internal Circulator Route.
25-2 Subchapter E 2.2.2E Off Site Parking	Modify: E1. Off-street <u>surface</u> parking is prohibited between the Core Transit Corridor and the corresponding street-facing facade line. <u>Off-street structured parking is prohibited between the Internal Circulator Route and the corresponding street-facing facade line.</u>	Blocks adjacent to S. Lamar Boulevard are less than 250' deep. The Internal Circulator Route is the priority street and structured parking adjacent to the Internal Circulator Route will be lined with active uses and plaza spaces. No surface parking will be located between the building and S. Lamar Boulevard.

## Brodie Oaks Redevelopment Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2 Subchapter E 2.2.5 C Block Standards	Modify: C1. Unless exempted by this subsection, a site shall be divided into internal blocks, no larger than 5 acres. <u>The perimeter of a block is defined by private streets with a public access easement, public streets, and public open spaces that include a pedestrian path.</u> The maximum length of any block face, <del>as measured from intersection to intersection,</del> shall be 800 feet.	The Brodie Oaks Redevelopment PUD is limited in the number of vehicular access points to TxDOT frontage roads. The project is also situated adjacent to the Barton Creek Greenbelt for a majority of the northwestern boundary line reducing the ability to make vehicular connections. The project is improving both pedestrian and bicycle access within and through the site.
25-2 Subchapter E 2.2.5 G	Modify: G.2 If the Internal Circulation Route is intended to accommodate bicycles, head-in and angle parking is not permitted <u>except when the cycle tract is provided between the clear zone and the head-in or angle parking.</u>	The Brodie Oaks Redevelopment is including cycle tracts along the Internal Circulator Route. Refer to <i>Exhibit E: Brodie Oaks Redevelopment Street Cross Sections</i> .
25-2 Subchapter E 4.3.3 C	Modify: C. Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. <u>A residential use or amenity space for residential uses may occupy a space that is designed for commercial uses.</u> A lobby serving another use in the VMU building shall <del>not</del> count as a pedestrian-oriented commercial space for purposes of this section <u>as long as it is designed to meet the standards of this section.</u> a. A customer entrance that opens directly onto the sidewalk; b. A depth of not less than 24 feet; c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and <del>d. A front facade that meets the glazing requirements of Section 3.2.2.</del>	The Brodie Oaks Redevelopment is focusing active ground floor uses around the internal green space and central buildings along the Internal Circulator Route. Other ground floor spaces will be designed so that they can accommodate additional commercial in the future based on demand.
25-2-1104 – Hill Country Roadway Overlay Exceptions	Addition: <u>(F) This article does not apply to development within Area's 1 or 2 of Exhibit C: Brodie Oaks Redevelopment Land Use Plan.</u>	The Hill Country Roadway Ordinance is not compatible with the Imagine Austin Comprehensive Plan designation of the site as a Center for Redevelopment in Environmentally Sensitive Areas. The site is currently developed and does not contribute to the Hill Country aesthetic that is being preserved through the ordinance. The Brodie Oaks Redevelopment will establish a more appropriate transition from the Imagine Austin Comprehensive Plan High Capacity Transit Corridor on S. Lamar Boulevard to the Hill Country along Loop 360.
<b>Subdivision</b>		
25-4-171 – Access to Lots	Modify: (A) Each lot in a subdivision shall abut a dedicated public street, <u>or private street with public access easement.</u>	Private streets with public access easements will serve the Brodie Oaks Redevelopment.

## Brodie Oaks Redevelopment Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
<b>Transportation</b>		
25-6-171 – Standards for Design and Construction.	Modify: (A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications <u>and Exhibit E: Brodie Oaks Redevelopment Street Cross Sections.</u>	To provide a compact and connected community, we would like to provide alternative street sections that allow for additional pedestrian and bike connections and more landscaping.
Section 25-6-477, 25-6-478, 25-6-532 and Appendix A – Off-Street Parking and Loading	Addition: <u>The minimum off-street parking, bicycle parking, and loading requirements shall be determined by the director subject to a Transportation Demand Management Plan approved as part of the PUD.</u>	The Brodie Oaks Redevelopment intends to provide a mixed use development with a robust travel demand management plan to better utilize shared parking opportunities within the site and to surrounding multi-modal connections.
TCM 1.3.1 General Design Criteria	Addition: <u>Allow the construction of the Bicycle Friendly Connector between the Brodie Oaks Redevelopment site and Barton Creek Plaza as indicated in Exhibit E: Brodie Oaks Redevelopment Street Cross Sections.</u>	The Brodie Oaks Redevelopment is proposing to improve the street between the project and Barton Creek Plaza with a Shared Use Path. This street exists within a 40' easement and the multi-use trail would be provided on the park side of the easement.
<b>Environmental</b>		
25-8-25(C)	Modify (C)(1): The requirements of this subchapter do not apply to the redevelopment of the property if the redevelopment: <u>(1) Includes an impervious cover tracking chart that guarantees a decrease in impervious cover with each phase of development such that impervious cover in the final phase of development is 54 percent or less of the total site area.</u>	The Brodie Oaks Redevelopment intends to build out in phases in accordance with <i>Exhibit H: Brodie Oaks Redevelopment Phasing Plan</i>
25-8-26 – Redevelopment Exception in the Barton Springs Zone	Modify: (F) City Council approval of a redevelopment in accordance with Subsection (G) is <u>not</u> required if the redevelopment <u>is located within the Brodie Oaks Redevelopment.</u>  Remove: <del>(H) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond.</del>	The Brodie Oaks Redevelopment is fully complying with the Save Our Springs (SOS) Ordinance water quality mitigation requirements and is not utilizing any sedimentation/ filtration ponds.
25-8-341 – Cut Requirements	Modify: Cuts on a tract of land may not exceed four feet depth except <u>where indicated in Exhibit G: Brodie Oaks Redevelopment Grading Plan</u>	The Brodie Oaks Redevelopment is proposing to restore the site back to original pre-development grades and cuts exceeding 4' will be necessary to achieve restoration.
25-8-342 – Fill Requirements	Modify: Fill on a tract of land may not exceed four feet depth except <u>where indicated in Exhibit G: Brodie Oaks Redevelopment Grading Plan</u>	The Brodie Oaks Redevelopment is proposing to restore the site back to original pre-development grades and fill exceeding 4' will be necessary to achieve restoration.
25-8-641 – Removal Prohibited	Modify: (B) A permit to remove a heritage tree may be issued only if a variance is approved under Section 25-8-642 (Administrative Variance) <u>as amended in this PUD</u> or 25-8-643 (Land Use Commission Variance).	A limited number of Heritage trees will need to be relocated on site to accommodate the restoration of the site to natural grades or to accommodate the compact nature of the redevelopment.

## Brodie Oaks Redevelopment Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-8-642 – Administrative Variance	Addition: <u>(A)(4) if required to restore the site to natural grade or accommodate the compact nature of the redevelopment transplanting a heritage tree may be approved administratively. Transplanting a heritage tree is not considered removal if the criteria in ECM Section 3.5.4.E are met.</u>	A limited number of Heritage trees will need to be relocated on site to accommodate the restoration of the site to natural grades or to accommodate the compact nature of the redevelopment.
ECM 1.5.3 (B) Open Space	Modify: Open space includes the following uses: Public or Private Park. Park facilities <del>may</del> include <del>water quality ponds, picnic areas, bathrooms, shade pavilions, play grounds, stages, interpretive centers, public art, bird viewing blinds, trails, trail and pedestrian amenities, interpretive signs, seating, mowed meadow, informal lawn space and other applicable items determined at the time of site plan</del> <u>uses like picnic facilities, benches, community gardens, and other recreational amenities and appurtenances.</u>	The Brodie Oaks Redevelopment anticipates a system of highly amenitized and activated parks and open spaces including an intentional trailhead to the Barton Creek Greenbelt and areas for public viewing and vistas.
ECM 1.8.1 – 25-8-63 (C) – Impervious Cover Calculations	Modify: Impervious cover calculations exclude: <ul style="list-style-type: none"> <li>sidewalks in a public right-of-way or public <u>access</u> easement <u>or publicly accessible open space containing a public recreation easement;</u></li> <li>multi-use trails open to the public and located on public land or in a public <u>access</u> easement <u>or publicly accessible open space containing a public recreation easement;</u></li> </ul>	The Brodie Oaks Redevelopment is proposing superior amenities and multi-modal transportation routes within the publicly accessible open space and private streets with public access easements. The project seeks to clarify that impervious cover for sidewalks and multi modal paths does not apply within these areas.
<b>Site Plans</b>		
Sec. 25-5-81(B)	Modify: Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires <del>three</del> <u>eight</u> years after the date of its approval.	The Brodie Oaks Redevelopment is intended to be phased over a number a years.



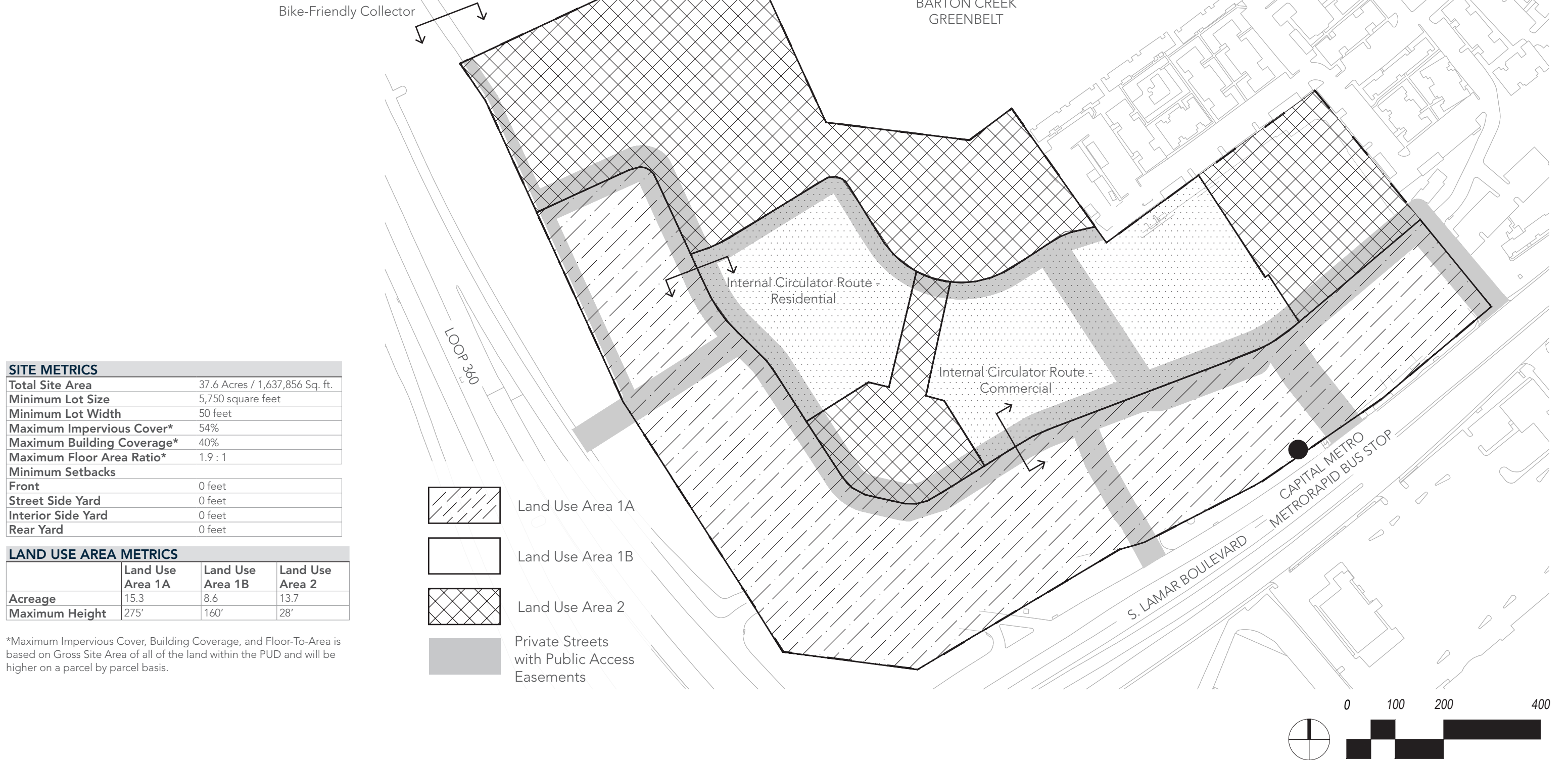
#### SITE METRICS

Total Site Area	37.6 Acres / 1,637,856 Sq. ft.
Minimum Lot Size	5,750 square feet
Minimum Lot Width	50 feet
Maximum Impervious Cover*	54%
Maximum Building Coverage*	40%
Maximum Floor Area Ratio*	1.9 : 1
Minimum Setbacks	
Front	0 feet
Street Side Yard	0 feet
Interior Side Yard	0 feet
Rear Yard	0 feet

#### LAND USE AREA METRICS

	Land Use Area 1A	Land Use Area 1B	Land Use Area 2
Acreage	15.3	8.6	13.7
Maximum Height	275'	160'	28'

\*Maximum Impervious Cover, Building Coverage, and Floor-To-Area is based on Gross Site Area of all of the land within the PUD and will be higher on a parcel by parcel basis.



OVERLAND



SPECK & ASSOCIATES LLC



## Exhibit F BRODIE OAKS REDEVELOPMENT LAND USE PLAN (PAGE1)

SUBMITTAL DATE: DECEMBER 08, 2020

PUD CASE #: CD-2020-0002-BRODIE OAKS REDEVELOPMENT

Land Use Plan Notes

- 1. The maximum FAR of Area 2 shall not exceed .3.
- 2. Chapter 25-2 Article 11 Hill Country Roadway Requirements shall not apply to this property.
- 3. The following uses are permitted uses within Land Use Areas 1A and 1B.

Residential Uses

- Bed & Breakfast (Group 1)
- Bed & Breakfast (Group 2)
- Condominium Residential
- Group Residential
- Multifamily Residential
- Townhouse Residential
- Short-Term Rental (Types 1 and 3)

Commercial Uses

- Administrative and Business Office
- Art Gallery
- Art Work Shop
- Automotive Sales
- Automotive Rentals
- Automotive Repair Services
- Business or Trade School
- Business Support Services
- Cocktail Lounge
- Commercial Off-Street Parking
- Communications Services
- Consumer Convenience Services
- Consumer Repair Services
- Convenience Storage
- Electronic Prototype Assembly
- Electronic Testing
- Financial Services
- Food Preparation
- Food Sales
- General Retail Sales (Convenience)
- General Retail Sales (General)
- Hotel-Motel
- Indoor Entertainment
- Indoor Sports and Recreation
- Kennels
- Laundry Services
- Liquor Sales
- Medical Offices – exceeding 5,000 sq. ft. gross floor area

- Medical Office – not exceeding 5,000 sq. ft. gross floor area
- Off-Site Accessory Parking
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Pedicab Storage and Dispatch
- Personal Improvements Services
- Personal Services
- Pet Services
- Plant Nursery
- Printing and Publishing
- Professional Office
- Recreational Equipment Maint. & Stor.
- Recreational Equipment Sales
- Research Assembly Services
- Research Services
- Restaurant (General)
- Restaurant (Limited)
- Service Station
- Software Development
- Theater
- Vehicle Storage
- Veterinary Services

Industrial Uses

- Custom Manufacturing
- General Warehousing and Distribution
- Light Manufacturing
- Limited Warehousing and Distribution

Agricultural Uses

- Community Garden
- Indoor Crop Production
- Urban Farm

Civic Uses

- Administrative Services
- Camp
- Club or Lodge
- College and University Facilities
- Communication Service Facilities
- Community Events
- Community Recreation (Private)
- Community Recreation (Public)
- Congregate Living
- Convalescent Services
- Counseling Services
- Cultural Services
- Day Care Services (Commercial)
- Day Care Services (General)
- Day Care Services (Limited)
- Family Home

- Hospital Services (General)
- Hospital Services (Limited)
- Maintenance and Service Facilities
- Park and Recreation Services (General)
- Park and Recreation Services (Special)
- Private Primary Educational Facilities
- Private Secondary Educational Facilities
- Public Primary Educational Facilities
- Public Secondary Educational Facilities
- Religious Assembly
- Safety Services
- Telecommunication Tower

- 4. The following uses are permitted uses within Land Use Area 2.

Commercial Uses

- Art Gallery
- Commercial Off-Street Parking
- Food Preparation
- Food Sales
- General Retail Sales (Convenience)
- General Retail Sales (General)
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Pedicab Storage and Dispatch
- Recreational Equipment Maint. & Stor.
- Restaurant (General)
- Restaurant (Limited)

Agricultural Uses

- Community Garden

Civic Uses

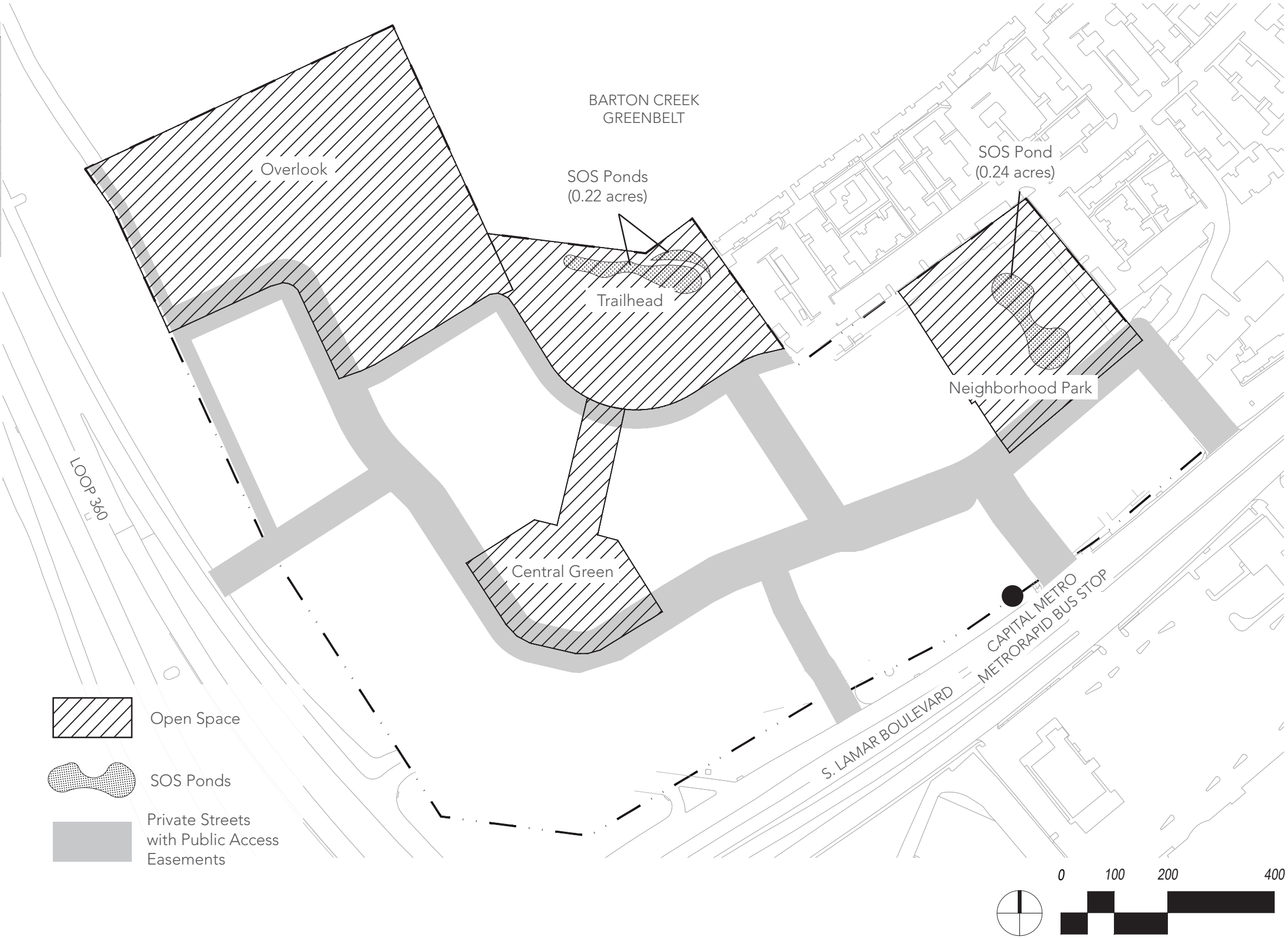
- Administrative Services
- Camp
- Club or Lodge
- Community Events
- Community Recreation (Private)
- Community Recreation (Public)
- Cultural Services
- Day Care Services (Commercial)
- Day Care Services (General)
- Day Care Services (Limited)
- Park and Recreation Services (General)
- Park and Recreation Services (Special)
- Private Primary Educational Facilities
- Private Secondary Educational Facilities
- Public Primary Educational Facilities
- Public Secondary Educational Facilities
- Religious Assembly

- 5. Parkland dedication shall be satisfied in accordance with Exhibit D: Brodie Oaks Redevelopment Parks and Open Space Plan.
- 6. A site can cross a public or private street or right-of-way.
- 7. A site plan for the construction of an amphitheater, pavilion or other outdoor venue located in Land Use Area 2 that is associated with a commercial, civic, or residential use may be approved administratively.
- 8. Within Land Use Area 2 and the Internal Circulator Route, sidewalks, multi-use trails, water quality controls, detention basins, drainage swales, ponds, areas with gravel, weed screens, solar screen tents, porous pavement, fire lanes with interlocking pavers, and subsurface parking structures, shall be credited as 100 percent pervious cover in accordance with Section 25-8-63 (C) and Section 1.8.1 of the City of Austin Environmental Criteria Manual.



Name	Acres	Open Space	Restored Landscape	Publicly Accessible	Private Parkland Credited Acres*
Overlook	6.7	Yes	Yes	Yes	6.1 acres
Trailhead	2.7	Yes	Yes	Yes	2.4 acres
Central Green	1.8	Yes		Yes	
Neighborhood Park	2.5	Yes		Yes	
<b>Total</b>	<b>13.7</b>	<b>13.7</b>	<b>9.4</b>	<b>13.7</b>	<b>8.4</b>
<b>% of Site (37.6 acres)</b>	<b>36.4%</b>	<b>36.4%</b>	<b>25.0%</b>	<b>36.4%</b>	<b>22.3%</b>

\*See Private Parkland Credit Calculation Table



# Parks and Open Space Notes

## OPEN SPACE

The open space required to meet the PUD Tier I (Sec.2.3.1c) “superior development” standard is 10 percent of the residential tracts and 20 percent of non-residential tracts. The Brodie Oaks Redevelopment is a mixed use development consisting of both residential and non-residential uses and uses the commercial designation.

Mixed Use developments are classified as non-residential and use the 20 percent:

- Area within Land Use Area 1A and 1B: 23.9 acres
- Open space required: 4.8 acres (20 percent of 23.9 acres)
- Total open space provided: 13.7 acres (57.3 percent of 23.9 acres)

The open space required to meet the requirements in PUD Tier II (Sec.2.4) is open space at least 10 percent above the requirements of Section 2.3.1.A. (Minimum Requirements). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.

- Area within Land Use Areas 1A and 1B: 23.9 acres
- Open space required to meet Tier II: 7.2 acres (30 percent of 23.9 acres)
- Total open space required: 13.7 acres

## PARKLAND

The Brodie Oaks Redevelopment is located in the Parkland Dedication Urban Core where a max of 15 percent of the gross site area is required to be dedicated on site for a typical development.

The original Brodie Oaks PUD dedicated 84.3 acres of parkland in 1981 making up a substantial part of Gus Fruh Park within the Barton Creek Greenbelt. This original parkland dedication represents nearly twice the amount of parkland required by this development and the previous development at today’s standards.

According to the parkland dedication operating procedures (Sec.14.3.9B) to be considered “superior development,” land proposed for dedication must:

- Include at least 10.4 credited acres per 1,000 residents,
- Be developed in accordance with a plan approved by PARD; and
- Be dedicated to a governmental entity.

The Brodie Oaks Redevelopment is proposing to dedicate an easement allowing the public to access and use the land for

recreation purposes in perpetuity.

The parkland dedication required to meet the parkland dedication ordinance requirements for the Brodie Oaks Redevelopment is 31 acres.

- Total Parkland Required: 31 acres
- Total Required on site: 5.6 acres (15 percent of 37.6 acres)
- Total Provided: 8.5 acres (See Private Parkland Credit Calculations)

PRIVATE PARKLAND CREDIT CALCULATIONS			
	Total Acreage	Acreage of Ponds	Total Unencumbered Acres
Overlook	6.7	0	6.7
Trailhead	2.7	.2	2.5
Percent Credited		50%	90%*
Total Acreage Credited		.1	8.3
* Sec.14.3.10 of the parkland development operating procedures includes evaluation criteria for calculating private parkland dedication. 90 percent credit for Brodie Oaks Redevelopment has been applied in accordance with the following criteria: <ul style="list-style-type: none"><li>(40 percent) - Active recreation amenities</li><li>(30 percent) - Public access in perpetuity</li><li>(10 percent) - Group gathering places</li><li>(10 percent) - Landscaping</li></ul> Brodie Oaks Redevelopment is not claiming credit for the following criteria: <ul style="list-style-type: none"><li>(10 percent) - Ability for PARD to provide programming</li></ul>			
8.4			

## PARKLAND DEVELOPMENT

The Brodie Oaks Redevelopment will develop, operate, and maintain all open space on site.

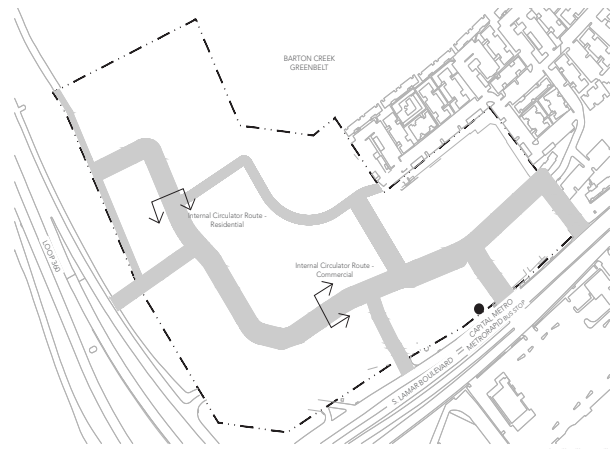
The Brodie Oaks Redevelopment is committing to exceed the 2021 Parkland Development Fee by \$100 for both residential and hotel units.

- Existing 2021 Parkland Development Fees - Residential: \$492.88 / unit
- Existing 2021 Parkland Development Fees - Hotel: \$354.87 / room
- Proposed Parkland Development Fees - Residential: \$592.88 / unit
- Proposed Parkland Development Fees - Hotel: \$454.87 / room

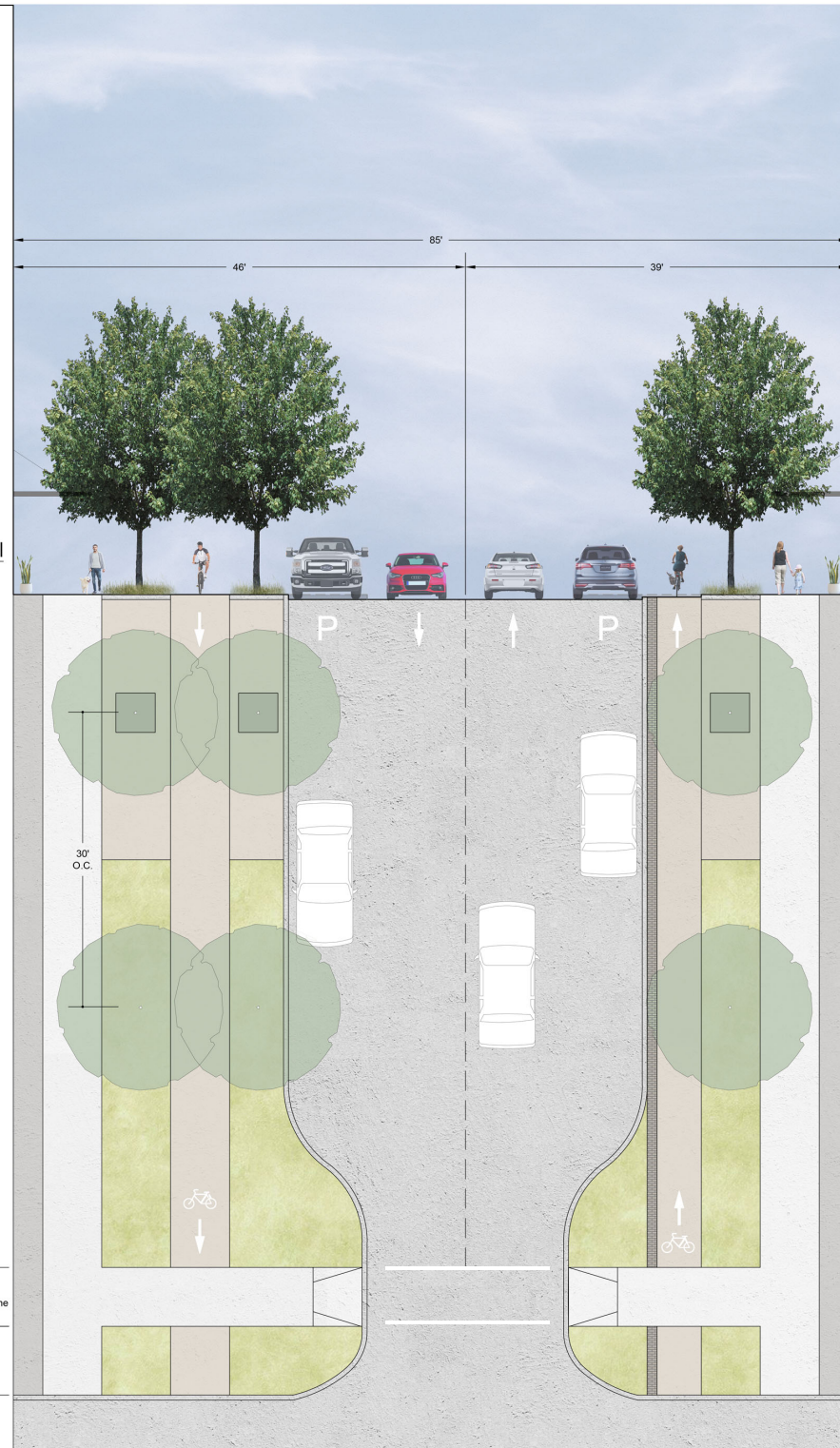
## RESTORED LANDSCAPE

The Brodie Oaks Redevelopment is committing to the restoration of 9.4 acres of open space located in Overlook and Trailhead open spaces. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. This work will require cuts that exceed 4’.





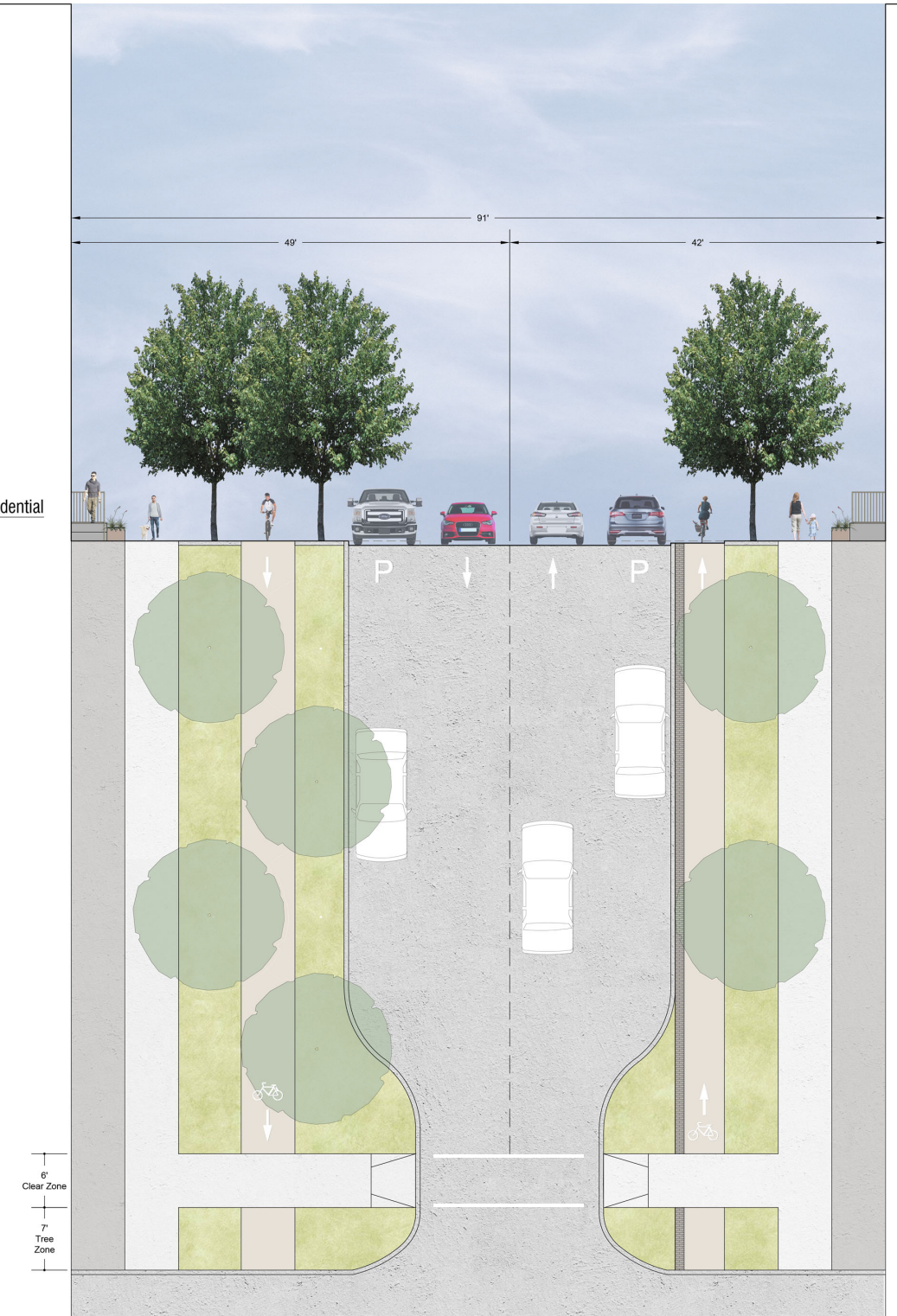
Commercial



Commercial

Internal Circulator Route - Commercial

Residential



Residential

Internal Circulator Route - Residential

OVERLAND



DPZ  
CODESIGN



SPECK & ASSOCIATES LLC



LIONSTONE INVESTMENTS

BARSHOP & OLES  
COMPANY

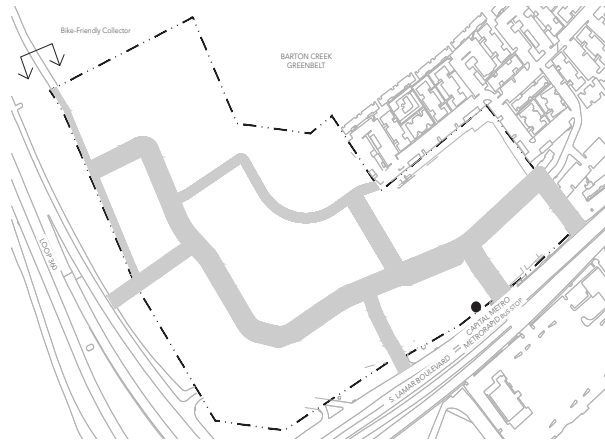
Exhibit H

**BRODIE OAKS REDEVELOPMENT  
STREET CROSS SECTIONS (PAGE 1)**

SUBMITTAL DATE: DECEMBER 08, 2020

PUD CASE #: CD-2020-0002-BRODIE OAKS REDEVELOPMENT





Bike Friendly Connector

OVERLAND



DPZ  
CODESIGN



SPECK & ASSOCIATES LLC



Exhibit H

**BRODIE OAKS REDEVELOPMENT  
STREET CROSS SECTIONS (PAGE 2)**

SUBMITTAL DATE: DECEMBER 08, 2020

PUD CASE #: CD-2020-0002-BRODIE OAKS REDEVELOPMENT

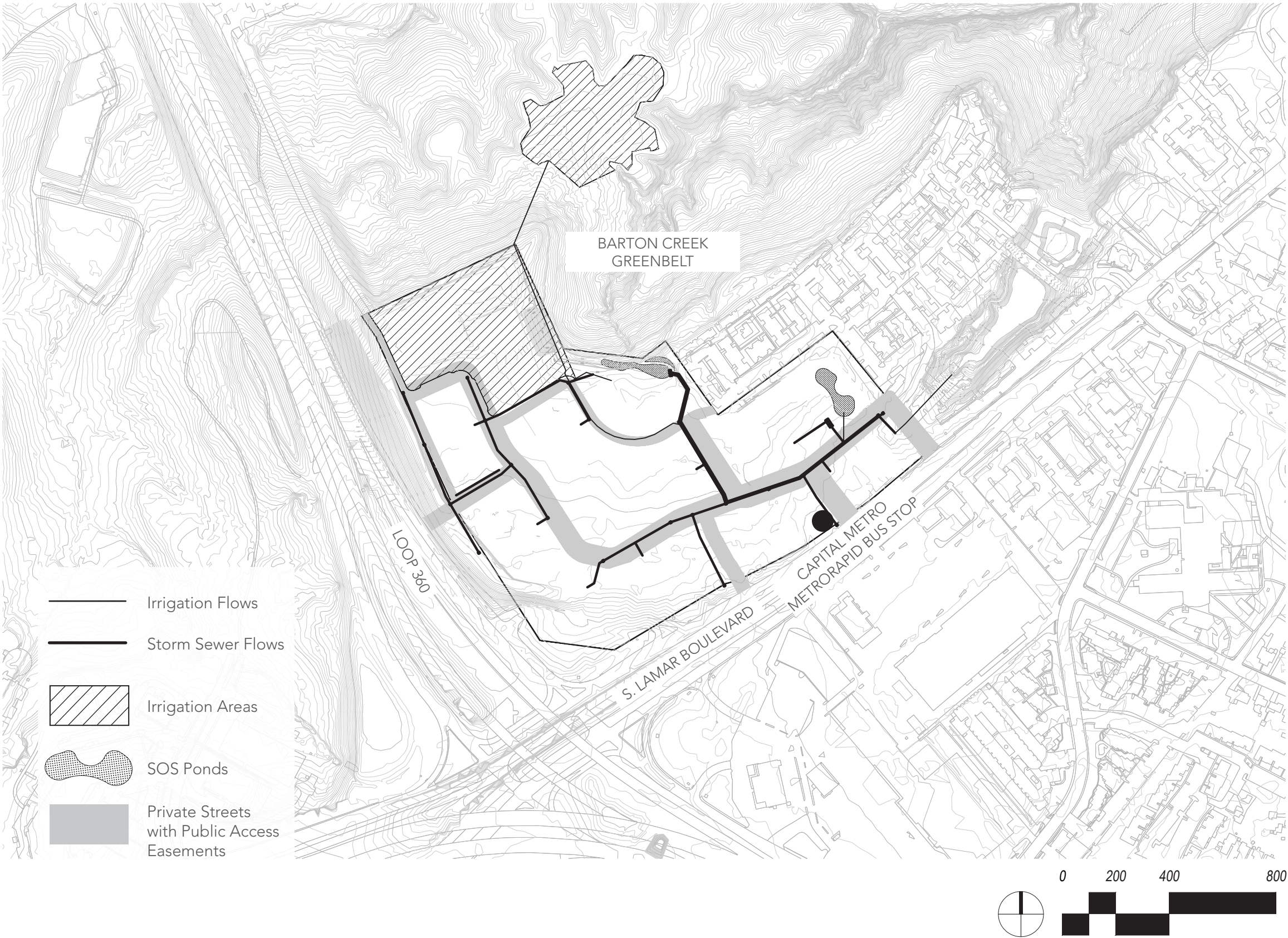


Water Quality and Drainage Notes

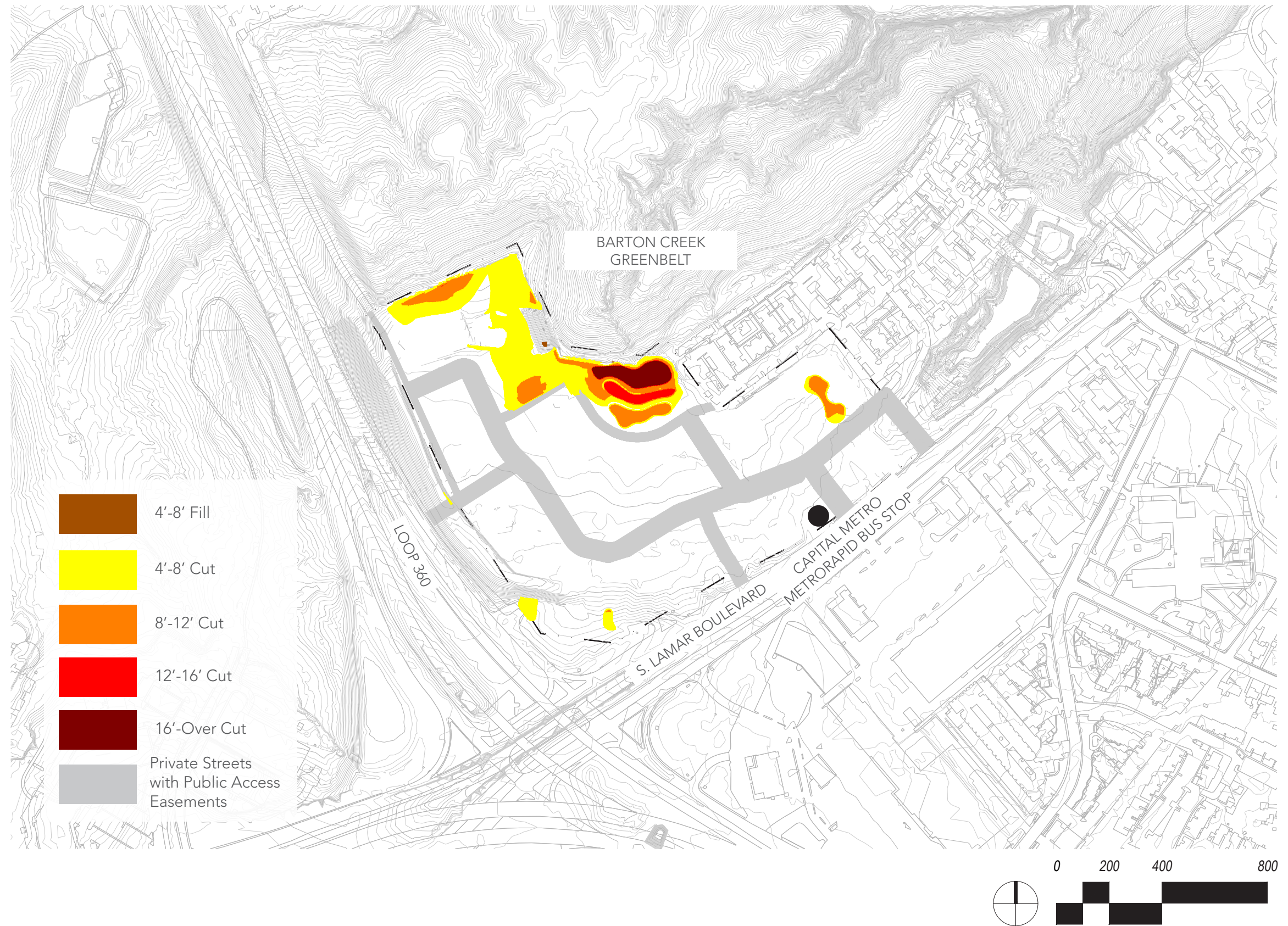
- 1. Water quality volume and re-irrigation areas will comply with the Save Our Springs (SOS) Ordinance.
- 2. Re-Irrigation within Barton Springs Greenbelt is allowed by the Recorded Covenants Doc. #7649-274.

WATER QUALITY AND DRAINAGE METRICS	
SOS Required Irrigation Area	10 Ac.
Existing Impervious Cover	83.7%
Maximum Proposed Impervious Cover*	54%
Total Site Area	37.6 Ac.

\*Multi-Use Trails, Sidewalks, Planter Strips and Other Park and Landscape Improvements shall be credited as pervious cover.







OVERLAND



DPZ  
CODESIGN



SPECK & ASSOCIATES LLC



LIONSTONE INVESTMENTS

BARSHOP & OLES  
COMPANY

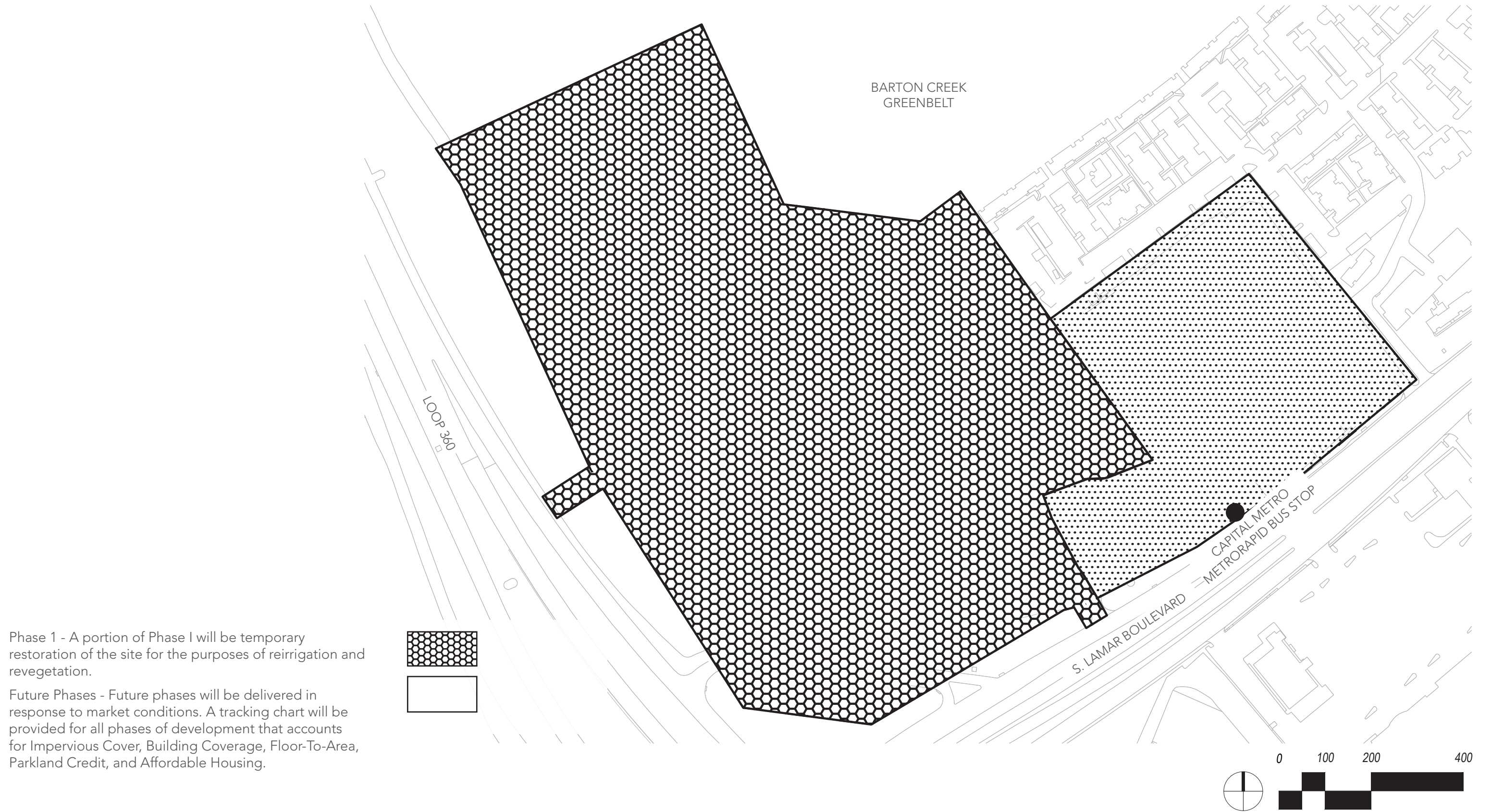
Exhibit J

## BRODIE OAKS REDEVELOPMENT GRADING PLAN

SUBMITTAL DATE: DECEMBER 08, 2020

PUD CASE #: CD-2020-0002-BRODIE OAKS REDEVELOPMENT





OVERLAND



DPZ  
CODESIGN



SPECK & ASSOCIATES LLC



# Exhibit K

## BRODIE OAKS REDEVELOPMENT PHASING PLAN

SUBMITTAL DATE: DECEMBER 08, 2020

PUD CASE #: CD-2020-0002-BRODIE OAKS REDEVELOPMENT

COMMENT REPORT

CASE NUMBER: CD-2020-0002

CASE MANAGER: Kate Clark

PHONE #: 512-974-1237

PROJECT NAME: Brodie Oaks Redevelopment

SUBMITTAL DATE: December 18, 2020

REPORT DUE DATE: January 11, 2021

FINAL REPORT DATE: January 27, 2021

REPORT LATE: 10 BUSINESS DAYS

LOCATION: 4021, 4025, 4107, 4109, 4115 and 4141 S. Capital of Texas Hwy NB;  
4220, 4040, 4036, 4006, 4032, 4030, 3940, 4024, 4200 and 4236 S. Lamar BLVD SB

**STAFF REVIEW:**

- This report includes all comments received to date concerning your proposed Planned Unit Development (PUD).
- PLEASE NOTE: IF YOU HAVE ANY QUESTIONS, PROBLEMS, CONCERNS OR IF YOU REQUIRE ADDITIONAL INFORMATION ABOUT THIS REPORT, PLEASE DO NOT HESITATE TO CONTACT YOUR CASE MANAGER (referenced above) at the CITY OF AUSTIN, HOUSING AND PLANNING DEPARTMENT, P.O. BOX 1088, AUSTIN, TX.

**REPORT:**

- The attached report identifies those requirements that must be addressed by the PUD application in order to obtain approval. This report may also contain recommendations for you to consider, which are not requirements.
- ADDITIONAL REQUIREMENTS AND RECOMMENDATIONS MAY BE GENERATED AS A RESULT OF INFORMATION OR DESIGN CHANGES PROVIDED IN YOUR PUD SUBMITTAL.



## Austin Energy Green Building – Sarah Talkington – 512-482-5393

AEGB 1. No comments at this time. Comments may be generated at time of PUD application.

## Austin Fire Department Planning – Jamila Siller – 512-974-4119

AFD 1. Currently this area is experiencing high response times above our 8-minute goal 90% of the time. AFD is asking for dedicated land for a station within Brodie Oaks shopping center. To prepare for AFD's future fire protection service, we are requiring the following be provided by the developer:

- 5-acre (net buildable) lot to place one 6 bay fire/ems station;
- An entrance/egress on a major roadway (Loop 360); and
- Location of 5 net buildable acre lot must be approved by AFD/EMS.

## Austin Fire for Site Plan Review – Tom Migl – 512-974-0164

- FD1. Based on the City's GIS mapping this site is subject to the Wildland-Urban Interface (WUI) Code, Ordinance No. 20200409-040. Please provide a Vicinity Plan in accordance with section 108.7 and show vegetation hazard and slope categories per section 502.1. Annotate the areas of required defensible space and/or fire resistant construction on a fire protection plan for the proposed development.
- FD2. Based on section 402.1.1 Access, the development shall demonstrate compliance at the subdivision phase. Development with over 30 dwelling units shall provide two remote public routes of egress and ingress and fire access shall be in accordance with the fire code. Roadways shall provide the minimum 25 feet width of travel lanes. Cars shall not be allowed to park within the 25 feet width. Please provide a fire protection plan with proposed compliant access.
- FD3. Based on section 402.1.2 Water Supply, the development shall demonstrate compliance at the subdivision phase. Please provide a fire protection plan and supporting documentation (fire hydrant flow test, water supply model) that a sufficient water supply for fire protection is available or can be provided.

## AW Utility Development Review – Bradley Barron – 512-972-0078

- AW 1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The site shall have separate wastewater taps, separate water meters, and their respective private water and wastewater service lines shall be positioned or located in a manner that will not cross lot lines.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. City Council approval of the SER is required due to the property's location within the Drinking Water Protection Zone and outside the full purpose corporate limits (LDC 25-9-35). For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

FYI: Dedication of private streets and public utility easements does not obligate the City to approve the placement of City water and wastewater mains within same. Water and wastewater service shall be provided to each lot at their Right of Way frontage.

## City Arborist – Jim Dymkowski – 512-974-2772

*FYI—ADDITIONAL COMMENTS MAY BE GENERATED WHEN THE REQUESTED INFORMATION HAS BEEN PROVIDED.*

### **Code Modifications**

- CA 1. The current PUD development assessment does not indicate that the PUD will be requesting any code modifications for Heritage or any other tree category tree review and will follow current code.
- CA 2. The PUD proposes to modify the current code planting zone width requirement of Subchapter E 2.2.2B1 from 8 feet to 6 feet from the face of curb for internal circulation routes. Staff understands the need to widen these areas to accommodate existing preserved trees, yet has significant concerns about available growth space and soil volume with any proposed reductions without the use of soil cells etc. A proposed 6 feet from the face of the curb will actually only provide a 5.5-foot planting area opening.

**Tier 1 and Tier 2 Superiority**

- CA 3. For Tier 1, the PUD proposes removal of impervious cover and habitat restoration. Please elaborate on any additional quantity of trees that may be planted in excess of the current code tree planting requirements for the development.
- CA 4. As it pertains to mitigation and landscape tree planting, please clarify how the PUD will meet the Tier 1 2.3.1.H Grow green/Landscaping section by explaining by how much the PUD will exceed the current code minimum requirements.
- CA 5. Please provide additional information and clarification on the PUD's proposal of superior tree preservation as it currently only indicates preservation/transplant of all heritage trees and not the other categories listed for Tier 2 credit. To claim Tier 2.4 superiority, the PUD would need to meet the following for existing trees; Preservation of all heritage trees, preservation of 75% of the caliper inches associated with native protected size trees, and preservation of 75% of all of the native caliper inches.
- CA 6. Please provide additional information and clarification on the PUD's Tier 2 proposal for improved preserved tree conditions with the removal of existing impervious cover. This should include a rough plan for the restoration of the soil and trees in these areas and the trees that may be impacted.
- CA 7. Please provide additional information and clarification on the PUD's Tier 2 proposal for tree planting as this would only receive credit if the tree plants are native central seed stock.
- CA 8. Please provide additional information and clarification on the PUD's Tier 2 proposal for exceeding great streets standards. If and how it will do so for tree plantings?

**Exhibits**

- CA 9. Exhibit G – Grading. For those areas of cut and fill proposed greater than four feet, please provide additional information and clarification on the overall disturbance of these requests and the trees potentially impacted in these areas. This request goes toward reviewing the PUD's overall tree preservation effort.
- CA 10. Trees proposed to be preserved must be shown with a continuous circle.

## Comprehensive Plan Review – Kathleen Fox – 512-974-7877

The project site is located on the northeast corner of Capital of Texas Highway and South Lamar Boulevard, on a 37.61-acre site, that currently contains a variety of commercial and retail uses, including a grocery store, retail and office uses, restaurants and a Hobby Lobby. It is also located within the boundaries of an Activity Center for Redevelopment in Sensitive Environmental Areas (Lamar & Ben White) and along the South Lamar Activity Corridor. It is not located within the boundaries of an adopted neighborhood plan. Surrounding land uses include the Barton Creek Greenbelt and Trail and an apartment complex to the north; to the south is a shopping center; to the east is an apartment complex and commercial uses; and to the west is the Barton Creek Greenbelt and office and commercial uses.

The development proposal calls for clearing the site and *‘transforming it from a suburban shopping center and surface parking lots to a compact, vibrant, transit-oriented, and mixed-use center that includes 13.6 acres of new publicly accessible open space with views of the downtown skyline and Hill Country forming a new gateway to the Barton Creek Greenbelt.’* Specifically, this project proposes approximately 1,564 residential units (in buildings up to 275 feet tall), 1,150,678 square feet of office, 448 hotel rooms, 110,000 square feet of retail, and 30,000 square feet of restaurant uses located along private streets with public access easements including an Internal Circulator Route meeting Great Streets standards with activated ground floor uses.

Proposed environmental improvements and bonus features of the project:

- Restore over 25 percent of the site to open space adjacent to the Barton Creek Greenbelt, which is made possible through building up to 275’ tall along the Loop 360 and S. Lamar Boulevard frontage.
- Provide affordable housing equal to 10 percent of the bonus height will be included and dispersed throughout the site.
- Meet the Imagine Austin vision of an Activity Center for Redevelopment in Sensitive Environmental Areas by addressing environmental impacts caused by the site being mostly covered with impervious surface coverage.
- Reposition the retail environment from single-use, auto-oriented to mixed-use and walkable will align the physical environment with the social and environmental trends.
- Provide a network of up to 4,700 linear feet of active trails, 10,000 linear feet of sidewalk, and install a publicly accessible trailhead into the Barton Creek Greenbelt.
- Restore and reserve 13.7-acres of the site that is currently developed as surface parking lots and single-story retail and office buildings as private park and open space.
- Use creative design and the incorporation of public art and performance venues. Biophilic design, energy and water conservation and the use of regional architectural styles and materials will all help contribute to the South Austin character.
- The Brodie Oaks Redevelopment project is seeking to waive compatibility standards triggered by the Barton Creek Greenbelt's SF-2 Zoning. The current plat contains a scrivener’s error restricting residential uses on a portion of the site. A plat amendment to address this error will be submitted concurrently with the PUD application.

### ***Connectivity***

This site is adjacent to CapMetro’s Metro Rapid Route 803, along the South Lamar Imagine Austin Corridor. Per the agent: The Brodie Oaks Redevelopment will support ridership on Capital Metro’s existing high capacity transit route (MetroRapid Route 803) on S. Lamar Boulevard with the development of a high-density, mixed-use project. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles. Existing mobility options in the area are fair while connectivity options are above average.

### ***Imagine Austin***

The Imagine Austin Growth Concept Map identifies this property as being near one of the five ‘Activity Center for Redevelopment in Sensitive Environmental Area’, found in the Image Austin Comprehensive Plan (IACP). Page 106 of the IACP states, *Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context. One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, “Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.”* Activity Centers are supposed to be walkable, bikeable, and supported by transit.

The property is also located along the South Lamar Activity Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following IACP policies are also applicable to this case:

- LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

A complete Imagine Austin compliance review of this application will be made during the formal PUD submittal process.

## Drainage Engineering – Jay Baker – 512-974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DE 1. GIS research indicates that there is an existing plat, known as Brodie Oaks Center, Amended (C8S-83-108, Vol 83 Pages 149-150). There are plat notes related to submitting a site plan and also providing drainage plans with detention for review. I could not locate the site plan(s) for this

property. At the time a PUD zoning application is made, please provide copy of the site plans for review so it can be determined how drainage, detention and water quality was addressed for this development.

- DE 2. This development also encompasses Barton Creek Plaza. I could find the following applications for that site:

C14R-81-033

C8-81-063.1

C8-81-063.2

82-03-3684

SP-95-0408B

At the time a PUD zoning application is made, please provide copies of those applications for review to determine how drainage, detention and water quality was addressed for that development.

- DE 3. The summary letter indicates that detention will be addressed by RSMP participation. Contact [RSMP@austintexas.gov](mailto:RSMP@austintexas.gov) to schedule a feasibility meeting and request this reviewer to be invited.

- DE 4. At the time a PUD zoning application is made, please provide preliminary drainage study for this development to determine feasibility, indicating what drainage and water quality controls are currently in place and what controls are being proposed demonstrating no adverse drainage and water quality impact to adjacent properties and streets.

## Electric Review – Andrea Katz – 512-322-6957

- EL 1. Note that a new substation will need to be sited and built in order for the site to receive power, as it is at the end of feeder lines that are almost at capacity. This will need to be built within a civic use on the site as defined by LDC § 25-2-6 CIVIC USES DESCRIBED:

(30) MAJOR UTILITY FACILITIES use is the use of a site for the provision of generating plants, electrical switching facilities or primary substations, refuse collection or disposal facilities, water or wastewater treatment plants, or similar facilities.

- EL 2. LDC § 25-4-132 - EASEMENTS AND ALLEYS.

(A) Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs. Source: § 13-2-421; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046



## Environmental Officer – Chris Herrington and Atha Phillips – 512-974-2132

EO 1. The project is proposing to utilize the Barton Springs Zone Redevelopment Exception (BSZRE) which staff does not support. The BSZRE lives in the environmental section of code and allows for a site with existing development to redevelop and maintain the same footprint if they meet certain requirements. There are several reasons we should not use the redevelopment exception in a PUD. First, the PUD would have to modify an applicability requirement of the redevelopment exception to be able to use this provision.

To meet the BSZRE you must:

### § 25-8-26 - REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

(A) This section applies to property located in the Barton Springs Zone that has existing commercial development if:

- (1) no unpermitted development occurred on the site after January 1, 1992, and
- (2) the property owner files a site plan application and an election for the property to be governed by this section.

Second and more importantly is that the redevelopment exception essentially lowers the bar for a PUD that is required to be superior to current code, making any proposal appear superior. Staff is confident that we can, from what has been proposed so far, put together an environmentally superior PUD package.

Proposed Environmental Superiorities:

- Reduce impervious cover from 84% to 54%.
- Comply with SOS water quality standards
- Preserve or transplant all Heritage trees on site.
- Restore open space that is adjacent to the Barton Creek greenbelt, currently impervious cover.
- Remove impervious cover from an area adjacent to parkland.
- Capture rainwater to irrigate a minimum of 50% of the proposed landscape.

EO 2. If proposing development (re-irrigation) on an adjacent lot, the acreage and lot must be brought into the PUD.

EO 3. Re-irrigation shown in the parkland is not considered superior. The trenching and land disturbance to lay pipes will cause an enormous amount of damage to the greenbelt. Please find alternative locations.

EO 4. Add private vs. public park location to parkland exhibit for PUD submittal. Provide acreage total for both types of parkland.

EO 5. Additional environmental superior suggestions:

- Solar array on the roof.
- Dual pipe plumbing within the buildings.
- Utilize glass that has a reflectivity of less than 15% to prevent bird strikes.
- Connect to Austin Water reclaimed water source.

## Environmental Review – Jonathan Garner – 512- 974-1665

### **Tier 1 Requirements**

EV1. Requirement 2.3.1.H: The landscaping requirements of the City Code, found in Chapter 25-2, Subchapter C, Article 9 are not germane to restoring native woodlands or providing street trees along public rights-of-way. Revise the proposed PUD superiority by proposing elements of landscaping that exceed the requirements in City Code.

### **Tier Two Requirements**

EV2. Environment/Drainage – Re-irrigation: the proposed plan for re-irrigation places the sprinklers in a natural area with highly erosive Del Rio clay soils that will compact and result in large sediment and debris running downgradient to the tributary and main channel of Barton Creek. In addition, the construction required for including this site element will disturb an area of the site that has not been disturbed throughout the life of the existing project. Staff strongly suggests relocating the re-irrigation areas and include a more innovative, integrated green storm water control facility in the proposed PUD.

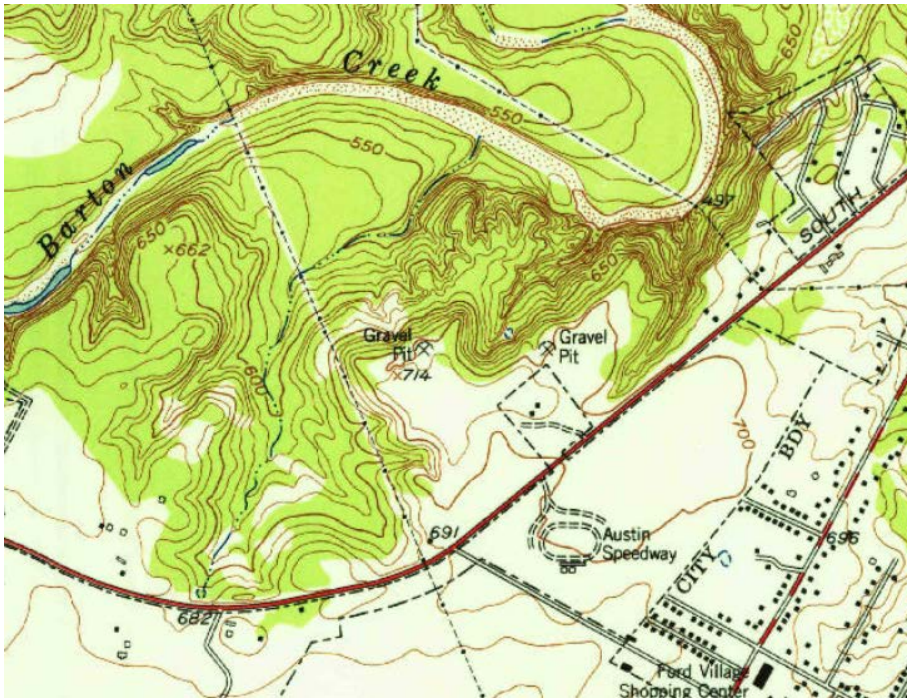
EV3. Environment/Drainage – Green Stormwater Controls: Per ECM 1.8.1.C, porous pavement – including pervious pavers – are considered impervious cover in an area located over the Edwards Aquifer Recharge Zone. Therefore, the use of these elements does not meet Tier 2 Superiority requirements for green water quality controls or reduced impervious cover requirements. Propose an alternative to achieve Tier 2 Superiority.

EV4. Environment/Drainage – Impervious Cover: The PUD proposes to meet the redevelopment exception requirements in City Code 25-8-26(E)(1) by reducing the overall impervious cover on the site, however the proposed 54% is well above the Tier 2 PUD Superiority requirement of “reducing impervious cover by five percent below the maximum otherwise allowed by code.” For a site located in a Barton Springs Zone watershed over the Edwards Aquifer Recharge Zone, this amount would be equal to 10% Net Site Area. This comment is pending consultation with the Environmental Officer as to the merits of superiority proposed with the overall reduced impervious cover proposed.

- EV5. Environment/Drainage – Impervious Cover: The Brodie Oaks PUD is located over the Edwards Aquifer Recharge Zone, where porous pavement is considered impervious cover. Although the PUD is proposing a net reduction of impervious cover by roughly 30%, Staff requests including porous pavement in the design for all non “high-use” pedestrian areas; such as courtyards or walkways between buildings.
- EV6. Environment/Drainage – Landscape Irrigation: The PUD proposes compliance with the SOS Ordinance, however that ordinance is not germane to directing stormwater runoff to landscaped areas. For guidance, refer to the requirements in City Code 25-2-1008 and propose a method in relation to City Code requirements that will demonstrate PUD superiority.

### **Code Modifications**

- EV7. 25-2-1104: Staff rejects the applicant’s proposal to add a section exempting the proposed PUD from Hill Country Roadway Overlay requirements. Without more detailed information demonstrating how the proposed PUD will meet superiority requirements for Landscaping, or plans and details for how the Brodie Oaks Redevelopment will establish a more appropriate transition from the Imagine Austin Comprehensive Plan High Capacity Transit Corridor to the Hill Country Corridor, Staff does not approve exemption from all Hill Country Roadway Overlay Requirements found in ECM 2.7.0.
- EV8. 25-8-25(C): Staff rejects the proposed modification to this section of City Code. 25-8-25 pertains to sites located in an Urban or Suburban watershed; this site is wholly located in a Barton Springs Zone watershed. Remove this proposed code modification from the proposed PUD application.
- EV9. 25-8-26(F): Staff accepts the proposed City Code modification. This comment will clear with submittal of the PUD zoning application.
- EV10. 25-8-341: Staff rejects the proposed City Code modification. The majority of the areas proposing cut exceeding four feet are in association with a water quality and/or detention facility, which are already exempt from cut requirements, per City Code 25-8-341(A)(4).
- EV11. 25-8-342: Staff rejects the proposed City Code modification. The majority of the areas proposing fill exceeding four feet are in association with a water quality and/or detention facility, which are already exempt from fill requirements, per City Code 25-8-342(A)(4).
- EV12. 25-8-341/25-8-342: In addition to comments EV 10 and EV 11, according to aerial imagery as far back as 1955 (see below), the site was a gravel pit for several decades prior to the existing development. Historically, it has been the interpretation of Staff that grading in excess of four feet to restore pre-development grades is an acceptable exemption to City Code 25-8-341/342. Remove this proposed code modification from the proposed PUD application.



- EV13. ECM 1.5.3(B): Staff rejects the proposed modification. The term Open Space, as used in this reference, refers to open space located within a stream buffer. The subject property does not contain any stream buffers. Remove this proposed code modification from the proposed PUD application.
- EV14. ECM 1.8.1 and 25-8-63(C): Staff accepts the proposed code modification to provide further clarification of where public sidewalks and multi-use trails are not considered impervious cover. Staff emphasizes this proposed modification only pertains to publicly accessible sidewalks and multi-use trails. All other open space improvements and private sidewalks and multi-use trails proposed are subject to impervious cover calculations as defined in ECM 1.8.1(B) and 25-8-63(B).

### Exhibits

- EV15. Exhibit B: The PUD proposes a buffer between 75' and 550' to Land Use Area 1A or 1B from the Barton Creek Greenbelt property line, yet it is unclear from the exhibit or any of the proposed Tier 1, Tier 2, or Code Modifications how the proposed PUD will prevent any future development or redevelopment of the adjacent areas outside the PUD boundaries. Additional details, notes, exhibits, or narratives are required.
- EV16. Exhibit C: In alignment with comment EV 7, this comment is pending for Land Use Plan Note #2.
- EV17. Exhibit F: In alignment with comment EV 2, this comment is pending additional information to be provided as resolution for placement of the re-irrigation areas.
- EV18. Exhibit G: In alignment with comments EV 10 and EV 11, provide callouts or show more detailed information on the plan in order for Staff to fully determine if the proposed grading exceeding four feet in depth meets compliance with current code requirements and exceptions.

## Floodplain Review – Karol Susan Menhard – 512-974-3373

### General Floodplain Comments:

Reviewer notes: 37.6-acre redevelopment site at S Lamar Blvd and US290/Loop360 in the Barton Creek watershed. Proposed redevelopment is not making improvements to the floodplain other than traversing it for re-irrigation purposes.

- FP1. FYI: As the PUD does not request changes or amendments to floodplain code and criteria, all future applications in the PUD area will be required to meet floodplain regulations in effect at the time of application including but not limited to: prohibition of new buildings and parking located in the floodplain, requirements to demonstrate that all proposed development activities located within the floodplain do not adversely impact the floodplain on other property and all other floodplain regulations.
- FP2. FYI: Our understanding of flood risk in Austin is changing. What is now known as the 500-year floodplain is a good representation of what the 100-year floodplain will be according to a National Weather Service publication called Atlas 14. This could affect the layout of this development, including the location of lots, drainage easements, buildings, parking, and roadways. The City will likely be using the current 500-year floodplain as the design floodplain for residential and commercial building permit review in the near future. In order to minimize flood risk to our community and better ensure that all the lots in this PUD can be developed in the future, the City of Austin recommends that you consider the 500-year floodplain as a surrogate for the 100-year floodplain when designing this development within the PUD area. Please contact this reviewer if you have any questions.
- FP3. Please explain how the re-irrigation area across Barton Creek channel will be designed. The design shall have no adverse impact to the floodplain.

## Hydro Geologist Review – Scott Hiers – 512-974-1916

- HG 1. At this time, site specific information is unavailable or inaccurate regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands. For example, the Environmental Resource Inventory Report prepared does not identify Airmans Cave, which is a cave listed on the City of Austin's 10A Permit. The cave passage is located beneath the site and is within 150-ft. The approximate location of cave passage is shown in map view below (Figure 1). Please be advised that according to Nico Hauwert, the 1972 survey map shown in red was not done with inclination measurements, so the actual horizontal distances are shorter than shown on the map, and one cannot determine rise in the cave passage from the entrance from the 1972 map. In 1995/1996, Mark Sanders, Jim Kennedy and Nico Hauwert remapped 2/3 of the Cave. The profile attached shows the cave depth relative to the surface for the first 2/3 of the cave were surveyed (Figure 2). The attached map compares their survey (green dots) to the red scan of the 1972 cave map (Figure 3). Please update the ERI report

to include Airmans Cave and any protective measures proposed to preserve the cave itself and the water quality and water quality in the cave.

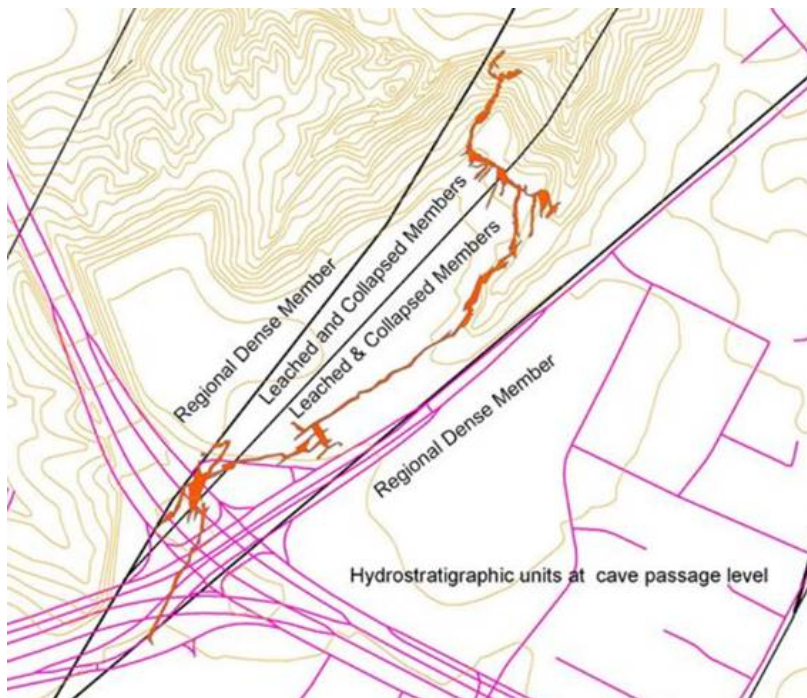


Figure 1. 1972 – cave passage survey

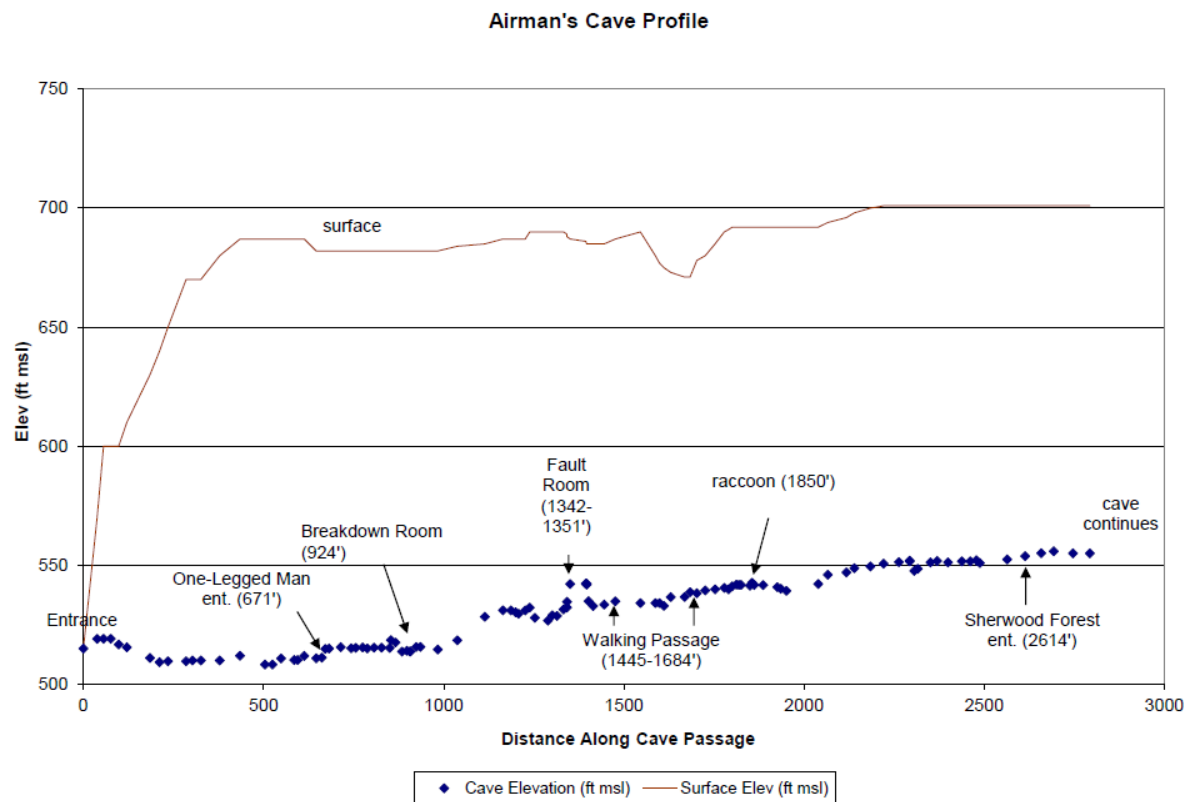
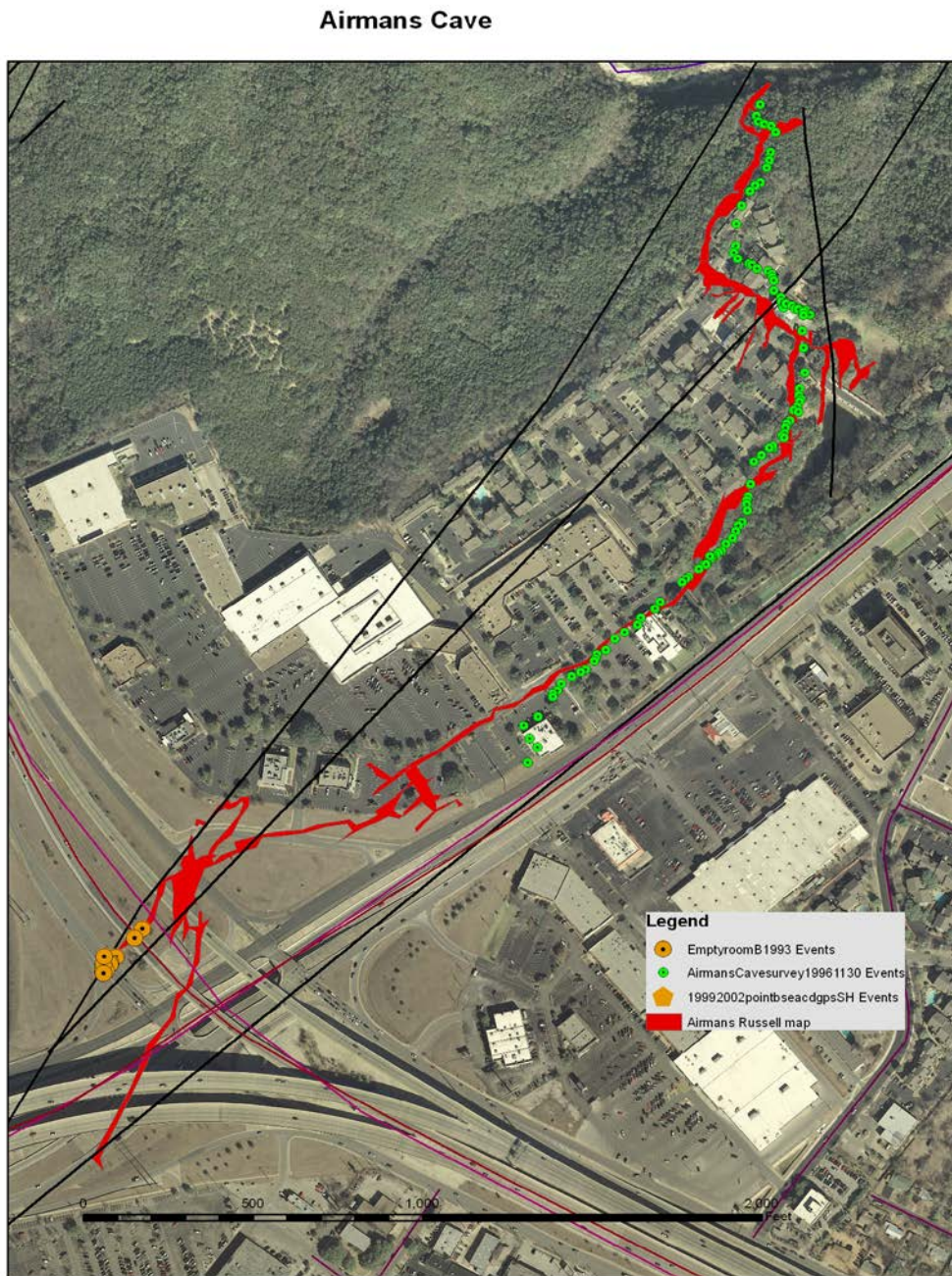


Figure 2. Cave passage profile for 2/3 of the cave passage.

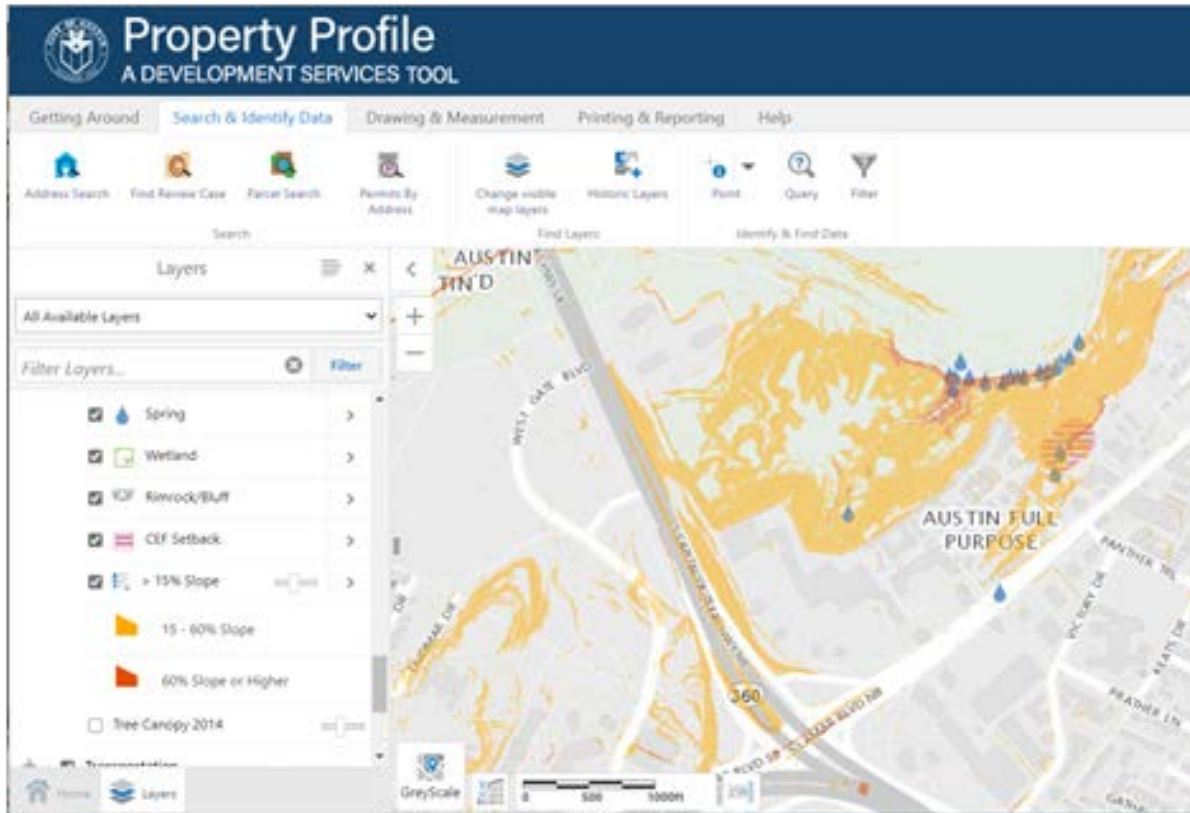




*Figure 3. 1995/1996 Cave survey – Sanders, Kennedy, and Hauwert.*

- HG 2. Please be advised that Airman's Cave is listed on the City's 10A Permit and contains species of concern. Additional requirements regarding compliance with the BCCP may apply. Please coordinate with Kimberlee Harvey and Austin Water regarding possible BCCP compliance requirements.
- HG 3. Please be advised the void and water flow mitigation rule applies to this site.

- HG 4. The Environmental Resource Inventory Report must be updated to include Airmans Cave and all critical environmental features that are within 150-ft of the site or any areas of proposed disturbance, such as the offsite proposed irrigation areas. The City of Austin Property profile shows one spring CEF downgradient of the site near the areas proposed for offsite irrigation.



- HG 5. Other State and Federal permitting may be required for this site.

## Housing – Alex Radtke – 512-974-2108

- NHCD 1. Staff would support the applicant's commitment to affordable housing with the addition of the following details as a means of demonstrating superiority of the proposed development. If rental units are developed this would entail leasing on an ongoing basis dwelling units equal to not less than 10% of the bonus square footage to households earning no more than 60% MFI for a period not less than 40 years from the date a final certificate of occupancy is issued. If ownership units are developed this would entail selling dwelling units equal to not less than 5% of bonus square footage at an affordable price to income-eligible households earning no more than 80% MFI and resale restricted for a period not less than 99 years from the date a final certificate of occupancy is issued for the property. If non-residential uses are developed this would entail a fee-in-lieu of on-site affordable housing to HPD not less than an amount equal to the planned unit development fee rate current at the time of site plan submittal times the bonus square footage devoted to a non-residential use.

## Office of Sustainability – Caitlin Admire – 512-974-9394

- OOS 1. The developer should consult with the Project Connect team to explore the option of placing a Purple Line rail station within the development, and reserving the space for this future rail station at this early stage in the planning process. A Brodie Oaks stop is shown already on the system map.
- OOS 2. The increasing building heights and addition of 24-hour uses in an area where urban and natural areas interface could cause conflicts with wildlife. The project should consider requiring dark skies lighting and bird-friendly architecture practices in order to minimize the impacts on wildlife.
- OOS 3. The developer should consider the items included on the Carbon Impact Statement (CIS) checklist and aim to include as many of those items as possible in the final project in order to further promote a decrease in carbon emissions. Please submit a CIS with the formal PUD submittal.
- OOS 4. The project should provide electric vehicle charging infrastructure.
- OOS 5. The project should commit to creating and implementing a tree health and maintenance plan to ensure that both the protected existing trees and newly planted trees remain healthy during and for up to 5 years after the development's construction.
- OOS 6. Explore ways to maximize rooftop solar power and consult with Austin Energy regarding Community Solar potential. Buildings should incorporate solar ready design so that solar panels may be effectively and efficiently added later, if they are not provided at this time.
- OOS 7. We strongly support the focus on providing shaded bicycle and pedestrian amenities throughout the site, including the importance of ensuring strong pedestrian and bike connections to nearby bus and rail stops.
- OOS 8. The document states, "The project will also provide a network of up to 4,700 feet of active trails, 10,000 feet of sidewalk, and a publicly accessible trailhead into the Barton Creek Greenbelt." Please provide some additional clarity around this. Is the 4,700 feet of active trails noted above going to be on the project property or in the Greenbelt? The exhibit shows a trailhead (page 4), but we are unclear whether there is an existing trail in the greenbelt. Does a trail exist in the Greenbelt here or will someone create/maintain a new trail?

## PARD/Planning and Design Review – Thomas Rowlinson – 512- 974-9372

- PR 1. To be considered a superior development with respect to parks, the project must provide at least 10.4 credited acres of parkland per 1,000 residents (including hotel rooms). Parkland and open space should be centrally located and contiguous, where feasible. The parkland must be dedicated to the City of Austin per §14.3.9 of the Parkland Dedication Operating Procedures. Private parkland is

not acceptable for superiority. Parkland contiguous with Barton Creek Greenbelt must be dedicated to the City. Please revise exhibits accordingly.

The parkland as currently proposed falls short of the requirement for superiority. While it is in the urban core, which has a 15% cap of the gross site area, this standard does not apply to a development seeking superiority. Please revise the park configuration to increase the park acreage, including but not limited to the dedication of the Central Green and Neighborhood Park. If the development cannot provide the 10.4 acres of parkland per 1,000 residents with onsite dedication, alternatives for superiority will need to be considered. Fees in-lieu may also be required should there be a deficiency in parkland to attain 10.4 acres per 1,000 residents. Please contact this reviewer to discuss: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov)

- PR 2. In order to determine credited acreage of parkland, provide a map and calculations showing how much of the proposed parkland is the 25-year floodplain, 100-year floodplain, critical water quality zone, critical environmental feature buffer, or other encumbrances such as easements (either existing or proposed). All land within the 25-year floodplain must be excluded from credited park acres. Parkland in the CWQZ, CEF buffer, 100-year floodplain (outside 25-year floodplain), or other encumbrance receives 50% credit. Parkland that is used for the development's stormwater irrigation shall receive a lower credit. Furthermore, the ponds shown on the Parks and Open Space Plan do not match those of the on the grading plan; the ponds take up a substantial amount of the acreage in the Trailhead Park. Please revise the parkland credit tables and diagram accordingly.
- PR 3. The parks must have some impervious cover allotment in order to provide recreational facilities. How much impervious cover is proposed to be transferred out of the park, and how much will remain?
- PR 4. To be considered superior, the park must be developed in accordance with a plan approved by PARD. Please provide a park development plan. The plan should include the ¼ mile service area of parkland to demonstrate which residential areas are within ¼ mile of a park.

Parks must be designed to properly function as parks. Currently, the Trailhead Park appears to consist mostly of ponds in the Grading Plan. Please revise the Grading Plan so that there is more evenly-graded, unencumbered parkland, or show in the park development plan how the parks will function given the constraints of the ponds. Likewise, the grading of the Overlook Park has cuts of over 12 feet. Is this also for drainage? Parks must be evenly-graded in order to meet parkland dedication standards.

In the park development plan, demonstrate how these parks will expand access to the Barton Creek Greenbelt. Given the grading, please provide in the development plan how there will be accessible entry into Barton Creek Greenbelt.

- PR 5. The park development plan should describe the park improvements and amenities provided. PARD requires park designs to consider whether the proposed amounts for park development would fulfill the vision for these parks. \$100 per unit over the existing FY 2020-1 fees would likely not result in a superior development here. Park fees will likely change by the time this development is in review for permitting, as well. Given the deficiency in park acreage required for a superior development, PARD anticipates a substantial investment in the parks so as to achieve a superior park system.



Please provide costs associated with the proposed designs for these parks to better formulate the superiority in park development.

- PR 6. PARD cannot support the proposal to use existing parkland for the development's irrigation. While the existing deed does appear to provide for some non-recreational uses, PARD nevertheless finds such a proposal contrary to a superior development. Revise to exclude irrigation from existing parkland.
- PR 7. This development will require triggers for when the parks are dedicated and developed. Please provide a plan for when the parks shall be dedicated and developed.
- PR 8. Additional comments may be issued once the above has been reviewed and addressed.

### Site Plan Review – Christine Barton-Holmes – 512-974-2788

- SP1. Please clarify if any landscaping or tree preservation is proposed in lieu of compliance with the Hill Country Roadway requirements.
- SP2. How will the site meet or exceed Subchapter E requirements?
- SP3. Is there a size cap for the proposed administratively-approved amphitheater?

### Subdivision Review – Steve Hopkins – 512-974-3175

- SR 1. Code Modification 25-4-171 – Access to Lots

Modify: (A) Each lot in a subdivision shall abut a dedicated public street, **or private street with public access easement.**

Private streets with public access easements will serve the Brodie Oaks Redevelopment

- No justification for this change has been provided by the applicant. Staff does not recommend this change because it is not superior to the existing regulation.
- How are private streets with a public access easement superior to public ROW?
- A private street system does not comply with 2.3.1.G, the requirement to provide adequate public facilities to support the proposed development.

## Transportation Engineering – Amber Hutchens – 512-974-5646

Please note these comments are preliminary and intended to inform the applicant of the items that may be considered during the formal PUD application. They will not be carried forward with the PUD application as comments and the PUD review comments may differ from what is itemized below.

- ATD 1. A Traffic Impact Analysis (TIA) is required but has not been received. A zoning application is not complete until the required TIA has been received. This delay in the submittal of the TIA may result in a delay in the scheduling of this zoning change request on a Land Use Commission agenda. The TIA must be submitted at least 26 calendar days (18 working days) prior to consideration of this case by the Commission. Please contact the assigned transportation reviewer for this case. [LDC 25-6-113]
- ATD 2. The conceptual exhibits show multiple access points on the southern/Loop 360 side of the PUD. What has TxDOT provided as guidance about the increased access to Loop 360 compared to today's condition?
- ATD 3. As discussed, special attention will need to be given to the primary access point along South Lamar. If it's to be at the existing signalized intersection, coordination with TxDOT will need to happen to see if there are any ways to improve operations. Suggest reconfiguration of intersection to remove overlapping left-turns across thru movement from ramp.
- ATD 4. The existing secondary road running parallel to Loop 360 connecting the proposed development to the office complex just northwest will also need to be discussed. Given the proposed land uses, this could become a heavily used route to bypass traffic along Loop 360 going towards Mopac in the morning. It may also be used as an alternate route for vehicles coming to the site from Mopac in the afternoon.
- ATD 5. South Lamar corridor plan should be implemented along frontage, possibly extending to signal at Loop 360 to maintain a continuous segment of ped/bike improvements.
- ATD 6. Right-of-way dedication should be made per the ASMP.
- ATD 7. The developer should coordinate with Corridor Planning Office (CPO) to see the fully enhanced streetscape constructed along South Lamar. The South Lamar C2 CIP will likely be permitted and under construction before the proposed development and build a shared-use path along South Lamar which terminates at US-290. The developer's plan should realize/construct the remainder of the streetscape to include a landscape zone with (shade) street trees and a 7-ft sidewalk.
- The South Lamar frontage between the northern driveway and the signalized intersection is very constrained with limited right-of-way and utility conflicts. The overhead utilities along this frontage should be undergrounded in coordination with Austin Energy.
  - Should the South Lamar C2 CIP not install (shade) street trees along the segment from the signalized intersection to the US-290 intersection, the developer should install the landscaping to realize the full-enhanced streetscape.



- The shared-use path, shown along the Bike Friendly Connector should continue from the northwest corner of the site and connect to the South Lamar Boulevard.
- The relocation of the existing Cap Metro Rapid station to far-side of the signalized intersection should be coordinate with CPO. It is still undetermined whether the station will be relocated by the South Lamar C2 CIP.

ATD 8. For the shared use path on the bike friendly connector, since this is only on one side and will have 2-directional traffic would like to see minimum of 12 ft as opposed to 10 ft.

ATD 9. Staff would like to see a connection from the PUD to the Mopac mobility bridges and trail to the west if possible.

ATD 10. Page 1 is not very clear about which portions of roadway are the Internal Circulator Route - Residential and Commercial. This should be clarified by a different color or pattern to show the limits.

ATD 11. Residential and Commercial street cross sections: These look good as a starting point. However, the dimensions should match what is identified in the Austin Street Design Guide, soon to be replaced by the table in the updated TCM. Raised bike lanes need to be 7' minimum width with 4' minimum buffer (grass or pavers) from the parking lane. All tree zones need to be 7' minimum width to be tree supportive. Recommend not reducing the sidewalk clear zones from 6' as shown and instead getting the few extra feet needed from the Frontage Zones shown.

ATD 12. What are the limits of construction on the Bike-Friendly Connector improvements? This should be shown on Page 1. If the improvements are only along their site frontage, that will be a short shared use path that doesn't lead anywhere. To be effective and useable it needs to connect to the Barton Creek trail access to the northwest.

ATD 13. Applicant should show what street improvements they are planning along South Lamar. The South Lamar corridor funded improvements are constructing only a shared use path. With each development along the corridor, the applicants will convert this SUP to a raised bikeway, install a tree zone, and install a sidewalk behind this planting zone. CPO can provide further information on required dimensions.

ATD 14. There is currently no way for a pedestrian or cyclist to cross in any direction at the interchange of Ben White and South Lamar, adjacent to this site. This is the biggest missing safety and connectivity element for multimodal travel in this area. CPO and ATD are currently working on a design to get a shared use path around all 4 sides of this interchange along with safe signalized crossings; however, this is currently unfunded.

ATD 15. Staff will be looking for more detailed/site-specific information regarding why the current codes below do not support the PUD's design needs.

- 25-1-21 Definitions. (98) Modify: ROADWAY definition -
- 25-2 - Subchapter E Sec 2.2.1 B – Principal street language -
- 25-2 Subchapter E 2.2.2E Off Street Parking language –

- 25-2 Subchapter E 2.2.2E Off Site Parking –
- 25-1-21 Definitions. (11) Modify: BLOCK definition -

ATD 16. Section 25-6-477, 25-6-478, 25-6-532 and Appendix A – Off-Street Parking and Loading: Staff supports the use of TDM to reduce the parking needs for this site; the application of those reductions should start from an assessment of parking requirements. Please provide parking ratios that are alternative to those found in the LDC for assessment or use the LDC as the starting point for the site's parking requirements.

ATD 17. TCM 1.3.1 General Design Criteria: In order to consider this request staff will need more information regarding which specific parts of this section the Connector will require relief from.

ATD 18. LDC 25-6-171 – Standards for Design and Construction.: Please split this into two requests: one for the cross-section review and one for complying with City of Austin street construction standards.

## Water Quality Review – Jay Baker – 512-974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

WQ 1. This project is proposing redevelopment of an existing site and may qualify for the redevelopment exception in the Land Development Code. See LDC 25-8-26 for redevelopment exception criteria. Per the redevelopment criteria, water quality will need to be addressed for the redeveloped area of the site or an equivalent area on the site. This may be achieved by providing for on-site water quality treatment through ponds or other alternative means.

WQ 2. In addition to the controls provided for stormwater management, provisions will need to be made to control the 2 year storm runoff discharging from the site in order to minimize downstream erosion. See ECM 1.6.8 for criteria. If on-site detention is provided, the 2 year control can be provided in the detention ponds. If not, the 2 year control can be provided for in the water quality ponds.

WQ 3. This project is located in the Barton Springs Zone. Water quality controls are required for all development (LDC 25-8-211(A)). Refer to LDC 25-8-514 for pollution prevention requirements. In addition, refer to ECM 1.2.3 for submittal requirements.

WQ 4. Water quality controls for development are normal requirements so should not be considered as an element of PUD superiority. Provide additional justification for the water quality superiority that is being proposed.

WQ 5. A Landfill Investigation and Certification will be required for this project.

WQ 6. An Integrated Pest Management (IPM) Plan will be required for this project.

- WQ 7. This development is proposing retention re-irrigation water quality systems in accordance with Barton Springs Zone standards with re-irrigation on the adjacent Barton Creek Greenbelt property. This will need to be confirmed by the adjacent property owner as well as any related City of Austin departments. Re-irrigation areas will need to be confirmed to be in accordance with the ECM in coordination with the EV, ERM and PARD reviewers.

## Wetlands Biologist Review – Andrew Clamann – 512-974 -2694

- WB 1. The ERI provided does not include the entire project area. It is this reviewer's understanding that there are CEFs on the backside of Brodie Oaks (springs, likely wetlands, etc) and these features and related-setbacks must be identified in the ERI. To clear this comment, please provide an ERI that covers the entire area and identifies all CEFs and CEF setbacks that impact the tract (to include CEFs within 150ft of project boundaries) pursuant to 25-8-121 and ECM 1.3.
- WB 2. This project must demonstrate compliance with CEF and CEF setback code and criteria. The ERI that includes the entire project area (see WB1) will provide information to enable review for 25-8-281 and 25-8-282 (in addition to supporting criteria in ECM 1.10). This comment is pending submittal of the findings and accuracy of the ERI. (FYI: This comment may be addressed by revising the project plans to avoid all CEFs and CEF setbacks). Additional comments may apply.

## Zoning Review – Kate Clark – 512-974-1237

- ZN 1. Tier 2 (Environmental/Drainage, page 6 of 10) Proposed PUD Superiority states: *...meet current code requirements as of 2020*. Please remove 2020 from response, staff does not support tying superiority to a specific dated code reference.
- ZN 2. Tier 2 (Environmental/Drainage, page 8 of 10) Proposed PUD Superiority states: *...clustering development away from the Barton Creek Greenbelt...* Please update Exhibit C: Land Use Plan (Page 1) to include maximum impervious cover amounts within Land Use Areas 1A, 1B and Area 2.
- ZN 3. Tier 2 (Art, page 9 of 10) Proposed PUD Superiority identifies providing the incorporation of public art within the development. Please contact Susan Lambe ([Susan.Lambe@austintexas.gov](mailto:Susan.Lambe@austintexas.gov)) and Marjorie Flanagan ([Marjorie.Flanagan@austintexas.gov](mailto:Marjorie.Flanagan@austintexas.gov)) to discuss the AIPP program and process.
- ZN 4. Tier 2 (Community Amenities, page 9 of 10) Proposed PUD Superiority states: *The Brodie Oaks Redevelopment will provide an extensive publicly accessible open space and trail system with a dedicated trailhead and connections to the Barton Creek and Violet Crown Trail System*. Please clarify whether it is the intent for the applicant to provide (build) the referenced trails and trailhead as a part of your superiority, or whether the applicant is providing the land for trails to be built at a later time (by another party).

- ZN 5. If staff is to support the complete removal of 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.2. (Residential Uses) (C) and Section 3.2.3. (Nonresidential Uses) (B), the applicant will need to create and provide a FAR table to be included on all site plans for this development to track current FAR status of the project. Please provide a sample table at the time PUD application for staff to consider this code modification.
- ZN 6. Code Modifications to 25-4-491 (Permitted, Conditional and Prohibited Uses)
- a. Staff has received guidance from the Law Department to refrain from prohibiting or making conditional the following uses: Group Home (Class I and II), Local Utility Services and Telecommunication Tower, please include these land uses on Exhibit C: Land Use Plan (Page 2).
  - b. Please clarify intent or reasoning for including General Warehousing and Distribution, and Light Manufacturing. These are very intense industrial uses and staff does not usually support these near residential uses.
  - c. Staff does not support openly allowing administrative approval for additional land uses. Section 3.1.2. Substantial Amendment of the PUD Standards outlines what triggers council approval and cannot be amended through the PUD process. It is possible to define parameters around some administratively approved land uses, but further conversations will be required.
- ZN 7. Code Modification to 25-2-492 (Site Development Regulations): staff does not support the requested heights in Areas 1A and 1B as identified on Exhibit C: Land Use Plan (Page 1). Please consider reducing the area allowed for the maximum height and introducing a third tier of height to provide a better transition between this development and neighboring existing development.
- ZN 8. Code Modification to 25-2-1104 (Hill County Roadway Overlay Exceptions): staff does not support waiving Article 11 – Hill County Roadway Requirements in its entirety at this point. More discussions about the article's applicability will need to occur with the assigned Site Planner.
- ZN 9. Code Modification 25-2-1052 (Compatibility Standards – Exceptions): staff has verified that per Section 25-2-1051(B) parkland does not trigger compatibility. Please remove this code modification as it is not necessary.
- ZN 10. Please update Exhibit C: Land Use Plan to include proposed maximum square footages of uses and number of units from cover letter or TIA determination worksheet. If numbers differ from what is included in TIA, please explain the difference.
- ZN 11. As the applicant is requesting to develop residential uses within the PUD, an Educational Impact Statement (EIS) will be required. Please submit a completed EIS form with the PUD application and we will forward to the appropriate staff for review.
- ZN 12. It appears from the Development Assessment application there are multiple Restrictive Covenants in place on this property, one of which identifies the zoning districts and building heights allowed in certain tracts. Please clarify whether the applicant will be seeking a Restrictive Covenant Termination (RCT) or Restrictive Covenant Amendment (RCA) with the PUD submittal.

## Case Manager – Kate Clark – 512-974-1237

**For your PUD application, please schedule an appointment with Intake to determine what procedures are currently being conducted. A list of reviewers for the PUD application is provided below please share this list with Intake at the time of your PUD submittal.**

Additional comments may be generated as requested information is provided. Please include a comment response letter with the PUD application indicating how comments have been addressed. If required as part of the PUD approval, please address all fiscal/fee requirements and provide copies of the receipts to the Case Manager prior to final ordinance readings at City Council.

### **Reviewers:**

1. Austin Energy Green Building – Sarah Talkington
2. AFD Planning – Jamila Siller
3. Austin Fire for Site Plan Review – Tom Migl
4. AW Utility Development Review – Bradley Barron
5. City Arborist – Jim Dymkowski
6. Comprehensive Plan Review – Kathleen Fox
7. Drainage Engineering – Jay Baker
8. Electric Review – Andrea Katz
9. Environmental Officer – Chris Herrington & Atha Phillips
10. Environmental Review – Jonathan Garner
11. Floodplain Review – Karol Susan Menhard
12. Hydro Geologist Review – Scott Hiers
13. Law Department – Cathy Curtis
14. Housing – Alex Radtke
15. Office of Sustainability – Caitlin Admire
16. PARD/Planning and Design Review – Thomas Rowlinson
17. Site Plan Review – Christine Barton-Holmes
18. Subdivision Review – Steve Hopkins
19. ATD Engineering – Amber Hutchens
20. Water Quality Review – Jay Baker
21. Wetlands Biologist Review – Andrew Clamann
22. Zoning/Land Use Review – Kate Clark



January 22, 2020

*Via Electronic Communication*

Jerry Rusthoven, Assistant Director  
Joi Harden, Division Manager  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5th Floor  
Austin, TX 78704

RE: Development Assessment for Brodie Oaks Redevelopment - Stakeholder Comments

Dear Mr. Rusthoven and Ms. Harden,

Attached to this letter are comments from the Save Our Springs Alliance in response to the [Development Assessment](#) submitted for the proposed redevelopment of the Brodie Oaks Shopping Center, generally located at the northwestern corner of the intersection of S Lamar Boulevard and Capital of Texas Highway. Given the size of this project and its location along Barton Creek and within the Barton Springs Zone, how redevelopment occurs on this site will have a significant environmental impact—whether such impact is positive or negative will depend on the City's actions in the months ahead.

As the applicant's introductory letter indicates, the Brodie Oaks Shopping Center was constructed well before Austin adopted many of its existing environmental regulations that work to protect Austin's water resources from the harmful pollutants associated with land development. As a result, the site's existing ~30 acres of pavement remains untreated, at least to the standards set by the Save Our Springs Initiative ("SOS Ordinance") and existing code. Bringing this site into compliance with existing water quality regulations should be a priority for the City and for anyone else interested in the health of Barton Creek, Barton Springs, and the Edwards Aquifer.

Since its adoption by Austin's voters in 1992, the SOS Ordinance remains one of the City's most effective tools in protecting the water quantity and quality of Barton Creek, Barton Springs, and the Edwards Aquifer. The ordinance is based on two basic principles: (i) mitigating pollution caused by development by enhancing water quality controls; and (ii) promoting aquifer infiltration and minimizing environmental impacts by reducing overall impervious cover within the Barton Springs zone. Both components of the ordinance are critical on their own but also work in concert with one another in achieving the ordinance's—and the voter's—intent. As such, proposed deviations to the SOS Ordinance should receive the highest level of scrutiny

[Austin's water watchdog since 1992](#)

and public review, with a process that engages all stakeholders for meaningful input, deliberation, and study.

The applicant for this project has proposed to redevelop the site under the provisions of Land Development Code (“LDC”) § 25-8-26 (aka, the “Redevelopment Exception”). It should be noted that the Redevelopment Exception is *already* an exception to the requirements of the SOS Ordinance. It allows the developer of a property to maintain levels of impervious cover beyond the requirements of the SOS Ordinance, in exchange for treating the resulting impervious cover on the property with improved water quality ponds. Maintaining allowable levels of impervious cover beyond SOS requirements is of substantial benefit and value to the developer of the property. This exchange of values—water quality treatment in exchange for increased impervious cover—has already been factored into the Redevelopment Exception, and therefore should not serve as the primary basis of approval for additional entitlements under a Planned Unit Development (“PUD”).

Rather, the layering of PUD zoning on top of the Redevelopment Exception introduces new requirements for the project to achieve superiority, as provided in Subchapter B, Article 2, Division 5 of the Land Development Code. As the City reviews the applicant’s rezoning request and seeks to define “superiority,” we would encourage the City to keep in mind the exchange of values already made in the adoption of the Redevelopment Exception. Double credit should not be awarded.

We do not mention this concern to diminish the planned project or its overall benefit to water quality. To some extent, this project is proof that the Redevelopment Exception can work for large sites; and if it ends up proceeding, it could offer a model for other large sites over the aquifer that are candidates for redevelopment, such as the Barton Creek Mall and the Oak Hill “Y”. The concern about the double credit is more of an acknowledgement that there will be other considerations, such as impacts on the adjacent neighborhoods and the Barton Creek trail system, that must be contemplated, beyond those that relate solely to water quality.

This is an enormous project with a community-scaled impact that merits a community-scaled conversation. The SOS Alliance encourages the City and the applicant to proactively solicit the input of the neighborhoods most immediately impacted by this development, such as Barton Hills, South Lamar, and Zilker.

As far as the SOS Alliance is concerned, we are still early in our review of the submitted Development Assessment, and we will refrain from taking an official position at this time. From an environmental standpoint, we recognize the opportunities presented by the redevelopment of the site. In addition to reducing impervious cover and treating the remaining pavement with SOS-standard water quality controls, the applicant also proposes to increase the development setbacks to protect Barton Creek and help reduce streambank erosion. However, as the attached comments will illustrate, there are several questions that remain unanswered and some details that need to be addressed. *See Appendix A attached.*


The SOS Alliance will be keeping a keen eye on this project, as it makes its way through the public input process, to ensure that the final product is protecting and enhancing the water



quality of Barton Creek, Barton Springs, and the Edwards Aquifer. We would appreciate the opportunity to stay in close contact with the City, as it continues to review the project and it makes a recommendation on the PUD application.

Many thanks for your consideration of our comments, and please feel free to contact me if you have any questions or desire additional information about any points we raise.

Many thanks,

**Bobby Levinski**  
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Save Our Springs Alliance  
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512-636-7649 (mobile)  


CC:

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Austin Environmental Officer  
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505 Barton Springs  
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**APPENDIX A**  
**SAVE OUR SPRINGS ALLIANCE INITIAL RESPONSE TO**  
**DEVELOPMENT ASSESSMENT FOR BRODIE OAKS REDEVELOPMENT**

1. **PUD vs. Redevelopment Exception.** The use of Planned Unit Development (“PUD”) zoning along with the Redevelopment Exception appears to be a classic case of “having your cake and eating it too” but on the scale of an entire cake factory. While the two code mechanisms can theoretically work together, there are certain inherent incongruities. For example, the PUD ordinance is based upon the premise that the proposed project achieves a level of superiority to current code, while the Redevelopment Exception is a mechanism that permits a developer to achieve a product that is inferior—and out of compliance—with current code.
  - a. ***Use of PUD Zoning.*** Generally, the SOS Alliance opposes the use of PUD zoning because it is often used to bypass standard zoning and variance processes in an effort to customize and permanently lock-in unique development regulations for individual landowners and developers. Although the council has set parameters within the code to measure whether a PUD has achieved superiority, too often these baseline requirements are ignored or altered to tilt the proposed project heavily towards maximizing the developers’ profits. For example, in recent years, we have seen developers use PUD zoning on sites less than one acre in size to increase their height entitlements to a level greater than what would be allowed under current code, despite requirements that PUDs be larger than 10 acres in scale. The developers do this to bypass the authority of the Board of Adjustment to grant hardship variances, because they know that they have no hardship and would not prevail in such a case.

That said, this project encompasses approximately 37.6 acres and includes multiple phases of redevelopment, which does seem to be more aligned with the intent of PUD zoning. Should this project proceed as a PUD, it must be evaluated with the lens of true superiority in mind and should be highly scrutinized to ensure the concept plans presented represent honest rendering of what the PUD’s provisions would allow.

As noted in our attached letter, the evaluation of “superiority” for this PUD must not credit compliance with existing water quality regulations. That is something required of all new projects within the City’s jurisdiction. The use of the Redevelopment Exception is a deviation to standard water quality requirements that results in an inferior product than what would otherwise be required.

These comments are not meant to diminish the significant environmental benefits that would result from the enhanced water quality treatment envisioned. Rather, they are intended to help the City and the City Council assign values to the community benefits being offered, as they evaluate the project’s superiority.

b. ***Use of Redevelopment Exception.*** Although we acknowledge the functional equivalence of the use of the redevelopment exception, this PUD would be more appropriately considered a site-specific amendment to the SOS Ordinance, requiring council initiation and a final vote by a super majority of the City Council.

i. **Increase in Entitlements Tied to Redevelopment.** The proposed PUD includes a substantial increase in development entitlements that were not contemplated at the time that the Redevelopment Exception was adopted. As explained in our attached letter, the Redevelopment Exception already provides a substantial benefit to the landowner by permitting redevelopment beyond the impervious cover requirements of the SOS Ordinance, in exchange for treating the resulting impervious cover on the property with improved water quality ponds. Maintaining allowable levels of impervious cover beyond the SOS Ordinance is of substantial benefit and value to the developer of the property. This exchange of values—water quality treatment in exchange for increased impervious cover—has already been factored into the Redevelopment Exception, and therefore should not serve as the primary basis of approval for additional entitlements under a PUD. The references to the Redevelopment Exception, at this point, unnecessarily conflate the increases in entitlements with the requirements of the Redevelopment Exception.

ii. **Modifications to Redevelopment Exception.** The Code Modification Table (Page 5 of 6) contained within the Development Assessment requests several modifications to the Redevelopment Ordinance, each of which would necessitate the need for a supermajority vote of the City Council as SOS amendments. However, it is our opinion that this conflict could be avoided by removing these requests entirely.

1. ***Council Approval of Redevelopment.*** To the extent it is determined that that the Redevelopment Exception applies, we do not believe it is necessary to modify LDC § 25-8-26(F), as suggested. Under this provision of the code, City Council approval is required for a redevelopment if the project meets certain criteria or thresholds. The applicant has requested that any development located within the “Brodie Oaks Redevelopment” be exempted from the Council approval process. The approval of a redevelopment exception is project specific; zoning is not relevant. Because PUDs are considered a zoning base district and would not constitute a permit initiating a project, the requested pre-approval would be an inappropriate provision to insert into Redevelopment Exception ordinance. This would grant a permanent exemption for this property, regardless of changes of projects in the future or the number of times the property may be redeveloped. Likewise, the reference to “Brodie Oaks Redevelopment” is entirely too vague. Any council approval of a redevelopment exception should be tied to a defined project that has an expiration.

The SOS Alliance would encourage the City and the applicant to consider that the plans for the site might change over time. What is being shown to the council as part of this Development Assessment are conceptual renderings, not site plans. Nothing would preclude the developer from seeking council approval of

individual projects during the permitting stage. If the developer seeks more assurance at this stage, considering the PUD as an SOS amendment would achieve that result.

- iii. **Deletion of LDC 25-8-26(H).** The applicant has requested deletion of LDC § 25-8-26(H), which is a provision that requires mitigation should a redevelopment within the Barton Springs Zone use a sedimentation/filtration pond in lieu of an SOS water quality pond. Although we respect *and greatly appreciate* that the planned development will utilize only SOS water quality ponds, we do not believe this section of the Redevelopment Exception Ordinance needs to be modified to achieve the desired result. A simple requirement inserted to the PUD that any redevelopment must use SOS water quality ponds achieves the same result. Such a provision could even include a reference to the inapplicability of LDC § 25-8-26(H) based on this fact.
2. **Environmental Superiority.** Chapter 25-2, Subchapter B, Article II outlines the applicable requirements of a Planned Unit Development (“PUD”) and the applicable measures for determining whether the PUD has achieved superiority. The following comments shall address those measures that relate to the Development Assessment’s performance in meeting the applicable environmental criteria under this Article.
- a. ***Open Space Requirement Likely Met.*** Based on the Development Assessment, it appears that the applicant is proposing that 13.7 acres (or 36%) of the property will be open to the public as civic spaces and parkland. This appears to include areas that will be used for water quality, as well as retention and re-irrigation. Recreational use and certain activities, especially dog parks and off-leash areas, may be inconsistent with the purpose of these areas, and we would want to ensure that these areas receive water quality easements to ensure that they are managed for the purposes of water quality. The crediting of these areas for open space (and parkland) seems inappropriate, considering the use of such areas should be highly restricted. We would welcome additional conversations around this point.
  - b. ***Green Building Elements Need Refinement.*** The applicant has noted a desire to incorporate “district heating, water conservation and reuse strategies, and on-site energy production.” The inclusion of these elements would be helpful in achieving superiority for the proposed project. We would encourage the applicant to consider using the [recommendations](#) of the Water Forward Task Force as a guide for achieving superiority with regard to water conservation and reuse strategies. Possible strategies might include voluntary compliance with a “water benchmarking” metric for all buildings, using reclaimed water, and reusing water on-site in association with landscape maintenance and any cooling equipment that might be utilized.
  - c. ***Water Quality on Correct Path but Needs Clarification and Enforcement.*** The SOS Alliance recognizes the significant opportunity for water quality improvements associated with the redevelopment of this site, which is currently developed with over 30 acres of untreated impervious cover. If properly treated and the commitments made are achieved, the proposed redevelopment could benefit the water quality of Barton

Creek, Barton Springs, and the Edwards Aquifer. As we expressed above, we caution the City from assigning too much of these benefits as “superiority” elements, when the ultimate development will not ultimately comply with the SOS Ordinance. However, we acknowledge the improvements from current conditions.

- i. **Non-Degradation.** The applicant has committed to meeting the non-degradation standard of the SOS Ordinance, which means that it will capture all the run-off generated on the site and treat it before its release. The commitment to use only SOS water quality ponds (instead of sedimentation / filtration) is a substantial benefit to water quality and should be factored into the overall superiority of the project; provided, however, this should be an express commitment in the PUD’s ordinance, and any future deviation to it should require a supermajority vote of the City Council to amend it.

1. ***Dog Parks Should be Prohibited.*** Based on the Development Assessment, we understand that the applicant intends to irrigate the parkland on-site with the treated water. We appreciate the commitment to reusing water for irrigation purposes but are concerned this might re-contaminate the water if the parkland is inappropriately used. To help ensure that the water is not re-contaminated, reirrigation areas should not be used for recreational uses, especially dog parks and off-leash areas. We would also suggest that dog parks and off-leash be prohibited on all publicly accessible parkland and open space on the site and this restriction should be extended to a 1,000 ft. buffer from Barton Creek for all other areas.

2. ***Phasing.*** The proposed phasing plan is somewhat vague; however, there appears to be two areas where SOS water quality ponds are planned. To ensure that the non-degradation requirement of the SOS Ordinance is met for each new building, the ponds to which that building would drain should be completed and operational before any certificate of occupancy is issued for such building.

- ii. **Impervious Cover.** The applicant has proposed to reduce the existing impervious cover on the site by 36%, resulting in a maximum impervious cover of 54% Gross Site Area (“GSA”). This is an impressive reduction of impervious cover, and we are excited about the restoration of natural areas on this site. However, to help provide a true “apples to apples” comparison of the various impervious cover requirements, we ask that the following adjustments be made to the Development Assessment:

1. ***NSA v. GSA.*** The applicant is basing its calculations on Gross Site Area, but the SOS Ordinance is based on Net Site Area. Although 54% GSA might sound better as a talking point, we would encourage the applicant to provide the NSA calculations. Given that this property does have steep slopes near the creek and along 360, there needs to be a better understanding of the developable area.

2. ***Impervious Cover Definitions Should NOT Be Redefined.*** As shown in the Code Modification Table, the applicant intends to redefine the meaning of “impervious cover” under LDC § 25-8-63 to exclude the sidewalks and multi-use trails located within publicly accessible areas located on the site. We ***strongly object*** to any redefining of the meaning of “impervious cover.” Presently, the City Code only discounts sidewalks and multi-use trails that are located within public right-of-way or on public land. Although the practical intent of this redefinition is understood, amending the definition of impervious cover is unnecessary and leads to a false narrative about the total amount of impervious cover that is being reduced on the site.

The applicant has proposed a total impervious cover reduction of 36%, and such figure would be no less impressive should it be 34 or 35%, if the definition of impervious cover remains unchanged. By redefining the definition of impervious cover to exclude pavement in the recreational areas, there is a concern that these spaces would not remain green spaces. Such a risk is only introduced by attempting to change the definition of impervious cover.

To help provide a true reflection of the impervious cover intended for this site, the applicant should be required to submit a “before and after” comparison of the impervious cover on the site under the existing definitions and methodology provided under LDC 25-8-63 and the Environmental Criteria Manual.

3. ***Phasing.*** On Page 5 of the Code Modification Table, the applicant requests a modification to LDC § 25-8-25(c), which would enable the applicant to use the redevelopment exception so long as it does not increase the impervious cover on the site. Similar to the rationale stated above, we ***strong object*** to this modification, as it presents an unnecessary risk that the benefits proposed will never be achieved. What is being shown to the community is a plan to reduce impervious cover as part of the overall redevelopment. The first phase of the redevelopment should amount to a significant reduction in impervious cover. At no point in time should a new phase be adding impervious cover to the site.

The applicant has requested this modification to that code language to permit the use of an impervious cover tracking chart guaranteeing the reduction of impervious cover in each phase such that impervious cover in the final phase of development is less than 54% GSA. As of now, there is not phasing plan, and it would be unlikely, at the zoning change, that the phasing plan would result in any level of accuracy for the ultimate build out of the site.

Nonetheless, should a tracking table be used, we request the following:

- a. **Responsibility of Developers to Track and Submit Revisions.** The City has an atrocious record of tracking impervious cover for these large-scale developments over the Barton Springs Zone. We could point to several development agreements that include impervious cover tracking tables that have been either ignored or not well maintained. Were a tracking table employed, the PUD's ordinance should provide specific parameters on how the tracking table will be used, who is responsible for submitting revisions to it, and how it is maintained. No site plan, site plan revision, or other permit process, exception, or revision that could result in an increase in impervious cover should be approved without amending the tracking table to reduce the overall impervious cover allotment remaining.
  - b. **Periodic Impervious Cover Assessments.** As an express condition in the PUD Ordinance, the submission of each new site plan should include an impervious cover study, certified by an engineer, showing the amount of impervious cover existing on the aggregate property.
  - c. **Substantial Reductions.** The first phased of development should result in a substantial reduction in impervious cover, to show a commitment towards ultimate compliance and to ensure the benefits shown are achieved in the near-term. Each phase of development thereafter should have a minimum threshold for impervious cover reduction.
  - d. **Timed Requirement.** Because there might be a disincentive to complete the phasing of the project (and retain existing impervious cover), there needs to be either a date by which compliance must be met or some other provision that would prevent the landowner from not achieving ultimate compliance. To be clear, this must be more than a financial penalty.
- iii. **Creek Buffers.** In addition to reducing impervious cover and treating the remaining pavement with SOS-standard water quality controls, the applicant has also proposed to increase the development setbacks to protect Barton Creek and help reduce streambank erosion. It would appear that these setbacks would be significantly greater than what would be required under the current code, which should certainly be factored into the overall "superiority" of the PUD, but we would like to see more specificity as to what those specific creek setbacks will be.
- iv. **SOS Amendment.** The PUD ordinance ***must*** include a provision that requires a super-majority vote for any deviation to the SOS Ordinance beyond what is contemplated in whatever ordinance is ultimately adopted. There cannot



exist a situation where there is a claim that because the PUD ordinance amended SOS, it can then be changed further by a simple majority.

d. ***Parkland Dedication Should Include an Element of Stewardship.*** Because the proposed development will likely result in a substantial increase in traffic along the Barton Creek greenbelt, the SOS Alliance would encourage the applicant to consider the importance of long-term stewardship. The trail is already deteriorating at a rate that the City cannot keep up with, in terms of funding for maintenance. This results in significant erosion which makes its way into Barton Creek.

- i. **Trail Management and Maintenance.** The SOS Alliance joins the Save Barton Creek Association in requesting that the applicant consider establishing long-term funding mechanisms that could contribute to the ongoing maintenance and upgrade of the trail, along with “leave no trace” signage, solid and pet waste management, cleaning, ecological restoration, and park ranger staffing. We believe that Public Improvement District (“PID”) might be the most appropriate tool to achieve this.
- ii. **Other Access Points.** The applicant should work with the Parks Department and nonprofit partners to examine the other adjacent areas of the greenbelt with access points, including the adjacent one along HWY 360, to help make necessary improvements to ensure this access point will work harmoniously and help distribute foot traffic.
- iii. **Environmental Stewardship.** The applicant should commit to a level of stewardship, recognizing the ecological and environmental responsibilities that it has as a landowner with access to the greenbelt. This might include actively maintaining “pack it out” garbage bag dispensers with “leave no trace” signage; the use of branding and environmental education to promote the ethics of environmental stewardship to its tenants and guests on the property; regular cleanups; and banning the use of single-use plastic bags from any retail tenants.
- iv. **Public Restrooms.** The applicant should consider providing access to public restrooms near the trail head (but outside any area used for water quality purposes and outside any water quality transition zones).
- v. **Deletion of Restrictive Covenant.** The applicant makes several references to a prior dedication of land for the Barton Creek Greenbelt, however, that dedication includes a provision that would allow the applicant to install water quality ponds on the previously dedicated parkland. As part of the PUD approval and counting to its overall superiority, the applicant should be required to delete this provision and should never be allowed to use the greenbelt for the treatment or disposal of stormwater.

- e. ***The Proposed Development Must Avoid Impacts to Airman's Cave.*** Throughout the 58-page Development Assessment, there does not appear to be any mention that [Airman's Cave](#) runs underneath a substantial portion of this site. In fact, the Environmental Resource Inventory submitted for the Development Assessment indicates that there is only low to moderate risk of subsurface voids that may be encountered during construction. Based on the plans submitted in the Development Assessment, as well as comments from the developer's agents, we understand that the applicant intends to build several towers on the site, with subsurface parking. Due to the known presence of Airman's Cave, in addition to the likelihood of other subsurface voids, the SOS Alliance would strongly recommend that the developer avoid significant excavation on this property. We would also encourage the City of Austin's Planning and Zoning Department to seek the advice of Dr. Nico Hauwert, the City of Austin's cave expert, so he may offer recommendations on how this development could proceed in a manner that would protect Airman's Cave and other other karst features from the impacts of the proposed development, to the extent such impacts exist. Additionally, the PUD should explicitly require that, if a void be encountered during construction, all excavation activities should be immediately stopped, and a qualified karst geologist must be contacted to make recommendations on project design alterations to avoid continued harm to such features.
- f. ***Development Should Avoid Subfloors.*** Although the City Code does not necessarily require variances for cut & fill below buildings, we understand that the applicant intends to build subsurface levels associated with its buildings, as well as the piers to support its towers. This will require a substantial amount of excavation in the Barton Springs Zone. We would request that the applicant consider deleting any subfloors and limiting the scope of its excavation for support structures to the maximum extent possible. We hereby request that the applicant provide more specificity as to the potential cut and fill that might occur on the site.
- g. ***Maximum Height Needs More Conversation.*** The Development Assessment proposes a new maximum height of 275 feet, which is a 458%-increase from the existing maximum height of 60 feet. If built, these buildings would by-far be the largest buildings constructed in South Austin. Although the SOS Alliance does not necessarily oppose height increases—especially when they accompany considerable consolidation of impervious cover, we also acknowledge that the level of entitlements proposed would substantially increase amount of non-point source pollutants on the site, including those resulting from vehicles, dogs, and residents.

We have also heard several concerns that the natural aesthetic value of Barton Creek may be impaired. At a recent meeting with the representatives of the developer, there was conversation that balloons could be placed at the proposed locations of the buildings demonstrating the proposed maximum heights and where the buildings could be seen at various vantage points. We request that the applicant proceed with that demonstration and that the City helps participate to ensure accuracy. We also think the applicant should prepare a 3D model showing its maximum proposed heights and how the proposed development would be impacted by compatibility standards.

- h. **Hill Country Roadway Applies and Should Continue to Apply.** The Development Assessment proposes a complete exclusion of the Hill Country Roadway Ordinances requirements. *See Code Modification Table, Page 4 of 6.* The applicant states that the site “does not contribute to the Hill Country aesthetic that is being preserved through the ordinance.” *Id.* We find this particularly ironic considering the applicant has highlighted the views of the Hill Country from its publicly accessible open space as a community benefit. *See Letter from Lionheart, dated December 3, Page 2 of Development Assessment.*

The Hill Country Roadway Ordinance is applicable to this property and **should apply**. If the City Council wanted to exclude it, it would have done so when it adopted the ordinance.

The Hill Country Roadway Ordinance includes more than just setbacks and height limits; it has requirements and restrictions related to signage, native landscaping, natural area protection/restoration, and screening, to name a few.

As with any provision of the code, the applicant should be required to specify the specific provisions of the HCRO to which it would like deviation. We believe that, in doing this exercise, the applicant will find that its current conceptual might already be in compliance with most of the HCRO’s requirements. For example, the applicant has committed to restoring native woodland prairie on portions of the site, which would be required under the HCRO.

- i. **Heritage Trees.** The SOS Alliance appreciates the applicant’s commitment to saving **all** of the Heritage Trees on the property. For a project of this scale, this is largely unprecedented. This should **not** be factored into superiority for the project, considering it’s a baseline code requirement, but this commitment should be acknowledged (and firmly embedded in the PUD requirements).
- j. **Clarification of Alleged Scrivener’s Error.** The Development Assessment Application makes a reference to a “scrivener’s error” on the plat for the property which restricts residential uses on a portion of the site. In our experience, this kind of note was more typically related to exemptions from parkland dedication. The applicant should provide more detail about this note and how it was included on the plat before it is allowed to simply amend it.