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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 218 SOUTH LAMAR BOULEVARD FROM 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 218 South Lamar Boulevard Planned Unit Development (the “218 S. LAMAR PUD”) is comprised of approximately 1.260 acres of land generally located at the northwest corner of South Lamar Boulevard Southbound and Toomey Road and more particularly described as follows:

Lot B, G.C. Seiders Subdivision No. 2, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 80, Page 120, Plat Records of Travis County, Texas (the “Property”).

**PART 2.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from 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. C814-2018-0121, on file at the Housing and Planning Department, and locally known as 218 South Lamar Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit “A”**.

**PART 3.** This ordinance and the attached Exhibits constitute the land use plan (the “Land Use Plan”) for the 218 S. LAMAR PUD created by this ordinance. Development of and uses on the Property 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 specifically modified by this ordinance, all other rules, regulations, and ordinances of the City in effect at the time of permit application apply to development within the Property.

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

Exhibit A. Zoning Map

Exhibit B. Land Use Plan (*Land Use Plan, Land Use Plan Notes, and Tree Survey*)

41 *Plan)*

42  
43 **PART 5. Definitions.**

44 In this ordinance, Landowner means the owner of property located within the 1.260 acres of  
45 land described as the Property, or the owner's successors and assigns.

46 **PART 6. Land Use.**

47  
48 A. Except as specifically modified by this ordinance, the Property shall be developed  
49 in accordance with the general commercial services (CS) district, waterfront  
50 overlay (WO) district and Butler Shores subdistrict site development regulations  
51 and performance standards of the code, including the provisions of Subchapter E  
52 (*Design Standards and Mixed Use*) requirements for Core Transit Corridor,  
53 Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*),  
54 Section 25-2-733 (*Butler Shores Sub-district Regulations*) and other applicable  
55 requirements of the City Code. Should the Property be developed with a building  
56 or structure between 60 and 96 feet in height, the Property shall be developed  
57 according to the planned unit development district standards contained within this  
58 ordinance. In the event the Property is developed without a building or structure  
59 that exceeds 60 feet in height, the Property shall be developed in accordance with  
60 the applicable City Code described immediately above in this Part 6, Subpart A, as  
61 if no specific modifications are made by this ordinance.

62  
63 B. The maximum height of a building or structure on the Property shall not exceed 96  
64 feet as indicated in the Site Development Regulations Table- **Exhibit "B"** (*Land*  
65 *Use Plan*). The elevator cab/mechanical room and improvements necessary for  
66 pedestrian elevator access to the rooftop deck may exceed this maximum height by  
67 19 feet, 2 inches.

68  
69 C. Cocktail lounge use as shown on **Exhibit "B"** (*Land Use Plan*) is a permitted use  
70 on the Property and shall not exceed a total of 5,000 square feet.

71  
72 D. The Landowner shall provide rooftop amenity space at the Property. The rooftop  
73 amenity space shall be open to community groups and non-profit organizations on  
74 a reservation basis. The Landowner may impose reasonable rules and regulations  
75 for use of the rooftop amenity space.  
76

- 77 E. The Landowner shall provide a minimum 1,000 square feet for an artist gallery  
 78 adjacent to the street level public plaza as shown on **Exhibit “B”** (*Land Use Plan*).  
 79 The artist gallery shall be available to a local non-profit organization free of charge.  
 80
- 81 F. No gated roadways will be permitted within the 218 S. LAMAR PUD, except that  
 82 the structured parking area may be gated subject to throat depth, stacking and  
 83 circulation standards.  
 84
- 85 G. Loading and trash collection facilities for the Property shall be located on-site.  
 86 Maneuvering for loading and trash facilities shall also be located on-site. Public  
 87 right of way shall not be used for loading and trash collection maneuvering.  
 88
- 89 H. The 218 S. LAMAR PUD will achieve a minimum of 6 points under City Code  
 90 Chapter 25-5, Subchapter E, Section 3.3.2, (*Design Standards and Mixed Use*).  
 91
- 92 I. A supplemental zone, to include outdoor seating, shall be provided by the  
 93 Landowner along Toomey Road and South Lamar Boulevard.  
 94
- 95 J. The exterior lighting on the new building or structure shall be hooded or fully  
 96 shielded to minimize light pollution using “dark sky” guidelines and techniques on  
 97 the Property.  
 98
- 99 K. The following uses are prohibited on the Property.

- |                                 |  |
|---------------------------------|--|
| Adult-oriented businesses       | Alternative financial services         |
| Automotive rentals              | Automotive repair services             |
| Automotive sales                | Automotive washing (of any type)       |
| Bail bond services              | Bed and breakfast (Group 1)            |
| Bed and breakfast (Group 2)     | Business or trade school               |
| Campground                      | Commercial blood plasma center         |
| Construction sales and services | Convenience storage                    |
| Custom manufacturing            | Drop-off recycling collection facility |
| Electronic prototype assembly   | Electronic testing                     |
| Equipment repair services       | Equipment sales                        |
| Exterminating services          | Funeral services                       |
| Guidance services               | Hospital services (general)            |
| Hospital services (limited)     | Indoor plant production                |
| Kennels                         | Laundry services                       |

Limited warehousing and distribution  
Pawn shop services  
Plant nursery  
Research services  
Service station  
Veterinary services

Monument retail services  
Pedicab Storage and Distribution  
Printing and publishing  
Residential treatment  
Vehicle storage

100 L. The following uses are conditional uses on the Property.

Congregate living  
Telecommunication tower  
Transportation terminal

Outdoor entertainment  
Transitional housing

101  
102 **PART 7. Affordable Housing.**  
103

104 The Landowner shall pay a fee-in-lieu donation for any bonus area developed within  
105 218 S. LAMAR PUD per City Code Chapter 25-2, Subchapter B, Article 2, Division  
106 5, Section 2.5.6 (*In Lieu Donation*). The fee-in-lieu amount shall be equivalent to the  
107 non-residential bonus area square footage multiplied by the Planned Unit  
108 Development Fee Rate current at the time of site plan submittal.

109 If a residential use is proposed, then the following shall apply:

110 (A) If rental housing is provided, dwelling units equal to at least 10 percent of the  
111 bonus area square footage within the PUD shall be rented to households whose  
112 income is no more than 60% of median family income (MFI) and remain affordable  
113 for 40 years from the issuance of the building's final Certificate of Occupancy; and

114 (B) If owner-occupied housing is provided, dwelling units equal to at least 5  
115 percent of the bonus area square footage within the PUD must be sold to  
116 households whose income is no more than 80% of MFI for an affordability period  
117 of 99 years from the issuance of Certificate of Occupancy.

118 Regardless of bonus area development or residential use, the Landowner shall  
119 contribute an amount of not less than \$1,150,000.00 to the City of Austin Housing and  
120 Planning Department to benefit affordable housing programs (the “affordability  
121 donation”). The City shall not issue the final certificate of occupancy for any  
122 development in the 218 S. LAMAR PUD that includes bonus area until: (1) the fee-  
123 in-lieu donation is paid or on-site dwelling units are complete; and (2) the affordability

124 donation has been paid to the City of Austin Housing and Planning Department. The  
125 Housing and Planning Department may adopt guidelines and processes to enforce the  
126 affordability requirements applicable to the 218 S. LAMAR PUD.

127 **PART 8. Public Art.**

128 The 218 S. LAMAR PUD will participate in the Art in Public Places (AIPP) program.  
129 The Landowner shall provide an art piece which is approved by the AIPP program to  
130 be displayed in a prominent location on the Property, or the Landowner shall make an  
131 approved contribution to the AIPP program. The art piece may be incorporated into  
132 additional aspects of the 218 S. LAMAR PUD including the bus stop or other public  
133 use. The Landowner will review the public art plan with the City's AIPP Manager for  
134 approval. The City shall not issue the final certificate of occupancy for any  
135 development in the 218 S. LAMAR PUD until the approved art piece is on display or  
136 receipt of contribution has been made to the AIPP.

137 **PART 9. Environmental.**

- 138
- 139
- 140 A. All buildings on the Property shall achieve a three-star or greater rating under the  
141 Austin Energy Green Building program using the applicable rating version in  
142 effect at the time a rating registration application is submitted for the building.
- 143
- 144 B. The Landowner shall submit for approval an integrated pest management (IPM)  
145 plan that complies with Environmental Criteria Manual (ECM) Section 1.6.9.2(D)  
146 and (F) with each site plan application. The Landowner shall provide copies of the  
147 IPM plan to all future office tenants on the Property.
- 148
- 149 C. All buildings and structures on the Property shall be constructed with a purple pipe  
150 system to allow acceptance of the reclaimed water supply from the City for non-  
151 potable water uses.
- 152
- 153 D. Water Quality

154 The Landowner shall provide rainwater harvesting for all rooftops and vertical  
155 structures on the Property. Runoff from surface driveway, plazas, or parking shall  
156 be directed to rainwater cisterns or on-site raingardens for treatment unless  
157 direction of runoff from those surfaces is infeasible due to site conditions and  
158 would result in a drainage pattern likely to cause nuisance or standing water  
159 conditions. Cistern outflow shall be directed towards on-site raingardens,

160 landscaping, or otherwise directed to the northwest corner of the Property.  
161 Rainwater cisterns shall be designed not only for the required water quality  
162 treatment volume per the Environmental Criteria Manual, but also shall be  
163 oversized for required stormwater detention volume per the Drainage Criteria  
164 Manual. An alternative method of stormwater detention may be allowed only with  
165 the approval of the Director of the Watershed Protection Department. The  
166 detention component is required since flow patterns on the Property are to be  
167 modified so that cistern outflows are directed to the northwest corner of the  
168 Property. Treatment requirements for impervious cover not treated by rainwater  
169 cisterns or on-site raingardens up to 3000 square feet may be allowed by payment  
170 in lieu of structural controls with the approval of the Director of the Watershed  
171 Protection Department.

172  
173 **PART 10. Open Space.**  
174  
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- 176 A. A minimum of 40% of the ground floor of the Property shall be designated as  
177 open space. The open space percentage shall be calculated in accordance with  
178 Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and*  
179 *Pedestrian Amenities*).
- 180 B. The Landowner shall provide a minimum 5,000 square foot ground floor public  
181 plaza (“Public Plaza”) as shown on **Exhibit “B”** (*Land Use Plan*).
- 182 C. Public Plaza will be credited towards the 40% minimum open space requirements  
183 and must meet the dimensional standards of Subchapter E, Subsection 2.7.3.A.3.
- 184 D. The Public Plaza shall be open to the public. The Landowner’s use of the Property  
185 shall not interfere with the ability of the public to access the Public Plaza. The  
186 Landowner shall provide public pedestrian access from South Lamar Boulevard to,  
187 over and across the Public Plaza, with public access continuing to the adjacent City  
188 owned property and its related facilities, prior to the issuance of a site development  
189 permit, by submitting to the City for review, approval, and recording in the real  
190 property records of Travis County, Texas, a Public Access Easement.

191  
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194 **PART 11. Landscaping.**

- 195  
196 A. The Landowner shall include the addition of no less than 42 caliber inches of trees  
197 on the Property.
- 198 B. The Property shall exceed code requirements for street yard landscaping by at

199 least 35 percent.

200 C. Landscape area soil depth on the Property shall exceed minimum requirements by  
201 six inches.

202 D. All new perimeter right-of-way trees installed on the Property shall be planted with  
203 a minimum soil volume of 1,000 cubic feet per tree. Such soil volume may be  
204 shared up to 25 percent between trees in continuous plantings. Load-bearing soil  
205 cells shall be used to meet the soil volume requirement if necessary. The City  
206 Arborist, however, may reduce the minimum soil volume requirement if needed  
207 due to utility conflicts or other related issues.

208 E. 100% of all non-turf plant materials on the Property shall be from the ECM  
209 Appendix N (City of Austin Preferred Plant List) or the City of Austin's "Grow  
210 Green Native and Adapted Landscape Plants" guide.

211 F. All planted trees on the Property shall be native species selected from ECM  
212 Appendix F (*Descriptive Categories of Tree Species*) and utilize Central Texas  
213 native seed stock.

214 G. All landscaping shall be irrigated by non-potable alternative water sources that are  
215 sourced on the Property. However, when alternative water sourced on the Property  
216 is depleted, the Landowner shall have the right to supplement such landscape  
217 irrigation with potable water or reclaimed water. Reclaimed water shall not be  
218 used for irrigation in areas with green storm water quality controls.  
219

## 220 **PART 12. Transportation and Bicycle Plan.**

221  
222 A. The Landowner shall provide two public dedicated spaces for electric vehicle  
223 charging equipped with Level 2 charging stations compatible with and managed  
224 by Austin Energy's Plug-In Everywhere™ Network for electric vehicle charging  
225 within the project's parking garage. The electric vehicle charging spaces shall be  
226 available for use by the office tenants and patrons of the retail lease space.  
227

228 B. The Landowner shall provide the following bicycle facilities:

229  
230 1. Bicycle parking at a level equal to or exceeding the greater of:

231  
232 a. 120% of the bicycle parking required by Section 25-6-477 (*Bicycle*  
233 *Parking*); or  
234

235 b. 10 bicycle parking spaces.

236  
237 2. The required bicycle parking shall only be located within the structured  
238 garage, in the plaza area, or within the planting or supplemental zone  
239 along any of the adjacent roadways with not less than 50% of the required  
240 bicycle parking located in the plaza area, or within the planting or  
241 supplemental zone along any of the adjacent roadways.

242  
243 3. Bicycle facilities built along Toomey Road and South Lamar Boulevard  
244 shall be reviewed at the time of site plan and construction shall be required  
245 in accordance with the City of Austin Bicycle Master Plan.

246  
247 C. The Landowner shall provide \$25,000.00 to the Austin Transportation Department  
248 for cycle track improvements along South Lamar Boulevard prior to the issuance  
249 of a site development permit, by remitting the specified amount to the City of  
250 Austin.

251  
252 D. The Landowner shall provide funds in an amount not to exceed \$27,800.00 to the  
253 Austin Transportation Department for bus stop improvements on South Lamar  
254 Boulevard prior to the issuance of a site development permit, by remitting the  
255 amount determined by Austin Transportation Department to the City of Austin.

256  
257 E. All parking on the Property shall be provided in a below-grade parking structure,  
258 for use by office tenants and patrons of the retail lease space. Parking for tenants  
259 shall be decoupled from rent. All structured parking provided on the Property shall  
260 be available for public use on a pay for use basis.

261  
262 F. The Landowner shall provide for a minimum of four ADA accessible shower  
263 facilities for tenants of the building.

264  
265 G. The Landowner shall provide sidewalk and bicycle improvements along South  
266 Lamar Boulevard having a street design cross section as follows, unless  
267 modifications are approved by the Corridor Program Office, with No. 2 provided  
268 as the fee specified in Part 12, Subpart C above:

269 1. 7-foot planting zone with street trees;

270  
271  
272 2. 10-foot two-way bicycle track located adjacent to the Property on South  
273 Lamar Boulevard; and

274  
275 3. 15-foot landscape/sidewalk zone.



276 **PART 13. Code Modifications**

277 In accordance with City Code Chapter 25-2, Subchapter B, Article 2, Division 5,  
278 Section 2.2, Council modifies the following site development regulations which shall  
279 apply to the PUD instead of otherwise applicable City regulations:

280 A. Zoning

- 281 1. City Code Section 25-2-144(D) (*Planned Unit Development (PUD) District*  
282 *Designation*) and 25-2, Subchapter B, Article 2, Division 5, Section 2.3.1(L)  
283 are modified to allow the 218 S. LAMAR PUD to include less than 10 acres of  
284 land without being characterized by special circumstances.
- 285 2. City Code Section 25-2-733 (H)(1) (*Butler Shore Subdistrict Regulations*) is  
286 modified to allow a maximum structure height of 96 feet.
- 287 3. City Code Section 25-3-531 (*Height Limit Exceptions*) is modified to allow the  
288 elevator cab/mechanical room and improvements necessary for pedestrian  
289 elevator access to the rooftop deck to exceed the maximum height by 19 feet, 2  
290 inches.  
291
- 292 4. City Code Section 25-2-491 (*Permitted, Conditional and Prohibited Uses*) is  
293 modified to establish a specific set of permitted, conditional and prohibited uses  
294 to be applicable per **Exhibit “B”** (*Land Use Plan*).  
295
- 296 5. City Code Section 25-2-492 (*Site Development Regulations*) is modified to  
297 allow for a maximum floor to area ratio of 3.55 to 1 over the entire site.  
298
- 299 6. City Code Section 25-2-492 (*Site Development Regulations*) is modified to  
300 establish a specific set of site development regulations applicable to the  
301 Property in the PUD Site Development Regulations Table **Exhibit “B”** (*Land*  
302 *Use Plan*).  
303
- 304 7. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Section  
305 2.2.2(C)(1), is modified to allow up to 50 percent of the linear frontage of the  
306 supplemental zone to be a maximum of 45 feet wide.  
307  
308  
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310  
311

312 B. Transportation

313  
314 City Code Section 25-6-472 (A) (*Parking Facility Standard*) is modified to reduce  
315 the number of parking spaces permitted to no more than 80% required by  
316 Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

317  
318 **PART 14.** This ordinance takes effect on \_\_\_\_\_, 2020.

319 **PASSED AND APPROVED**

320  
321  
322  
323 \_\_\_\_\_, 2020

§  
§  
§

\_\_\_\_\_  
325 Steve Adler  
326 Mayor

327  
328  
329 **APPROVED:** \_\_\_\_\_

330 Anne L. Morgan  
331 City Attorney

**ATTEST:** \_\_\_\_\_

332 Jannette S. Goodall  
333 City Clerk  
334  
335  
336