

Austin Oaks
Tier 1 & Tier 2 Compliance
April 21, 2016

| Tier I Requirement | Compliance | Explanation |
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| 1. Meet the objectives of the City Code. | Yes. | <p>The property is 31.4 acres located within an Urban Watershed and is situated at the intersection of a Highway and a Major Arterial, and consists of multiple office buildings with surface parking that was developed in the 1970's and 1980's. Due to its age and the intervening regional infill and development of the area, it is a prime candidate for redevelopment. As the result of a week-long design charrette facilitated by nationally recognized architect Doug Farr, at which representatives of various neighborhood associations as well as the City and other interested stakeholders participated and provided input, an updated plan was developed. The resulting updated plan reflects a walkable and multi-modal, mixed-use project integrating residential, retail, hotel, restaurant and parkland uses in addition to office use.</p> |
| 2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code. | Yes. | <p>The project will improve the natural environment by utilizing a design that both reduces the amount of impervious cover that presently exists on the site and that is less than the amount that could be developed under existing entitlements. Additionally, such design allows a high percentage of Protected and Heritage trees to be preserved. The project will replace an outdated office project that has no water quality controls with a mixed-use project that provides water quality facilities and that provides public open space areas and uses. The project will remove approximately 1 acre of existing untreated surface parking lot impervious cover located in or immediately adjacent to the Critical Water Quality Zone and Critical Environmental Features and will provide some restoration as well as habitat enhancements to a creek and natural areas.</p> <p>The project provides enhancement of pedestrian and bicycle access to and throughout the site, including on-street bike lanes and development of a pedestrian "Heritage Trail" connecting the Park and creek, and preservation and enhancement of many of the existing Oak trees along most of Executive Center Drive.</p> <p>The project includes approximately 8.48 acres of on-site parkland, which will be improved in accordance with a plan developed during the charrette with neighborhood and City staff input (e.g. Neighborhood Park on Parcel 10 and</p> |

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| | | Heritage Park on Parcel 8). There will also be more than 5.22 acres of open space within the Creek Plan. |
| <p>3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that:</p> <ul style="list-style-type: none"> a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided. | Yes. | <p>The project will provide open space equal to more than 35% of the Property's total area (approximately 11.02 acres of 31.4 acres), which exceeds the minimum open space requirements by 41.10%.</p> <p>A new Exhibit L has been added to the draft ordinance, which sets forth most of the open space that will be provided throughout the Property; however, Exhibit L only shows the primary open space areas and does not include additional open space areas within the Property between buildings, parking areas and streets -- all of which would further increase the overall open space. Exhibit L shows a minimum of 11.02 acres of open space, which is 41.10% more open space than is required.</p> |
| 4. Comply with the City's Planned Unit Development Green Building Program. | Yes. | The project will comply with the City's Green Building Program at a 2-Star Level. |

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| <p>5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.</p> | <p>Yes.</p> | <p>The Property is not located within a City of Austin Neighborhood Planning Area nor a neighborhood conservation or combining district. The uses and design of the project are compatible with the surrounding properties and are based on design strategies, objectives and measures established by the neighborhood and provided to the design team at the charette.</p> <p>While the project is not fully compliant with all compatibility regulations, it is based on established urban design principles to create a unified context sensitive to the built environment that has lower heights in the areas closest to single family residential uses across Spicewood Springs Road and Hart Lane to minimize the impact on single family residential uses. In addition to this step-down plan, on-site parkland and open space is located along the western and northern edge of the project, closest to single family residential uses across Hart Lane and northern Spicewood Springs Road.</p> <p>The project will remove approximately 1 acre of existing untreated surface parking impervious cover located within the Critical Water Quality Zone and CEF buffers.</p> <p>The project is designed to utilize far less impervious cover than (a) is located on the site in its existing condition (proposed 58% versus existing 66%) and (b) is available under existing zoning and watershed rules (proposed 58% versus 70/90%). As part of the charrette outcome, it was determined that additional impervious coverage with the buildings on the updated plan was more compatible with the adjacent neighborhood to less impervious cover with the taller buildings in the initial proposals for the project.</p> |
| <p>6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of</p> | <p>Yes.</p> | <p>The updated plan as submitted includes a Park Plan, Creek Plan, a Streetscape Plan, a Tree Plan, and an Open Space Plan which provide for open space and greenbelt areas throughout the development, and a pedestrian linkage that enhance and improve the natural features and the existing Oaks along Executive Center Drive.</p> <p>The project is designed to preserve a meaningful number of the Heritage trees on the site, and the updated plan additionally preserves more than 7,000 caliper inches of trees less than 8" caliper, which could otherwise be</p> |

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| <p>the land.</p> | | <p>removed.</p> <p>The Property currently has no water quality controls and has impervious cover such as surface asphalt parking areas within the Critical Water Quality Zone. The updated plan as submitted will add water quality controls and will remove impervious cover from the Critical Water Quality Zone. Impervious cover will also be removed around tree critical root zones, and trees and landscaping will be featured and protected along the Heritage Trail, as shown on the exhibits to the submittal.</p> <p>The PUD designates three types of Critical Environmental Features, a Rimrock, Wetlands and Seep, and provides for a 50-foot buffer from each feature. Existing surface parking lot impervious cover will be removed from the 50' buffer designation for the rimrock.</p> <p>Within the CEF 150' buffer, the impervious cover will be reduced by more than 1 acre - from the current level of approximately 1.98 acres to approximately .95 acres.</p> |
| <p>7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.</p> | <p>Yes.</p> | <p>Based on City of Austin record data, sufficient infrastructure exists on the Property, with the exception of a water line that would need to be enlarged at the site plan phase; this would be done at the owner's expense.</p> <p>In addition to paying a pro rata share for future traffic improvements, traffic mitigation measures also include specific improvements at nearby intersections such as Hart Lane and Spicewood Springs Road.</p> <p>The Park Plan contains 2.37 acres, which currently comprise an office building and surface parking, and will be redeveloped as a park as provided in the Park Plan at the developer's cost of approximately \$1,946,500 before it is deeded to the City. The Creek Plan will also have more than 5 acres and provide pedestrian connectivity among Parcels.</p> |
| <p>8. Exceed the minimum landscaping requirements of the City Code.</p> | <p>Yes.</p> | <p>The project will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program. Specifically, at least 50% of the total plant material planted, exclusive of turf and land within dedicated Parkland,</p> |

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| | | shall be native to Central Texas or on the Grow Green Native and Adaptive Landscape Guide. In addition, an Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site. |
| 9. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways. | Yes. | <p>The project is situated in close proximity to entrance/exit point of the MoPac Expressway Managed Lane, currently under construction, allowing access into and out of the areas served by MoPac. Pedestrian access will be provided to the intersection of Spicewood Springs Rd and MoPac frontage road to provide pedestrian connectivity to the Transit Stop proposed on the northeast side of the MoPac intersection.</p> <p>The Imagine Austin Plan designates the adjacent Mopac/Anderson Lane intersection as a “High Capacity Transit Stop”. Additionally, a Metro Rapid station is located at Anderson Lane east of Mopac, and, bicycle lanes are located along Spicewood Springs, Hart Lane, Executive Center Drive and Wood Hollow Drive allowing direct access to the Metro Rapid Bus Station.</p> <p>The cross-section of the Heritage Trail along Executive Center Drive illustrates the focus on pedestrian orientation; and separated sidewalks along other portions of the streets, along with dedicated bike lanes on Executive Center Drive, reflect a high level of connectivity for bicyclists, pedestrians, and drivers.</p> <p>An updated TIA has been completed for the updated plan and will be reviewed by staff to determine appropriate (and proportional) transportation improvements needed in the area.</p> |
| 10. Prohibit gated roadways. | Yes. | No gated public roadways will be permitted within the PUD |
| 11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance. | Not Applicable. | The project does not have any known architectural, historical or archeological areas of significance. |

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| 12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. | Yes. | The project is over 31 acres and exceeds the 10 acre requirement. |
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| Tier I - Additional PUD Requirements for a mixed use development | Compliance | Explanation |
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| 1. Comply with Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>) | Yes. | The updated plan substantially complies with the intent of the Commercial Design Standards and reflects alternative equivalent compliance to obtain full compliance, as developed during the design charrette and reflected in the Land Use Plan and required by the accompanying exhibits. In fact, the Land Use Plan and the exhibits reflect what is believed to be a superior approach to planting zones, clear zones, and building placement appropriate for the site conditions, given the existing environmental constraints. |
| 2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (<i>Design Standards and Mixed Use</i>), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (<i>Core Transit Corridor Sidewalk and Building Placement</i>). | Yes. | The updated plan substantially complies with the intent of the Commercial Design Standards and reflects alternative equivalent compliance to obtain full compliance, as developed during the design charrette and reflected in the Land Use Plan and required by the accompanying exhibits. In fact, the Land Use Plan and the exhibits reflect what is believed to be a superior approach to planting zones, clear zones, and building placement appropriate for the site conditions, given the existing environmental constraints. |
| 3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) on the first floor of a multi-story commercial or mixed use building. | Yes. | The updated plan allows pedestrian-oriented uses on the ground floor of buildings fronting on Executive Center Drive, and has designated specific retail spaces fronting or combined into parking garages along Executive Center Drive and within the Multifamily Parcel. |

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| Tier II Requirement | Compliance | Explanation |
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| <p>1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.</p> | <p>Yes.</p> | <p>35% of gross site area (more than 11 acres) is proposed to meet open space requirements, which is 41% more open space than required per Tier 1 regulations for residential and commercial (3 acres more than required). The Property is within the Urban Roadway boundary and the owner will provide bike lanes, pedestrian paths, and sidewalks throughout -- see Land Use Plan and Streetscape Plan.</p> <p>A new Exhibit L has been added to the draft ordinance, which sets forth most of the open space that will be provided throughout the Property; however, Exhibit L only shows the primary open space areas and does not include additional open space areas within the Property between buildings, parking areas and streets -- all of which would further increase the overall open space. Exhibit L shows a minimum of 11.02 acres of open space, which is 41.10% more open space than is required.</p> <p>Exhibit G has been further revised to show that a total of 8.49 acres of Park space will be dedicated and available to the public; however, the credited parkland is 5.26 acres which is what would be required for 250 multifamily units and 100 hotel rooms (actual required amount would be 5.2 acres under the current code; under the parkland dedication requirements that applied at the time the rezoning application was filed, the parkland dedication amount is 2.125 acres). A portion of the dedicated property is located between the 50' and 150' setback from a CEF to promote an area that may be used for park improvements under Section 25-8-25 (Redevelopment provision of the Code). Moreover, the owner is also contributing \$1,946,500, which is 6x more than would be required if the owner paid a fee-in-lieu for the parkland dedication requirement under the current ordinance.</p> <p>Restoration and enhancement of the drainageways within the PUD shall be provided in accordance with the Creek Plan.</p> |
| <p>2. Environment/Drainage</p> | <p>Yes.</p> | <p>Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.</p> <p>Reason: Because this is an existing development with structures built in the 1970s and 1980s, the owner will redevelop pursuant to current code provision</p> |

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| | | Section 25-8-25 of the City Code applied on an overall basis, which requires the level of water quality treatment prescribed by current regulations. |
| | No | Provides water quality controls superior to those otherwise required by code. Reason: There are currently <i>NO</i> water quality facilities on the Property. The redevelopment will provide current water quality facilities. |
| | No | Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code. Reason: The opportunity to use green water quality controls is explicitly provided for; however, the site conditions - including tree preservation and topography - make it impossible to commit to such a benchmark without full site plan engineering. |
| | Yes | Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. Reason: Impervious cover is limited to (58%) for the entire Property and is calculated on an aggregate (i.e., entire site) basis. The updated plan reduces impervious cover by more than 5% below the maximum otherwise allowed by the Code. In addition, impervious cover within the portion of the PUD located within 300 feet of the existing off-site springs as shown on Exhibit C (Land Use Plan) shall be limited to 50%. |
| | N/A | Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres. |
| | Yes | Provides volumetric flood detention as described in the Drainage Criteria Manual. Reason: Despite the fact that no detention is required, an inundation area will be created outside the banks of the Wood Hollow/unnamed branch on Parcel 3 to optimize detention storage of 20,000 cf for the 25 and 100- year events. |
| | N/A | Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit. |

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| | Yes | Proposes no modifications to the existing 100-year floodplain. |
| | N/A | Uses natural channel design techniques as described in the Drainage Criteria Manual. Reason: An Erosion Hazard Zone report has been provided which establishes that the natural channel was morphed to its current embankment condition and, therefore, "natural channel design techniques" would not be appropriate or applicable. |
| | Yes | Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas. Reason: Construction within the CWQZ and CEF 50' Buffer shall include the removal of existing surface parking lots and restoration of such areas. A restoration plan for "Zone 1 – Floodplain", "Zone 2 – Critical Water Quality Zone" and the Uplands Zone shall be submitted to the city for review and approval and implemented with each site plan for Parcels 2, 3, 4, and 5. The restoration plan shall include (i) for the Uplands Zone, planting and seeding pursuant to standard specification 609S, and (ii) for the appropriate Zone (1 or 2), the following parameters of Environmental Criteria Manual, Appendix X shall be raised from existing conditions to "Fair (2)" or "Good (3)" and will be evaluated 10 years after restoration: Gap Frequency, Soil Compaction, Structural Diversity, and Tree Demography. |
| | Yes | Removes existing impervious cover from the Critical Water Quality Zone. Reason: There is approximately 1.98 acres of impervious cover within the floodplain, CWQZ and CEF buffers. The proposed redevelopment plan calls for a reduction of approximately 1 acre of impervious cover. |
| | Yes | Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches. Reason: The owner will preserve 75% of all of the native caliper inches and will preserve 75% of the total caliper inches of protected and heritage trees together. |
| | Yes | Tree plantings use Central Texas seed stock native and with adequate soil volume. |

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| | Yes | <p>Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.</p> <p>Reason: At certain points throughout the Creek Plan there is at least a 50 percent increase in the minimum waterway and/or CEF setback as a result of the parkland dedication of the Creek Plan area. Also, noteworthy, no removal of the current impervious cover would otherwise be required under Section 25-8-25 -even in the waterway and CEF buffers.</p> |
| | Yes | <p>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p>Reason: The purpose of the design charrette and further refinements in the redevelopment plan was to focus the most significant redevelopment density in areas closer to MoPac frontage.</p> <p>In addition, impervious cover within the portion of the PUD located within 300 feet of the existing off-site springs as shown on Exhibit C (Land Use Plan) shall be limited to 50%.</p> |
| | No. | <p>Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.</p> |
| | No. | <p>Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.</p> <p>Reason: The majority of the paved areas - such as the Heritage Trail - will be dedicated to the public and will be mutl-use paths and would not be appropriate for porous pavement.</p> |
| | No. | <p>Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.</p> |
| | No. | <p>Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.</p> |
| | | <p>This site currently has no water quality treatment and currently has a considerable amount of impervious cover within the Critical Water Quality Zone. Water quality treatment will be provided in the updated plan.</p> <p>The existing impervious cover located within the Critical Water Quality Zone,</p> |

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| | | <p>including asphalt parking areas, will be removed, and, as part of the Creek Plan, there will be improvements to this area, which includes pedestrian paths, a pedestrian bridge for improved connectivity, restoration of some of the natural waterway, preservation and enhancement of critical environmental features and enhancement of the area of the Creek, including restoration of such areas using plant species consistent with the City of Austin preferred plant list.</p> <p>Additionally, the project prohibits uses that may contribute air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing (except as accessory use to office)), which are otherwise presently permitted uses under the existing zoning and other regulations.</p> <p>Prior to issuance of the Certificate of Occupancy for the first new building constructed within the project, an Integrated Pest Management (IPM) plan that follows the Grow Green Program shall be imposed upon the Property.</p> <p>The project shall provide for the preservation of the Critical Environmental Features located within the PUD boundaries. Setbacks as indicated on the Land Use Plan and the Creek Plan shall be maintained to allow for the restoration and preservation of such features.</p> <p>The updated plan preserves more than 7,000 caliper inches of trees less than 8" caliper, which could otherwise be removed.</p> |
| <p>3. Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.</p> | <p>Yes.</p> | <p>The updated plan provides a minimum of 11 acres of open space. Additionally, Parcel 10 will be redeveloped as a park as provided in the Park Plan at the developer's cost before it is deeded to the City.</p> |

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| <p>4. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.</p> | <p>Yes.</p> | <p>The proposed on-site and off-site improvements for the project include enhancing pedestrian and bicycle access to and through the site, including the development of a pedestrian Heritage Trail as reflected in the Streetscape Plan and the Tree and Landscaping Plan to highlight and preserve the oak trees along most of Executive Center Drive. Dedicated bike lanes will be provided along the length of Executive Center Drive to connect to existing bike lanes along Hart Lane and Wood Hollow Dr.</p> <p>The Cross-section of the “Heritage Trail” within the Streetscape Plan along Executive Center Drive illustrates the pedestrian orientation promoted within the development. In addition, separated sidewalks along other portions of the streets as well as the pedestrian bridge and trails shown in the Creek Plan will provide a high level of connectivity for pedestrians and bicyclists. Bus stops are designated at Wood Hollow Drive and Executive Center Drive, and Hart Lane and Executive Center Drive, subject to Capital Metro necessity and approval.</p> |
| <p>5. Affordable Housing – Provides for affordable housing or participation in programs to achieve affordable housing.</p> | <p>Yes.</p> | <p>The project will comply with Planned Unit Development regulations for affordable housing. Participation will be provided with on-site units. 5% of the residential units as a Tier 2 item and 5% of the units for purposes of tier 3, for a total of 10% of the residential units to households whose income is 80 percent or below the median family income of the Austin metropolitan statistical area for ownership units and 60 percent or below the Austin metropolitan statistical area for rental units.</p> |