

**ZILKER NEIGHBORHOOD ASSOCIATION COMMENTS
TO THE PLANNING COMMISSION HEARING (27 AUG 2019)
ON 211 SOUTH LAMAR PUD REZONING**

ZNA opposed the original zoning change to PUD in 2012 when 1) the 10-acre minimum size requirement for PUDs was ignored and allowed to be only 0.933 acres and 2) the maximum height was increased from the 60 feet allowed in the base CS/CS-V zoning to the 96 feet requested in the zoning change. To be clear, ZNA still opposes the proposed PUD project on these same grounds. However, the new project is even worse than the original.

- 1) The original project had a maximum height of 96 feet for building block one and 78 feet for building block two; the new project is even higher with building block one remaining at 96 feet but building block two increasing by eight feet to 86 feet.
- 2) The original project consisted largely of natural building materials; the new project appears to be almost entirely glass.
- 3) The original project had a daily traffic volume of 2,006 vpd (based on the 12 Dec 2012 TIA worksheet); the daily traffic volume of the new project has increased by 314 vpd to 2,320 (based on the 16 Jul 2019 ATD memo), and the daily traffic volume of the new project would be even higher if the traffic volume from the retail shopping area had not been reduced from the original projection by what we believe are some questionable reasons.
- 4) The original project, although larger than what ZNA would have wanted, at least provided 175 needed residential units in the neighborhood; the new project provides only 27, assuming that they even get built. The 27 residential units is a maximum. There is no requirement in the zoning ordinance that they be built at all.

In addition to the preceding comments demonstrating how ZNA believes the proposed PUD is inferior to the existing PUD, we have the following additional issues:

BUILDING HEIGHT

The language in the ordinance with respect to the height of the project does not seem to make sense. The following is the language in the ordinance with respect to the height:

PART 4.H.1.b.

“(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 56 feet (excluding balconies) from the Project's southern property line along Lee Barton Drive”

(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 comer, 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;

Presumably the reference to "Project's southern property line along Lee Barton Drive" refers to east-west property line between the hotel project and the Paggi House which is more or less perpendicular to Lee Barton Drive (rather than "along" it). The language seems to propose two building blocks, but the second building block (86' in height) appears to be completely contained within the first building block (96' in height) as shown in Exhibit 1, so it is unclear whether there will even be a second building block. The entire project could be 96' high as we read the language.

This building will dominate the view along Butler Shores and the southern view from the Pfluger Pedestrian Bridge as one crosses Lady Bird Lake (see Exhibit 2). It will loom over the Butler Pitch and Putt Golf Course where the view still feels like a park setting, but it will not feel like a park setting when a 96-foot glass building looms over the northern end of the course (see current views from Butler Pitch and Putt in Exhibit 3).

WATERFRONT OVERLAY DESIGN STANDARDS

The edge of the building will be only 230 feet from Lady Bird Lake, 100 feet from park land to the north, and 50 feet from park land to the east. This will be the closest building to the lake between South First and MoPac on either side of Lady Bird Lake. While the proposed building is outside the secondary setback for the Butler Shores Waterfront Overlay District, the setback requirement for the Butler Shores Waterfront Overlay was based on adjacent zoning that required buildings to be a maximum of 60 feet in height. A PUD that is being granted an increase in height over the base zoning district should be required to meet superior setback requirements. The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. Allowing a 96-foot high building without increased setbacks violates this principle.

Land Development Code § 25-2-723(3) for the Butler Shores Subdistrict of the Waterfront Overlay states the following: "Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake." Except for the first floor which is required to have transparent glass, the exterior surfaces of the remainder of the building visible from the park land do not appear to be made of natural building materials. They appear to be primarily glass with non-natural framing. It is not clear how this meets the design requirements of the Waterfront Overlay. The exterior surfaces of the original project appeared to be constructed of mostly natural building materials (see Exhibit 4 for a comparison).

Additionally, Part 4.H.1.d(iii) of the proposed ordinance states that "The portion of the wall identified in subpart (i) above, shall have a light reflective surface." It is not clear how this meets LDC § 25-2-721(e)(1) which prohibits exterior mirrored glass and glare producing glass surface building materials.

TRAFFIC

Referring to Exhibit 5, the predicted trip generation for the "shopping center" portion of the project is skewed downward by using an average rate line instead of a fitted curve. ATD said they chose the Average Rate methodology because the size of this development falls below the reasonable range of results produced via the Fitted Curve methodology. We disagree. The average rate line, from which the project's trip count was derived by ATD, is lower than any data point in the range of interest. The red lines on the graph show the size of the 211 South Lamar project. The average rate line used by ATD is lowered by projecting it through data points derived from retail centers which are so large that those points do not appear on the graph in Exhibit 5 (see Exhibit 6).

The number of daily trips calculated from the fitted curve is 1,256, compared to the trips calculated from the average line, which is 378. The discrepancy is 878 trips, which we feel should be added to the trips generated by the other components of the project. That total number would then be 3,198, which is well over the 2,000 trips which triggers the requirement for a Traffic Impact Analysis and is 1,192 more than the 2,006 from the approved PUD project TIA worksheet dated 12 Dec 2012. The Pollo Tropical restaurant has been closed for over 2 years, so there are no existing vehicle trips to subtract from the site, and all traffic will be additional. This hotel will dramatically change the traffic flow on West Riverside Drive, South Lamar Boulevard, and Lee Barton Drive. There will be more traffic on West Riverside through the middle of the park and more traffic on Lee Barton Drive adjacent to the Butler Pitch and Putt. The mix of vehicles will also change as more trucks deliver services and supplies to the hotel, restaurant, and retail establishments. We believe a Traffic Impact Analysis is imperative to determine the traffic impacts on these streets, the Riverside/Lamar intersection, and the parks, especially since the new Daugherty Art Center location may also utilize West Riverside Drive.

The \$120,375 offered as street improvements to offset the cost of \$4.6 million improvements for the South Lamar Blvd/West Riverside Dr intersection and the South Lamar Blvd/Barton Springs Rd intersection from the South Lamar Corridor Project in no way begins to compensate for the additional traffic that will be generated in one of the most congested areas in Austin.

LAND USE

The land at 211 S should be used for housing at a scale that fits into the requirements of the Butler Shores Overlay Zone, the Town Lake Master Plan, the forthcoming new Dougherty Arts Center, and the general feel of an area that is the gateway to our lakefront parks where commercial intensity and traffic generation is explicitly discouraged.

Just because the applicant has proposed this re-zoning for a hotel/condo project, it may not be the project that is ultimately built should financing or other circumstances change its viability. The proposed PUD ordinance could allow an entirely different project than is currently being proposed. For example, should the project not go forward, there does not seem to be anything that would prevent the hotel from becoming an office building. Before the Planning Commission recommends passage of this ordinance for re-zoning, it should consider the ramifications of the wording in the ordinance if the proposed project should fall through.

AFFORDABILITY

The proposed ordinance as it is now written proposes a \$500,000 fee-in-lieu payment to satisfy the requirement for affordable options. This fee-in-lieu is not dedicated to providing any affordable housing in the Zilker neighborhood, will barely provide for more than a few units, and is insufficient to justify the impacts to the neighborhood caused by the increased traffic and the failure to protect the views in our parks.

The applicant has promised the possibility of providing additional funds for specific affordable housing units not located in the Zilker neighborhood. The applicant has also indicated that they might provide additional funds for an affordable housing project within the Zilker neighborhood if such a project could be arranged. In any case, ZNA believes that if providing affordable housing units is going to be utilized to help justify this PUD hotel project, these housing units should be provided within the Zilker neighborhood, and the amount of the additional funds should be specified in the ordinance. Otherwise, if this project should fail to proceed, we may be stuck with a zoning ordinance that would allow a subsequent project to proceed at this site without fulfilling these promises.

SUMMARY

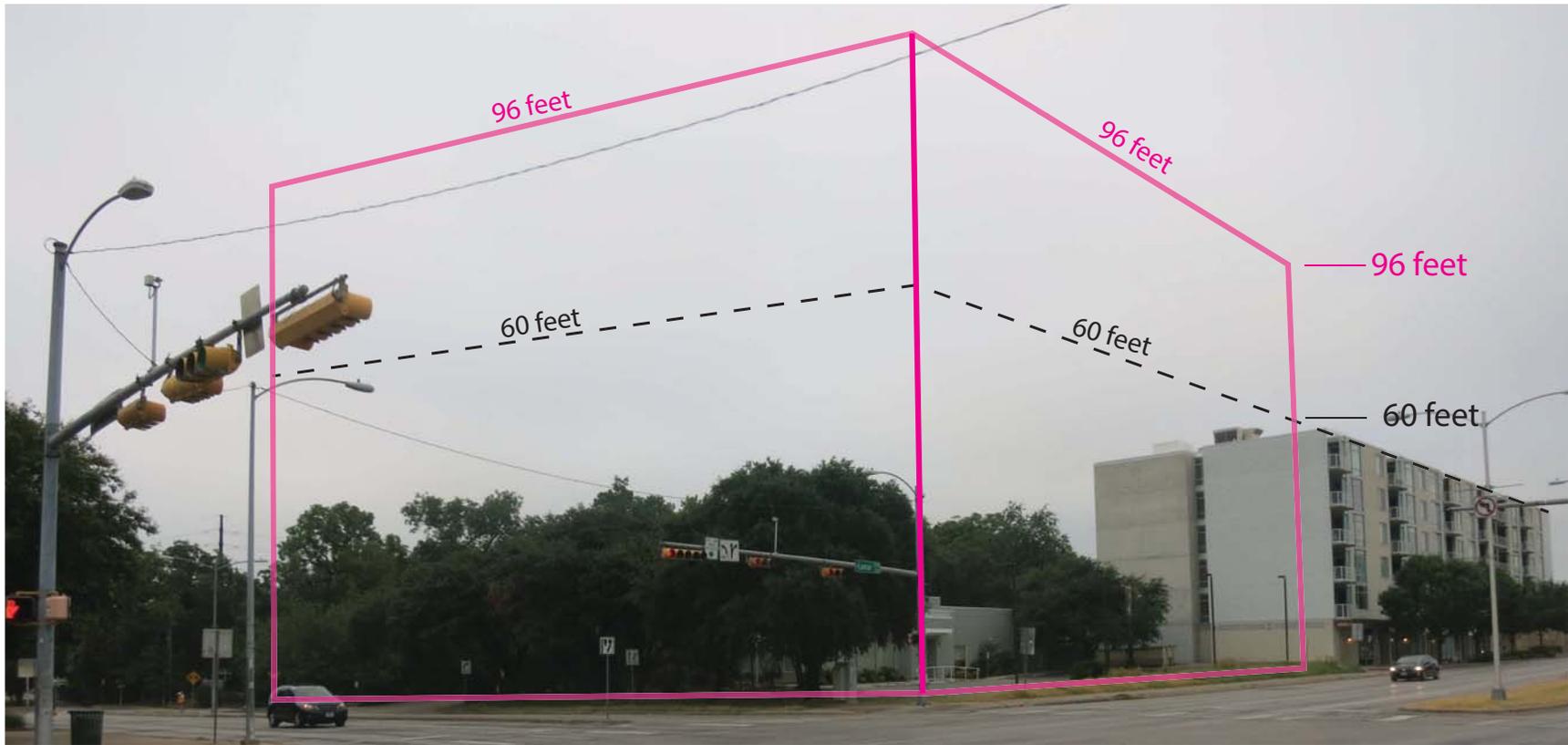
We believe the Planning Commission and the City Council erred in allowing this site to be rezoned to PUD in the first place. Please don't compound it by allowing a project that produces more traffic and is more out of place with the park setting than the existing PUD.

EXHIBIT 1



- Property Lines
- Ordinance Description of Location 96' Maximum Height for First Building Block
- Ordinance Description of Location 86' Maximum Height for Second Building Block (dashed line indicates the location is indeterminate)

EXHIBIT 2



View from Butler Shores at northwest corner of South Lamar Blvd and West Riverside Dr



View from Pfluger Pedestrian Bridge
(dashed red line shows 96' height at edge of The Bridges; solid red line shows approximate location of hotel)

EXHIBIT 3



Most of the sky behind the trees along Lee Barton in this photo will be replaced by a view of the hotel



Most of the sky on the left three-quarters of this photo will be replaced by a view of the hotel

EXHIBIT 4
TACO PUD COMPARISON



Apartments (original approved project)



Hotel (new proposed project)

TACO PUD COMPARISON



Apartments (original approved project)



Hotel (new proposed project)

