

ORDINANCE NO. 20131017-052

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE 211 SOUTH LAMAR PUD LOCATED AT 211 SOUTH LAMAR BOULEVARD AND 1211 WEST RIVERSIDE DRIVE FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT AND GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING (CS-V) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services (CS) district and general commercial services-vertical mixed use building (CS-V) combining district to planned unit development (PUD) district on the property described in Zoning Case No. C814-2012-0160, on file at the Planning and Development Review Department, consisting of approximately a 0.93 acre in Travis County, Texas, shown in Exhibit "A" (the "Property"). The Property is locally known as 211 South Lamar Boulevard and 1211 West Riverside Drive and generally identified on the map attached as Exhibit "B".

PART 2. This ordinance and the attached Exhibits A through F are the land use plan (the "Land Use Plan") for the 211 South Lamar planned unit development district (the "PUD") created by this ordinance. Development of and uses within the PUD shall conform to the limitations and conditions set forth in this ordinance and in the Land Use Plan. If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise provided by this ordinance and the Land Use Plan, all other rules, regulations and ordinances of the City apply to the PUD.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A:	Legal description of the Property
Exhibit B:	Zoning Map
Exhibit C:	Land Use Plan
Exhibit D:	Plant list
Exhibit E:	Environmental Criteria Manual - Appendix T
Exhibit F:	Traffic Impacts & recommended improvements

PART 4. If the Property is developed with a building or structure between 60 and 96 feet in height, the Property shall be developed according to the planned unit development district standards contained within this ordinance, the general commercial services (CS) district and the Butler Shores sub-district site development regulations and performance standards of the code, including the provisions of Subchapter E (*Design Standards and Mixed Use*) requirements for a Core Transit Corridor, Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*) and Section 25-2-733 (*Butler Shores Sub-district Regulations*).

If the Property is developed with a building or structure that does not exceed 60 feet in height, Part 4(A-M) and Parts 5 through 13 do not apply to this PUD and the PUD shall be developed according to the general commercial services (CS) district and the Butler Shores sub-district site development regulations and performance standards of the code, including the provisions of Subchapter E (*Design Standards and Mixed Use*) requirements for a Core Transit Corridor, Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*) and Section 25-2-733 (*Butler Shores Sub-district Regulations*).

- A. Driveways along South Lamar Boulevard and Lee Barton Drive will be permitted during the site development permit process and will conform to the Transportation Criteria Manual. Vehicle egress from the Property to South Lamar Boulevard is prohibited.
- B. The Joint Use Access Easement recorded in Travis County, Texas in the Official Public Records as Document No. 2013137002 is applicable to this PUD.
- C. Gated roadways within the PUD are not allowed. Private resident parking areas may be secured with a gate.
- D. At least 1,000 square feet of usable first floor retail space shall be offered to the Austin Parks and Recreation Department ("PARD") on a 'rent-free' basis for a public 'storefront' or retail space for a period of 25 years beginning on the date a certificate of occupancy is issued for the residential portion of the PUD. If PARD no longer needs the first floor retail space, a City of Austin department or community non-profit, mutually agreed upon by the director of the Planning and Development Review Department and the owner, will take over the first floor retail space. PARD or its successor shall be responsible for electric and utility charges for the space for the term period. Owner shall provide two on-site parking spaces in the parking garage reserved for PARD or its successor during regular business hours.

- E. The project will provide two public dedicated spaces for electric vehicle charging equipped with Level 2 charging stations compatible with and managed by Austin Energy's Plug-In Everywhere TM Network for electric vehicle charging within the project's parking garage. The electric vehicle charging spaces will be available for use by residents of the project and patrons of the retail lease space.
- F. The project will achieve a minimum of 13 points under the building design options of Section 3.3.2 of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*). It will achieve the points in the following manner:
1. The project will achieve a 3 star rating under the Austin Green Building program. (3 points)
 2. The project will have 2 liner stores in the project's ground floor retail area. (2 points)
 3. The project will have facade articulation through the use of a change in materiality, repeating pattern of wall recesses and projections, or a change in plane. (1 point)
 4. A primary entrance will be demarked by integral planters, enhanced exterior light fixtures, and architectural details. (1 point)
 5. The project will have a distinct roof design. (1 point)
 6. 100% of the glazing used on the ground floor facade facing streets or parking will have a visible transmittance of 0.6 or higher. (1 point)
 7. 75% of the facade facing the principal street will be storefront with a minimum of 2 separate entrances. (2 points)
 8. The project will have a sustainable roof as outlined in Section 3.3.2 of Chapter 25-2, Subchapter E. (2 points)
- G. 2.5 percent of residential units in the project shall be fully accessible type A dwelling units, as defined in the 2009 International Building Code and will meet the technical requirements defined in Section 1003 of the International

Code Council A117.1. To the extent that the foregoing calculation results in a fraction, the number shall be rounded up.

H. The Project will have the following design characteristics:

1. Design and Other Setbacks: The Project will have the following design characteristics:
 - a. The Project will utilize a "U-shaped" design with the open portion of the "U" facing in a southerly direction. The open portion of the "U" will be on the second level of the above-grade structure and above, and the second level of the above-grade structure will be a private courtyard and amenity deck.
 - b. The Project will have two basic building blocks described as follows:
 - (i) The first building block will have a maximum height of 96 feet and will be situated (A) along the entire length of the Project's South Lamar Boulevard edge; (B) along the entire length of the Project's Riverside Drive edge; and (C) along the Project's Lee Barton Drive edge generally from the Project's Riverside Drive edge to a point no closer than 40 feet at floor levels 2 and 3 and no closer than 48 feet at floor levels 4 and above (excluding balconies) from the Project's southern property line along Lee Barton Drive; and
 - (ii) The second building block will have a maximum height of 78 feet and will be (A) on the exterior side of the "U"; (B) situated along a portion of the Project's Riverside Drive edge (it will not extend all the way to the Project's South Lamar Boulevard edge), wrapping the Project's Riverside Drive/Lee Barton Drive corner, and extending along the Project's Lee Barton Drive edge to a point no closer to the southern property line of the Property than the terminus of the first building block described in subpart (i) above;
 - c. The area on the Lee Barton Drive edge between the southern property line of the Property and the southern edge of the two building blocks described in paragraph b, above may not be fully

enclosed, but it may contain a roof or shelter structure as long as such roof or shelter structure is no higher than 35 feet in height, as defined by City Code. The terms of the restriction in this subsection shall have no application to elevators, mechanical equipment, landscaping, outdoor furniture, grills, or similar items.

- d. The most southerly vertical structure of the Project (i.e., the wall closest to the existing Bridges on the Park project) will have the following characteristics:
 - (i) The portion of the wall from the Property's southwestern corner (i.e., adjacent to South Lamar Boulevard) to a point directly across from the easternmost edge of the existing recessed window on the most northerly face of the Bridges on the Park project) (the "Measuring Point") must (A) be set back at least 7.5 feet from the Property's most southerly property line at the Measuring Point location (the "Setback Location") and (B) extend in generally a straight line (running generally east and west) from the Setback Location to a point on the Site's most westerly boundary line (i.e., adjacent to South Lamar Boulevard);
 - (ii) The setback required by subpart (i) above shall not be applicable to any portion of the Property's parking garage and including any part of the structure on the first floor of the Property; and,
 - (iii) The portion of the wall identified in subpart (i) above, shall have a light reflective surface.

All references to height limitations in subparagraph b and c, above shall mean height, as defined by City Code.

- I. The project shall provide one independent retail, restaurant or local franchisee whose principal place of business is in the Austin standard metropolitan statistical area usable space at a rent 15% below the prevailing market rent when the lease or other arrangement for providing the space is executed. Before execution, the owner shall submit the lease or other arrangement to the director or his designee of Planning and Development Review Department for approval.

- J. Parking for the adjacent historic Paggi House shall be provided in the project's parking garage. As long as the Paggi House restaurant remains in its current size, (including usable outdoor space), the required 38 parking spaces for the Paggi House restaurant will be provided in the project's parking garage. If the use of the Paggi House changes, then the City of Austin parking requirement applicable to the new use will apply. Parking for the new use will be in the project's parking garage.
- K. The elevator providing access to the Paggi House for persons with disabilities shall be relocated to a location on the site adjacent to Lee Barton Drive. If the Paggi House will continue to operate as a restaurant during the construction of the project, the elevator will be available for use prior to the start of construction on the project, or an alternate accessible route will be provided. If the Paggi House does not operate as a restaurant during construction of the project, the elevator will be relocated and available for use by persons with disabilities prior to the issuance of a certificate of occupancy for the residential portion of the project.
- L. The project will utilize concrete and/or steel construction, and will meet or exceed all applicable Waterfront Overlay design standards.
- M. Development of the Property may not exceed 175 residential units and 11,000 square feet of non-residential ground floor space.

PART 5: Open Space and Parkland.

- A. The owner will establish and set forth in the site development permit the size and configuration of a public plaza. The public plaza will be counted towards the open space requirements and must meet the dimensional standards of Subchapter E, Subsection 2.7.3.A.3.
- B. In accordance to Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*), the minimum amount of open space within the project shall be 4,636 square feet.

PART 6. Environmental.

- A. Development of the PUD within Austin Energy's service area, shall comply with the requirements of the Austin Energy Green Building Program (GBP) multifamily, single family, or commercial rating system for a minimum three-

star rating. Certification from the GBP shall be based on the version in effect at the time rating applications are submitted for individual buildings.

- B. Prior to issuance of the first Certificate of Occupancy for the residential portion of the project, an Integrated Pest Management (IPM) plan that follows the Grow Green Program shall be submitted to the Planning Development and Review Department for approval.
- C. The PUD shall meet the minimum City of Austin landscape requirements. 100 percent of the landscape on site shall be designed and installed as described in the City of Austin Grow Green Native and Adapted Plant Guide, the Environmental Criteria Manual Appendix N (see Exhibit "D") and in accordance with City of Austin Green Storm Water Quality Infrastructure criteria for Biofiltration, Rainwater Harvesting and Rain Gardens as provided in the Environmental Criteria Manual Section 1.6.7.5.
- D. All landscaping within the PUD shall be irrigated by storm water runoff that is conveyed to rain gardens or through the use of rainwater harvesting (or a combination of both). If necessary, owner may supplement the landscape irrigation with potable water.
- E. The project will preserve trees 1709, 1711, 1712, 3001, 3002, 3003, 3004, and 3005 as noted on the Land Use Plan. The half-critical root zones as shown on the Land Use Plan will remain undisturbed; all proposed impacts within the ½ critical root zone must be performed to meet the intent of the tree preservation ordinance and are subject to be reviewed, and/or modified by the City Arborist. The project will develop and adopt a formal tree care plan as part of the site development permit process that incorporates the following construction phase protections: tree pruning is allowed as necessary to remove limbs extending into the building envelope (but not to exceed ¼ of the canopy), chain-link fencing around the half critical root zone, use of an air spade to loosen compacted soils and backfilling with quality topsoil, use of mulch at the base of trees, and regular watering. The development and adoption of the tree care plan shall be done in concert with a certified arborist that has not less than 5 years of experience in Travis County, Texas. All mitigation rates shall be based upon code standards existing as of the effective date of this ordinance.
- F. The project will provide and maintain the three curb inlet filters in the existing inlets (or a location mutually agreed upon by the Environmental Policy Program

manager and the owner) on South Lamar Boulevard, Riverside Drive and Lee Barton Drive, adjacent to the site.

PART 7. Water Quality

The PUD shall meet or exceed all current land development code requirements with respect to on-site water quality treatment as reviewed and approved by the City of Austin at the time of site development permit application. The owner shall construct and maintain in perpetuity rain gardens, or other City of Austin approved water quality facilities, on or adjacent to South Lamar Boulevard, or another location mutually agreed upon by the city and the owner, that provide water quality treatment for currently untreated off-site areas with a minimum drainage area of 10,500 square feet and a minimum 1,150 cubic feet of treatment volume which is an amount greater than 25% of the project area.

If the water quality facilities treating off-site runoff are removed at the direction of the City of Austin, the owner of the site at that time shall provide payment of an amount equal to 25% of the total fee calculated based on the Environmental Criteria Manual's Appendix T (request for fee in lieu) at the time of this PUD's approval. A fee of \$18,849 is based on the full build out of the development without redevelopment considerations as payment into the Urban Watersheds Structural Control Fund., (See Exhibit E). Payment shall be made by the owner within 180 days of receipt of notice from the City of Austin following the removal of said water quality facilities.

PART 8. Public Facilities.

The project will contain a room for a meeting space of at least 250 square feet. The room will be available free of charge to residents of the project, community neighborhood groups and non-profit organizations for a minimum of 25 years beginning on the date a certificate of occupancy is issued for the residential portion of the PUD. Use of the room by community neighborhood groups and non-profit organizations shall be on a reservation basis, and shall be subject to reasonable rules and regulations imposed by the owner of the property or any homeowner's association for the project.

PART 9. Affordable Housing Program.

The project will comply with the requirements for affordable housing options in accordance with the established PUD regulations. Participation will be provided by either providing on-site units or by paying a fee-in-lieu. The fee-in-lieu will be \$6 for

each square foot of bonus square footage above the baseline. The baseline shall include F.A.R. that could be achieved under the existing zoning and existing applicable site development regulations, including additional F.A.R. that may be granted under Section 25-2-714 (*Additional Floor Area*). If rental housing is provided, dwelling units equal to at least 10 percent of the bonus area square footage within the PUD must be affordable. If owner occupied housing is provided, dwelling units equal to at least 5 percent of the bonus area square footage within the PUD must be affordable. Payment of the fee-in-lieu will be made prior to the site plan being released. If the site plan is revised to increase square footage, the project will have to pay additional fees for the additional square footage above baseline.

PART 10. Transportation and Bicycle Plan.

- A. The owner will provide funding in the amount of \$99,741 for pedestrian improvements recommended with the 211 S. Lamar Traffic Study dated September 18, 2013 from HDR, Inc. (See Exhibit F) in the following locations:
1. A sidewalk on Lee Barton Drive from the northern terminus of the sidewalk adjacent to the bridges condominium project to the southeastern edge of the site (sidewalk presumed to be located within the currently paved portion of Lee Barton Drive);
 2. A sidewalk along the southern edge of Riverside Drive from the corner of Lee Barton Drive and Riverside Drive to the western terminus of the existing sidewalk on the southern edge of Riverside Drive located just east of the existing (on the effective date of this ordinance) railroad overpass;
 3. Creation of a pedestrian crosswalk across Lee Barton Drive at the intersection of Lee Barton Drive and Riverside Drive.

All proposed improvements have been approved by the City of Austin and the City of Austin will be responsible for construction of such improvements. Funding shall be provided prior to the issuance of a certificate of occupancy for the residential portion of the project.

As a condition for approval of the PUD, cost estimates have been approved by the City of Austin and shall be paid by the developer prior to the issuance of a certificate of occupancy for the residential units for those improvements

recommended with the 211 S. Lamar Traffic Study dated September 18, 2013 from HDR Engineering, Inc., attached as Exhibit "F".

B. The project will provide the following bicycle facilities:

1. Bicycle parking for retail patrons of the project at a level equal to or exceeding the greater of:
 - a. 120% of code required bicycle parking for such retail area; or,
 - b. 10 bicycle parking spaces.

All bicycle parking spaces shall be located on the ground floor of the parking garage, within the public plaza area or within the planting or supplemental zone along any of the adjacent roadways;

2. Bicycle parking for the residents of the project shall be provided in a secure location within the project's parking garage; and,
3. If elected by the City of Austin within two (2) years of the issuance of a certificate of occupancy for the residential portion of the project, a public "bike share kiosk" in a location mutually acceptable to the City of Austin and the owner in the project's public plaza area or the planting or supplemental zone along Riverside Drive. The "bike share kiosk" shall be sized as desired by the City of Austin (but not to exceed 10 bike parking spaces without the consent of the owner) and shall be operated and maintained by the City of Austin consistent with other "bike share kiosks" in the general proximity of the project. The owner of the site shall be responsible for the cost of the "bike share kiosk."

C. The project will incorporate ground floor structured parking that is screened from public view on the South Lamar Boulevard edge, the Riverside Drive edge and the Lee Barton Drive edge. No structured parking shall be provided above grade other than ground floor parking. All additional structured parking shall be provided below grade. Interior ground floor parking spaces will not be visible from the adjacent project on the southern boundary of the project.

D. The proposed parking in the Lee Barton drive R.O.W. will require approval from the Austin Transportation Department during the site development permit process.

- E. Development of the PUD is limited to 3,335 vehicle trips per day, unless a Traffic Impact Analysis is conducted.

PART 11. Art.

The PUD shall provide art approved by the art in public places program in a prominent open space, either by providing the art directly, making a contribution to the city's art in public places program (or a successor program). With the consent of the art in public places program (or successor program), the project may meet this requirement by entering into an arrangement with The Contemporary Austin or successor entity for art to be displayed on a seasonal or rotating basis in a prominent open space, on a pedestal constructed and maintained by the owner.

PART 12. Code Modifications. In accordance with Chapter 25-2, Subchapter B, Article 2, Division 5 (Planned Unit Development) of the Code, the following site development regulations apply to the PUD instead of otherwise applicable City regulations:

- A. Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to require that the minimum off-street parking is 60 percent for the entire Property.
- B. Development shall meet alternative equivalent compliance standards at the time of site planning for the following Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Article 2 provisions:
 - 1. Core Transit Corridor Sidewalk Standards (§2.2.2)
 - a. Tree Spacing (§2.2.2.B)
 - b. Supplemental Zone Width (§2.2.2.C.1)
 - c. General Building Placement (§2.2.2.D.1)
 - 2. Continuous Shaded Sidewalk (§2.2.3.E.3)
 - 3. Connectivity (§2.3)
 - 4. Parking Reductions (§2.4)
 - 5. Private Common Open Space and Pedestrian Amenities (§2.7.3.C & D)
- C. Subject to approval by the Austin Transportation Department, the Transportation Criteria Manual, Section 9.3.0 (*Loading*) is modified to allow

maneuvering for loading/unloading facilities in the public right-of-way along Lee Barton Drive.

- D. Section 25-2-692(H) (*Waterfront Overlay (WO) Subdistrict Uses*) is modified to require that the cumulative amount of pedestrian-oriented uses, defined in Section 25-2-691(C) (*Waterfront Overlay (WO) District Uses*), shall be a minimum of 75 percent of the cumulative frontage excluding driveway openings and other public facilities along South Lamar Boulevard, Riverside Drive and Lee Barton Drive. None of the pedestrian oriented uses along Riverside Drive or South Lamar Boulevard shall consist of residential uses. The pedestrian oriented uses must contain a restaurant located in the interior building space and allows ingress from and egress to a restaurant use of an accessory use of the public plaza.
- E. Section 25-2-492. (*Site Development Regulations*) is modified to allow a maximum structure height of 96 feet and Section 25-2-492 (*Site Development Regulations*) is modified to require no minimum front yard setback, street side yard setback, interior side yard setback and rear yard setback, except as modified below:
- a. South Lamar Boulevard: The building setback will be 8 feet at the ground floor stair tower located near the southwest corner of the Property adjacent to South Lamar Boulevard. The setback will be 11 feet for the remainder of the South Lamar Boulevard frontage at the ground floor level (i.e. the first level above grade that is heated and cooled). All exterior building columns, sidewalks, railings and similar landscape features are not included in this setback requirement. The setback will be 8'0" for all floors above the first level and between the southwestern corner of the Property adjacent to South Lamar Boulevard and a point 100 feet north of and the southwestern corner (the "100' Point") and zero feet for all floors above the first level and north of the 100' Point. The setback described above for floors above the first level and between the southwestern corner of the Property and the 100' Point shall not be applicable to balconies or canopies or similar improvements other than the primary westerly structural wall of the project in that location.
 - b. Riverside Drive: Zero (0'-0")

- c. Lee Barton Drive: Zero (0'-0")
- d. Rear (adjacent to the Bridges on the Park project): Zero (0'-0")
except as noted in Design and Other Setbacks, Part 4, H.
- F. Section 25-2-492 (*Site Development Regulations*) is modified to allow for a maximum floor area ratio of 5:1 over the entire site.
- G. Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to allow for restaurant space in the project to have the same parking requirements as general retail space in the project. Parking spaces must be leased or purchased separately from a dwelling unit.

PART 13. Development of the Property shall comply with the following use regulations:

- A. Except as provided in Subsection C, all permitted uses, conditional uses and pedestrian-oriented uses in the general commercial services (CS) district, waterfront overlay (WO) district and Butler Shores subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*); Section 25-2-691 (*Waterfront Overlay (WO) District Uses*); and, Section 25-2-692(H) Butler Shores subdistrict are permitted and conditional uses of the Property.

- B. The following are additional permitted uses:

Condominium residential
Multifamily residential
Cocktail lounge (not to exceed 5,000 square feet)
Liquor Sales (not to exceed 2,500 square feet)

- C. The following are prohibited uses:

Agricultural sales and services	Alternative financial services
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed & breakfast (Group 1)
Bed & breakfast (Group 2)	Business or trade school
Campground	Commercial blood plasma center
Congregate living	Construction sales and services
Convenience storage	Custom manufacturing
Electronic prototype assembly	Drop-off recycling collection facility

Electronic testing
Equipment sales
Funeral services
Hospital services (Limited)
Kennels
Maintenance and service facilities
Outdoor entertainment
Pawn shop services
Printing and publishing
Residential treatment
Theater
Vehicle storage

Equipment repair services
Exterminating services
Hospital services (general)
Hotel-motel
Limited warehousing and distribution
Monument retail services

Outdoor sports and recreation
Plant nursery
Research services
Service station
Transitional housing
Veterinary services

- D. Pursuant to Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (H) (*Waterfront Overlay (WO) Subdistrict Uses*), the following are additional pedestrian-oriented uses:

Personal improvement services
Financial services
Liquor Sales (not to exceed 2,500 square feet)
Personal services
Administrative business offices for on-site sales and leasing
Administrative business offices if an owner resides on-site

PART 14. This ordinance takes effect on October 28, 2013.

PASSED AND APPROVED

October 17

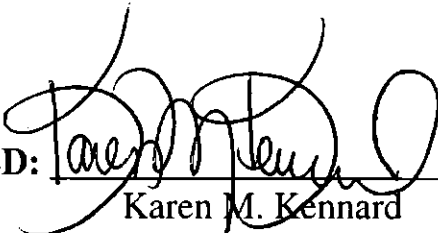
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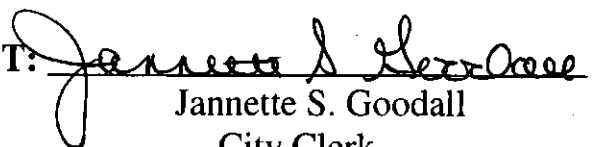
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

0.933 ACRE
221 SOUTH LAMAR
PAGGI HOUSE

FN. NO. 11-421(KWA)
DECEMBER 15, 2011
BPI NO. R010879110001

DESCRIPTION

OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.933 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found at the intersection of the easterly right-of-way line of South Lamar Boulevard (120' R.O.W.), with the southerly right-of-way line of West Riverside Drive (120' R.O.W.), being the northwesterly corner of said 1.155 acre tract, for the northwesterly corner hereof;

THENCE, S70°34'16"E, leaving the easterly right-of-way line of South Lamar Boulevard, along the southerly right-of-way line of West Riverside Drive, being the northerly line of said 1.155 acre tract, for the northerly line hereof, a distance of 237.80 feet to a 1/2 inch iron rod with cap set at the intersection of the southerly right-of-way line of West Riverside Drive with the westerly right-of-way line of Lee Barton Road (55' R.O.W.), being the northeasterly corner of said 1.155 acre tract, for the northeasterly corner hereof;

THENCE, S30°07'58"W, leaving the southerly right-of-way line of West Riverside Drive, along the westerly right-of-way line of Lee Barton Road, being a portion of the easterly line of said 1.155 acre tract, for the easterly line hereof, a distance of 202.08 feet to a 1/2 inch iron rod with cap set, for the southeasterly corner hereof;

THENCE, leaving the westerly right-of-way line of Lee Barton Road, over and across said 1.155 acre tract, for a portion of the southerly line hereof, the following two (2) courses and distances:

- 1) N59°52'02"W, a distance of 90.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N77°39'09"W, a distance of 5.54 feet to a PK nail set at an angle point in the northerly line of Bridges on the Park, a condominium of record in Document Nos. 2006117044 and 2007092434 of said Official Public Records, being an angle point in the southerly line of said 1.155 acre tract, for an angle point hereof;

THENCE, along the northerly line of said Bridges on the Park, along the southerly line of said 1.155 acre tract, for a portion of the southerly line hereof, the following three (3) courses and distances:

FN 11-421(KWA)
DECEMBER 15, 2011
PAGE 2 OF 2

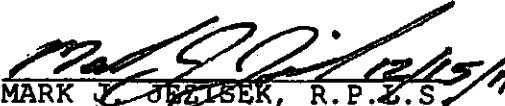
- 1) N67°20'15"W, a distance of 70.79 feet to PK nail set for an angle point;
- 2) N21°20'12"E, a distance of 11.03 feet to a punch hole found in concrete for an angle point;
- 3) N68°33'11"W, a distance of 40.69 feet to a PK nail set on said easterly right-of-way line of South Lamar Boulevard, being the northwesterly corner of said Bridges on the Park, for the southwesterly corner of said 1.155 acre tract and hereof;

THENCE, N21°01'42"E, along said easterly right-of-way line of South Lamar Boulevard, being the westerly line of said 1.155 acre tract, for the westerly line hereof, a distance of 166.15 feet to the **POINT OF BEGINNING**, and containing 0.933 acre (40,643 sq. ft.) of land, more or less, within these metes and bounds.

THE BASIS OF BEARINGS IS THE EASTERLY LINE OF THAT CERTAIN 0.718 ACRE TRACT CONVEYED TO PISCES FOODS, L.L.C. BY DEED OF RECORD IN VOLUME 13400, PAGE 422 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

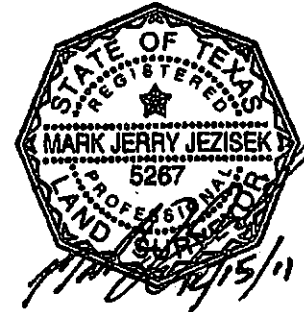
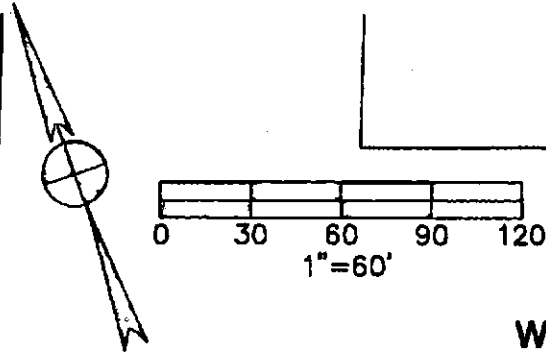
I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION

BURY+PARTNERS, INC.
221 W. SIXTH STREET
SUITE 600
AUSTIN, TEXAS, 78701


MARK J. JEZISEK, R.P.L.S.
NO. 5267
STATE OF TEXAS



CITY OF AUSTIN

**WEST RIVERSIDE DRIVE**

(120' R.O.W.)

SOUTH LAMAR BOULEVARD
(120' R.O.W.)

P.O.B.

S70°34'16"E 237.80'

0.933 ACRE
(40,643 SQ. FT.)1.155 ACRES
PAGGI HOUSE, LLC
DOCUMENT NO. 2011016777

S30°07'58"W 202.08'

LEE BARTON ROAD
(55' R.O.W.)6.975 ACRES TRACT B
CITY OF AUSTIN
(PITCH AND PUTT
GOLF COURSE)

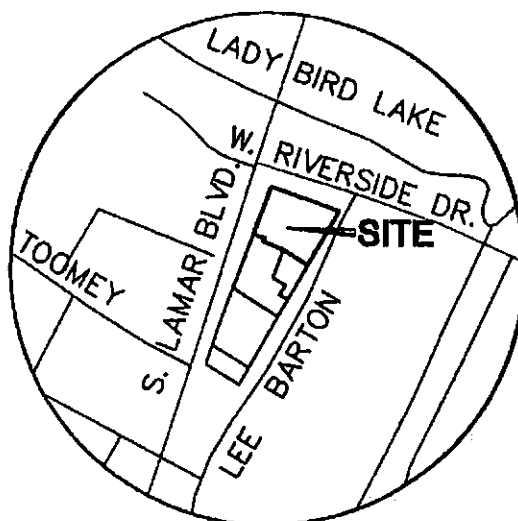
S21°01'42"W 190.17'

**ISAAC DECKER
LEAGUE**BRIDGES ON THE PARK,
A CONDOMINIUM
DOCUMENT NO. 2006117044
DOCUMENT NO. 2007092434

S30°07'58"W 135.88'

Bury+Partners221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
Bury+Partners, Inc. © Copyright 2011**SKETCH TO ACCOMPANY DESCRIPTION**
OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER
LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE
TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED
OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.**PAGGI HOUSE,
LLC**

DATE: 12/15/11 FILE: H:\108791\001\108791001EX2.DWG FN No.: 11-421(KWA) DRAWN BY: KWA PROJ. No: R0108791-10001



VICINITY MAP

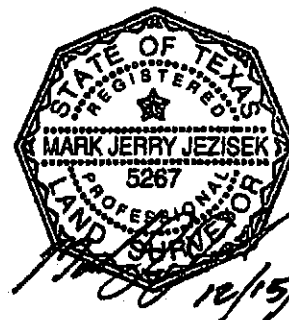
N.T.S.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH CAP SET
- ⊙ IRON PIPE FOUND
- △ P.K. NAIL WITH WASHER SET
- P.O.B. POINT OF BEGINNING

LINE TABLE

LINE	BEARING	LENGTH
L1	N59°52'02"W	90.00
L2	N77°39'09"W	5.54
L3	N67°20'15"W	70.79
L4	N21°20'12"E	11.03
L5	N68°33'11"W	40.69

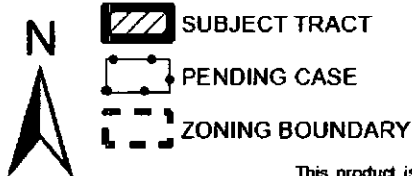
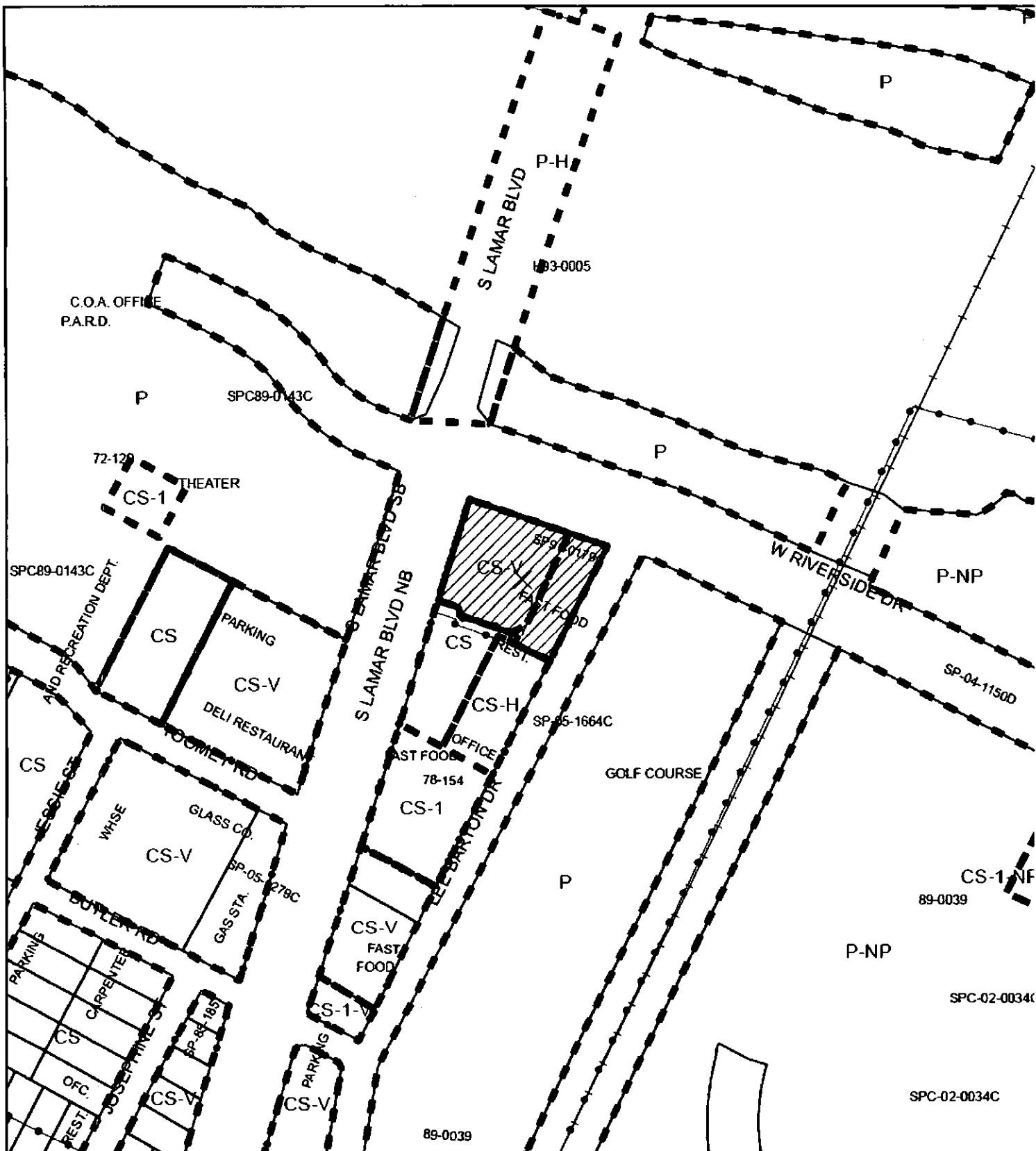


Bury+Partners

221 West Sixth Street, Suite 800
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0328
Bury+Partners, Inc. © Copyright 2011

SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.933 ACRE TRACT OF LAND OUT OF THE ISSAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 1.155 ACRE TRACT OF LAND CONVEYED TO PAGGI HOUSE, LLC BY DEED OF RECORD IN DOCUMENT NO. 2011016777 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

PAGGI HOUSE, LLC



ZONING
 ZONING CASE#: C814-2012-0160



1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

Exhibit B

1. THE SIZE AND CONFIGURATION OF THE PLAZA AND OUTDOOR SEATING AREA AT THE INTERSECTION OF SOUTH LAMAR BOULEVARD AND RIVERSIDE DRIVE AS SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH ON THE SITE DEVELOPMENT PERMIT THE SIZE AND CONFIGURATION OF SUCH PUBLIC PLAZA.
2. THE SIZE AND CONFIGURATION OF DRIVEWAYS AS SHOWN HEREON IS AN APPROXIMATION FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH THE SIZE AND CONFIGURATION OF DRIVEWAYS ON THE SITE DEVELOPMENT PERMIT.

Bury+Partners

221 West Sixth Street, Suite 400
Anchorage, Alaska 99501
Tel. 907-263-0911 Fax 907-263-0225
Toll Free 800-635-0600 Member S-1048
Bartys-Putnam, Inc. Copyright 2015

**LAND USE PLAN
NOTES**

211 SOUTH LAMAR

POST PAGGI, LLC

DRAWN BY: JS

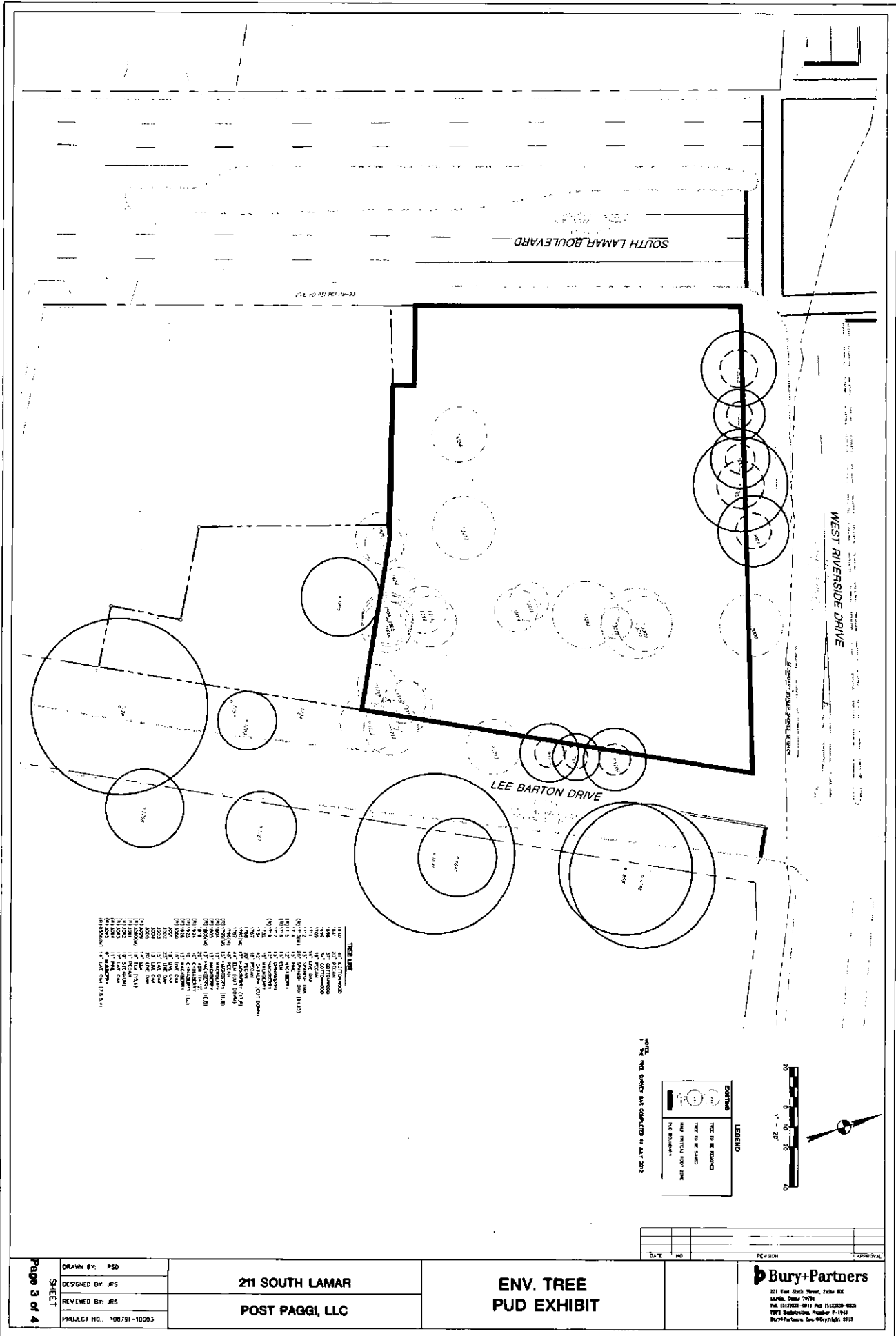
05/01/2015

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROJECT NO: 105

Page 2 of 4



City of Austin Preferred Plant List

Environmental Criteria Manual, Appendix N

CITY OF AUSTIN PREFERRED PLANT LIST

Other plants may be used if approved by the City of Austin. This list is a guide and is not meant to be exclusive. Any other native or well adapted plant may be used if drawings are sealed by a registered Texas Landscape Architect.

EVERGREEN TREES

Arizona Cypress	<i>Cupressus arizonica</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Deodar Cedar	<i>Cedrus deodara</i>
Live Oak	<i>Quercus virginiana</i>
Mountain Laurel	<i>Sophora secundiflora</i>
Texas Madrone	<i>Arbutus texana</i>
Yaupon Holly	<i>Ilex vomitoria</i>

DECIDUOUS TREES

American Elm	<i>Ulmus americana</i>
American Smoketree	<i>Cotinus obovatus</i>
Arizona Walnut	<i>Juglans major</i>
Bald Cypress	<i>Taxodium distichum</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Blackjack Oak	<i>Quercus marilandica</i>
Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'
Bur Oak	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Chinquapin Oak	<i>Quercus Muhlenbergii</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Desert Willow	<i>Chilopsis linearis</i>
Drake Elm	<i>Ulmus parvifolia</i> 'Drake'
Durand Oak	<i>Quercus sinuata</i>
Eastern Walnut	<i>Juglans nigra</i>
Escarpment Cherry	<i>Prunus serotina</i>
Eve's Necklace	<i>Sophora affinis</i>
Flameleaf Sumac	<i>Rhus copallina</i> and <i>R. glabra</i>
Fragrant Ash	<i>Fraxinus cuspidata</i>
Golden Rain Tree	<i>Koelreuteria bipinnata</i> and <i>K.</i>

Honey Mesquite	<i>paniculata</i>
Kidneywood	<i>Prosopis glandulosa</i>
Lacey Oak	<i>Eysenhardtia texana</i>
Little Walnut	<i>Quercus glaucoides</i> and <i>Q. laceyi</i>
Mexican Buckeye	<i>Juglans microcarpa</i>
Mexican Plum	<i>Ungnadia speciosa</i>
Orchid Tree	<i>Prunus mexicana</i>
Pecan	<i>Bauhinia</i> spp.
Possumhaw	<i>Carya illinoensis</i>
Post Oak	<i>Ilex decidua</i>
Red Buckeye	<i>Quercus stellata</i>
Rusty Blackhaw	<i>Aesculus pavia</i>
Shin Oak	<i>Viburnum rufidulum</i>
Shumard Oak	<i>Quercus sinuata brevifolia</i>
Texas Ash	<i>Quercus shumardii</i>
Texas Persimmon	<i>Fraxinus texensis</i>
Texas Red Oak	<i>Diospyros texana</i>
Texas Redbud	<i>Quercus texana</i>
Vitex, Lilac Tree	<i>Cercis canadensis</i> var. 'Texensis'
Western Soapberry	<i>Vitex Agnus-castus</i>
	<i>Sapindus Drummondii</i>

EVERGREEN SHRUBS

Agarita	<i>Berberis trifoliolata</i>
Barbados Cherry	<i>Malpighia glabra</i>
BurfordHolly	<i>Ilex cornuta</i> 'Burfordii'
Dwarf Burford Holly	<i>Ilex cornuta</i> 'Burfordii nana'
Dwarf Chinese Holly	<i>Ilex cornuta</i> 'Rotunda nana'
Dwarf Yaupon Holly	<i>Ilex vomitoria</i> 'Nana'
Elaeagnus	<i>Elaeagnus pungens</i>
Evergreen Sumac	<i>Rhus virens</i>
Indian Hawthorn	<i>Raphiolepis indica</i>
Mountain Laurel	<i>Sophora secundiflora</i>
Nandina	<i>Nandina domestica</i>
Oleander	<i>Nerium oleander</i>
Pampas Grass	<i>Cortaderia selloana</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Rock Cotoneaster	<i>Cotoneaster horizontalis</i>
Rosemary	<i>Rosmarinus officinalis</i>
Sacahuista, Bear Grass	<i>Nolina texana</i>

Shore Juniper	<i>Juniperus conferta</i>
Silverleaf Cotoneaster	<i>Cotoneaster glaucophyllus</i>
Texas Sage	<i>Leucophyllum frutescens</i>
Texas Sotol	<i>Dasylirion texanum</i>
Wax Myrtle	<i>Myrica cerifera</i>

SEMI-EVERGREEN SHRUBS

Cast Iron Plant	<i>Aspidistra elatior</i>
Glossy Abelia	<i>Abelia grandiflora</i>
Muhly Grass	<i>Muhlenbergia lindheimeri</i>
Pineapple Guava	<i>Feijoa sellowiana</i>
Pomegranate	<i>Punica granatum</i>
Primrose Jasmine	<i>Jasminum mesnyi</i>

DECIDUOUS SHRUBS

Althaea	<i>Hibiscus syriacus</i>
American Beautyberry	<i>Callicarpa americana</i>
Aromatic Sumac	<i>Rhus aromatica</i>
Arrowwood	<i>Viburnum dentatum</i>
Black Dalea	<i>Dalea frutescens</i>
Butterfly Bush	<i>Buddleia Davidii</i>
Flame Acanthus	<i>Anisacanthus Wrightii</i>
Possumhaw Holly	<i>Ilex decidua</i>
Texas Lantana	<i>Lantana horrida</i> and <i>L. camara</i>
Trailing Lantana	<i>Lantana montevidensis</i>

EVERGREEN VINES & GROUNDCOVERS

Asian Jasmine	<i>Trachelospermum asiaticum</i>
Bigleaf Periwinkle	<i>Vinca major</i>
Carolina Jessamine	<i>Gelsemium sempervirens</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Cross Vine	<i>Bignonia capreolata</i>
Damianita	<i>Chrysactinia mexicana</i>
English Ivy	<i>Hedera helix</i>
Fig Vine	<i>Ficus pumila</i>
Lady Banksia Rose	<i>Rosa banksiae</i>
Liriope	<i>Liriope muscari</i>
Littleleaf Periwinkle	<i>Vinca minor</i>
Monkey Grass	<i>Ophiopogon japonicus</i>

Oregano	<i>Origanum vulgare</i>
Santolina	<i>Santolina chamaecyparissus</i>
Stonecrop	<i>Sedum</i> spp.

DECIDUOUS VINES & GROWDCOVERS

Boston Ivy	<i>Parthenocissus tricuspidata</i> 'Veitchii'
Bush Morning Glory	<i>Ipomoea leptophylla</i>
Coral Vine	<i>Antigonon leptopus</i>
Cypress Vine	<i>Ipomoea quamoclit</i>
Gregg Dalea	<i>Dalea greggii</i>
Mustang Grape	<i>Vitis mustangensis</i>
Old Man's Beard	<i>Clematis Drummondii</i>
Passion Vine	<i>Passiflora incarnata</i>
Sweet Autumn Clematis	<i>Clematis paniculata</i>
Trumpet Vine	<i>Campsis radicans</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>

FLOWERING PERNNIALS

Artemisia	<i>Artemisia ludoviciana</i>
Black-eyed Susan	<i>Rudbeckia hirta</i>
Blackfoot Daisy	<i>Melampodium leucanthum</i>
Butterfly Weed	<i>Asclepias tuberosa</i>
Canna Lily	<i>Canna X generalis</i>
Cedar Sage	<i>Salvia roemeriana</i>
Cherry Sage	<i>Salvia greggii</i>
Cigar Plant	<i>Cuphea micropetala</i>
Coreopsis	<i>Coreopsis lanceolata</i>
Daylily	<i>Hemerocallis fulva</i>
Fall Aster	<i>Aster</i> spp.
Firebush	<i>Hamelia patens</i>
Gayfeather	<i>Liatris</i> spp.
Heartleaf Hibiscus	<i>Hibiscus cardiophyllus</i>
Hinckley's Columbine	<i>Aquilegia Hinckleyana</i>
Hymenoxys	<i>Hymenoxys scaposa</i>
Lamb's Ears	<i>Stachys byzantina</i>
Maximillian Sunflower	<i>Helianthus maximiliana</i>
Mealy Blue Sage	<i>Salvia farinacea</i>
Mexican BushSage	<i>Salvia leucantha</i>
Mexican Heather	<i>Cuphea hyssopifolia</i>

Mexican Marigold Mint

Mexican Oregano

Oxeye Daisy

Peruvian Verbena

Pink Skullcap

Plumbago

Purple Coneflower

Rose Mallow

Scarlet Sage

Spiderwort

Turk's Cap

White Mistflower

Wild Petunia

Yarrow

Zexmenia

Tagetes lucida

Poliomintha longiflora

Chrysanthemum leucanthemum

Verbena peruviana

Scutellaria suffrutescens

Plumbago auriculata

Echinacea purpurea

Pavonia lasiopetala

Salvia coccinea

Tradescantia x Andersoniana

Malvaviscus arboreus 'Drummondii'

Eupatorium Wrightii

Ruellia nudiflora

Achillea millefolium

Wedelia hispida

TURF & LOW GRASSES

Bermuda

Blue Grama

Buffalograss

Little Bluestem

Side Oats Gramma

Cynodon dactylon

Bouteloua gracilis

Buchloe dactyloides

Schizachyrium scoparium

Bouteloua curtipendula

APPENDIX T
REQUEST FOR FEE IN LIEU OF OR COST RECOVERY FOR WATER QUALITY
CONTROLS IN THE URBAN WATERSHEDS

A. OWNER / AGENT INFORMATION: Name: BURY / CITY OF AUSTIN
 Company: _____ Telephone: 328 0011
 Fax: _____

B. PROJECT INFORMATION: Name: 211 S. LAMAR
 Location or Address: 211 S. LAMAR
 Permit Number: SP-EDIZ-0711C
 Case Manager: E. HECKMAN / M. SIMMONS SMITH
 Redeveloped Impervious Cover: 0.933 (ac.) + New Impervious Cover 0 (ac.)
 = Total Impervious Cover: 0.933 (ac.)
 Redeveloped IC = N/A / Total IC = N/A = N/A (R/T)

C. PAYMENT CALCULATION:

1. Site Impervious Cover Component:

\$32,000 x (A1)	<u>0.933</u>	= \$ <u>28,363.20</u>
\$18,000 x (A2)		= \$ <u>-</u>
\$11,000 x (A3)		= \$ <u>-</u>
\$8,000 x (A4)		= \$ <u>-</u>
\$8,000 x (A5)		= \$ <u>-</u>

Impervious Cover Component Subtotal (ICCS) = \$ 28,363.20

Annual Adjustment Factor (E) = 1.0000

ICCS x E = \$ 28,363.20 (Fee 1)

If subject property drains to a proposed or existing Regional Water Quality facility, then City Portion is:
 City Portion = (R/T) N/A x (FEE 1) N/A x 0.75 = \$ N/A (CP1);
 Otherwise CP1=0

2. Building Component: \$0.10 x (B) 293.640 (sf) = \$ 29.364 (FEE 2)
 (Note: City Portion = \$0.00)

3. Site Area Component:
 Commercial/Multi-Family Site: \$8,000 x (C) 0.933 (ac.) = \$ 5,598 (FEE 3)
 Single Family or Duplex Site: \$4,000 x (C) N/A (ac.) = \$ N/A (FEE 3)

If subject property drains to a proposed or existing Regional Water Quality facility, then City Portion is:
 City Portion = (R/T) N/A x (FEE 3) N/A x 0.75 = \$ N/A (CP3);
 Otherwise CP3=0.

Andy to Provide: Future Applied.
1.4256
\$40,434.58

4. Payment Amounts:

40,434.58

75,396.58

28,363.20 + 29,364 + 5598 = 63,325.20

PER NOTE OFFSITE SUPERIOR 25% = \$15,831.30

TOTAL FEE = (FEE 1) / + (FEE 2) / + (FEE 3) / = \$ /

CITY PORTION = (CP1) / + (CP3) / = \$ /

APPLICANT FEE = (TOTAL FEE) 63,325.20 - (CITY PORTION) 15,831.30 = \$ 47,493.90

D. COST RECOVERY:

Construction Cost = \$ N/A (attach an itemized Engineer's estimate of cost)

City Portion = (R/T) N/A x (Cost) N/A x 0.75 = \$ N/A

Applicant Portion = (Cost) N/A - (City Portion) N/A = \$ N/A

E. AUTHORIZATION:

Owner/Agent [Signature] Date 19 March 2013 updated 16 Sept 2013

Reviewed by [Signature] Date 9/17/13

For the Director of the Watershed Protection and Development Review Department

Note: This is an estimate for fee-in-lieu of water quality to be provided if in the future, the City of Austin requires that the water quality facilities be removed from the right of way. See PUD ordinance, Part 7, "Water Quality".

[Signature]

**INSTRUCTIONS FOR COMPLETING
REQUEST FOR FEE IN LIEU OF WATER
QUALITY CONTROLS IN THE URBAN WATERSHEDS**

PART A. OWNER/AGENT INFORMATION:

Provide the name of the owner or agent for the project, name of company, and telephone and fax number.

PART B. PROJECT INFORMATION:

Provide the name of the project, location or address, site development or site plan number, and the name of the case manager in the Watershed Protection and Development Review Department.

Provide the area of impervious cover in acres that is considered redevelopment - i.e. the amount of impervious cover being constructed by this project in areas which currently have impervious cover. Provide the area of impervious cover in acres that is considered new - i.e. the amount of impervious cover being constructed by this project in areas which currently do not have impervious cover. Impervious cover shall be measured to the nearest 0.01 acre.

Calculate the total impervious cover by summing the two figures determined above.

Calculate the ratio of redeveloped impervious cover to total impervious cover in this project by dividing the redeveloped impervious cover by the total impervious cover. This ratio is called R/T on the form. If R/T is zero (0), the project is not considered redevelopment and the City will not pay a portion of the fee in lieu of water quality controls or a portion of the Cost Recovery if water quality controls are built on-site.

PART C. PAYMENT CALCULATION:

1. Site Impervious Cover Component: Calculate the portion of the payment related to site impervious cover. The total impervious cover being constructed by this project should be divided into the following increments:

Area of IC 1 (A1) = 0 to 1.00 acres
Area of IC 2 (A2) = 1.01 to 2.00 acres
Area of IC 3 (A3) = 2.01 to 10.00 acres
Area of IC 3 (A4) = 10.01 to 20.00 acres
Area of IC 4 (A5) = 20.01 acres or greater

Insert these areas into the fee formula and calculate the individual parts of the fee and then sum these to calculate the unadjusted total fee associated with site impervious cover - Impervious Cover Component Subtotal (ICCS).

Calculate FEE 1 by multiplying the ICCS by the construction cost adjustment factor (E). The construction cost adjustment factor must be calculated annually using the Engineering News Record (ENR) 20 city average Construction Cost Index with the base index being the ENR construction cost index of October 2002 (6587). For each fiscal year, the construction cost adjustment factor shall be recalculated in October as the ratio of the then current September ENR Construction Cost Index divided by the October 2002 Construction Cost Index. This new construction cost adjustment factor shall be applied to all fees collected during that fiscal year.

If the site drains to a proposed or existing Regional Water Quality Facility, the applicant qualifies for a 75% Cost Recovery of the fee. Calculate the City's portion of this component of the fee by multiplying FEE 1 by the ratio R/T and by 0.75 (0.75 is the cost share ratio established by City Council for water quality controls associated with redevelopment in the Urban Watersheds).

2. **Building Component.** Calculate the portion of the payment related to building size. Determine the gross square footage of the building, excluding the area of the first or ground floor (B). Subgrade floors (basement floors) shall be included. Multiply this by \$0.10 per square foot to determine this portion of the payment (FEE 2). The City does not pay a proportionate share of the fee associated with multi-story buildings.

3. **Site Area Component.** Calculate the portion of the payment related to size of the site area being developed or redeveloped. Determine the area of the site in acres which is within the limits of construction for the project (C). To calculate the portion of the payment associated with the site area, multiply the site area by \$6,000 for commercial or multifamily development or \$4,000 for single family and duplex development (FEE 3).

If the site drains to a proposed or existing Regional Water Quality Facility, the applicant qualifies for a 75% Cost Recovery of the fee. Calculate the City's portion of this part of the fee by multiplying FEE 3 by the ratio R/T and by 0.75 (0.75 is the cost share ratio established by City Council for water quality controls associated with redevelopment in the Urban Watersheds).

4. **Payment Amounts.** Calculate the total fees owed by the applicant and the City. The total fee is calculated by summing the individual portions of the fee calculated under 1, 2 and 3 above (= FEE 1 + FEE 2 + FEE 3). The City's portion of the fee payment is calculated by adding the City's portion calculated under 1 and 2 above (= City Portion FEE CP1 + City Portion FEE CP3). The applicant's share of the fee payment is calculated by subtracting the City's portion from the total fee.

PART D. COST RECOVERY FOR ON-SITE CONTROLS

This portion of the form shall be used if the applicant proposes or the City requires construction of water quality control on-site and the site is undergoing redevelopment. (See ECM 1.9.2 for criteria for Cost Recovery)

Provide the engineer's estimate of the cost of constructing the water quality control, excluding the cost of land. A detailed estimate of costs shall be attached to the form and sealed by the engineer. The Cost Recovery payment is calculated by multiplying the construction cost by the ratio R/T and 0.75.

Upon completion of construction at the site, the owner or agent shall notify the Environmental Site Inspector that the water quality control is complete. In addition, the engineer's concurrence letter shall be provided which includes a statement that the water quality control has been built in accordance with approved plans.

The City shall inspect the control to ensure that it is built in compliance with the approved plans and is operating properly. If deficiencies are noted during this inspection, the City shall notify the Owner in writing within 30 days of the specific deficiencies. The owner shall remedy any such deficiencies and notify Environmental Site Inspector that the controls are ready for reinspection. When the controls are determined by the City to be in conformance with the approved plans, the City shall issue a check to the owner for the approved amount.

PART E. AUTHORIZATION

The owner or agent for the project must sign and date the Request Form. Upon review and approval of the fee payment or cost recovery amount, the Director of the Watershed Protection and Development Review Department or his designee will sign and date the form indicating approval of the proposed fee. A copy of the approved form will be given to the fiscal staff for processing.

September 18, 2013

Mr. Ivan Naranjo
Planning & Development Review Department
City of Austin
505 Barton Springs Road, 4th Floor
Austin, TX 78704

Subject: Riverside and Lamar Development – Traffic Impacts and Recommended Improvements

Dear Ivan:

The purpose of this letter is to address the traffic impacts as well as vehicular and pedestrian access associated with the proposed Riverside and Lamar development located at the southeast corner of the intersection of South Lamar Boulevard and Riverside Drive in Austin, Texas.

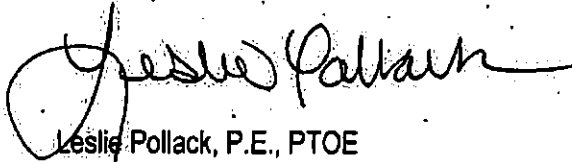
The proposed Riverside and Lamar development has minimal impact on vehicular traffic operations of area intersections. The following recommendations are made to improve pedestrian accessibility in the area:

1. There are currently no sidewalks along Lee Barton Drive from Riverside Drive to the Bridges on the Park development (approximately 350 feet south of the intersection). As part of this development, a sidewalk is recommended to be constructed along the site's frontage on Lee Barton Drive. It is recommended that a sidewalk be constructed on the west side of Lee Barton Drive between the Bridges on the Park development and the proposed Riverside and Lamar development. Due to the steep embankment and presence of trees along Lee Barton, construction of this sidewalk will require extension of the curb line into Lee Barton Drive and removal of six parking spaces on the west side of Lee Barton Drive.

2. There are currently no sidewalks on the south side of Riverside Drive between Lee Barton Drive and Butler Park (approximately 400 feet east of Lee Barton Drive). It is recommended that sidewalks be provided to increase pedestrian connectivity along Riverside Drive.
3. One designated pedestrian crossing on Riverside Drive is located immediately east of the Lee Barton Drive intersection. This pedestrian crossing location has an actuated pedestrian warning system. Pedestrian movements are prohibited across the west leg of Riverside Drive at the intersection with Lee Barton Drive via a sign. However, a pedestrian ramp is still present at this location creating confusion for pedestrians. It is recommended that the pedestrian ramp be removed to further deter pedestrians from utilizing the west crossing. A crosswalk should also be striped on the south leg of Lee Barton Drive at Riverside Drive to encourage utilization of the crosswalk facilities.

Please feel free to contact me if you have any additional comments or concerns.

Sincerely,



Leslie Pollack, P.E., PTOE

Project Manager

HDR Engineering, Inc.

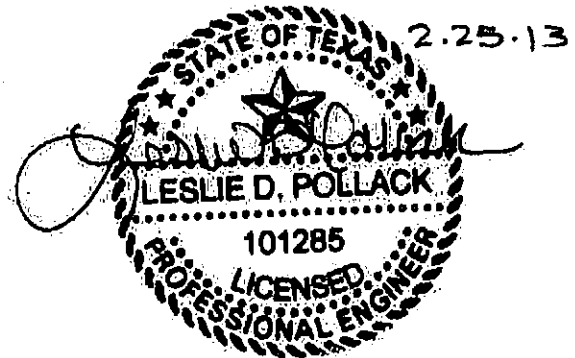
TBPE Firm Registration No. F-754

cc: Steve Drenner, Winstead PC
Amanda Swor, Winstead PC
Will Cureton, Post Investment Group

BG

**211 S. Lamar Traffic Study
Recommendations and Costs**

Recommendation	Total Cost
1. Construct Sidewalk on West Side of Lee Barton Drive	\$30,187
2. Construct Sidewalk on South Side of Riverside Drive	\$67,692
3. Lee Barton Drive and Riverside Drive Intersection Pedestrian Improvements	\$1,862
	Total Cost
	\$99,741

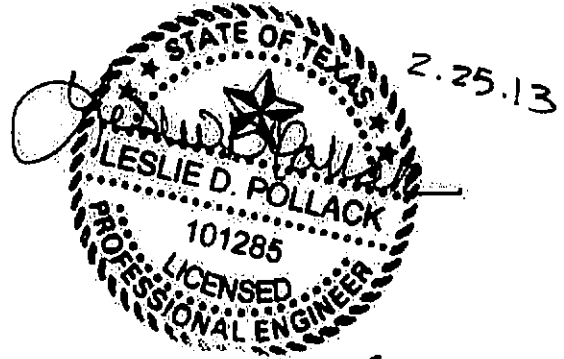


211 S. Lamar Traffic Study
Construct Sidewalk on West Side of Lee Barton Drive
Cost Estimate

<u>ITEM DESCRIPTION</u>	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
REMOVING CONC (CURB)	LF	175	5.50	962.50
CONC SIDEWALKS (6")(6")	LF	175	37.00	6,475.00
CONC CURB (TY II)	LF	175	10.50	1,837.50
INS SM RD SN SUP&AM TY TWT(1) WA(P)	EA	4	280.00	1,120.00
TOTAL MOBILIZATION	LS	1	1,039.50	1,039.50
MATERIALS				\$ 11,435
ENGINEERING (15%)				1,715
INSPECTION (7%)				800
CONTINGENCY (10%)				1,143
SUBTOTAL				\$ 15,094
SMALL QUANTITY ESCALATION FACTOR (100%)				15,094
TOTAL				30,187

Assumptions used in preparation of estimate:

1. TxDOT 12 Austin District Average Low Bid Unit Prices, dated 11/30/12, used for cost estimates.

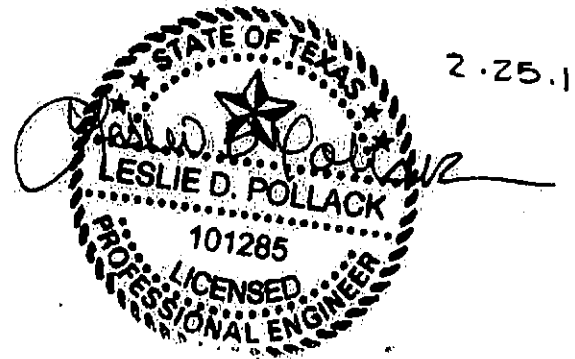


211 S. Lamar Traffic Study
Construct Sidewalk on South Side of Riverside Drive
Cost Estimate

	<u>ITEM DESCRIPTION</u>	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
CONC SIDEWALKS (6")(6")		LF	700	37.00	25,900.00
TOTAL MOBILIZATION		LS	1	2,590.00	2,590.00
	MATERIALS			\$	28,490
	ENGINEERING (15%)				4,274
	INSPECTION (7%)				1,994
	CONTINGENCY (10%)				2,849
	SUBTOTAL			\$	37,607
	SMALL QUANTITY ESCALATION FACTOR (80%)				30,085
	TOTAL				67,692

Assumptions used in preparation of estimate:

1. TxDOT 12 Austin District Average Low Bid Unit Prices, dated 11/30/12, used for cost estimates.
2. Doubled the sidewalk length to account for a 12' sidewalk.



211 S. Lamar Traffic Study
Lee Barton Drive and Riverside Drive Intersection Pedestrian Improvements
Cost Estimate

<u>ITEM DESCRIPTION</u>	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
REMOVING CONC (WHEELCHAIR RAMP)	SY	13	24.50	326.67
CONC SIDEWALKS (6")(6")	LF	20	37.00	740.00
CONC CURB (TY II)	LF	20	10.50	210.00
REFL PAV MRK TY I (W) 24" (SLD) (100 MIL)	LF	75	7.00	525.00
TOTAL MOBILIZATION	LS	1	180.17	180.17
MATERIALS				\$ 705
ENGINEERING (15%)				106
INSPECTION (7%)				49
CONTINGENCY (10%)				71
SUBTOTAL				\$ 931
SMALL QUANTITY ESCALATION FACTOR (100%)				931
TOTAL				1,862

Assumptions used in preparation of estimate:

1. TxDOT 12 Austin District Average Low Bid Unit Prices, dated 11/30/12, used for cost estimates.

