

Austin Oaks  
Tier 1 & Tier 2 Compliance  
August 18, 2016

Tier I Requirement	Compliance	Explanation
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 a dated and conventional office park with surface parking 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, a balanced and cohesive plan was developed. The resulting 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 reducing the amount of impervious cover that presently exists on the site and 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 The project will replace an outdated office project that has no water quality controls with a mixed-use project that provides water quality facilities and that provides public open space areas and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 Neighborhood 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 8.50 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 Heritage Park on Parcel 8). There will also be more than 5.22 acres of open</p>

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		space within the AO 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> <p>a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and</p> <p>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.</p>	Yes.	<p>The project will provide open space equal to more than 35% of the Property's total area (approximately 11.01 acres of 31.4 acres), which exceeds the minimum open space requirements by 41%. This percentage exceeds the cumulative requirements of 10% of residential tracts and 20% of the nonresidential tracts within the PUD. Filtration areas are excluded from the calculation.</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 11.01 acres of open space, which is 41% 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 requirements of the Austin Energy Green Building (AEGB) rating system using the applicable rating version in effect at the time a rating application is submitted for a building 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 stakeholders and provided to the design team at the charrette.</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 north of 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, as submitted 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 environmental preservation and protection of open space and greenbelt areas throughout the development, and pedestrian linkages that are designed around 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</p>

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<p>the land.</p>		<p>7,000 caliper inches of trees less than 8" caliper, which could otherwise be 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 provide 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>There is approximately 2.2 acres of impervious cover within the floodplain, CWQZ and CEF buffers. The proposed redevelopment plan calls for a reduction of approximately 1.6 acres of impervious cover.</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 neighborhood 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 of public parkland. The Heritage Trail will provide pedestrian connectivity between these two park destinations.</p>

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<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 75% of the total plant material planted, exclusive of turf and land within dedicated Parkland, shall be native to Central Texas or on the Grow Green Native and Adaptive Landscape Guide. 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.</p> <p>In addition, the owner will increase the requirements set forth in Section 2.4.1(D) of the Environmental Criteria Manual related to Street Yard Trees to provide the following:</p> <ul style="list-style-type: none"> <li>•75% of the street trees planted from the Preferred Plan List, rather than 60%;</li> <li>•Planted street trees will be no less than 8 feet in initial height, rather than 6 feet;</li> <li>•Planted street trees will be no less than 3 inch caliper measured at six inches above grade, rather than 1.5 inch caliper;</li> <li>•No more than 30% of planted street trees will be from the same species, rather than 50%.</li> </ul>
<p>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.</p>	<p>Yes.</p>	<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 northeast side of the MoPac/Anderson Lane 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 on-street 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>Currently, Executive Center Drive does not provide bike lanes.</p>

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		<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. Additionally, a pedestrian walk and bridge will provide connectivity across the creek.</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 property does not have any known architectural, historical or archeological areas of significance.
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
1. Comply with Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> )	Yes.	The plan substantially complies with the intent of the Commercial Design Standards and reflects alternative equivalent compliance to obtain full compliance that is responsive to the existing site conditions and incorporate and account for the environmental features. The mixed use design standards developed during the design charrette are reflected in the Land Use Plan and 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 and preservation of trees.
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 the pedestrian Heritage Trail, 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
<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 as open space, which is 41% more open space than required per Tier 1 regulations for residential and commercial uses (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 11.01 acres of open space, which is 41% more open space than is required.</p> <p>Exhibit G has been further revised to show that a total of 8.50 acres of Park space will be dedicated and available to the public; however, the credited parkland is 5.41 acres which is what would be required for 250 multifamily units and 100 hotel rooms (actual required amount would be 4.79 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 that is located between the 50' and 150' setback from a CEF and currently includes surface parking will be reclaimed and restored to provide 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 a</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><b>Reason:</b> Because this is an existing development with structures built in the</p>



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		1970s and 1980s, the owner will redevelop pursuant to current code provision 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. The owner is not asserting entitlement to follow older code provisions.
b	No	Provides water quality controls superior to those otherwise required by code.  <b>Reason:</b> The site currently has <i>NO</i> water quality treatment facilities and currently has a considerable amount of impervious cover within the Critical Water Quality Zone and within CEF buffers. The redevelopment will provide water quality facilities meeting current code and remove existing surface parking within the CWQZ that would not be required under current code.
c	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.  <b>Reason:</b> 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 and substantial regrading of the site.
d	N/A	Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.  <b>Reason:</b> Off-site areas do not readily drain to areas of the site that would allow for capture by proposed site water quality ponds. Other environmental Tier II factors have been achieved.
e	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.  <b>Reason:</b> 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; the maximum impervious cover otherwise allowed under the current code is 66%.  In addition, impervious cover within the portion of the PUD located within 300 feet

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		of the existing off-site springs as shown on Exhibit C (Land Use Plan) shall be limited to 50%.
f	N/A	Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.
g	Yes	<p>Provides volumetric flood detention as described in the Drainage Criteria Manual.</p> <p><b>Reason:</b> Despite the fact that no detention is required, the Owner has agreed to lay back a portion of the West side of the unnamed creek bank on Parcels 4 and 5, which will create volumetric flood detention. The total amount of volumetric flood detention is unknown and depends on whether the firmly situated rock that lies beneath the surface deposits of soil, alluvium, rock fragments and fill can be readily removed without breaking the rock by blasting, air tool (hoe ram or jackhammer) or other destructive mechanical means. Regardless, owner has agreed to participate in the Regional Stormwater Management Program ("RSMP") and pay the calculated fee <i>as if the entire 31.4 acres (minus the Neighborhood Park) were greenfield</i> for a total of \$435,993.88. As noted by staff, the owner may deduct the costs associated with laying back a portion of the West side of the unnamed creek bank on Parcels 4 and 5 from the RSMP fee, which is the normal way to recalculate the amount to be paid into the RSMP. However, the owner has agreed not to further reduce the RSMP payment by recalculating the fee to account for the volumetric detention that the owner will be providing; thereby adding to the superiority of the RSMP approach. The expectation is that potentially up to 43,000 cubic feet of detention will be provided as a result of the creek lay back plan.</p> <p>An updated Creek Plan includes the layback area.</p>
h	No	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.
i	Yes	Proposes no modifications to the existing 100-year floodplain.
j	Yes	<p>Uses natural channel design techniques as described in the Drainage Criteria Manual.</p> <p><b>Reason:</b> An Erosion Hazard Zone report has been provided which establishes</p>

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		that the natural channel was originally reconfigured to its current embankment condition. "Natural channel design techniques" are proposed to partially re-establish and improve the channel character.
k	Yes	Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.  <b>Reason:</b> 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 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 planting and seeding pursuant to Standard Specification 609S and must demonstrate that revegetation is adequate to achieve a score of "Good (3)" at maturity for the following parameters of Appendix X "Scoring: Zone 1 – Floodplain Health": Gap Frequency, Soil Compaction, Structural Diversity, and Tree Demography. The identified Zone 1 parameters shall apply to all restored areas within the CWQZ and CEF buffers. The restoration plan may accommodate a trail or other permitted park improvements as deemed by PARD. Restoration of existing parking lot areas within the AO Creek Plan, and outside of the CWQZ or CEF buffer may be planted and seeded pursuant to Standard Specification 609S.
l	Yes	Removes existing impervious cover from the Critical Water Quality Zone.  <b>Reason:</b> There is approximately 2.2 acres of impervious cover within the floodplain, CWQZ and CEF buffers. The proposed redevelopment plan calls for a reduction of approximately 1.6 acres of impervious cover.
m	Yes, as modified.	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.  <b>Reason:</b> The owner will preserve 75% of all of the native caliper inches (1 inch or greater) and will preserve 75% of the total caliper inches of protected and heritage trees together. In addition, the updated plan preserves more than 7,000 caliper inches of trees less than 8" caliper, which could otherwise be removed.
n	No	Tree plantings use Central Texas seed stock native and with adequate soil volume.  <b>Reason:</b> Given the number of trees on the site, as staff noted, it would be very difficult (if not impossible in many cases) to achieve the increased standards that the City has suggested for soil volume without damaging the critical root zone of

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		preserved trees. The owner is providing adequate soil volume for the trees <i>without damaging the roots of nearby trees</i> . In the conditions on this site, the City's suggested soil volume would necessitate root ball intrusion among the preserved trees.
o	Yes, as modified.	Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.  <b>Reason:</b> Although no removal of the current impervious cover would otherwise be required under Section 25-8-25 - even in the waterway and CEF buffers, there is a 95% reduction of impervious cover in the CWQZ (the only proposed impervious cover in the redevelopment plan are sidewalks to a pedestrian bridge), a 58% reduction in impervious cover within the rimrock/seep setback, and a 74% reduction of impervious cover within the wetland setback.
p	Yes	Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.  <b>Reason:</b> One objective of the Design Charrette was to find a way to reduce impervious cover and create open space (in this case 41% more open space than required). In order to achieve the park space, Heritage Trail, and Creek area, the redevelopment was clustered. For example, the redevelopment plan has focused the most significant redevelopment density in areas closer to MoPac frontage. In addition, areas that would otherwise be opportune for redevelopment will remain either open space or be credited as parkland; especially the more than 1 acre reduction of impervious cover within the CEF buffers.  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%.
q	No.	Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.
r	No.	Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.  <b>Reason:</b> The majority of the paved areas - such as the Heritage Trail - will be dedicated to the public and will be multi-use paths and would not be appropriate for porous pavement; park trails in the Neighborhood Park and Creek area

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		constructed by the Owner are proposed as low-maintenance concrete paving.
s	No.	Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.
t	No.	Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
u	Additional Item	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.
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.	Yes.	The updated plan provides a minimum of 11 acres of open space. Parcel 10 will be redeveloped as a neighborhood park as provided in the Park Plan at the developer's cost before it is deeded to the City. Parkland is distributed through the redevelopment plan to encourage community use. Additionally, a variety of multimodal connections (including proposed bus shelters) promote access to the parkland.
4. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	<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 linking Hart Lane to Wood Hollow 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 on-street 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 pedestrian walks 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</p>

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		<p>Executive Center Drive, subject to Capital Metro necessity and approval.</p> <p>The multi-modal routes promote accessibility to public destinations within the updated plan.</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>