SECOND READING SUMMARY SHEET

CASE: C814-2021-0099 – Brodie Oaks Redevelopment PUD DISTRICT: 5

ADDRESS: 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound

PROPERTY OWNER: Lionstone Investments, LCFRE Austin Brodie Oaks, LLC
(Andrew J. Bruce; John W. Enerson)

AGENT: Lionheart Places (Rebecca Leonard)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

REQUEST: **Approve Second Reading**
From Unzoned; community commercial (GR); general commercial services (CS); commercial – liquor sales (CS-1)
To planned unit development (PUD), with conditions
This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. This action concerns land located in the Barton Springs Zone.

CITY COUNCIL ACTION:
January 26, 2023:

December 8, 2022: *APPROVED PUD DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS THE PLANNING COMMISSION RECOMMENDED WITH TWO ADDITIONAL CONDITIONS OUTLINED BELOW, ON FIRST READING. VOTE: 11-0.*

CONDITION #1: DIRECT THE APPLICANT AND AUSTIN ENERGY TO RESOLVE THE SUBSTATION LOCATION IN A WAY THAT SERVES THE BRODIE DEVELOPMENT WITHOUT IMPACT TO THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS AND ADDITIONAL IMPERVIOUS COVER IN PARKLAND AND THE EDWARDS AQUIFER RECHARGE ZONE AS FOLLOWS:

• *AUSTIN ENERGY SUBSTATION LOCATION SHALL BE RESOLVED IN SUCH A WAY AS TO NOT IMPACT THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS, REDUCE THE PROJECT'S PARKS AND OPEN SPACE DEDICATION OF 13.2 ACRES OR INCREASE THE IMPERVIOUS COVER BEYOND THE 56% NET SITE AREA PROPOSED TO DATE TO THE PUBLIC, BOARDS AND COMMISSIONS, AND COUNCIL.*

• THE DEVELOPER SHALL WORK WITH AUSTIN ENERGY TOWARD A TIMELY SOLUTION THAT ENSURES SAFE, RELIABLE, AND EFFICIENT POWER. THE SOLUTION MAY INCLUDE A SUBSTATION WITHIN THE CONSTRAINTS OF THE SITE OR ON AN ALTERNATIVE SITE.
• IF NECESSARY TO SERVE BRODIE, AUSTIN ENERGY SHALL DESIGN A GAS-INSULATED SUBSTATION WITH A MINIMAL FOOTPRINT.

CONDITION #2: PROVIDE A SOLUTION TO SOLVE FOR THE FUNDING GAP REQUIRED TO ADDRESS THE TRAIL AND GREENBELT NEEDS IDENTIFIED BY THE PLANNING AND ENVIRONMENTAL COMMISSIONS WITHOUT THE USE OF THE PARKLAND DEDICATION FEE IN-LIEU OF PARK DEVELOPMENT AS THOSE FUNDS ARE DEDICATED FOR THE BUILD OUT OF THE PARKLAND ONSITE.

STAFF AND THE APPLICANT ARE DIRECTED TO DETERMINE AND PURSUE A BEST MECHANISM SUCH AS:
• PARKLAND IMPROVEMENT AND MAINTENANCE AGREEMENT;
• PUBLIC IMPROVEMENT DISTRICT (PID); OR
• OTHER STRATEGIES TO PROVIDE THE NECESSARY FUNDING NEEDED TO ACCESS, PRESERVE, AND MANAGE THE TRAIL AND GREENBELT ASSETS

December 1, 2022: *APPROVED A POSTPONEMENT BY COUNCIL MEMBER KITCHEN TO DECEMBER 8, 2022. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The draft ordinance for PUD zoning and the Restrictive Covenant referencing the conditions of the Traffic Impact Analysis reflects Council action taken on First Reading.

Austin Energy has requested that the Applicant dedicate a 1.5 acre site for an above-ground, gas insulated substation on the Property in order to address load capacity limitations in the existing area. The Applicant has addressed Austin Energy's specific comment and included major utility facilities as a permitted civic use within Land Areas 1 and 2 on Exhibit C, but does not agree to dedicate a site. The Applicant has submitted an updated comment log listing the recommendations of the Parks and Recreation Board, Environmental Commission, Planning Commission, and action taken by City Council on First Reading, as well as the status of incorporation into the PUD documents.

Correspondence received from representatives of the Austin Parks Foundation, the Hill Country Conservancy, Save Our Springs Alliance, Zilker Neighborhood Association Zoning Committee, and Barton View Neighborhood Association, as well as nearby property owners and residents is attached at the back of this packet.

ZONING CHANGE REVIEW SHEET

CASES: C814-2021-0099 – Brodie Oaks Redevelopment PUD DISTRICT: 5
C14R-81-033(RCA) – Brodie Oaks Restrictive Covenant Amendment

ZONING FROM: Unzoned; GR; CS; CS-1 TO: PUD

ADDRESS: 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound

SITE AREA: 37.606 acres

PROPERTY OWNER: Lionstone Investments, LCFRE Austin Brodie Oaks, LLC
(Andrew J. Bruce; John W. Enerson)

AGENT: Lionheart Places (Rebecca Leonard)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATIONS:

The Staff recommendation is to grant planned unit development (PUD) district zoning, as shown in the Land Use Plan as provided Exhibits C, D, E, F, G, H, I, J, and K. *For a summary of the basis of Staff's recommendation, see pages 3 - 14.*

The Restrictive Covenant includes all recommendations listed in the Transportation Impact Analysis Memo, dated August 31, 2022, as provided in Attachment A.

The Staff recommendation is to grant an amendment of the 1981 Restrictive Covenant and terminate the height limitations for Tracts A1, A2, A3, A4, and B as it applies to this property. *For a summary of the basis of Staff's recommendation, see pages 3 - 14.*

PARKS AND RECREATION BOARD:
September 26, 2022: ***RECOMMENDED TO THE CITY COUNCIL THE BRODIE OAKS PUD AS SUPERIOR IF THE APPLICANT AGREES TO: 1) WORK WITH STAFF AND ATD TO PROVIDE 10 FREE PARKING SPACES TO THE NEIGHBORHOOD PARK SITE; 2) AMEND THE APPLICATION TO STATE THERE WILL BE A PUBLICLY AVAILABLE RESTROOM AT THE NEIGHBORHOOD PARK; 3) CONTINUE TO WORK WITH THE HILL COUNTRY CONSERVANCY AND AUSTIN PARKS FOUNDATION TO ENSURE THIS IS A SUSTAINABLE TRAIL ACCESSING THE BARTON CREEK GREENBELT, AND 4) INVESTIGATE AND REPORT BACK ON METHODS TO FUND OFF-SITE BARTON CREEK GREENBELT PRESERVATION AND MANAGEMENT THROUGH COMMERCIAL DEVELOPMENT AT THE SITE (refer to Attachment C)***

[S. FAUST; N. BARNARD – 2ND] (9-0) D. LEWIS AND K. TAYLOR – ABSENT

ENVIRONMENTAL COMMISSION RECOMMENDATION:
November 2, 2022: ***PLEASE REFER TO ATTACHMENT B***

PLANNING COMMISSION ACTIONS:
November 15, 2022: ***APPROVED PUD DISTRICT ZONING WITH A RESTRICTIVE COVENANT FOR THE CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS STAFF RECOMMENDED, AND ALL CONDITIONS OF THE PARKS AND RECREATION BOARD, AND ALL CONDITIONS OF THE ENVIRONMENTAL COMMISSION EXCEPT FOR 1) REDUCTION OF HEIGHT OF BUILDINGS TO CREATE CANYON EFFECTS AND BIRD STRIKES WITHIN THE BCP, AND 2) CONSIDERATION OF MITIGATION IN BARTON CREEK WATERSHED TO BRIDGE THE GAP BETWEEN SOS IMPERVIOUS COVER.***

THE COMMISSION ALSO APPROVED THE FOLLOWING SEVEN (7) AMENDMENTS: 1) APPROVAL OF A SITE PLAN SHALL BE CONTINGENT UPON SUCCESSFULLY SECURING POWER SUPPLY TO SERVE THE BRODIE OAKS DEVELOPMENT; 2) RECOMMEND INCREASING BUILDING HEIGHTS AS AN OPTION TO ALLOW SPACE WITHIN THE BUILDABLE AREA FOR AN ELECTRIC SUBSTATION TO BE SITED ON THE PROPERTY WITHOUT EXCEEDING THE ALLOWABLE IMPERVIOUS COVER LIMITS; 3) REQUIRE THAT THE APPLICANT WORK WITH APPLICABLE NON-PROFIT GROUPS AND APPLY FOR A TRAIL MASTER PLAN PERMIT THROUGH BCP PRIOR TO APPROVAL OF THE FIRST SITE PLAN; 4) REQUIRE PUBLIC RESTROOMS AT CLOSEST ALLOWABLE LOCATIONS TO TRAILHEADS OR GREEN SPACE; 5) REQUIRE THIRD PARTY OVERSIGHT OF WATER QUALITY FACILITIES DURING AND AFTER CONSTRUCTION; 6) REQUIRE THAT THE APPLICANT PROVIDE SCOOP THE POOP STATIONS AND TRASH CANS THROUGHOUT GREEN SPACES; AND 7) REQUIRE EXECUTION OF AN ACCESS EASEMENT WITH BCP TO CAVE NETWORKS PRIOR TO THIRD READING.

[C. HEMPEL; G. ANDERSON – 2ND] (8-1) C. LLANES PULIDO – NAY; G. COX, R. SCHNEIDER, J. SHIEH – ABSENT; ONE VACANCY ON THE COMMISSION

APPROVAL OF AN AMENDMENT TO THE RESTRICTIVE COVENANT, AS STAFF RECOMMENDED

[C. HEMPEL; G. ANDERSON – 2ND] (8-1) C. LLANES PULIDO – NAY; G. COX, R. SCHNEIDER, J. SHIEH – ABSENT; ONE VACANCY ON THE COMMISSION

November 8, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO NOVEMBER 15, 2022*

[C. HEMPEL; J. SHIEH – 2ND] (11-0) R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS

May 24, 2022: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF R. SCHNEIDER; J. THOMPSON – 2ND] (9-0) Y. FLORES, C. HEMPEL, J. MUSHTALER – ABSENT*

December 14, 2021: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF*

[A. AZHAR; R. SCHNEIDER – 2ND] (11-0) P. HOWARD – OFF THE DAIS; J. SHIEH – ABSENT

CITY COUNCIL ACTION:
January 26, 2023:

December 8, 2022: *APPROVED PUD DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS THE PLANNING COMMISSION RECOMMENDED WITH TWO ADDITIONAL CONDITIONS OUTLINED BELOW, ON FIRST READING. VOTE: 11-0.*

CONDITION #1: DIRECT THE APPLICANT AND AUSTIN ENERGY TO RESOLVE THE SUBSTATION LOCATION IN A WAY THAT SERVES THE BRODIE DEVELOPMENT WITHOUT IMPACT TO THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS AND ADDITIONAL IMPERVIOUS COVER IN PARKLAND AND THE EDWARDS AQUIFER RECHARGE ZONE AS FOLLOWS:

- *AUSTIN ENERGY SUBSTATION LOCATION SHALL BE RESOLVED IN SUCH A WAY AS TO NOT IMPACT THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS, REDUCE THE PROJECT'S PARKS AND OPEN SPACE DEDICATION OF 13.2 ACRES OR INCREASE THE IMPERVIOUS COVER BEYOND THE 56% NET SITE AREA PROPOSED TO DATE TO THE PUBLIC, BOARDS AND COMMISSIONS, AND COUNCIL.*
- *THE DEVELOPER SHALL WORK WITH AUSTIN ENERGY TOWARD A TIMELY SOLUTION THAT ENSURES SAFE, RELIABLE, AND EFFICIENT POWER. THE SOLUTION MAY INCLUDE A SUBSTATION WITHIN THE CONSTRAINTS OF THE SITE OR ON AN ALTERNATIVE SITE.*
- *IF NECESSARY TO SERVE BRODIE, AUSTIN ENERGY SHALL DESIGN A GAS-INSULATED SUBSTATION WITH A MINIMAL FOOTPRINT.*

CONDITION #2: PROVIDE A SOLUTION TO SOLVE FOR THE FUNDING GAP REQUIRED TO ADDRESS THE TRAIL AND GREENBELT NEEDS IDENTIFIED BY THE PLANNING AND ENVIRONMENTAL COMMISSIONS WITHOUT THE USE OF THE PARKLAND DEDICATION FEE IN-LIEU OF PARK DEVELOPMENT AS THOSE FUNDS ARE DEDICATED FOR THE BUILD OUT OF THE PARKLAND ONSITE.

STAFF AND THE APPLICANT ARE DIRECTED TO DETERMINE AND PURSUE A BEST MECHANISM SUCH AS:
- *PARKLAND IMPROVEMENT AND MAINTENANCE AGREEMENT;*
- *PUBLIC IMPROVEMENT DISTRICT (PID); OR*

• *OTHER STRATEGIES TO PROVIDE THE NECESSARY FUNDING NEEDED TO ACCESS, PRESERVE, AND MANAGE THE TRAIL AND GREENBELT ASSETS*

December 8, 2022: *APPROVED A POSTPONEMENT OF THE RESTRICTIVE COVENANT AMENDMENT TO JANUARY 26, 2023. VOTE: 11-0.*

December 1, 2022: *APPROVED A POSTPONEMENT BY COUNCIL MEMBER KITCHEN TO DECEMBER 8, 2022. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The draft ordinance and Restrictive Covenant for PUD zoning reflects Council action taken on First Reading.

Austin Energy has requested that the Applicant dedicate a 1.5 acre site for an above-ground, gas insulated substation on the Property in order to address load capacity limitations in the existing area. The Applicant has addressed Austin Energy's specific comment and included major utility facilities as a permitted civic use within Land Areas 1 and 2 on Exhibit C, but does not agree to dedicate a site. The Applicant has submitted an updated comment log listing the recommendations of the Parks and Recreation Board, Environmental Commission, Planning Commission, and action taken by City Council on First Reading, as well as the status of incorporation into the PUD documents.

Correspondence received from representatives of the Austin Parks Foundation, the Hill Country Conservancy, Save Our Springs Alliance, Zilker Neighborhood Association Zoning Committee, and Barton View Neighborhood Association, as well as nearby property owners and residents is attached at the back of this packet.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibits A and A-1: Zoning Map and Aerial
Exhibit B: Applicant's Transmittal Letter, Austin Energy Substation Request, Board and Commission Recommendations, and action taken by City Council on First Reading (identifies each Board / Commission / Council action, and how and where it was addressed in the PUD documents), Tier One / Tier Two (Superiority) Chart, and Code Modification Table

Exhibits to the PUD:

Exhibit B: Context Map
Exhibit C: Land Use Plan
Exhibit D: Parks and Open Space Plan
Exhibit E: Transportation Plan
Exhibit F: Water Quality and Environment
Exhibit G: Grading Plan
Exhibit H: Phasing Plan

Exhibit I: Arts Master Plan
Exhibit J: Water and Wastewater Plan
Exhibit K: Existing Slope Map

Attachment A: Transportation Impact Analysis Memo
Attachment B: Environmental Commission Recommendation and support material *(posted separately)*
Attachment C: Parks and Recreation Board Recommendation
Attachment D: Educational Impact Statement
Attachment E: Carbon Impact Statement

Meeting Notes (Applicant – Staff), November 10, 2022 – Austin Energy substation

Exhibits to the Restrictive Covenant Amendment:
Restrictive Covenant Amendment Map
Applicant's Transmittal Letter
1981 Restrictive Covenant (Selected pages from Volume 7479; Pages 24-53)

Correspondence Received

Questions and Answers from Planning Commission and City Council

CASE MANAGER COMMENTS:

The Brodie Oaks Redevelopment PUD is located at the northwest corner of the South Capital of Texas Highway Northbound (aka Loop 360, also a Hill Country Roadway) and South Lamar Boulevard, a major arterial roadway and designed Core Transit Corridor with a Capital Metro MetroRapid Route 803 transit stop located near an existing driveway. The property contains a vacated section of TxDOT right-of-way (Unzoned) and a commercial shopping center surrounded by surface parking areas with community commercial (GR), general commercial services (CS) and commercial-liquor sales (CS-1) zonings. The site is located in an urban area that also includes portions of the Edwards Aquifer Recharge Zone and the Contributing Zone, and thus is environmentally sensitive. The Brodie Oaks shopping center was developed in 1981 and serves the south Austin area with retail spaces, restaurants, a grocery store, medical office, and fitness gym. The Barton Creek Greenbelt and trail is to the northwest (SF-2), apartments are to the northeast on South Lamar (MF-4, MF-2), and undeveloped (vacated) TxDOT right-of-way and a commercial shopping center with similar uses is to the southeast across South Lamar (CS-V, CS-1-V, CS-1-V-CO). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

PROJECT DESCRIPTION
The Brodie Oaks Redevelopment PUD is proposed for a mixed use development that would consist of up to 1,700 residential units, 1,260,000 square feet of office, 200 hotel keys, 110,000 square feet of retail, and 30,000 square feet of restaurant uses. Three driveways to South Lamar are proposed (including one shared access) and one driveway is proposed to Loop 360. Internal circulation routes consist of private streets with public access easements.

The proposed density is approximately 54 units per acre which meets a benchmark for transit supportive density. The maximum height proposed is 275 feet at South Lamar and Loop 360 intersection, with three other lesser height limits on the remainder of the South Lamar and Loop 360 frontage, and still lower interior portions of the property.

Land Use Plan

The PUD contains two land use areas: Land Use Area 1 (25.9 acres) and Land Use Area 2 (11.7 acres).

- Land Use Area 1 is generally located along all of the South Lamar Boulevard frontage and most of the Loop 360 frontage, and is proposed to be developed with nearly all of the development described above, including residential and non-residential square footage, and hotel keys. A Central Green area is located in the center of the site and propose to include a performance pavilion. Height ranges from 160 feet at the northeast corner of the property to 275 feet (hotel / residential, approximately 24 stories) at the South Lamar / Loop 360 intersection. The Applicant estimates that construction of Phase 1 would begin in 2025 and ready for occupancy in 2027.

- Land Use Area 2 is located along the northwest portion of the property adjacent to Barton Creek Greenbelt and is limited to 5,000 square feet of impervious cover. Height is limited to 28 feet and includes a portion of the Hill Country Roadway area. ***Please refer to Exhibit C – Land Use Plan.***

GENERAL TO PLANNED UNIT DEVELOPMENTS

Per the Land Development Code, PUD district zoning was established to implement goals of preserving the natural environment, encouraging high quality, sustainable development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and thus is superior to development which could occur under conventional zoning and subdivision regulations. The PUD provides a canvas for the design of a large scale project, with the end goal to allow flexibility, and also inform and communicate the possibilities for development. Additional effort is required by all parties to ensure that development standards are clear and municipal and citizen needs are addressed. The PUD ordinance and related exhibits are key because once approved, they provide the regulations under which the project will be built, which provides certainty for developers and their agents.

City Council approved revisions to the PUD regulations that became effective June 29, 2008. To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier One, which is requirements that all PUDs must meet, and Tier Two which provides criteria in 13 topical areas in which a PUD may exceed Code requirements and therefore demonstrate superiority. A PUD need not address all criteria listed under Tier Two, and there is no minimum number of categories or individual items required.

SUPERIORITY ELEMENTS

As more fully detailed in the Tier Table and Land Use Plan, the proposed Brodie Oaks Redevelopment PUD meets all 12 of the applicable Tier One items and offers some elements of superiority in several of the 13 Tier Two categories and subcategories (*Affordable Housing; Art; Great Streets Development Program; Green Building Program; Non-Protected Trees; Open Space; Protected Trees; Parking Structure Frontage; Primary Irrigation Source; Stormwater Runoff; Tree Species List; Trailhead along Creek or Waterways, Transportation; Water Quality Treatment – Off-site; Water Quality Treatment – On-site).* ***Please refer to Exhibit B – Superiority Chart.***

The proposed PUD offers a development on the subject property that creates a distinct community and gateway to south Austin. The PUD provides a pedestrian-oriented development that promotes living, including affordable housing initiatives, employment and shopping opportunities, as well as accessible open space and connected trail improvements within a planned community.

The corresponding Traffic Impact Analysis memo provides for a suite of transportation improvements needed to accommodate the additional density, including 1) improvements to roadway infrastructure (reconstruction of the Brodie Oaks driveway and South Lamar intersection; construction of a dedicated right-turn lane in to the site at the driveway on the Loop 360 frontage road); 2) improvements to transit (incorporating the southbound Brodie Oaks Station stops into the site design per the South Lamar Boulevard corridor plan), and 3) improvements to active pedestrian and bicycle infrastructure to address gaps (including construction of a 12-foot wide shared use path along the south / west side of the private road connecting the development to the adjacent office complex; construction of all South Lamar Boulevard corridor improvements along the property frontage, including sidewalks and protected bicycle lane; and construction of sidewalks, crosswalks, curb ramps, and stamped concrete to provide pedestrian routes across the west and east sides of the South Lamar Boulevard and US 290 frontage roads intersection.

Given the number and breadth of items offered in the PUD that exceed current code standards, Staff believes the proposal can result in superior mixed use development. The following factors make this project superior:

Affordable Housing

- A stand-alone affordable housing site (roughly estimated at 1.5 acres) is located at the northeast corner of the site (an existing restaurant pad site), to be constructed in Phase II of the development (2027 or later), as shown on ***Exhibit C – Land Use Plan and Exhibit H – Phasing Plan***. The site is adjacent to a planned neighborhood park, along the South Lamar frontage and adjacent to the planned transit stop. The base height used to calculate affordable housing bonus area is based on the maximum height allowable under the current zoning, including applicable overlays established through the 1981 Restrictive Covenant.

- *Residential Bonus Area:* To the extent that any residential buildings exceed the base heights established on ***Exhibit C***, the Landowner shall provide contract commitments

and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 *(Requirements for Rental Housing)* or Section 2.5.4 *(Requirements for Ownership Housing)* equal to 10 percent of the total amount of occupiable square feet which exceeds the established base height. Such calculation shall be made for each building at the time a building permit is issued.

- *Phasing of Residential Bonus Area:* In recognition that some buildings will contain more residential units than others, such obligation may be transferred between buildings as they come on line as long as the number of units never falls below the required obligation. The total residential affordable housing square foot obligation shall be tracked on each site plan in accordance with ***Exhibit C***.

- *Non-Residential Bonus Area:* To the extent that any non-residential buildings exceed the base height, the developer shall convey land to a non-profit organization for a stand-alone, family-oriented affordable housing project built on-site that must include a minimum of 125 units with a mix of 2 and 3-bedroom units, and is affordable to a household whose income is between 30% and 60% of the MFI in the Austin metropolitan statistical area, remain affordable for 40 years from the date a Certificate of Occupancy is issued, and be eligible for federal housing choice vouchers.

- The affordable housing requirement for non-residential bonus area will be satisfied through the recordation of a land use restriction with the deed to restrict the site (Block 4) to an affordable housing project in perpetuity. The restrictive covenant will be subject to the existing retail lease to the restaurant. If the non-profit organization is unable to develop the family-oriented project, then the City will still have the commitment that an alternative affordable housing project will be constructed.

Art

- The Brodie Oaks Redevelopment PUD shall participate in the Art in Public Places Program. As shown in ***Exhibit I – Arts Master Plan*** identifies opportunities and locations within the PUD for outdoor art installations to be implemented and managed by the Landowner. The Arts Master Plan shall consist of a minimum of two (2) significant art pieces.

Austin Energy – Green Building

- All buildings in the Brodie Oaks Redevelopment PUD shall achieve a three-star or greater rating under the Austin Energy Green Building program using the applicable rating version in effect at the time a rating registration application is submitted for the building.

Austin Fire Department

The Applicant has worked with AFD and ATCEMS to provide a new fire and EMS station to serve this new development and the surrounding area. The fire and EMS station will be located within a mixed-use building and provide better access to the Barton Creek Greenbelt including the potential for search and rescue staging areas.

- The Landowner shall provide a 9,000 to 11,000 SF unfinished space within the level of discharge ("ground floor") and floor above of a building located upon Block 6, Block 8, or Block 9 to be used as a Fire/EMS station as shown in ***Exhibit C*** *(Page 5)*. The Fire/EMS station shall include a private convenience stair, an external wall, adequate space on the level of discharge for apparatus bays and appropriate apron for Fire/EMS apparatus, and adhere to Austin Fire Department (AFD) and Austin-Travis County EMS (ATCEMS) design standards.

- The unfinished space will be provided at no rental cost to AFD/ATCEMS in a 40-year building lease with a unilateral 40 year right to renew. Any foreclosure or sale of the building will require the lender or buyer to honor the lease. Ongoing costs of operating the space (utilities, maintenance, repair, etc.) will be at the expense of AFD/ATCEMS. All property taxes and building overhead costs will be at the expense of the building owner, unless the space is conveyed to the City of Austin in lieu of a lease. AFD/ATCEMS will be permitted to operate, use, and maintain necessary facilities and equipment as needed to conduct daily operations.

- Final selection of the location must be approved by the Austin Fire Department, Austin-Travis County EMS, the Development Services Department, and the Developer. Every effort will be made to provide access at a controlled intersection, with a preference for direct access to Lamar Blvd. The location will be finalized prior to the submission of any building permit applications beyond those representing a cumulative total of 40% of all building square footage within the entire Brodie Oaks Redevelopment PUD development. The lease will be executed and/or the space will be conveyed prior to 55% of certificates of occupancy for the development having been issued.

Austin Water Utility

- The project will capture and beneficially reuse all rooftop rainwater from the water quality event for beneficial use in cooling towers and traditional landscape irrigation.

- The building will provide low-flow and efficient fixtures to reduce demand beyond minimum requirements in the Austin Energy Green Building star rating system.

- The project is subject to the AC condensate beneficial use requirement (UMC 310.8) and therefore will capture and beneficially use condensate generated on site to supply any non-potable demand available to the maximum extent practicable.

Great Streets

- The project will provide a 25-foot wide Clear Zone across the street section of pedestrian and raised bicycling space, as shown in ***Exhibit E – Transportation Plan***.

- The project will provide a 21-foot wide Planting Zone across the street section and three planting zones.

- All utilities will be underground.

Native Vegetation
Two acres of the tract shall be restored to Hill Country and Native Prairie landscape, as shown in ***Exhibit C***.

Non-Protected Trees (Up to 18.9 caliper inches)

- The project will preserve up to 77 percent of all trees meeting preservation criteria that are up to 18.9 caliper inches.

Open Space
The project will provide 11.6 acres of open space as shown on ***Exhibit D – Parks and Open Space Plan*** (equivalent to 45% of the developed area). In addition, nearly 8.1 acres of open space is located adjacent to the Barton Creek Greenbelt creating a 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover, programming, and improvements to provide passive recreation such as soft trails, benches, picnic tables, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt.

Parking Structure Frontage

- At least 75 percent of the building frontage of all parking structures along the internal circulation route will be designed for pedestrian-oriented uses. Special treatments such as false façades, vertical art or green walls will be utilized on parking garages visible from Loop 360 and South Lamar Boulevard.

Protected Trees (19 – 23.9 caliper inches)

- The project will preserve up to 79 percent of all protected trees meeting preservation criteria that are up to 23.9 inches. This includes the relocation of 10 trees into the newly created parkland onsite. Brodie Oaks Redevelopment PUD is also committed to implementing a tree care plan identified in the Arborist report to maintain the health of trees that are planned to be preserved in the ultimate development.

Primary Irrigation Source

- A rooftop rainwater harvesting system will serve not less than 50 percent of the landscaped areas where irrigation is required.

Stormwater Runoff

- Rooftop rainwater and AC condensate wastewater will be collected for reuse in traditional landscaping irrigation purposes and cooling tower makeup water.

Trailhead along Creek or Waterways

- The project will provide a formal and universally accessible trailhead to the Barton Creek Greenbelt and Violet Crown Trail, including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. Any construction

of a trail within the Barton Creek Greenbelt will require approval of a permit by the Balcones Canyonlands Conservation Plan (BCCP) Coordinating Committee under a separate approval process.

Transportation

- The project will provide a series of bicycle facilities for all types of users along the internal circulation route and will provide a shared use path adequate for recreational cycling that will connect through the site and to off-site trail networks.

- The project will provide pedestrian and bicycle connection to adjacent residential development.

Tree Species List

- The project will use Central Texas native seed stock with adequate soil volume.

Water Quality Treatment (Off-site)

- The project will implement water quality treatment facilities so that impervious cover will not drain off-site.

Water Quality Treatment (On-site)

- One hundred (100) percent of the water quality volume will use green stormwater controls which will include all or some of the following methods: retention / irrigation, retention / infiltration, cooling tower makeup water, conventional irrigation.

CODE MODIFICATIONS

There are numerous modifications to Code requirements (43) requested by the Applicant and recommended by Staff. As summarized below, these include Code definitions (3), and requirements for Zoning (24), Subdivision (2), Site Plan (3), Transportation and the Transportation Criteria Manual (4), Environment and the Environmental Criteria Manual (6, including one as a separate, yet interdependent agenda item), and the Drainage Criteria Manual (1). ***Please refer to Exhibit B – Code Modification Table.***

The proposed modifications to the Brodie Oaks Redevelopment PUD and accompanying land use plan are summarized below:

General Requirements and Procedures

- Section 25-1-21 *(Definitions)* – Modification: Block means one or more lots, tracts, or parcels of land bounded by streets (public or private), 30’ wide or larger pedestrian paseo or courtyard with a minimum 12’ sidewalk or trail, public or private park space / open space easement or plaza space, railroads, or subdivision boundary lines.

- 25-1-21 *(Definitions)* – Modification: Gross floor area is modified to include parking structures.

- 25-1-21 (105) *(Definitions)* – Addition: A site within the Brodie Oaks Redevelopment PUD boundary may cross a private street with public access easements.

Zoning

- Remove – 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.2 (C) *(Residential Uses)* does not apply to the Brodie Oaks Redevelopment PUD.

- Remove – 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3 (B) *(Non-Residential Uses)* does not apply to the Brodie Oaks Redevelopment PUD.

- Modification – 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3 (D) *(Non-Residential Uses)* is modified so that the minimum front yard and street side yard setbacks apply as shown in ***Exhibit C – Land Use Plan***.

- Modification – 25-2, Subchapter B, Article 2, Subpart B, Section 2.5.2. (B) (2) *(Requirements for Exceeding Baseline)* is modified for developments with no residential units, either provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 *(Requirements for Rental Housing)* and Section 2.5.4 *(Requirements for Ownership Housing)* within the boundaries of the Brodie Oaks Redevelopment PUD.

- Section 25-2-491 *(Permitted, Conditional, and Prohibited Uses)* – Modification – ***Exhibit C*** establishes the permitted, conditional, and prohibited uses of the Property.

- Section 25-2-492 *(Site Development Regulations)* – Modification – ***Exhibit C*** establishes the principal site development regulations applicable to the Property.

- Section 25-2, Subchapter E, Section 2.2.1.B – Modification – The priority street for the Brodie Oaks Redevelopment PUD is the Internal Circulation Route. The sentence "If the roadways do not have transit service or the level of transit service is equal, the roadway is designated by the lot owner" does not apply.

- Section 25-2, Subchapter E, Section 2.2.1.B – Modification – For large sites subject to Section 2.2.5 or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking Requirements) shall apply along the Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.

- Section 25-2, Subchapter E, Section 2.2.2.B.1 – Modification – The planting zone shall have a minimum width of seven (7) feet from face of curb) and shall be continuous and located adjacent to the curb or cycle track.

- Section 25-2, Subchapter E, Section 2.2.5 C – Modification – The perimeter of a block is defined by private streets with a public access easement, public streets, and public open spaces that include a pedestrian path. The maximum length of any block shall be 800 feet.

- Section 25-2, Subchapter E, Section 2.2.5 G – Modification – If the Internal Circulation Route is intended to accommodate bicycles, head in and angle parking is not permitted except when the cycle tract is provided between the clear zone and the head-in or angle parking.

- Section 25-2, Subchapter E, Section 2.2.5 G – Modification to add: A residential use or amenity space for residential uses may occupy a space that is designed for commercial uses. Modification to remove and add: A lobby serving another use in a VMU building shall ~~not~~ count as a pedestrian-oriented commercial use for the purposes of this section if it is designed to meet the standards of this section. Remove: ~~The requirement that a front façade that meets the glazing requirements of Section 3.2.2 does not apply~~. Glazing requirements for a front façade do not apply.

- Section 25-2, Subchapter E 4.3.3. F. – Modification – To be eligible for the dimensional or parking standards exemptions in Subchapter E of this section, the residential units in the Brodie Oaks Redevelopment PUD shall meet the affordability requirements identified in the Superiority item.

- Section 25-2-1104 *(Hill Country Roadway Overlay Exceptions)* – Addition – This article applies to the Brodie Oaks Redevelopment PUD and designated Land Use Areas as specifically indicated in this Code Modification section and as represented in ***Exhibit C***.

- Section 25-2-1122 *(Floor-to-Area Ratio of a Nonresidential Building)* – Addition – This section does not apply to the Brodie Oaks Redevelopment PUD.

- Section 25-2-1123 *(Construction on Slopes)* – Addition – This section does not apply to property in Land Use Area 2 of the Brodie Oaks Redevelopment PUD.

- Section 25-2-1124 *(Building Height)* – Addition – (D) The height of a building within the Brodie Oaks Redevelopment PUD will comply with ***Exhibit C***.

- Section 25-2-1126(A) *(Building Materials)* – Modification – Each building shall be designed to use, to the greatest extent feasible, building materials that are compatible with the environment of the Hill Country, including rock, stone, brick, and wood on the ground floor of a building in the Brodie Oaks Redevelopment PUD.

- Section 25-2-1022 (B) *(Native Trees)* – Modification – A site plan within the Hill Country Roadway ordinance area for the Brodie Oaks Redevelopment PUD must preserve all Heritage and Protected Trees identified as suitable in the Arborist Report submitted with this PUD and compensate for the removal of the following native or small native trees at a rate of 60 percent: (1) each small native tree; (2) each native tree with a trunk diameter greater than six (6) inches; and (3) each cluster of three or more native trees located within ten (10) feet of each other with trunk diameters greater than two (2) inches.

- Section 25-2-1023 *(Roadway Vegetative Buffer)* – Modification – Except in the Brodie Oaks Redevelopment PUD and as otherwise provided by this section,

vegetation within 100 feet of the dedicated right-of-way may not be cleared, unless the clearing is necessary to provide utilities and access to the site.

- Section 25-2-1024 (C) *(Restoring Roadway Vegetative Buffer)* – Addition – In the Brodie Oaks Redevelopment PUD, revegetation of the Roadway Vegetation Buffer will be consistent with the commitments made in ***Exhibit C***.

- Section 25-2-1025 (E) *(Natural Area)* – Addition – Within Land Use Area 2 of the Brodie Oaks Redevelopment PUD, representing at least 45 percent of the Hill Country Roadway Overlay (HCRO) Area, existing surface parking, perimeter walls, and buildings will be removed and two (2) acres or 12 percent of the total area within the HCRO area will be restored to meet the Revegetation Standards outlined in ***Exhibit C***.

- Section 25-2-1026 *(Parking Lot Medians)* – Modification – A permanent parking lot must have a median at least ten (10) feet wide containing existing native trees or dense massing of installed trees between each distinct parking area.

- Section 25-2-1027 *(Visual Screening)* – Modification – Visual screening required by this article is not required in Land Use Area 1. Visual screening in Land Use Area 2 must: (1) use existing vegetation or installed landscaping; (2) include dense massing of trees, native understory vegetation, shrub massing, or berms; and (3) allow for topographic changes.

Subdivision

- Section 25-4-62 *(Expiration of an Approved Preliminary Plan)* – Modification – An approved preliminary plan expires seven (7) years after the date the application for approval of the preliminary plan is submitted.

- Section 25-4-411 (A) *(Access to Lots)* – Modification – Each lot in a subdivision shall abut a dedicated public street, or a private street with public access easement or Internal Circulation Route.

Site Plan

- Section 25-5-81 (B) *(Expiration of an Approved Preliminary Plan)* – Modification – Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires eight (8) years after the date of its approval.

- Section 25-5-21 (B) *(Phased Site Plan)* – Modification – The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than five (5) years after the approval of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than five (5) years after approval date of the site plan.

- Section 25-5-142 *(Land Use Commission Approval)* – Modification – Land Use Commission approval of site plan is required for: (1) a conditional use; (2) except for

the Brodie Oaks Redevelopment PUD and as provided in Section 25-5-2 *(Site Plan Exemptions)*, development in a Hill Country Roadway Corridor; and (3) if otherwise required by this title.

Transportation

- Section 25-6-411 *(Access to Hill Country Roadways)* – Modification – Applicability: This division applies to property located in a hill country roadway corridor and within the zoning jurisdiction of the City with the exception of the Brodie Oaks Redevelopment PUD.

- Sections 25-6-477, 25-6-478, 25-6-532, and Appendix A *(Off-Street Parking and Loading)* – Addition – The minimum off-street parking, bicycle parking, and loading requirements shall be determined by the Director subject to a Transportation Demand Management (TDM) Plan approved as part of the Brodie Oaks Redevelopment PUD.

- Section 25-6-473 *(Modification of Parking Requirements)* – Addition – In the Brodie Oaks Redevelopment PUD, for a site plan that complies with a TDM Plan and the site's approved Traffic Impact Analysis, the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A *(Tables of Off-Street Parking and Loading Requirements)*.

- Transportation Criteria Manual 1.3.1 (A) *General Design Criteria - Grades* – Addition – Existing streets that do not meet the standards for maximum grade may be improved as described in ***Exhibit E – Brodie Transportation Plan***.

Environment

- Environmental Criteria Manual (ECM) 1.6.7.5 (D) – Modification – to provide options for cooling tower makeup water and a design option for beneficial reuse. Option C – Captured runoff for beneficial reuse. This option proposes to capture rooftop rainwater from each building for reuse as traditional landscape irrigation and cooling tower makeup water. The rooftop rainwater will be collected in subsurface tank(s) and treated downstream of storage with filtration and potentially ultraviolet light for specific applications prior to use. The Landowner may achieve compliance through Section 25-8-151 *(Innovative Management Practices)* for innovative water quality controls as a practice that is not specifically prescribed in the ECM, but is designed to address the requirements of Article 6 *(Water Quality Controls*), subject to review and approval by the Watershed Protection Department. Results will be modeled to demonstrate a reduction in pollutant load from the predeveloped condition in accordance with the Save Our Springs requirements. Residence and drawdown times may differ from typical ECM requirements based on technical merit, resource protection and improvement, and advantages over standard practices. Real time controls may be used to improve the runoff capture efficiency and optimize beneficial reuse.

- Section 25-8-341 *(Cut Requirements)* – Modification – Cuts on a tract of land may not exceed a minimum of 14 feet as shown on ***Exhibit G – Grading Plan***.

- Section 25-8-342 (*Fill Requirements)* – Modification – Fill on a tract of land may not exceed 14 feet as shown on ***Exhibit G***.

- Section 25-8-514 (A) *(SOS Ordinance, Pollution Prevention Required)* – Modification – In order to prevent pollution, impervious cover for the Brodie Oaks Redevelopment PUD shall be limited to a maximum of 56 percent Net Site Area. ***Please note that an amendment to the SOS Ordinance is covered as a separate agenda item.***

- Section 25-8-281 (A) *(Critical Environmental Features)* – Addition – The Brodie Oaks Redevelopment PUD will be permitted to encroach on Airman's Cave a maximum of 80 feet provided there is a minimum of 20 feet of Del Rio Clay remaining between any encroachment into the CEF buffer and the vertical extent of the cave.

  In addition, the Brodie Oaks Redevelopment PUD is permitted to encroach 50 feet into the spring labeled as 5-1 as shown on ***Exhibit F – Water Quality and Drainage Plan*** *(Page 2).*

Drainage Criteria Manual

- Section 5.3.2 *(Maximum Velocities)* – Addition – The Brodie Oaks Redevelopment PUD will be permitted to exceed 20 feet per second for the 25-year event for Storm drain trunks with a proposed velocity of 21.6 feet per second.

RESTRICTIVE COVENANT AMENDMENT REQUEST

On April 30, 1981, Council approved office and commercial zonings for the area covered by the request for PUD zoning (C14R-81-033). The 1981 rezoning case also included four (4) adjacent tracts to the northwest and northeast as well that are outside of the PUD boundary and will remain unchanged. As information, the Conditional Overlay mechanism did not exist in the Zoning Code in the early 1980s, hence a Restrictive Covenant was placed on the property to establish the maximum height by designated tract area. The PUD zoning case covers five (5) Tracts: A1 (GR – 35 feet), A2 (CS – 35 feet), and A4 (CS-1 – 35 feet), Tract A3 (GR – 40 feet), and Tract B (LO by C14R-81-033, and the Restrictive Covenant continued to apply upon Council approval of GR zoning on January 10, 1985 by C14R-83-166 – 60 feet). As information, the height limitation of the GR, CS and CS-1 districts is 60 feet.

The related Restrictive Covenant Amendment request is to terminate the maximum height limits as it pertains to five (5) Tracts: A1, A2, A3, A4, and B in order to allow for the taller, denser mixed use project proposed by the PUD. Please note that the existing height limits for the four (4) remaining Tracts: C1 and C2 (MF-4 – 50 feet), C3 (MF-2 – 35 feet), and D (LO – 40 feet or 3 stories) will remain unchanged and continue to be subject to the 1981 Restrictive Covenant.

The Restrictive Covenant Amendment requires the approval of the adjacent property owners within the Covenant area prior to final Council approval.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	Unzoned; GR; CS; CS-1	Vacated TxDOT right-of-way; Commercial shopping center: financial services, food sales, indoor sports and recreation, medical office, personal services, restaurants, retail sales
Northwest	SF-2	Barton Creek Greenbelt and trail
Southeast	CS-V; CS-1-V	Vacated TxDOT right-of-way; Commercial shopping center: financial services, food sales, hospital services (limited), indoor sports and recreation, medical office, personal services, personal improvement services, restaurants, retail sales
Northeast	MF-4	Apartments
Southwest	Not applicable	South Capital of Texas Highway Northbound frontage road and main lanes (Loop 360)

NEIGHBORHOOD PLAN AREA: South Lamar Combined (Barton Hills) (Suspended)

TRANSPORTATION IMPACT ANALYSIS: Is required – ***Please refer to Attachment A.***

WATERSHED: Barton Creek Watershed – Barton Springs Zone –
Recharge Zone; Contributing Zone

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: Yes, Loop 360

HILL COUNTRY ROADWAY: Yes, Loop 360 – High Intensity

SCHOOLS:
An Educational Impact Statement is required. ***Please refer to Attachment D.***
Barton Hills Elementary School O. Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:

381 – Barton View Neighborhood Association
384 – Save Barton Creek Assn.
498 – South Central Coalition
511 – Austin Neighborhoods Council
742 – Austin Independent School District
943 – Save Our Springs Alliance
1107 – Perry Grid 614
1228 – Sierra Club, Austin Regional Group
1363 – SEL Texas
1424 – Preservation Austin
1429 – Go Austin Vamos Austin 78745
1530 – Friends of Austin Neighborhood
1531 – South Austin Neighborhood Alliance (SANA)
1550 – Homeless Neighborhood Association
1596 – TNR - BCP Travis County Natural Resources
1616 – Neighborhood Empowerment Foundation
1714 – East Oak Hill Neighborhood Association
1774 – Austin Lost and Found Pets
1795 – Westgate Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0149 – 4215 S Lamar Blvd and 2428 W Ben White Blvd WB	Unzoned; CS to CS-V	To Grant CS-V	Apvd CS-V as Commission recommended (7-29-2021).
C14-2018-0094 – 2432 W Ben White Boulevard Service Road Westbound	Unzoned to CS	To Grant CS	Apvd CS as Commission recommended (11-15-2018).
C14-2016-0091 – ASC / Bearcreek Properties – 4001 S Lamar Blvd	CS-V to CS-1-V	To Grant CS-V-CO w/CO for list of prohibited uses	Apvd CS-V-CO as Commission recommended (12-8-2016).
C14-2008-0019 – South Lamar Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/ Opt-Out	To add -V (Vertical Mixed Use) zoning to various properties.	To Grant adding (V) to various tracts	Apvd adding (V) as Commission recommended (6-18-2008).
C14-2008-0043 – Barton Hills Neighborhood Planning Area Vertical Mixed Use Bldg (V) Zoning Opt-In/ Opt-Out	To add -V (Vertical Mixed Use) zoning to various properties.	To Grant adding (V) to various tracts	Apvd adding (V) as Commission recommended (6-18-2008).

RELATED CASES:

The Development Assessment for a PUD was filed on December 21, 2020l and Staff conducted a briefing to the Environmental Commission on March 3, 2021 and to Council on March 23, 2021 (CD-2020-0002). The Applicant filed the PUD zoning application on December 21, 2021.

On October 13, 2022, Council approved a Resolution initiating site-specific amendments to City Code Chapter 25-8, Subchapter A, Article 13 *(Save Our Springs Initiative)* as minimally required to address development related to the proposed Brodie Oaks Redevelopment PUD (Resolution No. 20221013-076). A supermajority vote of Council is required for approval.

The rezoning area is platted as Lots A and B of the Barton Creek Plaza, a subdivision recorded on December 23, 1981 (C8-81-063.1).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Lamar Boulevard	230' – 1,800'	Varies, divided	Level 4	Yes	Shared Lane	Yes
South Capital of Texas Highway Northbound	154'	Varies	Level 4	No	Shared Lane	Yes
West Ben White Boulevard	350'	Varies, divided	Level 4	Yes	Shared Lane	Yes

ADDITIONAL STAFF COMMENTS:

Site Characteristics

The property contains a commercial shopping center and parking lot, with sparse vegetation. Topography is flat to slightly sloping. Surface elevations range from approximately 664 to 712 feet above mean sea level with surface water flowing from south to north toward Barton Creek.

Inclusive Planning

The proposed PUD is located on the northeast corner of Capital of Texas Highway and South Lamar Boulevard, on an approximately 37.61-acre site, that currently contains a variety of commercial and retail uses, including a grocery store, retail and office uses, restaurants and a Hobby Lobby. The property consists of multiple address points, is located within the boundaries of an Activity Center for Redevelopment in Sensitive Environmental Areas (Lamar & Ben White) and along the South Lamar Activity Corridor. This rezoning case is not located within the boundaries of an adopted small area plan. Surrounding land uses include the Barton Creek Greenbelt and Trail and an apartment complex to the north; to the south is a shopping center; to the east is an apartment complex and commercial uses; and to the west is the Barton Creek Greenbelt, an office building and commercial uses.

The development proposal calls for clearing the site and *"transforming it from a suburban shopping center and surface parking lots to a compact, vibrant, transit-oriented, and mixed-use center that includes 13.2 acres of new publicly accessible open space (which is 35 percent of the site and 5 times the amount of greenspace required under Tier 2) with views of the downtown skyline and Hill Country forming a new gateway to the Barton Creek Greenbelt."* Specifically, this project proposes approximately 1,233 mid-rise multifamily residential units, 467 high-rise dwelling units (up to 275 feet tall), 1,260,000 square feet of office space, 200 hotel rooms, 140,000 square feet of retail and restaurant uses located along

private streets with public access easements including an Internal Circulator Route meeting Great Streets standards with activated ground floor uses.

The following points are taken from the applicant's rezoning application highlighting some of the proposed improvements and features of the planned project:

- Reposition the retail environment from single-use, auto-oriented to mixed-use and walkable will align the physical environment with the social and environmental trends. The density and height proposed for the Brodie Oaks Redevelopment enable the project to meet the vision established in Imagine Austin Comprehensive Plan of an "Activity Center for Redevelopment in Sensitive Environmental Areas" including state-of-the-art development practices to improve stormwater retention and water quality flowing into the Edwards Aquifer Recharge Zone and Barton Creek Zone. The Brodie Oaks Redevelopment will provide an environmentally superior project that complies with the SOS Water Quality Standards. Reducing impervious cover from 84 percent to 54 percent, complying with SOS water quality standards. Eliminate nearly 4 acres of untreated runoff from buildings and parking currently draining directly into the Barton Creek Greenbelt. The proposed plan will allow only water from open space to leave the site. Plant native or native adaptive trees and vegetation and be committed to a Tree Health and Maintenance Plan. Save or move the many of the heritage trees on the site.

- Restore over 25 percent of the site to open space adjacent to the Barton Creek Greenbelt, which is made possible through building up to 275' tall along the Loop 360 and S. Lamar Boulevard frontage.

- All buildings will have direct pedestrian connections from entrance to adjacent streets. Provide shade trees or shade structures along all streets. The Brodie Oaks Redevelopment provides transit-supportive densities within walking distance of the high-capacity MetroRapid Route 803 transit stop as called for in Imagine Austin. Discuss the coordination of a Purple Line high capacity MetroRapid Route 803 transit

stop. A shared parking strategy and a travel demand management plan is included in PUD Submission 1.

- Create a shared-use path of approximately 2,500 linear feet extending from S. Lamar Boulevard to Park Road that will run along the park's edge and be used for mobility and recreation uses. Constructing a designated trailhead and connection to the Barton Creek Greenbelt with signage, trash disposal and parking. Provide a network of active trails, public sidewalk, and install a publicly accessible trailhead into the Barton Creek Greenbelt.

- At least 80 percent of the parking will be underground or in parking structures. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles. The project will also provide a network of up to 6,000 feet of active trails, 10,000 feet of sidewalk, and an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. Restore and transform approximately 21-acres acres of surface parking lots and drive aisles and approximately 8-acres of single use office and retail buildings to a vibrant neighborhood and destination for South Austin.

- Provide a bike share station, bike parking, lockers, and showers. Pedestrian and bicycle access and connectivity strategies include the funding or construction of pedestrian and bicycle amenities and infrastructure on roadways and at intersections that people would use to access the Project site. Examples of pedestrian and bicycle access and connectivity features include bike lanes, bike boxes, sidewalks, curb ramps, crosswalks, bicycle signal heads, and pedestrian-hybrid beacons.

- Designate 10 percent of the 'bonus' area of both residential and non-residential square footage for affordable housing on-site regardless of ownership or rent.

- Track and Certify each building to meet 3-star minimum Austin Energy Green Building Star Rating System.

- Track development-wide performance using latest applicable version of the LEED ND and commit to full LEED ND submission after PUD approval. Brodie is currently formally registered with LEED ND as of 9/22/2021.

- Commit to SITES Silver certification for Parkland.

- Commit to the installation of a minimum of two art installations from local artists and the incorporation of performance venues. A central green will be developed and programmed for events and entertainment acting as the central core of food and beverage options. Parkland dedication will be met through parks that enlarge Gus Fruh Park. The remainder of the parkland dedication requirement will be paid with fee-in-lieu. Use creative design and the incorporation of public art and performance venues. Biophilic design, energy and water conservation and the use of regional

architectural styles and materials will all help contribute to the South Austin character.

Connectivity

This site is adjacent to CapMetro's Metro Rapid Route 803, along the South Lamar Imagine Austin Corridor. Per the applicant's agent: "*The Brodie Oaks Redevelopment will support ridership on Capital Metro's existing high capacity transit route (MetroRapid Route 803) on S. Lamar Boulevard with the development of a high-density, mixed-use project. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles*." Existing mobility and connectivity options in and around the site are below average and considered unsafe for pedestrians.

Imagine Austin

The *Imagine Austin Growth Concept Map* identifies this property as being near one of the five *Activity Center for Redevelopment in Sensitive Environmental Area* as identified on the Imagine Austin Growth Concept Map, found in the *Image Austin Comprehensive Plan (IACP)*. Page 106 of the IACP states, "Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context". One of the Land Use and Transportation policies, LUT P21 (page 102), clarifies the intent, "Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer." Activity Centers are supposed to be walkable, bikeable, and supported by transit.

The property is also located along the South Lamar Activity Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway - shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings and offices.

The following IACP policies are also applicable to this rezoning case:

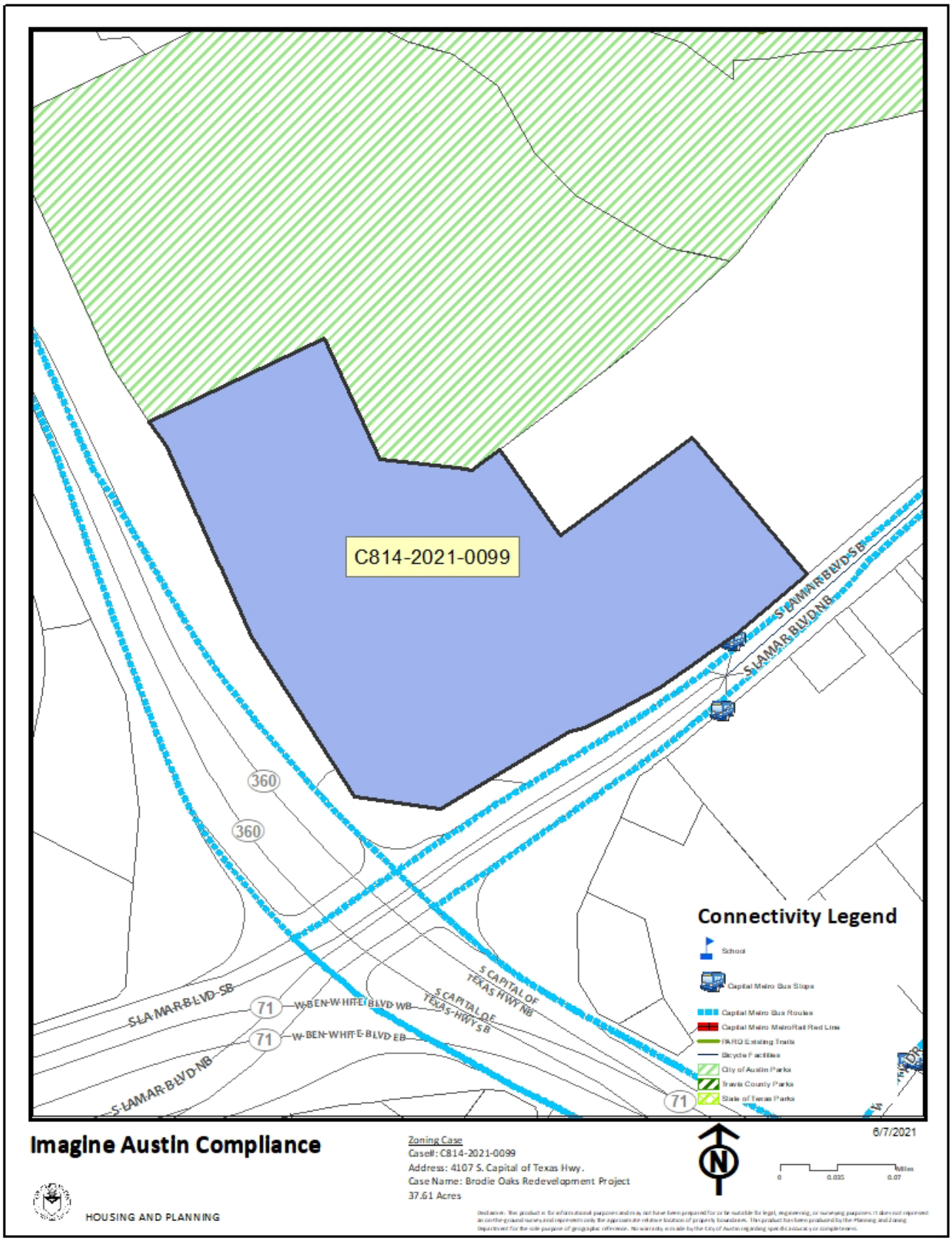
- LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for

transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon the proposed project's *Superiority Table* stating it will meet or exceed a variety of environmental standards, improve connectivity and mobility options in the area, add cultural amenities, and provide an affordable housing component, this PUD appears to support the Imagine Austin Comprehensive Plan policies.



Document Path: T:\Projects_and_Programs\ImagineAustin\Compliance Review\Compliance maps\C814-2021

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

The existing amount of impervious cover on the Brodie Oaks site is approximately 84% and the Applicant proposes to reduce the maximum impervious cover to 56% of the net site area and comply with SOS ordinance standards for non-degradation of water quality. Impervious cover will be tracked by site plan in compliance with Exhibit H – Phasing Plan and will be higher on a site-by-site basis.

Modification of the maximum impervious cover allowed by the SOS Ordinance results in a Code amendment and is posted as a separate agenda item. A supermajority vote of the City Council is required.

Environmental Office – Watershed Protection Department

Please refer to Attachment B.

Environmental Review – Development Services Department

Please refer to Attachment B.

Floodplain:

37.6-acre redevelopment site at S Lamar Blvd and US290/Loop360 in the Barton Creek watershed. Proposed redevelopment is not making improvements in the floodplain; as such no defined floodplain exists on the property since drainage area less than 64 acres. No floodplain review required for this case based on submitted documents. Comments below are standard FYIs.

FYI: As the PUD does not request changes or amendments to floodplain code and criteria, all future applications in the PUD area will be required to meet floodplain regulations in effect at the time of application including but not limited to: prohibition of new buildings and parking located in the floodplain, requirements to demonstrate that all proposed development activities located within the floodplain do not adversely impact the floodplain on other property and all other floodplain regulations.

FYI: Our understanding of flood risk in Austin is changing. What is now known as the 500-year floodplain is a good representation of what the 100-year floodplain will be according to a National Weather Service publication called Atlas 14. This could affect the layout of this development, including the location of lots, drainage easements, buildings, parking, and

roadways. The City will likely be using the current 500-year floodplain as the design floodplain for residential and commercial building permit review in the near future. In order to minimize flood risk to our community and better ensure that all the lots in this PUD can be developed in the future, the City of Austin recommends that you consider the 500-year floodplain as a surrogate for the 100-year floodplain when designing this development within the PUD area.

Office of Sustainability:

The *Brodie Oaks Redevelopment Superiority Table* submitted with the PUD application outlines strategies to incorporate many of the elements in the Carbon Impact Statement (CIS), including:

- Location of transit on the adjacent Lamar Blvd
- Creating of bicycle facilities
- Creating a walkable landscape with access to trails
- Provide showers and indoor bicycle parking
- Location in an Imagine Austin activity center or corridor. ***Please refer to Attachment E.***

Site Plan

Staff has verified that per LDC Section 25-2-1051(B) *(Applicability)*, parkland does not trigger compatibility standards.

As shown below, compatibility standards to parkland are exempted based on LDC Section 25-2-1052 (D) *(Exceptions)*.

(D) This article does not apply to a passive use, including a park and hike and bike trail, in the 100-year flood plain if:

(1) the requirements of Chapter 25-8 *(Environment)* are met; and

(2) The use is within an easement dedicated to the City, if applicable.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Section 25-6-142]. ***Please refer to Attachment A.***

Austin Water Utility

The Brodie Oaks PUD submitted a completed version of Austin Water's Water Balance Calculator tool to assess non-potable demands and determine available alternative water supplies for the development.

The Brodie Oaks PUD shall use alternative water sources, either onsite sources or municipal reclaimed water, within the development for all non-potable uses such as irrigation, cooling and toilet/urinal flushing applications.

FYI: Service Extension Requests 4969 and 4970 are currently in review and must be approved prior to formal development plan approval per Utilities Criteria Manual 2.5.1(F)(13). For status, contact Katie Frazier at (512)-972-0232 or Katie.Frazier@austintexas.gov.

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and/or abandonments required by the proposed land uses. It is recommended that Service Extension Requests be submitted to Austin Water (AW) at the early stages of project planning. Water and wastewater utility plans must be reviewed and approved by Austin Water in compliance with Texas Commission on Environmental Quality rules and regulations, the City's Utility Criteria Manual, and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fees with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Typical water system operating pressures in the area are above 65 psi. Pressure reducing valves reducing the pressure to 65 psi (552 kPa) or less to water outlets in buildings shall be installed in accordance with the plumbing code.

All AW infrastructure and appurtenances must meet all TCEQ separation criteria.

Additionally, AW must have adequate accessibility to safely construct, maintain, and repair all public infrastructure. Rules & guidelines include:

1. A minimum separation distance of 5 feet from all other utilities (measured outside of pipe to outside of pipe) and AW infrastructure.

2. A minimum separation distance of 5 feet from trees and must have root barrier systems installed when within 7.5 feet.

3. Water meters and cleanouts must be located in the right-of-way or public water and wastewater easements.

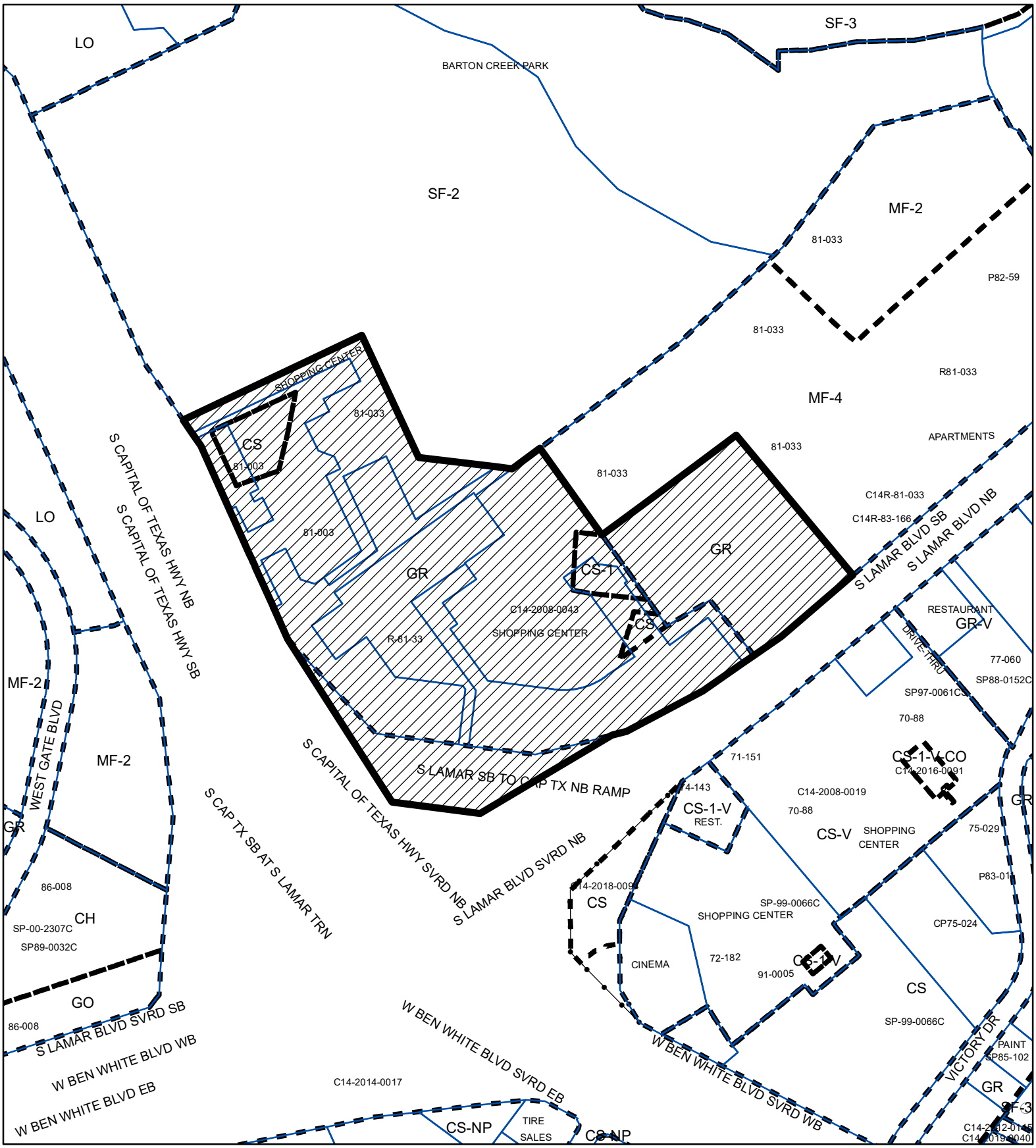
4. Easements AW infrastructure shall be a minimum of 15 feet wide, or twice the depth of the main, measured from finished grade to pipe flow line, whichever is greater.

5. A minimum separation of 7.5 feet from center line of pipe to any obstruction is required for straddling line with a backhoe.

6. AW infrastructure shall not be located under water quality or detention structures and should be separated horizontally to allow for maintenance without damaging structures or the AW infrastructure.

7. The planning and design of circular Intersections or other geometric street features and their amenities shall include consideration for access, maintenance, protection, testing, cleaning, and operations of the AW infrastructure as prescribed in the Utility Criteria Manual (UCM)

8. Building setbacks must provide ample space for the installation of private plumbing items such as sewer connections, customer shut off valves, pressure reducing valves, and back flow prevention devices in the instance where auxiliary water sources are provided.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

Exhibit A

ZONING CASE#: C814-2021-0099

1 " = 400 '

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1" = 150'

Brodie Oaks Redevelopment

Exhibit A - 1

ZONING CASE#: C814-2021-0099
LOCATION: 4021-4141 S. Capital of Texas Hwy NB; 3940-4236 S Lamar Blvd SB
SUBJECT AREA: 37.606 Acres
GRID: F19
MANAGER: KATE CLARK

October 12, 2022

LIONHEART

Courage to create.

Jerry Rusthoven, Chief Zoning Officer
Housing and Planning Department
City of Austin
Street-Jones Building
1000 E. 11th St., Suite 200
Austin, TX 78702

Re: Planned Unit Development Application for Brodie

A Planned Unit Development application that will govern the redevelopment of a 37.6-acre site from a suburban shopping center and surface parking lots to a compact, vibrant, transit-oriented, and mixed-use center that includes 11.6 acres of new publicly accessible open space with views of the downtown skyline and Hill Country forming a new gateway to the Barton Creek Greenbelt.

A site-specific amendment to City Code Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to allow for limits to impervious cover as proposed by the Brodie PUD.

An amendment to an existing Restrictive Covenant, application C14r-81-033(RCA), as minimally required to allow for maximum heights within the property as proposed by the Brodie PUD.

Dear Mr. Rusthoven

As the authorized agent of the owner of the Brodie Oaks Shopping Center, Lionheart Places is respectfully providing this Planned Unit Development (PUD) application to rezone the property from General Commercial Services (CS), General Commercial Services – Liquor Sales (CS-1), and Community Commercial (GR) to the PUD zoning with a base zoning of CS-MU-V. As part of the discussion of the Brodie Oaks PUD development an amendment to existing Restrictive Covenants and a site-specific amendment to the Save Our Springs (SOS) Ordinance will be considered concurrently.

The purpose of this zoning request is to transform the existing Brodie Oaks shopping center into a vibrant, mixed-use destination for South Austin. Located at the northeast corner of the intersection of S. Lamar Boulevard and Loop 360, this 37.6-acre site is adjacent to Capital Metro's Metro Rapid Route 803, along the S. Lamar Boulevard Imagine Austin Corridor, within the South Lamar Neighborhood Planning Area (a suspended neighborhood plan), and within an Activity Center for Redevelopment in Sensitive Environmental Areas on Imagine Austin's Growth Concept Map. The site is part of an original 164-acre development that contributed to setting a standard for development in environmentally sensitive areas for its time in 1981 including the dedication of 84.3-acres of the Barton Creek Greenbelt, and clustering of impervious cover on the remaining acreage. This legacy makes the Brodie PUD well

suited for realizing the Imagine Austin vision for an Activity Center for Redevelopment in Sensitive Environmental Areas.

The owner wants to achieve the vision of the Imagine Austin Comprehensive Plan, Strategic Housing Blueprint, Watershed Protection Master Plan, Austin Strategic Mobility Plan, Austin Community Climate Plan, Water Forward Master Plan, Project Connect, SOS Ordinance and the Austin Strategic Direction 2023 Plan through the following set of project goals:

- **Ecology – We meet the highest environmental and ecological standards.**
  Brodie will reduce total impervious cover from approximately 84 percent to a maximum impervious cover of 54 percent, a 36 percent reduction, and comply with the Save Our Springs (SOS) Ordinance standards for non-degradation of water quality. Currently, 6.25 acres of the site (63 percent of which is impervious cover) drains directly into the Barton Creek Greenbelt. In the planned condition all storm water will be treated to the SOS water quality non-degradation standard. While the project is meeting the water quality standards from the SOS Ordinance, Brodie is proposing to modify the maximum impervious cover allowed by the SOS Ordinance. We understand that this code modification will require a super majority vote of the City Council. Even though we need to amend this section of the SOS Ordinance the proposed 36% reduction in impervious cover is far superior to what exists now and what could be built under the current code. The project will restore and reserve 11.6-acres of the site that is currently developed as surface parking lots and single-story retail and office buildings as City of Austin Parkland which is equivalent to 31 percent of the subject property. Nearly 9.7 acres of open space is located adjacent to the Barton Creek Greenbelt creating a 100' to 300' buffer between the existing Barton Creek Greenbelt and the new development. Brodie will blend new open space into the existing Barton Creek Greenbelt by restoring 6% of new open space (1 acre) using the Hill Country Revegetation standard. Another 6% (1 acre) will be restored to a native prairie standard. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. Brodie has been thoughtfully designed to preserve 100% of the heritage trees and 75% of the protected and regulated trees and transplant up to 20 trees that are unable to be preserved in place. In the planned conditions, only limited impervious cover from sidewalks within the open spaces drains into the Barton Creek Greenbelt. These efforts will reduce heat island effect and provide a more biophilic landscape which will help foster pedestrian transportation. Finally, the focus on multi-modal travel will reduce emissions and reliance on fossil fuels.

- **Place – We create a dynamic, diverse, and inclusive mixed-use destination that expresses the character of South Austin.**
  Brodie will be a destination landmark for South Austin and reflect the unique character of South Austin through its creative design and commitment to a minimum of 2 art installations from local artists and the incorporation of performance venues and a festival street adjacent to the new park. Brodie provides transit-supportive densities within walking distance of the high-capacity MetroRapid Route 803 transit stop as called for in Imagine Austin. The project is planning for approximately 1,700 residential units, 1,260,000 square feet of office, 200 hotel rooms, 110,000 square feet of retail, and 30,000 square feet of restaurant uses – approximately

56 units/acre and 59 jobs/acre. The project will reserve prominent areas with views of Downtown and the Hill Country as publicly accessible parks and open space. A central green will be developed and programmed for events and entertainment acting as the central core of food and beverage options. Parkland dedication will enhance and expand the existing Gus Fruh Park. The remainder of the parkland dedication requirement will be paid with fee-in-lieu. Park development will be $700 per unit more than required fees. All parks except the Neighborhood Park will be developed in Phase 1. Public spaces will include the incorporation of public art. Private streets with public access easements will exceed Great Streets standards including sidewalks or shared use paths with activated adjacent ground floor uses. These will connect to adjacent developments such as the Retreat at Barton Creek apartment complex and the S. Lamar Boulevard corridor improvements. Brodie will include approximately 140,000 square feet of retail and restaurants. These will be primarily focused on the Central Green and the Internal Circulation Route. The remaining frontages on the Internal Circulator Route, Park Street and main entrances will be activated with residential uses that have main entrances oriented onto the street, individual unit entrances and stoops, art, amenity space, plazas, or other active uses. We will work with existing businesses such as the grocery store and food and beverage establishments to relocate within the new development. Biophilic design, energy and water conservation and the use of regional architectural styles and materials will all help contribute to the South Austin character.

- **Connection – We link the site to its surroundings and create more access to the site for all.** Brodie will support ridership on Capital Metro's existing high-capacity transit route (MetroRapid Route 803) on S. Lamar Boulevard with the development of a high-density, mixed-use project. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles. Per the approved TIA and associated TDM we shall be implementing a parking reduction of 35% from code requirements. This meaningful reduction of parking in tandem with a robust TDM requirement will provide a minimum trip reduction of 25%. The project will also provide a network of up to 6,000 feet of active trails, 10,000 feet of sidewalk, and an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. The project will continue to work with local organizations like the Hill Country Conservancy, Austin Parks Foundation, and Save Barton Creek Association to explore how the project can support the construction and ongoing maintenance of a trail connection to the Barton Creek and regional Violet Crown trail systems. A Shared Use Path and sidewalk along S. Lamar Boulevard will be built to Core Transit Corridor standards as well as adhering to the S. Lamar Boulevard Mobility Corridor Improvements. It should also be noted that with the adoption of Street Impact Fees by City Council in December 2020, this project has an estimated Street Impact Fee obligation of $7,287,061. The project will work with the City of Austin, Texas Department of Transportation, and Capital Metro on improving access external to the site through a Traffic Impact Analysis process.

- **Climate - We build resiliency and develop towards a zero-carbon, zero-water, and zero-waste development.**

Brodie will provide a dependable, low-carbon and adaptable energy strategy for the new development. Working closely with Austin Energy, the Brodie team aims to find optimal energy solutions at building-, site- and district-scale. At building scale, the Brodie design aims to optimize passive design strategies through building orientation and massing and façade design to find right balance of thermal performance and access to daylight and views. The project will investigate PassiveHaus design for the residential towers. Building will drive efficiency through high-performance systems, aggressively pursuing energy efficiency measures. At site scale, the Brodie team is exploring phased centralized district cooling and heating system, heat recovery chillers and various thermal storage alternatives. Through on-site solar generation with battery back-up generation, the project is seeking to deploy distributed energy resources to make the site more resilient. Through collaboration with Austin Energy, the Brodie team is aiming to provide the right power supply, grid-tied distribution, and demand management programs to balance the grid as it adapts to growth in the South Austin area.

Brodie, in alignment with the Water Forward plan, will provide building and site solutions that treat water as the valuable resource it is. In response to the SOS Ordinance and the site's location over the Edwards Aquifer, Brodie is taking an aggressive approach in capturing all rain from the water quality event to reduce downstream discharges providing a large supply for reuse. Roughly 2/3 of the total retained volume will be collected from rooftops and combined with condensate from air conditioning systems, then conveyed through a set of clean water pipes to a central cistern for reuse in evaporative cooling towers and landscape irrigation demands. The remaining 1/3 will be captured as stormwater runoff in a retention-irrigation system and used in openspace. In total, the reuse program will offset 20M gallons of potable water consumption per year on average. In the event a regulatory pathway becomes available that allows for blackwater recycling, the site plan allows flexibility to incorporate reuse of treated biological wastewater in future development, as required. The centralized approach to rainwater harvesting provides plan-readiness in the form of space where additional central treatment facilities could be installed to enable expansion of the non-potable supply. A detailed techno-economic study was performed during the planning phase, demonstrating how a district blackwater system — which significantly outperforms graywater from a water conservation standpoint and could enable the project to approach a net zero water outcome — could be deployed. The building will provide low-flow and efficient fixtures to reduce demand beyond minimum requirements in the Austin Energy Green Building star rating system. Finally, managing the efficient use of materials to minimize waste to landfill are critical parts of the Brodie plan. Through the use of regional architectural styles, locally-sourced materials and low-embodied energy materials and practices, the Brodie team aims to create a thoughtful, and environmentally responsive development that is reflective of its South Austin character. The design teams will be encouraged to utilize Life Cycle Assessment (LCA) to evaluate structural solutions, materiality and finishes that reduce embodied energy and are optimized through construction and fabrication processes. Waste management will be managed to highest levels during construction as well as into operation, with thoughtful waste storage, collection, and recycling of materials. Due to the anticipated high volumes of organic waste, Brodie also aims to provide comprehensive organic collection for off-site compositing.

- **Community - We create a community of residents, workers and visitors that prioritize health and well-being.**
  The project is meeting the Imagine Austin vision of an Activity Center for Redevelopment in Sensitive Environmental Areas and repositioning the retail environment from single-use, auto-oriented to mixed-use and walkable will align the physical environment with the social and environmental trends. Brodie offers 10 percent of the bonus area square footage as on-site affordable housing regardless of rental or ownership. The project is proposing to provide all housing on-site without requesting a fee- in-lieu if it is possible to track them site wide. This is a major superiority item because most of our bonus area is based on non-residential land uses. In addition, the project team is exploring partnerships with community organizations that can provide deeper levels of affordability on-site. Brodie will strive to ensure highest quality of indoor and outdoor environments. Ventilation systems will be designed to provide increased quantities of outdoor air while air monitoring systems will ensure balance of air quality with the development's aggressive energy reduction targets. The project will work to ensure access to healthy and affordable food by working with all restaurants, supermarkets, and retailers to ensure a wide range of affordable, healthy, local, and sustainable food options. As a development of this size, scale, and influence, the Brodie team has an opportunity and a responsibility to meaningfully contribute to a healthier Austin for all. Brodie will work through design and operations utilizing the WELL Building and Community standards to ensure health and well-being are front and center to shape our built environments. Brodie aims to ensure these factors are being communicated to our tenants and actively working to advance positive outcomes with respect to overall physical and mental health, chronic diseases, and access to health insurance.
  Brodie strives for equitable access to open space, art, culture, and community amenities and programs. This commitment bridges both the built as well as the digital worlds. The Brodie team aims to ensure a high-quality digital network providing equitable connectivity to tenants and visitors. Also, the Brodie team believes that informed citizens make empowered citizens for change. Brodie aims to leverage our collected data as well as local public data in open and accessible platforms for public consumption.

Requests not being Supported

The team has worked extensively to respond to all staff and stakeholder comments and concerns that we have received through the PUD process. As you will see in the attached comment log, there has been careful thought and effort in each response. We do want to bring to your attention that there is one suggested request from Austin Energy that the project cannot support. Austin Energy is requesting the project dedicate 1.5 acres for the installation of an above grade substation (we believe similar to the Rainey Street Substation) on the Brodie site. We have been told the request is associated with concerns around capacity limitations in the existing area.

As you know, Brodie is located in the Barton Creek Watershed: the most environmentally sensitive watershed in Austin. The site is also in the Barton Springs Zone and Edwards Aquifer Recharge Zone which restricts impervious cover to 15%. A substation would adversely affect the ability of the project to meet the SOS water quality pollutant removal requirements, balance the environmental sensitivity

this site demands, and allow for the parkland and quality public amenity space that we all agree this site should provide. Specifically, the substation as requested would:

- Increase impervious area and challenge our ability to meet the SOS pollutant load removal requirements to the same degree proposed.
- Reduce parkland available for recreation and ecological restoration.
- Negatively impact placemaking and establishment of an authentic South Austin character.
- Negatively impact Hill Country Views that are proposed to be restored by this project along the Loop 360 Corridor.

Simply, Brodie is not the right location for a substation to serve this growth node in S. Austin.
For these reasons the addition of a substation and the resulting implications within the design are not included in this PUD submission.

We have been in several discussion with Austin Energy. We have agreed to provide resources and support to Austin Energy to continue to find a solution that does not negatively impact the site and community benefits outlined within this PUD submission. Brodie is years away from issuing a formal load letter and requesting power so there is time to plan for alternative locations. The earliest forecasted timeline for phase 1 Site Development Permit (SDP) would be 2024. Building Permit applications would follow with occupancy at approximately 2027.

The proposed Planned Unit Development demonstrates that Brodie meets all Tier I requirements, achieves most Tier II requirements and presents community benefits not even conceived of in the City's' PUD ordinance thus resulting in a superior development that could not be achieved through conventional zoning.

Please let us know if your team requires additional information or has any questions. We are grateful for the opportunity to continue our collaboration with the City and stakeholders.

Respectfully,

Rebecca Leonard, FAICP, PLA, CNU-A
Founder and CEO
Rebecca@lionheartplaces.com

Attachments included:
Zoning Application, Property Description, and Restrictive Covenants
Reviewer Comment Log
Superiority Table
Code Modifications Table
Exhibits

Drainage Study
ERI
Associated Permit Files as Requested
Tax Plat Maps
Carbon Impact Statement
Integrated Pest Management Plan
Draft Water and Wastewater SER
Shared Parking and TDM
Tax Certificates

CC:
Project and Ownership Team
Pat Oles
Milo Burdette
John Schaefer
Zain Sayed
David Armbrust
Jewels Cai
Joseph Longar
Bobak Tehrany
Steven Baumgartner
Bronson Johnson
Reviewing Agencies
Texas Department of Transportation (TxDOT), Reed.Smith@txdot.gov; william.semora@txdot.gov
Capital Metropolitan Transportation Authority, Lawrence.Deeter@capmetro.org; Mark.Herrera@capmetro.org

Surrounding Environmental and Neighborhood Organizations

Barton Hills-Horseshoe Bend (Barton Hills Neighborhood Association): president@bartonhills.org and Peter Hess
Barton Oaks Neighborhood Association: Chris Lehman
Barton View Neighborhood Association: info@bartonview.net and Terrence R Cowan
Save Barton Creek Association: SBCA@savebartoncreek.org and Angela Richter angela@savebartoncreek.org
Save Our Springs Alliance: notices@sosalliance.org and Bobby Levinski bobby@sosalliance.org
South Austin Neighborhood Alliance: Ken Jacob
South Lamar Neighborhood Association: Andrea Freiburger
South Manchaca Neighborhood Plan Contact Team: David Foster
Southern Oaks Neighborhood Association: Kevin Cruser
Southwood Neighborhood Association: Joan Owens j
Western Trails Group: Leann Land
Western Trails Neighborhood Association: wtnaboard@gmail.com and Meenah Hulsen

Westgate Neighborhood Plan Contact Team: WestgateNPCT@gmail.com and Karen Kalergis
Zilker Neighborhood Association: zna@zilkerneighborhood.org and David Piper

AUSTIN ENERGY SUBSTATION REQUEST

The Brodie team takes the following position on substation location and timing:

1

We are not saying "no" to a substation on-site – Just requesting "not now".

We included "Civic" as an approved use within the land use zoning as consistently requested throughout the PUD process. While we began disucssions with AE about siting a substation on the property or within the area, we were not asked to include a location in the PUD until November 2022. Given that we are currently in the zoning process, we are years away from the point in time in which the design is known and a load letter can be submitted. There is a specified process of working with AE when we have more information to plan for electric service. It is not necessary to do so now for the PUD. We understand that we may have to find an on-site solution if no other viable options exist at that time, and this could in turn influence some of our system design strategies. Whatever the ultimate load requested from AE, the development will provide the rate base to support the economics of building a customer substation.

2

Brodie is not the appropriate location for a district-wide substation.

Adding capacity to serve areas outside of the project would have a significant impact on the required size of a substation. A large substation would not be compatible with the plans for impervious cover reduction in a sensitive watershed, transit-supportive densities, greenbelt/parkland recreation, urban activation, and residential uses.

3

This project is industry leading from an energy perspective

Brodie has gone above and beyond traditional superiority. Brodie will provide a reliable energy system that reduces energy consumption and carbon emissions relative to the minimum code requirements and can be adapted over time to realize further reductions in the future. Brodie will provide on-site energy generation such as solar PV. Brodie will continue to work to assess the feasibility of a) a phased centralized district cooling and heating system that enhances system performance; and b) battery storage and demand response to enable load shifting, which would enable AE to better balance the grid as it adapts to growth in the South Austin area. We have brought on a world-class team including ARUP to evaluate life-cycle costing options optimizing for operational efficiency, reliability, carbon, and resiliency – with an extraordinary level of investment in design and innovation at a zoning phase.

4

We embrace Austin Energy as a core partner.

We are fully committed to working with Austin Energy to resolve this issue. We recognize that we cannot build the project without electric service from AE. We see a great opportunity for this to be a global showcase for collaboration, innovation and education as a new model of reliable, efficient and cost-effective solutions.

Date	Board	Vote		Recommendation of Approval	Incorporation of Recommendation	Status
September 26, 2022	**Parks Board**	**Approved 9 - 0**				
			1.	Work with staff and Austin Transportation department to provide ten (10) free parking spaces to the neighborhood park site.	Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated with the following: Brodie will develop 50 parking space and allocate 40 to Overlook / Trailhead Park and 10 to Neighborhood Park. Parking spaces will be reserved for park users. Parking spaces allocated to Overlook / Trailhead Park will be provided in phase 1 as indicated in Exhibit H: Brodie Phasing Plan and parking spaces allocated to Neighborhood Park will be constructed in Phase II.	**Applicant Supports**
			2.	Amend the application to state there will be a publicly available restroom at the neighborhood park.	The Parkland Amenities Table on Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated to include Access to Public Restrooms as a required amenity for both the Overlook / Trailhead Park and the Neighborhood Park.	**Applicant Supports**
			3.	Continue to work with Hill Country Conservancy and Austin Parks Foundation to ensure this is a sustainable trail accessing the Barton Creek Greenbelt.	Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated with the following: The project is currently working with local organizations like the Hill Country Conservancy, Save Barton Creek Association, Austin Parks Foundation, and the Balcones Canyonlands Preserve to explore how the project can support the construction and ongoing maintenance of a trail connection to the Barton Creek and regional Violet Crown Trail systems. The project will explore methods to fund off-site Barton Creek Greenbelt preservation and management on an ongoing basis through the Balcones Canyonlands Preserve Trail Master Plan process. The applicant commits to working with the entities listed above to submit a Trail Master Plan application prior to the issuance of a site plan for the Overlook / Trailhead Park.	**Applicant Supports**
			4.	Investigate and report back on methods to fund off-site Barton Creek Greenbelt preservation and management through commercial development at the site.	See response above.	**Applicant Supports**
November 2, 2022	**Environmental Commission**	**Approved 9 - 1**				
	Staff Conditions		5.	Reduction in impervious cover from 84% NSA to 56% NSA	See the Site Metrics table on Exhibit B: Brodie Land Use Plan (Page 1)	**Applicant Supports**
			6.	Bring the site into compliance with SOS water quality treatment requirements	See the Brodie Superiority Table Water Quality Treatment (on-site) commitments described here: This site has an existing impervious cover of 86 percent and this application proposes to both reduce the impervious cover to 56 percent net site area and comply with the SOS water quality standards. Brodie is meeting the SOS Ordinance pollutant load removal requirements through green water quality controls such as rainwater harvesting and retention-irrigation.	**Applicant Supports**
			7.	Clustering impervious cover and disturbance 75-250’ away from Barton Creek Greenbelt	See the Brodie Superiority Table Buffer from Existing Barton Creek Greenbelt commitments described here: A 75’ to 250’ naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover, programming, and improvements to provide passive recreation such as soft trails, benches, picnic tables, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt.	**Applicant Supports**
			8.	Restoring 2 acres of the tract to native vegetation	See the Brodie Superiority Table revegetation commitments described here The Brodie PUD is proposing to restore 2-acres total within the HCRO. One acre will exceed the HCRO Revegetation Standard by increasing the density of planting from ¼ of the standard density to 1/3 of the standard density. The second acre will meet a new native prairie criterion for revegetation as identified in the Exhibit C: Brodie Land Use Plan (Page 7).	**Applicant Supports**

	9.	Provide 100% GSI for water quality controls	See the Brodie Superiority Table Water Quality Treatment (on-site) commitments described here: The Brodie PUD proposes to treat 100% of the water quality volume using green water quality controls, which will include all or some of the following methods: 1) Retention/Irrigation 2) Retention/Infiltration 3) Cooling Tower Makeup water 4) Conventional Irrigation	**Applicant Supports**
	10.	Provide rainwater harvesting for landscape irrigation of not less than 50% of the landscaped area	See the Brodie Superiority Table Primary Irrigation Source commitments described here: Brodie will provide a rooftop rainwater harvesting system that will serve not less than 50 percent of the landscaped areas where irrigation is required.	**Applicant Supports**
	11.	Provide superior tree protections	See the Brodie Superiority Table Non-Protected, Protected, and Heritage Tree commitments described here: Non-Protected: Brodie is preserving 77% of all trees meeting preservation criteria that are up to 18.9 caliper inches. This includes the relocation of up to 4 trees into the newly created parkland on-site. Protected: Brodie is preserving 79% of all protected trees meeting preservation criteria. This includes the relocation of up to 10 trees into the newly created parkland on-site. Brodie is also committed to implementing a tree care plan identified in the arborist report to maintain the health of trees that are planned to be preserved in the ultimate development. Heritage Trees: Brodie has intentionally designed the site to preserve stands of significant trees in place. Brodie commits to preserving all heritage trees on-site and meeting the heritage tree ordinance. This includes the relocation of up to 6 trees into the newly created parkland on-site.	**Applicant Supports**
	12.	Comply with Austin Green Building 3-star rating	See the Brodie Superiority Table Austin Energy Green Building commitments described here: Brodie will track and certify each building to meet 3-star minimum requirement utilizing the applicable version of the Commercial Rating system at the time of design.	**Applicant Supports**
	13.	Exceed landscaping requirements	See the Brodie Superiority Table Grow Green Landscaping commitments described here: 1. The Brodie PUD is proposing to restore 2-acres total within the HCRO. One acre will exceed the HCRO Revegetation Standard by increasing the density of planting from ¼ of the standard density to 1/3 of the standard density. The second acre will meet a new native prairie criterion for revegetation as identified in the Exhibit C: Brodie Land Use Plan (Page 7). 2. A double allée of street trees will be provided on the north side of the main Internal Circulator Route which will be dedicated as a public easement. The addition of this second row of trees increases the total area of the "Planting Zone" from 16 feet for the street section to 21 feet, an addition of 5' of planting area. 3. Brodie will include pollinator gardens and plants to support Monarch butterfly and other pollinators.	**Applicant Supports**
	14.	Provide superior open space and parkland dedication.	See the Brodie Superiority Table Open Space Commitments described here: The project is providing – 11.6 acres of open space which is equivalent to 45 percent of the developed area (nearly 1.5 times the amount of open space required to satisfy Tier 2 which would be equivalent to 7.8 acres.) In addition to being superior in the amount of land provided the project is committing to dedicate and develop all open space to the standards identified in Exhibit D: Brodie Parks and Open space plan.	**Applicant Supports**
Commission Conditions	15.	Work with staff to reduce the maximum height of the buildings to reduce the canyon effects and reduce bird strikes in the Balcones Canyonlands Preserve zone.	Building height is critical to achieving the ecological, transit supportive, and place-based goals of the project. Please see the attached issue paper.	**Not Supported by Applicant or Planning Commission**

	16. Utilize dark skies best practices for all outdoor lighting	See the Brodie Superiority Table Outdoor Lighting Commitments described here: Brodie will commit to meeting the Austin Energy Green Building Star Rating System Criteria ST7. Light Pollution Reduction as outlined in the 2022 Commercial Rating System (or latest applicable version) for all buildings and site lighting.	**Applicant Supports**
	17. Require all buildings to utilize bird friendly glass and building best practices	See the Brodie Superiority Table Bird Friendly Building Design Commitments described here: Brodie is committed to bird-friendly architecture and design and is committing to meeting the Bird Collision Deterrence Criteria STEL5 from the Austin Energy Green Building Star Rating System as outlined in the 2022 Commercial Rating System (or latest applicable version) for all buildings.	**Applicant Supports**
	18. Require on-site energy creation including solar and combined heat and cooling systems	See the Brodie Superiority Table Energy Strategy Commitments described here: Brodie will provide a reliable energy system that reduces energy consumption and carbon emissions relative to the minimum code requirements and can be adapted over time to realize further reductions in the future. Brodie will provide on-site energy generation such as solar PV. Brodie will continue to work to assess the feasibility of a) a phased centralized district cooling and heating system that enhances system performance; and b) battery storage and demand response to enable load shifting, which would enable AE to better balance the grid as it adapts to growth in the South Austin area.	**Applicant Supports**
	19. Increase EV stations prewiring preparation to 50% throughout the property including spaces at the free parking spaces at the park.	See the Brodie Superiority Table Electric Vehicle Charging Commitments described here: Brodie will commit to meeting or exceeding the Austin Energy Green Building Credit BR4. Electrical Vehicle Charging and ST5 – Additional Electric Vehicle Charging for all buildings as updated. The project has committed to a minimum of 50% Electrical Vehicle Capable Spaces, as described by the Austin Energy Green Building 2022 Commercial Rating System Guidebook, which can be achieved by installing the supporting infrastructure necessary to facilitate future installation of electrical wire and EVSE.	**Applicant Supports**
	20. Include pollinator gardens and plants to support Monarch butterfly and other pollinators	See the Brodie Superiority Table Grow Green Landscaping commitments described here: Brodie will include pollinator gardens and plants to support Monarch butterfly and other pollinators.	**Applicant Supports**
	21. Utilize best practices to contain trash to ensure it does not spill over into Barton Creek.	See the Brodie Superiority Water Quality (on-site) commitments described here: The Brodie Water Quality system will be designed with berms, inlets and Litter traps to prevent any debris from entering the greenbelt.	**Applicant Supports**
	22. Work with staff to consider mitigation within the Barton Creek Watershed to bridge the gap between the SOS impervious cover requirements	The Brodie team chose the path to pursue an amendment to the SOS Ordinance when City Environmental staff and SOS indicated they would not support the Brodie PUD if we used the Redevelopment Exception. The redevelopment exception allows a lesser standard for water quality and impervious cover in exchange for preserving land elsewhere. The environmental and water quality commitments in this development meet the goals and intent of the SOS Ordinance and do not need to be mitigated for elsewhere. Instead of mitigating elsewhere we are committed to working with the Hill Country Conservancy, Save Barton Creek Association, Austin Parks Foundation, and the Balcones Canyonlands Preserve to improve the conditions within the greenbelt adjacent to this site.	**Not Supported by Applicant or Planning Commission**
	23. Include restroom and dog waste station at the trailhead and neighborhood park	The Parkland Amenities Table on Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated to include Access to Public Restrooms and dog waste stations as a required amenity for both the Overlook / Trailhead Park and the Neighborhood Park.	**Applicant Supports**
	24. Include natural play area best practices in the neighborhood park	The Parkland Amenities Table on Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated to specify that Nature Play is required in the Neighborhood Park.	**Applicant Supports**
	25. Environmental Commission will be kept apprised of void discovery during construction of Brodie Oaks PUD and notified timely by report and/ via email, especially as it relates to any structural or catastrophic voids encountered, including efficacy	See the Brodie Superiority Water Quality (on-site) commitments described here: Brodie is committing to provide a third-party engineer's certification of the Water Quality system on an annual basis.	**Applicant Supports**

				of water quality modeling and attenuation of the water quality features onsite.		
November 15, 2022	**Planning Commission**	**Approved 8-1**		**Approved PUD district zoning with a Restrictive Covenant for the conditions of the Traffic Impact Analysis, as Staff recommended, and all conditions of the Parks and Recreation Board, and all conditions of the Environmental Commission except for 1) reduction of height of buildings to create canyon effects and bird strikes within the BCP, and 2) consideration of mitigation in Barton Creek Watershed to bridge the gap between SOS impervious cover.**		
			26.	Approval of a site plan shall be contingent upon successfully securing power supply to serve the Brodie Oaks development.	See attached one-pager.	**Applicant Supports**
			27.	Recommend increasing building heights as an option to allow space within the buildable area for an electric substation to be sited on the property without exceeding the allowable impervious cover limits.	Based on our work over the last 2 years with the neighborhoods, increased height does not seem like a favorable solution. Increased height is not a viable solution to accommodate the loss in square footage from the incorporation of a 1.5 acre substation site.	**Not Supported by Applicant**
			28.	Require that the Applicant work with applicable non-profit groups and apply for a Trail Master Plan permit through BCP prior to approval of the first site plan.	Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated with the following: The project is currently working with local organizations like the Hill Country Conservancy, Save Barton Creek Association, Austin Parks Foundation, and the Balcones Canyonlands Preserve to explore how the project can support the construction and ongoing maintenance of a trail connection to the Barton Creek and regional Violet Crown Trail systems. The project will explore methods to fund off-site Barton Creek Greenbelt preservation and management on an ongoing basis through the Balcones Canyonlands Preserve Trail Master Plan process. The applicant commits to working with the entities listed above to submit a Trail Master Plan application prior to the issuance of a site plan for the Overlook / Trailhead Park.	**Applicant Supports**
			29.	Require public restrooms at closest allowable locations to trailheads or green space.	The Parkland Amenities Table on Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated to include Access to Public Restrooms and dog waste stations as a required amenity for both the Overlook / Trailhead Park and the Neighborhood Park.	**Applicant Supports**
			30.	Require third party oversight of water quality during and after construction.	See the Brodie Superiority Water Quality (on-site) commitments described here: Brodie is committing to provide a third-party engineer's certification of the Water Quality system on an annual basis.	**Applicant Supports**
			31.	Require that the applicant provide scoop the poop stations and trash cans throughout green spaces.	The Parkland Amenities Table on Exhibit D: Brodie Parks and Open Space Plan (Page 2) was updated to include dog waste stations and trash cans as a required amenity in all park spaces.	**Applicant Supports**
			32.	Require execution of an access easement with BCP to cave networks prior to Third Reading	The applicant submitted a Permanent Cave Access Easement on October 4, 2022 and supports execution as a condition of PUD approval.	**Applicant Supports**
December 8, 2022	**City Council, First Reading**	**Unanimous Approval**		**Approved PUD district zoning with a Restrictive Covenant for the conditions of the Traffic Impact Analysis, as Staff recommended, and all conditions of the Parks and Recreation Board, and all conditions of the Environmental Commission except for 1) reduction of height of buildings to create canyon effects and bird strikes within the BCP, and 2) consideration of mitigation in Barton Creek Watershed to bridge the gap between SOS impervious cover. Two motions proposed by CM Kitchen were approved with the main motion as outlined below.**		
			33.	Council directs the Brodie PUD applicants and Austin Energy to resolve the substation location in a way that serves the Brodie		**Applicant Supports**

		development without impact to the non-degradation SOS water quality requirements and additional impervious cover in parkland and the Edwards Aquifer Recharge Zone as follows: • Austin Energy substation location shall be resolved in such a way as to not impact the non-degradation SOS water quality requirements, reduce the project's Parks and Open Space dedication of 13.2 acres or increase the impervious cover beyond the 56% net site area proposed to date to the public, boards and commissions, and council. • The developer shall work with Austin Energy toward a timely solution that ensures safe, reliable, and efficient power. The solution may include a substation within the constraints of the site or on an alternative site. • If necessary to serve Brodie, Austin Energy shall design a gas-insulated substation with a minimal footprint.		
	34.	Council supports providing a solution to solve for the funding gap required to address the trail and greenbelt needs identified by the Planning and Environmental Commissions without the use of the parkland dedication fee in-lieu of park development as those funds are dedicated for the build out of the parkland onsite. The City Manager in coordination with the applicants of the Brodie Oaks PUD are directed to determine and pursue a best mechanism such as: • Parkland Improvement and Maintenance Agreement; • Public Improvement District (PID); or • other strategies to provide the necessary funding needed to access, preserve, and manage the trail and greenbelt assets.	Currently the project team has committed to the following in Exhibit D: Brodie Parks and Open Space Plan (Page 2) *The project is currently working with local organizations like the Hill Country Conservancy, Save Barton Creek Association, Austin Parks Foundation, and the Balcones Canyonlands Preserve to explore how the project can support the construction and ongoing maintenance of a trail connection to the Barton Creek and regional Violet Crown Trail systems. The project will explore methods to fund off-site Barton Creek Greenbelt preservation and management on an ongoing basis through the Balcones Canyonlands Preserve Trail Master Plan process. The applicant commits to working with the entities listed above to submit a Trail Master Plan application prior to the issuance of a site plan for the Overlook / Trailhead Park.* We are supportive of further discussions about funding sources.	**Applicant Supports**

Brodie Superiority Table

Brodie site superiority is anchored in our commitment to a robust set of performance standards. At the foundation of these standards is a commitment to several third-party sustainability rating system certifications, including:

1. U.S. Green Building Council (USGBC) LEED Neighborhood Development (LEED ND)
    a. Track development-wide performance using latest applicable version of the LEED ND.
    b. Integrate LEED ND into interdisciplinary site design and systems selection.
    c. Commit to full LEED ND submission after PUD approval. Brodie is formally registered with LEED ND as of 9/22/2021.
2. U.S. Green Building Council (USGBC) SITES
    a. Track site design performance using latest applicable version of the SITES.
    b. Integrate SITES into interdisciplinary site design and systems selection.
    c. Commit to SITES Silver certification for Parkland.
3. Austin Energy Green Building (AEGB) Star Rating System
    a. Track and Certify each building to meet 3-star minimum requirement utilizing the applicable version of the Commercial Rating system. Aspire to 4-stars.
    b. Tracking all buildings on-site utilizing the AEGB Commercial OR Multi-family Rating system.
    c. Build regular touchpoints with Austin Energy as partnership in advancing missions and finding increased opportunities for shared benefit.
4. Other Third-Party Rating Systems
    a. In early design of residential building projects, the design teams will be encouraged to explore PassiveHouse, a process and protocol for low-energy construction standard.
    b. Brodie is also exploring WELL Building and Community Standards. Administered by the International Well Building Institute, these systems support health and well-being across all aspects and areas of building design and construction and community life.

In addition to pursuing third-party sustainability rating system certifications, Brodie has established a customized set of goals and objectives for the project. This will embrace the critical environmental aspects of the site in its South Austin context, advance equity, resilience, and climate mitigation as core imperatives, and accelerate City and community-level planning efforts.

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
Ecology - We meet the highest environmental and ecological standards.				
Ecology | Objective A. Expand Access to the Barton Creek Greenbelt.				
Open Space	2.3.1.C: Provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD. **Application to Brodie:**	Provides open space at least 10 percent above the requirements of Section 2.3.1.A. (*Minimum Requirements*). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), provide for proportional enhancements to	The project is providing – 11.6 acres of open space which is equivalent to 45 percent of the developed area (nearly 1.5 times the amount of open space required to satisfy Tier 2). A 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover; and enhances passive recreation through nature trails, seating areas, picnic spaces, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt. Brodie is proposing to blend new open space into the existing Barton Creek Greenbelt by restoring 6 percent of new open space in Trailhead Overlook Park (1.0 acres) using the Hill Country Revegetation standard. Another 60 percent (1.0 acres) will be restored to native	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
	Development Tracts: 26.0 **20 percent: 5.2 acres**	existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department. **Application to Brodie:** **Requirement for Tier 1: 5.2 acres** **With 10 percent increase: 7.8 acres**	prairie. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. This work may require cuts that exceed 4' along the edge of the property in order to take down the wall which is up to 20' in some areas. This open space will include: An intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. This exceeds the vision set forth by the City of Austin Trails Master Plan, Austin Parks and Recreation Lone-Range Plan, Sidewalk Master Plan and Bicycle Path. Fifty parking spaces reserved for park users and constructed during phase I of park development. All spaces will be located within structured garages at full build-out. Water quality to meet SOS standards, beneficial reuse, ponds and reirrigation area; Restored woodland, savannah, and prairie; Habitat for birds, insects, amphibians, and reptiles; Extensive landscaping throughout; Interpretive materials throughout; Active trails; Nature play; Active Recreation; and A commitment to maintain all open space in perpetuity.	
Buffer from Existing Barton Creek Greenbelt			A 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover, programming, and improvements to provide passive recreation such as soft trails, benches, picnic tables, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt.	+
Revegetation			Most of the Brodie site has been highly disturbed since prior to the adoption of the Hill Country Roadway Overlay. Brodie will remove approximately 36 percent of the existing buildings, surface parking areas and other impervious improvements that currently cover the site and restore those portions of the site adjacent to the Barton Creek Greenbelt back to a naturalized grade, minimizing the need for existing or new retaining walls. The overall site impervious cover will be reduced to a maximum 56.4 percent impervious - a 36 percent reduction from current conditions. Brodie is proposing to blend new open space into the existing Barton Creek Greenbelt by restoring 2-acres total within the HCRO. One acre will exceed the HCRO Revegetation Standard by increasing the density of planting from ¼ of the standard density to 1/3 of the standard density. The second acre will meet a new native prairie criterion for revegetation as identified in the Exhibit C: Brodie Land Use Plan (Page	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			7). The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. This work may require cuts that exceed 4' along the edge of the property in order to take down the wall which is up to 20' in some areas.	
Channel Design		Uses natural channel design techniques as described in the Drainage Criteria Manual.	There are no natural or constructed channels on-site.	NA
CWQZ		Removes existing impervious cover from the Critical Water Quality Zone.	There are no Critical Water Quality Zones on the site.	NA
Riparian Restoration		Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.	There are no Critical Water Quality Zones on the site.	NA
Drought/Fire Tolerance			Open space totaling 8.1 acres is located adjacent to the Barton Creek Greenbelt. Vertical development is clustered in areas 100' to 300' away from the Barton Creek Greenbelt. The ordinance speaks to how to design buildings that are within 50' of existing fuel hazards. On the Brodie site, buildings are all greater than 50' from existing fuel. Restoration of the open space will consider defensible space.	+
Ecology | Objective B. Decrease Impervious Cover.				
Impervious Cover (percent of net site area)		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. Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.	Brodie will reduce total impervious cover from approximately 86 percent net site area to a maximum impervious cover of 56 percent net site area, a 36 percent reduction, and comply with the Save Our Springs (SOS) Ordinance standards for non-degradation of water quality. Brodie is proposing to modify the maximum impervious cover allowed by the SOS Ordinance. We understand that this code modification will require a super majority vote of the City Council. Proposed Maximum Impervious Cover is 56 percent net site area. Open Space totaling 11.6 acres is located adjacent to the Barton Creek Greenbelt. A 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover; and enhances passive recreation through nature trails, seating areas, picnic spaces, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
Porous Pavement (Non-aquifer Recharge)		Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.	The project will not be requesting this superiority item due to its location over the Edwards Aquifer and within the Barton Springs Watershed which both restrict direct infiltration of stormwater	-
Porous Pavement (All Paved Areas)		Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.	The project will not be requesting this superiority item due to its location over the Edwards Aquifer and within the Barton Springs Watershed which both restrict direct infiltration of stormwater	-
Ecology | Objective C. Improve the Quality of Stormwater Runoff and Recharge.				
Water Quality Treatment (Off-Site)		Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.	There are no off-site areas draining to the site. However, currently 6.25 acres of the site (63 percent of which is impervious cover) drains directly into the Barton Creek Greenbelt. In the planned conditions, impervious cover will not drain off-site, but instead through approved water quality treatment facilities.	NA
Water Quality Treatment (On-Site)		Provides water quality controls superior to those otherwise required by code.	This site has an existing impervious cover of 86 percent and this application proposes to both reduce the impervious cover to 56 percent net site area and comply with the SOS water quality standards. Brodie is meeting the SOS Ordinance pollutant load removal requirements through green water quality controls such as rainwater harvesting and retention-irrigation. In addition, the Brodie PUD is also using the rainwater captured to meet cooling tower makeup water and conventional landscape irrigation demands. The Brodie PUD will also use air condition condensate wastewater to supplement the rainwater supply. The Brodie Water Quality system will be designed with berms, inlets and Litter traps to prevent any debris from entering the greenbelt.	+
Water Quality Treatment (On-Site)		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.	This site has an existing impervious cover of 86 percent net site area and this application proposes to both reduce the impervious cover to 56 percent net site area and comply with the SOS water quality standards. The Brodie PUD proposes to treat 100% of the water quality volume using green water quality controls, which will include all or some of the following methods: 1) Retention/Irrigation 2) Retention/Infiltration 3) Cooling Tower Makeup water 4) Conventional Irrigation In addition, the Brodie PUD is also using air condition condensate to supplement the rainwater supply. Brodie is committing to provide a third-party engineer's certification of the Water Quality system on an annual basis.	+
Stormwater Runoff		Directs stormwater runoff from impervious surfaces to a landscaped area	The Brodie Oaks PUD is located in the Barton Springs Zone and is located over the Edwards Aquifer. The SOS Ordinance requires that the first water quality control be lined (to not infiltrate into the Aquifer) and as such cannot infiltrate into the ground. This Tier 2	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
		at least equal to the total required landscape area.	option allowing direct stormwater runoff from impervious surfaces to a landscaped area is contrary to the SOS requirement. However, the Brodie Oaks PUD will comply with the Tier 2 reuse option by collecting rooftop rainwater and A/C condensate wastewater for reuse in traditional landscaping irrigation purposes and cooling tower makeup water. Brodie is committed to satisfying this Tier 2 requirement through the methods described above	
Primary Irrigation Source		Provides rainwater harvesting for landscape irrigation to serve not less than 50 percent of the landscaped areas. Code section.	Brodie will provide a rooftop rainwater harvesting system that will serve not less than 50 percent of the landscaped areas where irrigation is required.	+
Flood Detention/Retention		Provides volumetric flood detention as described in the Drainage Criteria Manual.	The Brodie PUD is proposing a significant reduction of impervious cover such that the uncontrolled storm flows at all points leaving the site are less than they were in the existing condition, as such no on-site detention is required. Please reference the drainage report submitted with the original PUD application titled "Brodie Oaks Redevelopment Drainage Study" dated April 2021.	+
Floodplain Modification		Proposes no modifications to the existing 100-year floodplain.	There are no floodplains on the site, so no floodplain modifications are necessary.	+
Waterway and CEF Setbacks		Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres. Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.	There are no waterways on-site. Nevertheless, a 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover; and enhances passive recreation through nature trails, seating areas, picnic spaces, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt. The project is requesting a modification to the CEF buffer around Airman's cave. According to analysis performed by Nico Hauwert (Airman's Cave Hydro Study 2021), the cave is approximately 140' below the surface. The project is requesting an encroachment into the CEF buffer for the purpose of subsurface parking garages or ponds and structural supports of up to 80' with the condition that at minimum 20' of Del Rio Clay remains between any encroachment and the vertical extent of the cave. In addition, a spring was discovered within 150' of the existing developed site. Brodie will be removing existing impervious cover from this area in order to restore the site to natural grades as such we are proposing to encroach approximately 50' for the purpose of restoring grades and removing existing impervious cover.	+/-

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
Drainage Upgrades (Off-Site)		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.	No upgrades are needed for the off-site pond and infrastructure due mainly to the fact that impervious cover dropped 36 percent and the new SOS retention/irrigation and rainwater harvesting systems on-site reduced the overall stormwater flow significantly to existing facilities downstream, capturing and retaining 100 percent of the water quality event. Existing stormwater infrastructure meets Atlas 14 drainage criteria.	+
Ecology | Objective D. Enhance Environment Approaches for Building and Site Design.				
Carbon Impact Statement			Since 2017, Carbon Impact Statements have been required for PUDs. The Carbon Impact Statement is envisioned as advisory in nature and is not intended to trigger any formal development requirements. Brodie has committed to 9 points or greater Carbon Impact Statement which is considered "Demonstrated Leadership" on the projects carbon impact.	+
Tree Species List		Tree plantings use Central Texas seed stock native and with adequate soil volume.	Brodie will use Central Texas seed stock native and with adequate soil volume. In addition, Brodie is proposing to blend new open space into the existing Barton Creek Greenbelt by restoring 1-acre in Trailhead Overlook Park using the Hill Country Revegetation standard. Another 1-acre will be restored to native prairie. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants.	+
Non-Protected Trees (Up to 18.9")		Preserves 75 percent of all the native caliper inches.	Brodie is preserving 77% of all trees meeting preservation criteria that are up to 18.9 caliper inches. This includes the relocation of up to 4 trees into the newly created parkland on-site.	+
Protected Trees (19 – 23.9")		Preserves 75 percent of the caliper inches associated with native protected size trees.	Brodie is preserving 79% of all protected trees meeting preservation criteria. This includes the relocation of up to 10 trees into the newly created parkland on-site. Brodie is also committed to implementing a tree care plan identified in the arborist report to maintain the health of trees that are planned to be preserved in the ultimate development.	+
Heritage Trees (greater than 24")		Preserves all heritage trees on-site.	Brodie has intentionally designed the site to preserve stands of significant trees in place. Brodie commits to preserving all heritage trees on-site and meeting the heritage tree ordinance. This includes the relocation of up to 6 trees into the newly created parkland on-site.	+
Green Building Program	2.3.1.D: Comply with the City's Planned Unit Development Green Building Program.	Provides a rating under the Austin Green Building Program of three stars or above.	Brodie will track and certify each building to meet 3-star minimum requirement utilizing the applicable version of the Commercial Rating system at the time of design and aspire to 4-stars. Brodie will provide a dependable, low-carbon and adaptable energy strategy for the new development. Working closely with partners at Austin Energy, Brodie team aims to find optimal energy solutions at building-, site- and district-scale.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			At building scale, the Brodie design aims to optimize passive design strategies through building orientation and massing and façade design to find right balance of thermal performance and access to daylight and views. The project will investigate Passive House design for the residential towers. Building will drive efficiency through high-performance systems, looking towards radiant cooling and heating and energy recovery. Although the team will investigate building-scale renewable options for the building, the team sees full potential, while balancing other roof-top and façade options, to be less than 3 percent of the total site energy. At site scale, the Brodie team is exploring phased centralized district cooling and heating alternatives, heat recovery chillers and various thermal storage alternatives. Through partnerships with Austin Energy, the Brodie team is aiming to provide the right power supply, grid-tied solution, and demand management programs to optimize the grid as it adapts to growth in the South Austin area.	
Bird-Friendly Building Design			Brodie is committed to bird-friendly architecture and design and is committing to meeting the Bird Collision Deterrence Criteria STEL5 from the Austin Energy Green Building Star Rating System for all buildings.	+
Grow Green Landscaping	2.3.1.H: Exceed the minimum landscaping requirements of the City Code.		Brodie will meet or exceed the landscaping requirements. Specifically, the Brodie team will restore the native woodland and prairie to portions of the site. Brodie is proposing to blend new open space into the existing Barton Creek Greenbelt by restoring 2-acres total within the HCRO. One acre will exceed the HCRO Revegetation Standard by increasing the density of planting from ¼ of the standard density to 1/3 of the standard density. The second acre will meet a new native prairie criterion for revegetation as identified in the Exhibit C: Brodie Land Use Plan (Page 7). The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. This work may require cuts that exceed 4' along the edge of the property in order to take down the wall which is up to 20' in some areas. A double allée of street trees will be provided on the north side of the main Internal Circulator Route which will be dedicated as a public easement. The addition of this second row of trees increases the total area of the "Planting Zone" from 16 feet for the street section to 21 feet, an addition of 5' of planting area. Brodie will include pollinator gardens and plants to support Monarch butterfly and other pollinators.	+
Place - We create a dynamic and diverse mixed-use destination that expresses the character of South Austin.				
Place | Objective A. Deliver Transit-Supportive Densities within Walking Distance of the Transit Stop.				
Building Height and Density			Brodie provides transit-supportive densities within walking distance of the high-capacity MetroRapid Route 803 transit stop as called for in Imagine Austin Comprehensive Plan. Considerations include: 20-75+ jobs/acre within walking distance of transit stop is ideal for transit supportive densities according to a study in the Transportation Research Record. The plan has 54 jobs/acre in our development. The requested height is critical to achieving this density of jobs.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			50 - 75 DU/acre within walking distance of transit stop is ideal for transit supportive densities according to the City of Austin TOD ordinance. The plan has 54 DU/acre in our development. This is on the low end of this range. The requested height is critical to achieving this density of housing units. TOD's approved in the city are allowing 360' heights and the Brodie team is asking for much less. The site is not visible from Barton Creek. The Brodie team has documented in photographs the entire trail and the bed of the creek.	
Place | Objective B. Define Expectations for an "Activity Center in an Environmentally Sensitive Area".				
Art		Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by contributing to the City's Art in Public Places Program or a successor program.	Brodie anticipates an artful and vibrant environment within open spaces and streetscapes and has identified a minimum of two locations for the incorporation of locally sourced public art. See *Exhibit I: Brodie Art Master Plan*. Brodie will commit to a minimum of $50,000 in art installations. Brodie will commit to a minimum of $25,000 that will be spent on art installations in Phase I See *Exhibit I: Brodie Art Master Plan*. Brodie will commit to 10,000SF of the planned retail space at 60% of market rents for artists. Lease rates will return to market rate and general retail use 60 days after efforts are made to market the lease to artists. The Economic Development Department and Economic Development Corporation will be notified of available discounted leases. Brodie will provide a performance pavilion in the Central Green. Brodie will design the Park Street and Central Green to accommodate festivals and/or markets.	+
Local Small Business		Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Brodie will encourage existing on-site businesses such as the grocery store and food and beverage establishments to become part of the new development. As Barshop and Oles has successfully done in their retail spaces throughout the city, other local businesses will be encouraged to become part of the new development. Brodie is committing to 25% of the retail space reserved for local businesses.	+
Place | Objective C. Create a Vibrant Public Realm.				
Accessibility		Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Brodie will provide a superior level of accessibility on the site including the addition of ADA accessible sidewalks on all streets and shared use paths within the park space.	+
Great Streets	2.3.2.A: Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use	Please see Exhibit E- Brodie Transportation Plan. The dimensions shown were based on the recently approved Transportation Criteria Manual but adjusted based on guidance from national expert Jeff Speck. The roadways in the Brodie plan are not public so there is no requirement here.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
		development that is not subject to the requirements of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).	The plan meets or exceeds Subchapter E- Great Streets Standards, with the following modifications: • The Clear Zone in the Code calls for 14' total across the street section. The Brodie plan is providing 25' total across the street section of pedestrian and raised bicycling space. • The Planting Zones in the Code calls for 16' total across the street section, whereas the Brodie plan provides 21' total across the street section. The plan has also increased the overall number of planting zones from 2 to 3, therefore the site will have 30 percent more trees. • All utilities will be located underground.	
Sidewalks and Building Placement	2.3.2.B: Inside the urban roadway boundary depicted in Figure 2, Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), follow the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks and Building Placement)		Please see Exhibit E- Brodie Transportation Plan. Pedestrian and bicycle safety and enjoyment is paramount to Brodie. The following strategies were employed: Sidewalks, pedestrian clear zones, planting areas and supplemental zones will meet or exceed requirements associated with Core Transit Corridors and Internal Circulation Routes. Enhanced shade will be provided in the form of street trees or shade structures on all streets and a double row of trees on one side of the street will create superior shade elements. Brodie will construct all back of curb improvements including bicycle and pedestrian accommodations and transit stop improvements compliant with the South Lamar Blvd 2016 Mobility Bond plan requirements and dedicate any space, right-of-way, or easement, necessary for such improvements. A public access easement will be provided for all private streets within the site. Brodie will provide pedestrian and bicycle connection to adjacent residential development such as the Retreat at Barton Creek. All buildings will have direct pedestrian connections from entrances to adjacent streets. Brodie will provide an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. This exceeds the vision set forth by the City of Austin Trails Master Plan, Austin Parks and Recreation Lone-Range Plan, Sidewalk Master Plan and Bicycle Path. The project team is in conversations with the Save Barton Creek Association, Hill Country Conservancy and other trail building entities and will seek any applicable code modifications as may be required in order to provide a trail connection from the project to the regional trail system. The project is currently working with local organizations like the Save Barton Creek Association to explore how the project can support the ongoing maintenance of a trail connection to the Barton Creek and regional Violet Crown trail systems. The high-capacity MetroRapid Route 803 transit stop will be integrated into the project. All curb cuts will be placed on side streets to allow for greatest pedestrian movement on S. Lamar Boulevard and the Internal Circulator Route. Connections between the site and adjacent arterials and highways occur no more frequently than every 400 feet. At least 80 percent of the provided parking is underground or within a parking structure.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			Additional improvements will be encouraged in buildings such as shower and locker facilities for employees and increased indoor bicycle parking.	
Pedestrian Uses on Ground Floor	2.3.2.C: Contain pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed-use building.		Brodie will have approximately 140,000 square feet of retail and restaurants. These will be primarily focused on the Central Green and the Internal Circulation Route. The remaining frontages on the Internal Circulator Route, Park Street and main entrances will be activated with residential uses that have main entrances oriented onto the street, individual unit entrances and stoops, art, amenity space, plazas, or other active uses.	+
Building Design		Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).	Brodie is modifying aspects of Subchapter E to respond to specific site conditions and will ultimately provide a building design that meets and exceeds the design standards of Section 3.3.2 Subchapter E.	+/-
Outdoor Lighting			Brodie will commit to meeting the Austin energy Green Building Criteria ST7. Light Pollution Reduction as updated and for all buildings and site lighting.	+
Parking Structure Frontage		In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) in ground floor spaces.	Brodie will design at least 75 percent of the building frontage of all parking structures along the Internal Circulator Route for pedestrian oriented uses. In addition, even upper floors of the parking structure will be wrapped with land uses to limit views of parking garage façade from the Internal Circulator Route. Special treatments such as false facades, vertical art or green walls will be utilized on parking garages visible from Loop 360 and S. Lamar Boulevard to enhance the aesthetic of the site. Brodie will provide solar power shading devices in parking lots.	+
Parkland Dedication	To be considered "superior development," land proposed for dedication must: (1) include at least 10.4 credited acres per 1,000 residents, which reflects the combined citywide level-of-service for neighborhood, greenway, and district parks (This		**Total Parkland Required: 29.6 acres** **Total Minimum Parkland Provided: 8.9 acres (See Parkland Credit Calculations)** **Remainder is in Fee-in-Lieu** Other: The original Barton Creek Plaza development dedicated approximately 84.3-acres of parkland in 1981 to the City of Austin. After including the additional 8.9 acres of credited Private Parkland from the current project, the total parkland contribution is 91.9 acres, which is 57 percent of the total original 167-acre Barton Creek Plaza Development site.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
	amount exceeds by one acre the parkland dedication required under City Code § 25-1-602(E) that is based on a lower citywide level-of-service and includes only neighborhood parks and greenbelts.); (2) be developed in accordance with a plan approved by PARD; and (3) be dedicated to a governmental entity. (C)The 15 percent cap on parkland dedication in the urban core delineated in City Code § 25-1-602(J) does not apply to PUDs or PIDs for determining superiority.			
Parkland Development			Brodie will develop, operate, and maintain all open space on-site. Brodie is committing to exceed the 2021 Park Development Fee by $700 for both residential and hotel units. Other: The Brodie project has committed to Exhibit D- Brodie Park and Open Space Plan as well as Exhibit H- Brodie Phasing Plan. The project is currently working with local organizations like the Hill Country Conservancy, Save Barton Creek Association, and Austin Parks Foundation to explore how the project can support the construction and ongoing maintenance of a trail connection to the Barton Creek and regional Violet Crown Trail systems. The project will commit to achieving SITES Silver Certification for Parks.	+
Public Facilities	2.3.1.G: Provide for public facilities and services that are adequate to support the proposed development including school, fire protection,		As an infill project, the improvements in Brodie will provide increased tax revenue to the City on an ongoing basis without adding any new land into its service area, helping fund public services in this area and across the City. This will help pay for additional expenditures approved by voters in recent years including Project Connect and the Corridor Program. Brodie proposes to include the following public facilities:	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
	emergency service, and police facilities.		1) 11.6 acres of developed parkland expanding the Barton Creek Greenbelt and adding a new trailhead to enhance access to this destination space; 2) A variety of new private streets with public access easements and trails achieving connectivity for all modes of transportation and including a lively, attractive pedestrian and bicycle environment; expanding and connecting open spaces to and along the Barton Creek Greenbelt; 3) Implementation of an activity center and community destination in South Austin with active and passive recreational opportunities; 4) A new location and enhancement to the high-capacity MetroRapid Route 803 transit stop along S. Lamar Boulevard including an upgraded bus stop, shady, wide sidewalks from the bus stop to the core of the development, transit supportive densities and mixed-use development. 5) Brodie shall provide a 9,000 to 11,000 Square foot unfinished space within the level of discharge ("ground floor") and floor above of a building located upon Block 6, Block 8, or Block 9 to be used as a Fire/EMS station as shown in Exhibit C (PAGE 5). The Fire/EMS station shall include a private convenience stair, an external wall, adequate space on the level of discharge for apparatus bays and appropriate apron for Fire/EMS apparatus, and adhere to Austin Fire Department (AFD) and Austin Travis-County EMS (ATCEMS) design standards. The unfinished space will be provided at no rental cost to AFD/ATCEMS in a 40 year building lease with a unilateral 40 year right to renew. Any foreclosure or sale of the building will require the lender or buyer to honor the lease. Ongoing costs of operating the space (utilities, maintenance, repair, etc.) will be at the expense of AFD/ATCEMS. All property taxes and building overhead costs will be at the expense of the building owner, unless the space is conveyed to the City of Austin in lieu of a lease. AFD/ATCEMS will be permitted to operate, use, and maintain necessary facilities and equipment as needed to conduct daily operations. Final selection of the location must be approved by the Austin Fire Department, Austin-Travis County EMS, the Development Services Department, and the Developer. Every effort will be made to provide access at a controlled intersection, with a preference for direct access to Lamar Blvd. The location will be finalized prior to the submission of any building permit applications beyond those representing a cumulative total of 40% of all building square footage within the entire PUD development. The lease will be executed and/or the space will be conveyed prior to 55% of certificates of occupancy for the development having been issued.	
Place | Objective D. Express the Culture of Southwest Austin.				

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
Neighborhood Plans and Historic Compatibility	2.3.1.E: Be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area, and landmark regulations, and compatible with adjacent property and land uses.		There are no applicable neighborhood plans, neighborhood conservation combining district regulations, historic areas, or landmark regulations for the property. The site is within the S. Lamar Boulevard Combined Neighborhood Planning Area (Barton Hills) which does not have a City Council approved neighborhood plan. Brodie has placed compatible land uses (i.e., parks) adjacent to the adjoining Barton Creek Greenbelt and higher heights and densities adjacent to surrounding highways. A 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover; and enhances passive recreation through nature trails, seating areas, picnic spaces, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt.	+
Architectural, historical, cultural, and archeological areas **Historic Preservation**	2.3.1.K: Protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	There are no identified historic structures or landmarks on this site. Brodie will provide an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail, which is of cultural significance, including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. This exceeds the vision set forth by the City of Austin Trails Master Plan, Austin Parks and Recreation Lone-Range Plan, Sidewalk Master Plan and Bicycle Path. The construction of a formal and universally accessible trailhead may reduce the pressure on other informal access points in neighborhoods and under MoPac (Loop 1) so that they may be redesigned to mitigate for community and environmental impacts.	+
Connection - We link the site to its surroundings and create more access to the site for all.				
Connection | Objective A. Prioritize Walking and Bicycling Modes of Transportation.				
Transportation		Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Brodie will provide a series of bicycle facilities for all types of users along the private streets with public access easements and will provide a shared use path adequate for recreational cycling that will connect through the site and to off-site trail networks. All private streets within the project will be within a public access easement. Pedestrian and bicycle safety and enjoyment is paramount to Brodie. The following strategies were employed: Sidewalks, pedestrian clear zones, planting areas and supplemental zones will meet or exceed requirements associated with Core Transit Corridors and Internal Circulation Routes. Shade will be provided in the form of street trees or shade structures on all streets. A Shared Use Path and sidewalk along S. Lamar Boulevard will be built to Core Transit Corridor standards. A public access easement will be provided for all private streets within the site. Brodie will provide pedestrian and bicycle connection to adjacent residential development such as the Retreat at Barton Creek. All buildings will have direct pedestrian connections from entrances to adjacent streets.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			Brodie will provide an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. This exceeds the vision set forth by the City of Austin Trails Master Plan, Austin Parks and Recreation Lone-Range Plan, Sidewalk Master Plan and Bicycle Path. The high-capacity MetroRapid Route 803 transit stop will be integrated into the project. Internal utility lines will be in drive aisles or Internal Circulation Routes, rather than under parking areas. All curb cuts will be placed on side streets to allow for greatest pedestrian movement on S. Lamar Boulevard and the Internal Circulator Route. Connections between site and adjacent arterials and highways occur no more frequently than every 400 feet. At least 80 percent of the provided parking is underground or within a parking structure. Additional improvements will be encouraged in buildings such as shower and locker facilities for employees and increased indoor bicycle parking.	
Connection | Objective B. Make Strong Connections to Public Transit.				
Connectivity	2.3.1.I: 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.		Brodie will deliver an attractive, walkable, and sustainable development pattern around the existing high-capacity MetroRapid Route 803 transit stop that maximizes Capital Metro's system ridership and offers Austin residents ample vibrant housing choices and convenient access to jobs, services, and diverse amenities. Improvements will include an enhanced bus stop; compact, mixed-use development; public realm improvements such as shade, street furniture, pedestrian-scale lighting; pedestrian and bicycle connections and enhanced crossings; sidewalk improvements; and wayfinding – all recommendations from Capital Metro's TOD Priority Tool that identifies the Brodie Oaks Station as an opportunity for redevelopment as a Transit Oriented Development around the existing high-capacity transit stop. In addition, the project will help implement the improvements along S. Lamar Boulevard identified by the Corridor Program Office extending city investments to the intersection of S. Lamar Boulevard and Loop 360. The Transportation Impact Analysis is underway and will identify off-site improvements required by the development. Brodie will provide a Traffic Demand Management Plan that will identify techniques intended to reduce single-occupancy trips to the site by a minimum of 25 percent and encourage more transit ridership on Capital Metro's high-capacity MetroRapid Route 803 transit stop located adjacent to the site on S. Lamar Boulevard. The final trip reduction numbers will be determined through the TDM Process.	+
Connection | Objective C. Embrace High-Quality Vehicular Connections That Serves Need While Encouraging Other Modes.				
Gated Roadways	2.3.1.J: Prohibit gated roadways.		Brodie will prohibit gated roadways and provide a public access easement on all private streets and parks.	+
Connection | Objective D. Create an Intentional Trailhead to the Barton Creek Greenbelt.				

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
Trailhead Along Creek or Waterways		Provides publicly accessible multi-use trail and greenway along creek or waterway.	Brodie will provide an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. This exceeds the vision set forth by the City of Austin Trails Master Plan, Austin Parks and Recreation Lone-Range Plan, Sidewalk Master Plan and Bicycle Path.	+
Climate - We build resiliency and work towards a zero-carbon, zero-water, and zero-waste development.				
Climate | Objective A. Build a Reliable, Efficient, Low-Cost and Adaptable Energy Network.				
Energy Strategy			Brodie will provide a dependable, low-carbon and adaptable energy strategy for the new development. Working closely with Austin Energy, the Brodie team aims to find optimal energy solutions at building-, site- and district-scale. At building scale, the Brodie design aims to optimize passive design strategies through building orientation and massing and façade design to find right balance of thermal performance and access to daylight and views. The project will investigate PassiveHaus design for the residential towers. Building will drive efficiency through high-performance systems, aggressively pursuing energy efficiency measures. At site scale, the Brodie team is exploring phased centralized district cooling and heating system, heat recovery chillers and various thermal storage alternatives. Through on-site solar generation with battery back-up generation, the project is seeking to deploy distributed energy resources to make the site more resilient. Through collaboration with Austin Energy, the Brodie team is aiming to provide the right power supply, grid-tied distribution, and demand management programs to balance the grid as it adapts to growth in the South Austin area.	+
Electric Vehicle Charging			Brodie will commit to meeting the Austin Energy Green Building Credit BR5. Electrical Vehicle Charging and ST5 – Additional Electric Vehicle Charging for all buildings as updated. In addition, Brodie has committed to a minimum of 50% Electrical Vehicle Capable Spaces which can be achieved by installing the supporting infrastructure necessary to facilitate future installation of electrical wire and EVSE.	
Climate | Objective B. Treat Water as a Precious Resource.				
Water Strategy			Brodie, in alignment with the WaterForward plan, will provide building and site solutions that treat water as the valuable resource it is. In response to the SOS Ordinance and the site's location over the Edwards Aquifer, Brodie is taking an aggressive approach in capturing all rain from the water quality event to reduce downstream discharges providing a large supply for reuse. • Roughly 2/3 of the total retained volume will be collected from rooftops and combined with condensate from air conditioning systems, then conveyed through a set of clean water pipes to a central cistern for reuse in evaporative cooling towers and landscape irrigation demands. • The remaining 1/3 will be captured as stormwater runoff in a retention-irrigation system and used in openspace. In total, the reuse program will offset 20M gallons of potable water consumption per year on average. In the event a regulatory pathway becomes available that allows for blackwater recycling, the site plan allows flexibility to incorporate reuse of treated biological wastewater in future development, as required. The centralized approach to rainwater harvesting provides plan-readiness in the form of space where additional central treatment facilities could be installed to enable expansion of the non-potable supply. A detailed techno-economic study was performed	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			during the planning phase, demonstrating how a district blackwater system — which significantly outperforms graywater from a water conservation standpoint and could enable the project to approach a net zero water outcome — could be deployed.	
Climate | Objective C. Maximize the Potential of Waste Networks.				
Waste Reduction			Managing material flows and minimizing waste to landfill are critical parts of Brodie. From site-wide aspects of materiality South Austin authenticity to low-embodied energy materials and practices, the Brodie team aims to create a thoughtful, local, and environmental responsive development. The design teams will be encouraged to utilize Life Cycle Assessment (LCA) to evaluate structural solutions, materiality and finishes that reduce embodied energy and are optimized through construction and fabrication processes. Waste management will be managed to highest levels during construction as well as into operation, with thoughtful waste storage, collection, and recycling of materials. Due to the anticipated high volumes of organic waste, Brodie also aims to provide comprehensive organic collection for off-site compositing.	+
Community - We create a community of residents, workers and visitors that prioritize health and well-being.				
Community | Objective A. Provide a Range of Housing Options for All Income Levels and Ages.				
Affordable Housing		According to Chapter 25-2, Subchapter B, Division 5 (Planned Unit Development Ordinance), the baseline affordable housing requirement for PUD developments is included below: The required affordable **Rental** units must be equal to 10 percent of the bonus area square footage. The required affordable **Ownership** units must be equal to 5 percent of the bonus area square footage. For **non-residential developments**, $7 per square foot of bonus area may be paid in lieuof on-site development of affordable units.	The project is proposing to meet the 10% of bonus area square footage requirement for affordable housing and to incorporate all units on site. Affordable housing units generated from residential bonus area will be dispersed throughout the site and all affordable housing units generated from non-residential bonus area will be accommodated in a standalone Foundation Communities development. Additional detail has been provided with a new *Exhibit C: Brodie Land Use Plan (Page 3 and 4)*	+
Community | Objective B. Improve and Protect Air Quality.				
Air Quality			Brodie will thrive to ensure highest quality of indoor and outdoor environments. Ventilation systems will be designed to provide increased quantities of outdoor air while air monitoring systems will ensure balance of air quality with the development's aggressive	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
			energy reduction targets. Natural ventilation will be explored in design phases for applicable spaces. Beyond building ventilation, source control is critical. The Brodie team aims to prioritize healthy products and embrace the Healthy Products Declaration (HPD) standard. In addition, the construction teams will manage the potential of hazardous contaminants into the building during construction.	
Community | Objective C. Protect Access to Quality Food.				
Access to Food			Ensuring access to healthy and affordable food is critical to Austin's sustainability and resiliency. The Brodie team aims to work with all restaurants, supermarkets, and retailers to ensure a wide range of affordable, healthy, local, and sustainable food options. The Brodie team embraces the work of the City's Office of Sustainability and 2018 State of the Food System Report, namely, to increase sales of locally produced food and expand access to fresh, healthy, and affordable food for everyone, and reduce the amount of wasted food. The development is exploring the implementation of a weekly local produce delivery program available on an elective basis to employees or residents of the building as well as a local produce purchasing policy for the buildings' restaurants, cafés, and cafeterias.	+
Community | Objective D. Improve Community Health Indicators.				
Community Health			As a development of this size, scale, and influence, The Brodie team has an opportunity and a responsibility to meaningfully contribute to a healthier Austin for all. Brodie will work through design and operations utilizing the WELL Building and Community standards to ensure health and well-being are front and center to shape our built environments. The Brodie team will also look to city-wide tracking efforts such as the work done through the city. Health indicators in the Austin area are dependent on a variety of social, economic, and geographic factors. Brodie aims to ensure these factors are being communicated to our tenants and actively working to advance positive outcomes with respect to overall physical and mental health, chronic diseases, and access to health insurance.	+
Community | Objective E. Increase Digital Connectivity.				
Digital Connectivity			Brodie thrives for equitable access to open space, art, culture, and community amenities and programs. This commitment bridges both the built as well as the digital worlds. The Brodie team aims to ensure a high-quality digital network providing equitable connectivity to tenants and visitors. Also, the Brodie team believes that informed citizens make empowered citizens for change. The Brodie team aims to leverage our collected data as well as local public data in open and accessible platforms for public consumption.	+
Other				
General	2.3.1.A: Meet the objectives of the City Code.	Complies with current City of Austin Code instead of asserting entitlement to follow older code provisions by application of law or agreement.	Brodie is complying with current City of Austin Code except where modified by this PUD.	+
General	2.3.1.F: Provide for environmental preservation and		Brodie provides for superior environmental preservation and protection by: • Reducing impervious cover from 85 percent net site area to 56 percent net site area.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
	protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural/traditional character of the land.		• Complying with SOS water quality standards. • Eliminating the nearly 6 acres of untreated runoff from buildings and parking currently draining directly into the Barton Creek Greenbelt. • Dedicating approximately 11.6 acres (approximately 1/3) of site as active public open space/parkland. • Designating 10 percent of the "bonus" area of both residential and nonresidential square feet for affordable housing on-site regardless of ownership or for rent. • Constructing a designated trailhead and connection to the Barton Creek Greenbelt with signage, trash disposal, and parking. • Creating a shared-use path for approximately 2,500 feet and extending from S. Lamar Boulevard to the Park Road that will run along the park's edge and be used for mobility and recreation. • Providing transit supportive densities of jobs and residences within walking distance of the new Capital Metro transfer station. • Concentrating density at the designated Imagine Austin Comprehensive Plan Activity Center and high-capacity transit stop.	
General	2.3.1.B: Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (*General Intent*) than development under the regulations in the Land Development Code. Section 1.1 says, "This division provides the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public		Brodie will provide for the preservation and enhancement of the natural environment within and immediately adjacent to the subject property, along the Barton Creek Greenbelt. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. Brodie is a high-quality, mixed-use development promoting innovative design in keeping with the South Austin character. The plan will offer a live, work and play environment and will undoubtedly become a beloved South Austin gathering place. Brodie will provide a dense mixed-use development transforming approximately 21-acres acres of surface parking lots and drive aisles and approximately 8-acres of single use office and retail buildings to a vibrant neighborhood and destination for South Austin. Brodie will reduce greenhouse gases by providing a true transit-oriented development taking advantage of Capital Metro's adjacent bus stop for the MetroRapid route number 803. The project will construct a new high-capacity MetroRapid Route 803 transit stop that meets or exceeds Capital Metro's requirements and integrate the stop into the development by providing comfortable waiting areas, easy access for bicycles and pedestrians, and urban amenities. The density and height proposed for Brodie enable the project to meet the vision established in Imagine Austin Comprehensive Plan of an "Activity Center for Redevelopment in Sensitive Environmental Areas" including state-of-the-art development practices to improve stormwater retention and water quality flowing into the Edwards Aquifer Recharge Zone and Barton Creek Zone. Brodie will provide an environmentally superior project that complies with the SOS Water Quality Standards.	+

Brodie Superiority Table

Topic	PUD Tier 1	PUD Tier 2	Brodie PUD	
	facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations."			
PUD size and uniqueness	2.3.1.L: Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.		At 37.6 acres, Brodie exceeds the 10-acre minimum.	+

Brodie Code Modification Table

THE ORIGINAL CODE HAS BEEN PROVIDED IN THE "PROPOSED PUD REGULATION" COLUMN IN BLACK, WITH MODIFIED OR REMOVED TEXT HIGHLIGHTED IN RED AND UNDERLINED.

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
General		
25-1-21 – Definitions. (11)	Modify: BLOCK means one or more lots, tracts, or parcels of land bounded by streets (public or private), 30' wide or larger pedestrian paseo or courtyard with a minimum 12' sidewalk or trail, public or private park space/open space, easement, or plaza space, railroads, or subdivision boundary lines.	Creative use of open space, parks, and plazas will be used throughout the development to achieve maximum walkability, connectivity, and value for the development. The existing Brodie Oaks Shopping Center site is currently limited in vehicular connectivity as it is surrounded by dedicated parkland or TxDOT ROW. The project will utilize enhanced bicycle and pedestrian connectivity to the parkland to define blocks adjacent to the parkland.
25-1-21 – Definitions	Modify: GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, parking structures, driveways, and enclosed loading berths and off-street maneuvering areas.	Vehicular facilities were never anticipated to be included in gross floor areas. It is desirable to clarify that parking structures are excluded from gross floor area as originally intended.
25-1-21 – Definitions	Addition: OPEN SPACE (OS) means the areas identified as Parks and Open Space on Exhibit *C- Brodie Land Use Plan*.	Designated Parks and Open Space are intended as a buffer providing enhanced accessibility and vistas into the Barton Creek Greenbelt.
25-1-21 – Definitions. (105)	Modify: SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. ~~A site may not cross a public street or right-of-way.~~ A site within the Brodie boundary may cross a private street with public access easements.	The Brodie boundary is 37.6 acres and will be split into multiple tracts by private streets with public access easements. Flexibility for a site to cross a public or private street is needed to create a unified design throughout the entirety of the development.
Zoning		
25-2, Subchapter B, Article 2, Subpart C, Section 3.2.2. (C) (Residential Uses)	Remove: ~~(C) for multifamily development, the maximum floor to area ratio;~~	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums. Floor-to-area ratios do not apply to this development.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3. (B) (Nonresidential Uses)	Remove: ~~(B) the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;~~	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums. Floor-to-area ratios apply by Land Use Area, but not on a parcel-by-parcel basis.
	Modify: (D) the minimum front yard and street side yard setbacks, shall be modified as stated in *Exhibit C- Brodie Land Use Plan* ~~which must be not less than the greater of:~~ ~~1. 25 feet for a front yard, and 15 feet for a street side yard; or~~ ~~2. those required by Subchapter C, Article 10 (Compatibility Standards);~~	Building locations shall conform with an urban development located along a high-capacity transit corridor.
25-2, Subchapter B, Article 2, Subpart B, Section 2.5.2.B – Requirements for Exceeding Baseline.	Modify: (B). the developer: 1. for developments with residential units, provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing); or 2. for developments with no residential units, either provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing) within the boundaries of the Brodie PUD OR provides the amount established under Section 2.5.6 (In Lieu Donation) for each square foot of bonus square footage above the baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.	The exact size and density of the future development will be contingent on the market. The Brodie PUD is committed to meeting affordability requirements for both residential and non-residential buildings and would like the option to meet affordability requirements in non-residential buildings within another building on the site.
25-2-491 – Permitted, Conditional, And Prohibited Uses	Modify: (A) *Exhibit C- Brodie Land Use Plan* ~~The table in Subsection (C)~~ provides the permitted uses for the property.	Brodie is planned to be more mixed-use than the base zoning district would allow.
25-2-492 – Site Development Regulations	Modify: (A) ~~The table in Subsection (C) provides the permitted and conditional uses for each base district. "P" means a use is a permitted use, "C" means a use is a conditional use, and "X" means a use is prohibited. Endnotes provide additional information.~~ *Exhibit C- Brodie Land Use Plan* establishes the principal site development regulations.	The Brodie PUD is proposing denser and more compact uses along S. Lamar Boulevard and Loop 360 frontages to minimize impervious cover. To achieve this goal, it is necessary to have more flexibility in the minimum setbacks and development standards in the Brodie PUD.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2 - Subchapter E Sec 2.2.1 B	Modify: The roadway with the highest level of priority adjacent to the lot or site is considered the "principal street" for purposes of this Subchapter. For a lot or site that is adjacent to more than one roadway of equal priority, the development shall be subject to the standards associated with the roadway with the highest level of transit service. The priority street for the Brodie PUD is the Internal Circulator Route. ~~If the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner.~~ For large sites subject to Section 2.2.5. or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking requirements) shall apply along ~~all abutting streets or~~ the Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.	S. Lamar Boulevard is predominantly a TXDOT ROW and functions more as an on-ramp for Loop 360 in this location. The character of this roadway in this location does not lend itself to the active, vibrant, and high-quality pedestrian environment that is desired by the Brodie PUD. The Brodie PUD is planning extensive improvements along S. Lamar Boulevard to include sidewalks, a transit stop, and street trees. In addition to streetscape elements, Exhibit E: Brodie Transportation Plan includes an exhibit with commitments to pedestrian oriented uses on the ground floor for portions of the frontage along S. Lamar Boulevard.
25-2 Subchapter E 2.2.2B 1 Planting Zone	B1a. Planting Zone. The planting zone shall have a minimum width of ~~eight~~ seven feet (from face of curb) and shall be continuous and located adjacent to the curb or cycle track.	Please see Exhibit E- Brodie Transportation Plan. The plan is proposing to meet or exceed Subchapter E- Great Streets Standards for the planned ICR, with the following modifications: • The Planting Zones required under great streets call for 16' total across the street section, whereas the Brodie PUD plan provides 21' total across the street section. • The Brodie plan has also increased the overall number of planting zones from 2 to 3, therefore the site will have 33 percent more street trees. • The Brodie PUD is also committing to increase the size of the trees from 2" at the time of planting to 3" at the time of planting. • The planting zones along all other sections within the PUD will be a minimum of 7'.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2 Subchapter E 2.2.5 C Block Standards	Modify: C1. Unless exempted by this subsection, a site shall be divided into internal blocks, no larger than 5 acres. The perimeter of a block is defined by private streets with a public access easement, public streets, and public open spaces that include a pedestrian path. The maximum length of any block face~~, as measured from intersection to intersection,~~ shall be 800 feet.	The Brodie PUD is limited in the number of vehicular access points to TxDOT frontage roads. The project is also situated adjacent to the Barton Creek Greenbelt for much of the northwestern boundary line reducing the ability to make vehicular connections. The project is improving both pedestrian and bicycle access within and through the site.
25-2 Subchapter E 2.2.5 G	Modify: G.2 If the Internal Circulation Route is intended to accommodate bicycles, head-in and angle parking is not permitted except when the cycle tract is provided between the clear zone and the head-in or angle parking.	The Brodie PUD is including cycle tracts along the Internal Circulator Route. Refer to *Exhibit E- Brodie Transportation Plan.*
25-2 Subchapter E 4.3.3 C	Modify: C. Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A residential use or amenity space for residential uses may occupy a space that is designed for commercial uses. A lobby serving another use in the VMU building shall ~~not~~ count as a pedestrian-oriented commercial space for purposes of this section if it is designed to meet the standards of this section. a. A customer entrance that opens directly onto the sidewalk; b. A depth of not less than 24 feet; c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and ~~d. A front facade that meets the glazing requirements of Section 3.2.2~~.	The Brodie PUD is focusing active ground floor uses around the internal green space and central buildings along the Internal Circulator Route. Other ground floor spaces will be designed so that they can accommodate additional commercial in the future based on demand.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2 Subchapter E 4.3.3F	Modify: F To be eligible for the dimensional or parking standards exemptions in Subsection E of this section, the residential units in ~~a VMU building~~ the Brodie PUD shall meet the ~~following~~ affordability requirements identified in the Brodie Superiority Table	The project offered 10 percent of the bonus area square footage as on-site affordable housing regardless of rental or ownership. That is more than the baseline superiority requirement of 10 percent for rental and 5 percent for ownership. The project team does not have a projected breakdown of rental and ownership units at this time but has committed to meeting the 10 percent requirement. The project is proposing to provide all housing on-site without requesting a fee- in-lieu if it is possible to track them site wide. This is a major superiority item because most of our bonus area is based on non-residential land uses. In the example below, if the average unit size is 850 sq. ft. the required number of affordable units would be 50 units. This is equivalent to 68 percent of the units in this building. It is our understanding that the code allows a request for fee-in-lieu when the bonus area is non-residential. Based on the proposal in the Brodie PUD Development Assessment, the team would not request any fee-in-lieu but would construct somewhere on the 37.6 acres instead if it is possible to track them site wide. Affordable housing ties closely to the height allowed on-site. If height is reduced, it will reduce our bonus area significantly and therefor fewer units. This would be unfortunate because of the great access to the high-capacity MetroRapid Route 803 transit stop and proximity to job centers for the affordable housing residents.

Brodie Code Modification Table

25-2-1104 – Hill Country Roadway Overlay Exceptions	Addition: (F) This article applies to the Brodie PUD and designated Land Use Areas as specifically indicated in this Code Modification Table and as represented in *Exhibit C- Brodie Land Use Plan.*	The Hill Country Roadway Ordinance is not compatible with the Imagine Austin Comprehensive Plan designation of the site as a Center for Redevelopment in Environmentally Sensitive Areas. The site is currently 100 percent developed and does not contribute to the Hill Country aesthetic that is being preserved through the ordinance. The Brodie PUD has established a more appropriate transition from the Imagine Austin Comprehensive Plan High-Capacity Transit Corridor on S. Lamar Boulevard to the Hill Country along Loop 360. The project will meet and exceed Hill Country Roadway Overlay requirements within the portion of Land Use Area 2 that is within the Hill Country Roadway Overlay by removing existing impervious cover and buildings within Land Use Area 2. In addition, the Brodie PUD is proposing to blend new open space into the existing Barton Creek Greenbelt by restoring 6% of the area using the Hill Country Revegetation standard and another 6 percent will be restored to native prairie. The restoration of these areas will include removal of the existing surface parking and wall and returning the area back to natural grades and revegetating with native and adaptive plants. In addition to exceeding the Hill Country Landscape and Restoration Standards is Land Use Area 2 the project is complying with 9 out of the 12 criteria for approval of a development bonus within the Hill Country Roadway Overlay as follows: 1) Preserves a scenic vista and provides a place where the public can view the scenic vista – The Brodie PUD is creating and enhancing a scenic vista and has ensured public access in perpetuity through an easement. 2) Reduces by at least 15 percent the amount of impervious cover otherwise required for the development - The Brodie PUD has reduced impervious cover by 36 percent. 3) Increases landscaping or a setback by more than 50 percent above the

		amount required for the development or increases a natural area. - The Brodie PUD is increasing the Barton Creek Greenbelt Natural Area by establishing 9.7 acres of new publicly accessible open space along the border of the greenbelt, removing all existing surface parking and buildings, and treating stormwater runoff to SOS water quality standards within that space. 4) Is a mixed-use development, particularly a mixed-use development that includes a residential use and community facility. - The Brodie PUD includes a residential use. **5)** Uses pervious pavers although the development is not entitled to receive an impervious cover credit. - The Brodie PUD includes porous pavement in the design for all non "high-use" pedestrian areas such as courtyards or walkways between buildings where possible. 6) Consolidates small lots to create a parcel that has at least 300 feet of frontage on a hill country roadway. - The Brodie PUD proposes to consolidate 4 tracts into one cohesive development plan with 2 lots along Loop 360 frontage each exceeding 300'. 7) Includes the construction or dedication of a public facility that is not required by a City ordinance, including a park, roadway and right-of-way, Police department site, Fire department site, emergency medical services facility site, or a regional drainage facility. - The Brodie PUD is constructing a publicly accessible open space to include a recreational easement dedicated in perpetuity, a shared use path along the street connecting the project and S. Lamar Boulevard transit stop with the Barton Creek Greenbelt and Barton Creek Plaza Office Park. 8) Limits the construction of a building or parking area to an area with a slope with a gradient of not more than 15 percent. - The Brodie PUD is

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
		not constructing any buildings or parking areas where the slope is greater than 15 percent and is removing existing buildings and parking areas that were built in these locations in the past. 9) Uses an energy-conserving or a water-conserving device that reduces energy or water consumption below City requirements. - The Brodie PUD is employing several strategies to reduce and reuse water and energy onsite.
25-2-1122 – Floor-To-Area Ratio of a Nonresidential Building	Addition: (F) This section does not apply to property in the Brodie PUD.	To remain compact and connected, the primary criteria for density shall be based on a contribution to overall impervious coverage, unit count and height maximums. Floor-to-area ratios do not apply to this development.
25-2-1123 – Construction on Slopes	Addition: (H) This section does not apply to property in Land Use Area 2 of the Brodie PUD.	The existing park road is constructed on slopes that exceed 15 percent gradient for a short portion of the roadway within the property and for a longer distance off-site. Due to the location of this road within the Balcones Canyon Land Preserve no modifications are proposed to the road where it enters the site.
25-2-1124 – Building Height	Addition: (D) The height of a building within the Brodie PUD will comply with Exhibit C: Brodie Land Use Plan.	Height has been limited within Land Use Area 2 to a maximum of 28'. This exceeds the HCRO ordinance which allows heights up to 53' for a building located more than 200' from the nearest ROW. The modified height limits within the Brodie PUD reflect an appropriate transition from the goals of the Imagine Austin Activity Center and High Capacity Transit Corridor and the Hill Country Roadway Corridor.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2-1126 – Building Materials	Modify: (A)Each building shall be designed to use, to the greatest extent feasible, building materials that are compatible with the environment of the hill country, including rock, stone, brick, and wood on the ground floor of a building in the Brodie PUD.	There are no buildings planned within Land Use Area 2. Buildings in Land Use Area 1 are intended to represent a transition from the Hill Country aesthetic in Land Use Area 2 to the eclectic character of South Austin. Materials such as rock, stone, and brick will be used on the ground floors and materials more appropriate to taller mixed use buildings will be used on the remainder of floors.
25-2-1022 – Native Trees	Modify: (B) A site plan within the HCRO area for the Brodie PUD must ~~provide a sufficient number~~ preserve all Heritage and Protected Trees identified as suitable in the Arborist Report submitted with this PUD and compensate for the removal of the following native or small native trees at a rate of 60%:~~to reasonably compensate for the removal of~~ (1) each small native tree; (2) each native tree with a trunk diameter greater than six inches; and (3) each cluster of three or more native trees located within ten feet of each other with trunk diameters greater than two inches.	All Heritage and Protected Trees within the HCRO are being preserved. Eighty percent (80%) of the inches from native trees and small native trees less than 19" and determined as suitable for preservation by the submitted arborist report are being preserved. Any trees that are removed from Land Use Area 1 will be compensated for in Land Use Area 2 at a mitigation rate of 60%. The priority tree planting area within Land Use Area 2 for compensating trees will be within and adjacent to the highway vegetative buffer area.
25-2-1023 – Roadway Vegetative Buffer	Modify: (A)Except in the Brodie PUD and as otherwise provided by this section, vegetation within 100 feet of the dedicated right-of-way may not be cleared, unless the clearing is necessary to provide utilities and access to the site.	Vegetation within the Roadway Vegetative Buffer has already been cleared and the site is fully developed in this area. The Brodie PUD is committing to removing all impervious cover in Land Use Area 2 with the exception of the existing access road and revegetating this area with native trees, shrubs, and grasses.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-2-1024 – Restoring Roadway Vegetative Buffer	Addition: (C) In the Brodie PUD revegetation of the Roadway Vegetative Buffer will be consistent with the commitments made in *Exhibit C: Brodie Land Use Plan.*	The total area within the HCRO Vegetative Buffer is equivalent to 1.7 acres. The Brodie PUD is proposing to restore 2-acres total within the HCRO. One acre will exceed the HCRO Revegetation Standard by increasing the density of planting from ¼ of the standard density to 1/3 of the standard density. The second acre will meet a new native prairie criterion for revegetation as identified in the PUD. The Loop 360 frontage located within Land Use Area 2 is equivalent to approximately 300'. All buildings and impervious cover, with the exception of the parkland road, will be removed between the road and the Barton Creek Greenbelt within Land Use Area 2 and Hill Country Views will be restored.
25-2-1025 – Natural Area	Addition: (E) Within Land Use Area 2 of the Brodie PUD, representing at least 45% of the Hill Country Roadway Overlay Area, existing surface parking, perimeter walls, and buildings will be removed and 2-acres or 12% of the total area within the Hill Country Roadway Overlay area will be restored to meet the Revegetation Standards outlined in *Exhibit C: Brodie Land Use Plan (Page 7).*	The Brodie PUD is making a significant commitment to restoring the site back to natural conditions.
25-2-1026 – Parking Lot Medians	Modify: A permanent parking lot must have a median at least ten feet wide containing existing native trees or dense massing of installed trees between each distinct parking area	The Brodie PUD may include temporary parking areas on cleared land within Land Use Area 1 while the site is awaiting full buildout of each phase. These parking areas will not be subject to this code section.
25-2-1027 – Visual Screening	Modify: Visual screening required by this article is not required in Land Use Area 1. Visual Screening in Land Use Area 2 must: (1)use existing vegetation or installed landscaping;(2)include dense massing of trees, native understory vegetation, shrub massing, or berms; and(3)allow for topographic changes.	There is an existing berm within the ROW and along Loop 360 which will remain and provide some visual screening. Buildings in Land Use Ara 1 will not be screened.
25-6-411 – Access to Hill Country Roadways	Modify: Applicability. This division applies to property located in a hill country roadway corridor and within the zoning jurisdiction of the City with the exception of the Brodie PUD.	Site roadway and access standards will be regulated by Exhibit E: Brodie Transportation Plan and other applicable standards as determined by the TIA and TxDOT.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
Subdivision		
25-4-171 – Access to Lots	Modify: (A) Each lot in a subdivision shall abut a dedicated public street, or private street with public access easement or Internal Circulator Route.	A private internal circulator route with public access easements will be constructed to provide frontage for some of the lots in the Brodie PUD. The ASMP does not include any public roadway needs within this property. All roads within the development will be private streets with public access easements. This designation means the streets will be actively maintained by the applicant verses by the City and therefore is superior.
Transportation		
Section 25-6-477, 25-6-478, 25-6-532 and Appendix A – Off-Street Parking and Loading	Addition: The minimum off-street parking, bicycle parking, and loading requirements shall be determined by the director subject to a Transportation Demand Management Plan approved as part of the PUD.	The Brodie PUD intends to provide a mixed-use development with a robust travel demand management plan to better utilize shared parking opportunities within the site and to surrounding multi-modal connections.
Section 25-6-473 (Modification of Parking Requirements)	Addition: In the Brodie Oaks PUD, for a site plan that complies with a TDM plan and the site's approved TIA, the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements).	The Brodie PUD intends to provide a mixed-use development with a robust travel demand management plan to better utilize shared parking opportunities within the site and to surrounding multi-modal connections. Reduction in Off-street parking are included as part of this overall effort.
TCM 1.3.1 (A) General Design Criteria - Grades	Addition: (1) Existing Streets that do not meet the standards for maximum grade may be improved as described in Exhibit *E- Brodie Transportation Plan*.	The Brodie PUD is proposing to improve the street between the project and Barton Creek Plaza with a Shared Use Path. This street exists within a 40' easement and the multi-use trail would be provided on the park side of the easement.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
Environmental		

Brodie Code Modification Table

ECM 1.6.7.5(D)	Modify: Introduction. Rooftops can generate large volumes of runoff which, when discharged to paved surfaces and landscaped areas, can generate large pollutant loads. Rainwater harvesting systems can capture this runoff before it is discharged, thus preventing pollution while also putting the captured water to beneficial use, such as landscape irrigation and cooling tower makeup water. The amount of runoff captured will depend on the size (water quality volume) and drawdown time of the rainwater harvesting system. The systems can also control the peak flow rate for the 2-year storm. See Section 1.6.8 if specifically designed for this purpose. Rainwater harvesting systems can provide equivalent treatment to a standard sedimentation/filtration system and may be used within the Barton Springs Zone if the design achieves the non-degradation load requirements detailed in Section 1.6.9. Rainwater Harvesting systems will only be permitted for commercial developments. In an effort to promote water conservation, the State of Texas offers financial incentives and tax exemptions to offset the equipment costs. Additionally, the Water Conservation staff of the City of Austin Water Utility Department is available to provide input on how to achieve cost efficient design and equipment selection that will also help reduce water and wastewater costs. Design Options. A typical configuration for a rainwater harvesting system is shown in Figure 1.6.7.D-2. To receive water quality credit, rainwater harvesting systems must be designed so that captured runoff is held for at least 12 hours (for Options A & B) after rainfall has ceased, then either gravity-drained to a vegetated area sized large enough to infiltrate all the water (Option A), or used to irrigate the vegetated area (Option B), or be used to provide beneficial reuse (Option C). (Option B) is similar to a retention/irrigation system and Section 1.6.7(A) should be referenced for guidance. Option C - Captured runoff for beneficial reuse. This option proposes to capture rooftop rainwater from each building for reuse as traditional landscape irrigation and cooling tower makeup water. The rooftop rainwater will be collected in subsurface tank(s) and treated downstream of storage with filtration and potentially ultraviolet light for specific applications prior to use. The applicant may achieve compliance through LDC 25-8-151 for innovative water quality controls as a practice that is not specifically	The Brodie Oaks PUD will fully comply with the SOS pollutant load reduction requirements. This is being accomplished through two separate methods. The first method will capture stormwater run-off from the site (excluding the rooftops of the buildings) and will not deviate from the City of Austin requirements and meet all aspects of the Environmental Criteria Manual for Retention/Irrigation Systems. The second method will be Rainwater Harvesting where the water will be captured for beneficial reuse as cooling tower make-up water and landscape irrigation. In order to implement the second method, the following modifications and additions to the Environmental Criteria Manual 1.6.7.5(D) will be required as it relates to this Beneficial Reuse only. Calculations must be provided that demonstrate that the innovative water quality controls meet or exceed SOS pollutant load reduction requirements on an average basis for the period of record. The modeling assumes that a minimum 12-hour hold time would not apply to cooling tower makeup demand, which is continuous during storm events. Though the lack of residence time would result in reduced sedimentation, there will be other treatment mechanisms in place including filtration to ensure the water quality meets the requirements for reuse

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
	prescribed in the Environmental Criteria Manual, but is designed to address the requirements of Article 6 (Water Quality Controls), subject to review and approval by the Watershed Protection Department. Results will be modeled to demonstrate a reduction in pollutant load from the predeveloped condition in accordance with SOS requirements. Residence and drawdown times may differ from typical ECM requirements based on technical merit, resource protection and improvement, and advantages over standard practices. Real time controls may be used to improve the runoff capture efficiency and optimize beneficial reuse.	Given the variable dynamics of supply and demand for a rainwater harvesting system, drawdown times may vary throughout the season. Generally, drawdown times are faster during summer months when demands from cooling towers and irrigation is higher. In wintertime, when demands are lower and drawdown is slower, large storms are less common and therefore overflow is less of an issue. This innovative water quality measure unlocks the benefits of potable water conservation and reduces the acreage of re-irrigation that would impact parkland uses.
25-8-341 – Cut Requirements	Modify: Cuts on a tract of land may not exceed a maximum of fourteen (14) feet as indicated in *Exhibit G- Brodie Grading Plan*	We have reviewed the topographic conditions as they existed prior to the original Brodie Oaks development (1976) and have compared that to the existing conditions today with both the 1976 and 2021 topographic data and determined that there was no significant difference between the two and will use the current 2021 topographic data to determine the extent of Cut. The reason for the requested cut is that the existing wall behind the old Toys-R-US building will be torn down to make the greenbelt more accessible and to blend the greenbelt into the property as shown on Exhibit G.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-8-342 – Fill Requirements	Modify: Fill on a tract of land may not exceed fourteen (14) feet as indicated in *Exhibit G- Brodie Grading Plan*	We have reviewed the topographic conditions as they existed prior to the original Brodie Oaks development (1976) and have compared that to the existing conditions today with both the 1976 and 2021 topographic data and determined that there was no significant difference between the two and would request that the current 2021 data be used to determine the extent of Fill. The reason for the request fill is due to the adding of the Small Txdot parcel in the front of the site. This area was not originally part of the Brodie Oaks shopping center and was actually Txdot ROW and the grade of this parcel was the same grade as the roadways which were artificially cut when the roadways were originally constructed. This has caused a small area to be filled to meet the grade of the Brodie Oaks Shopping Center. As such fill was needed in order to obtain access to the proposed building as shown on Exhibit G.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-8-514 – SOS Ordinance	Modify: (A) In order to prevent pollution, impervious cover for ~~all such development~~ the Brodie PUD shall be limited to a maximum of 56% Net Site Area. ~~15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone.~~	The Brodie PUD is proposing to modify the maximum impervious cover allowed by the SOS Ordinance. We understand that this code modification will require a super majority vote of the City Council. Even though we need to amend this section of the SOS Ordinance the proposed 36% reduction in impervious cover is superior to what exists now versus revitalizing the existing shopping center with no reduction of impervious cover or water quality benefit. The traditional approach to meeting the SOS pollutant load reduction requirements is to retain all stormwater and then reirrigate it on the site. This typically involves significant amounts of land area reserved for reirrigation to meet infiltration timing that treats the associated water volume. Following this method the Brodie PUD would need to utilize over 9 acres for reirrigation that would have no other use. In collaboration with City staff the Brodie PUD has tested and will commit to an enhanced approach to pollutant removal that advances the City's Water Forward Plan by conserving potable water. The Brodie PUD will remove rooftop rainwater volume through reuse as supply for cooling towers and traditional landscape irrigation. Under the ECMs, the Director may approve such an alternative design that is A) not subject to a hold time of 12 hours following a rain event to allow for ongoing drawdown from continuous cooling tower makeup demand, and B) not subject to the maximum drawdown time of 120 hours following a rain event, allowing it to be partially emptied prior to forecasted rain based on the favorable relationship between variations in seasonal rainfall intensity and reuse demands

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-8-281 – Critical Environmental Features	Modify: (A)Drainage patterns for proposed development must be designed to protect critical environmental features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow.(B)A residential lot may not include a critical environmental feature or be located within 50 feet of a critical environmental feature.(C)This subsection prescribes the requirements for critical environmental feature buffer zones.(1)A buffer zone is established around each critical environmental feature described in this subchapter.(a)Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature. The Brodie Oaks PUD will be permitted to encroach on Airman's Cave a maximum of 80' providing there is a minimum of 20' of Del Rio Clay remaining between any encroachment into the CEF buffer and the vertical extent of the cave. In addition, the Brodie Oaks PUD is permitted to encroach 50' into the spring labeled as S-1 as indicated on Exhibit F – Brodie Water Quality and Drainage Plan (Page 2).	The project is requesting to encroach into the CEF buffer for Airman's Cave up to 80' providing that 20' of Del Rio Clay remain between any encroachment into the CEF Buffer and the Cave. The project is also requesting to modify the location of the CEF Buffers at the edge of the site to encroach 50' as indicated in Exhibit F- Brodie Water Quality and Drainage Plan. According to analysis performed by Nico Hauwert (Airman's Cave Hydro Study 2021), the cave is approximately 140' below the surface. The reduction of the CEF buffer for Airman's Cave is necessary for the structural supports for the buildings, below grade parking, and subsurface ponds. The reason for the 50' encroachment into CEF S1 is to allow for removing of the wall that separates the site from the greenbelt and regrading to a more natural grade. Due to the desire to restore the edge of the site and connect it to the Barton Creek Greenbelt, there will be grading that will occur to connect new grades to those in the greenbelt. Some of this grading may infringe on the 150-foot CEF buffer of CEF S-1. The project is proposing to add an approximately equivalent area of additional CEF setback area to CEF S-1 and CEF S-2 in order to compensate for the reduction in the buffer area. In addition, the conflicting desires to minimize impervious cover and to minimize height of the buildings has required that we go below grade with multiple levels of parking. Finally, the small, walkable blocks have left a situation where some blocks need 5 levels of parking with the building sitting on top of the parking structure. This makes those blocks very tall (225'). Deep structural piers are necessary to support such a tower.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
DCM Sec. 5.3.2 (Maximum Velocities)	Maximum velocities in conduits are important because of the possibility of excessive erosion of the storm drainpipe material. The Brodie PUD will be permitted to exceed 20'/sec (for the 25-year event) for Storm drain trunks with a proposed velocity of 21.6'/sec.	The waiver is requested for the following reasons. 1. Due to the significant reduction of impervious cover, the proposed 25-year flow rate is less than the existing 25-year flow rate. 2. The current velocity in the pipe is 21.9'/sec and the proposed velocity is 21.6'sec after the reduction of impervious cover 3. The outfall of the pipe drains to an existing wet pond and the pipe is submerged in the normal pool condition. This condition would eliminate any erosion potential downstream. 4. The pipe is existing. Under normal circumstances the pipe would have been sized to meet this criterion. But since the pipe is existing, we do not significantly exceed the maximum velocity and due to the costs associated with replacing this pipe, we are requesting the pipe to remain in-place.
Administrative		
Sec. 25-4-62 Expiration of an Approved Preliminary Plan	An approved preliminary plan expires ~~five~~ seven years after the date the application for approval of the preliminary plan is submitted.	The Brodie PUD is a complex redevelopment intended to be phased over several years. The first phase of development will be larger due to the need to build roadway infrastructure that serves the entire site and demolition of impervious cover and temporary revegetation to meet the SOS Water Quality Standards.
Sec. 25-5-81(B)	Modify: Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires ~~three~~ eight years after the date of its approval.	The Brodie PUD is a complex redevelopment intended to be phased over several years. The first phase of development will be larger due to the need to build roadway infrastructure that serves the entire site and demolition of impervious cover and temporary revegetation to meet the SOS Water Quality Standards.

Brodie Code Modification Table

CODE SECTION	PROPOSED PUD REGULATION	JUSTIFICATION
25-5-21(B)	Modify: The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than ~~three~~ five years after the approval of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than five~~three~~ years after approval date of the site plan.	The Brodie PUD is a complex redevelopment intended to be phased over several years. The first phase of development will be larger due to the need to build roadway infrastructure that serves the entire site and demolition of impervious cover and temporary revegetation to meet the SOS Water Quality Standards.
25-5-142	Modify: Land Use Commission approval of site plan is required for: (1) a conditional use; (2) except for the Brodie PUD and as provided in Section 25-5-2 (Site Plan Exemptions), development in a Hill Country Roadway Corridor; and (3) if otherwise required by this title.	The Brodie PUD will be reviewed and approved by the Land Use Commission as a comprehensive development through the PUD process as such each individual site plan will be administratively approved and not required to be approved by the Land Use Commission.

MEMORANDUM

Date: August 31, 2022
To: Bobak Tehrany, P.E. (BOE Consulting Services)
CC: Nathan Aubert, P.E. (ATD); Joan Minyard EIT (ATD)

Reference: Brodie Oaks Redevelopment
Transportation Impact Analysis Final Memo
C814-2021-0099

Summary of the Transportation Impact Analysis (TIA):

The Austin Transportation Department (ATD) has reviewed the *"Brodie Oaks Center Transportation Impact Analysis"* dated June 9, 2022 (received June 30, 2022) prepared by BOE Consulting Services. The proposed development is for a PUD consisting of 1,233 dwelling units of mid-rise multifamily, 467 dwelling units of high-rise multifamily, a 200-room hotel, 1,260,000 square feet of general office, and 140,000 square feet of shopping center. The site is located on the northwest corner of the intersection of South Lamar Boulevard and Capital of Texas Highway frontage road in south Austin. Site access will primarily consist of four driveways: one full-access and two right-in/right-out driveways on South Lamar Boulevard and one right-in/right-out driveway on Capital of Texas Highway frontage road. Additional access is provided via the private drive connecting the Brodie Oaks development to the Barton Creek Plaza office complex to the north/west. The project is anticipated to be constructed in three phases with buildout years of 2026, 2031, and 2036.

Below is a summary of our review findings and recommendations:

1. The applicant shall design and construct the improvements identified in Table 2 below as part of the first site development application associated with this zoning case, contingent upon ATD and TxDOT review and approval. No temporary certificate of occupancy (TCO) or certificate of occupancy (CO) shall be issued until the construction of the identified improvements is complete. Note: Cost estimates **should not** be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.
2. Development of this property should not vary from the approved uses or deviate from the approved intensities and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, driveway locations, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
3. Approval of this TIA does not grant nor guarantee approval of proposed driveway locations. Driveway locations shall be reviewed and considered during the site plan review process.
4. An electronic copy of the final TIA is required to be provided to ATD prior to the issuance of any site development permit.

Attachment A

5. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of the traffic counts in the TIA or the date of this memo, whichever comes first, after which a revised TIA or addendum may be required.
6. Street Impact Fee Ordinances 20201220-061 [https://www.austintexas.gov/edims/document.cfm?id=352887] and 20201210-062 [https://www.austintexas.gov/edims/document.cfm?id=352739] have been adopted by City Council and are effective as of December 21, 2020. The City shall start collecting street impact fees with all building permits issued on or after June 22, 2022. For more information please visit the Street Impact Fee website [austintexas.gov/streetimpactfee].
7. Any building permit(s) associated with this development issued on or after June 22, 2022, will be subject to the Street Impact Fee (SIF) program. At time of first site plan, TDS staff shall draft a SIF Offset Agreement for all eligible improvements and an Allocation Agreement to memorialize how offsets are to be applied throughout the development. The SIF will be calculated and invoiced for each building permit and any required SIF payments shall be made prior to building permit issuance.

Assumptions:

1. Driveway access is being proposed on South Lamar Boulevard and Capital of Texas Highway frontage road, with additional access provided by the private drive running parallel to Capital of Texas Highway to the west.
2. The anticipated buildout years are 2026, 2031, and 2036.
3. The following reductions were applied for this development:
    - Transportation Demand Management (25% in both AM and PM)
4. Based on TxDOT AADT volume data, a three (3.0) percent annual growth rate was assumed to account for the increase in background traffic.
5. The following were identified as background projects expected to generate vehicle trips in addition to the general increase in background traffic:
    - AISD Ann Richards School
    - Victory Medical

Trip Generation and Land Use

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 30,417 unadjusted daily vehicles trips at full buildout. Taking into account the trip reductions identified in the previous section and the existing land uses and intensities, this development is anticipated to generate 3,567 net new adjusted daily vehicle trips. Table 1 shows the trip generation for the proposed development.

Table 1 – Trip Generation

ITE Code	Land Use	Size / Unit		24-Hour Two-Way Volume	AM Peak Hour	PM Peak Hour
Existing						
Various	Phase 1	-	-	12,782	1,046	1,262
Various	Phase 2	-	-	785	70	68
Various	Phase 3	-	-	5,678	416	469
Total Existing Trips				19,246	1,532	1,800
Proposed Phase 1 – Blocks 1, 2, 8						
221	Mid-Rise Multifamily	629	DU	3,426	226	277
222	High-Rise Multifamily	248	DU	1,101	76	89
710	General Office	466,200	SF	4,585	541	536
820	Shopping Center	74,200	SF	4,006	118	369
Total Proposed Trips Phase 1 (Unadjusted)				**13,118**	**961**	**1,271**
Proposed Phase 2 – Blocks 5, 6						
221	Mid-Rise Multifamily	160	DU	873	58	71
710	General Office	667,800	SF	6,567	775	768
820	Shopping Center	63,000	SF	3,401	100	314
Total Proposed Trips Phase 2 (Unadjusted)				**10,841**	**932**	**1,152**
Proposed Phase 3 – Blocks 3, 4, 7, 9						
221	Mid-Rise Multifamily	444	DU	2,419	160	195
222	High-Rise Multifamily	219	DU	977	68	79
310	Hotel	200	Keys	1,672	95	124
710	General Office	126,000	SF	1,239	146	145
820	Shopping Center	2,800	SF	151	4	14
Total Proposed Trips Phase 3 (Unadjusted)				**6,457**	**473**	**557**
Total Proposed Trips (Unadjusted)				**30,417**	**2,366**	**2,980**
Transportation Demand Management Reduction (25%)				*(7,605)*	*(590)*	*(745)*
Existing Trips				*(19,246)*	*(1,532)*	*(1,800)*
Total Adjusted Trips				**3,567**	**244**	**435**

Transportation Demand Management (TDM)

A Sustainable Modes Analysis was included in the TIA which was used to identify existing gaps in the pedestrian, bicycle, and transit system to determine which improvements should be associated with this development. The Sustainable Modes Analysis may also be used by future developments to identify pedestrian, bicycle, and transit needs in the area. Additionally, the applicant prepared a separate TDM Report to address the various measures this development will commit to in an effort to reduce single-occupancy vehicle trips. Based on the Sustainable Modes Analysis and TDM report, a total TDM reduction of 25% was granted.

Summary of Recommended Improvements

Improvements to Roadway Infrastructure

The TIA analyzed a total of 23 study intersections: four driveway intersections and 19 intersections external to the site. Based on the conclusions from this development's TIA, the following improvements have been identified and will be assessed in greater detail when the first site plan application associated with this zoning case is submitted:

- Reconstruction of the Brodie Oaks driveway and South Lamar Boulevard intersection. The TIA identified modifying this intersection to a standard four-legged design by regrading the northbound approaches to merge prior to the intersection, installing new signal infrastructure, constructing curb ramps, and restriping lanes and crosswalks. However, the City of Austin's Mobility Bond Corridor Improvements to South Lamar are planned to commence construction in 2023 which potentially impact the results of this analysis; therefore, additional analysis shall be required in the future to take into account the corridor improvements. A micro-level simulation model shall be required to further analyze the intersection of South Lamar Boulevard and the Brodie Oaks driveway and determine what final/additional mitigation measures may be required. Both ATD and TxDOT must review the more detailed analysis and concur with findings prior to documenting the improvements to be constructed by the applicant.
- Construction of a dedicated right-turn lane into the site at the driveway on Capital of Texas Highway frontage road. Coordination with TxDOT shall be required to determine final design.

Improvements to Transit

The MetroRapid 803 route runs from the Westgate Transit Center north along South Lamar Boulevard with the northbound and southbound Brodie Oaks Station stops currently located at the Brodie Oaks driveway intersection. The applicant has committed to incorporating the southbound stop into the site design per the South Lamar Boulevard corridor plan. No additional transit-related improvements have been proposed.

Improvements to Active Modes (Pedestrian and Bicycle Infrastructure)

There currently exists pedestrian and bicycle infrastructure in the area, however there are gaps in connectivity. To improve the active modes transportation network, the following improvements have been identified and committed to by the applicant:

- Construction of a 12'-wide shared-use path along the south/west side of the private road connecting the development to the Barton Creek Plaza office complex.
- Construction of all South Lamar Boulevard corridor plan improvements along the property frontage, including but not limited to sidewalks and protected bike lane.
- Construction of sidewalks, crosswalks, curb ramps, and stamped concrete to provide pedestrian routes across the west and east sides of the South Lamar Boulevard and US 290 frontage roads intersection. Please see Exhibit B for additional information.

Table 2 – Summary of Improvements

Items Eligible for Street Impact Fee Offset			
Location	**Improvement**	**Estimated Cost**	**Developer Requirement**
South Lamar Boulevard & Brodie Oaks driveway	Reconstruction to standard four-legged intersection or other intersection improvements as identified with further analysis	$1,050,000	Construct as part of first site plan contingent upon micro-level simulation modeling and ATD/TxDOT approval
South Lamar Boulevard frontage	Construct corridor plan improvements	$300,000	Construct as part of first site plan
South Lamar Boulevard & US 290 frontage roads	Construct pedestrian elements needed to provide continuous path on east side of box intersection	$281,250	Construct as part of first site plan
	Construct pedestrian elements needed to provide continuous path on west side of box intersection	$272,500	
Subtotal		**$1,903,750**	
Items Not Eligible for Street Impact Fee Offset			
Capital of Texas Highway frontage road driveway	Construct right-turn lane	$187,500	Construct as part of first site plan
Private road connecting to Barton Creek Plaza	Construct 12'-wide shared-use path	$328,125	Construct as part of first site plan
Subtotal		**$515,625**	
Total		**$2,419,375**	

If you have any questions or require additional information, please contact me at 512-974-1449.

Justin Good, P.E.
Austin Transportation Department

EXHIBIT A

SITE LOCATION MAP

PARKS AND RECREATION BOARD RECOMMENDATION 20220926-3

Date: September 26, 2022

Subject: Brodie Oaks Planned Unit Development Application

Motioned By: Sarah Faust Seconded By: Nancy Barnard

Recommendation

The Parks and Recreation Board recommends the Brodie Oaks PUD as superior if the applicant agrees to:

1) Work with staff and Austin Transportation department to provide ten (10) free parking spaces to the neighborhood park site;
2) Amend the application to state there will be a publicly available restroom at the neighborhood park;
3) Continue to work with Hill Country Conservancy and Austin Parks Foundation to ensure this is a sustainable trail accessing the Barton Creek Greenbelt; and,
4) Investigate and report back on methods to fund off-site Barton Creek Greenbelt preservation and management through commercial development at the site.

Vote **The motion to recommend the Brodie Oaks PUD as superior if the applicant agrees to: 1) Work with staff and Austin Transportation department to provide ten (10) free parking spaces to the neighborhood park site; 2) Amend the application to state there will be a publicly available restroom at the neighborhood park; 3) Continue to work with Hill Country Conservancy and Austin Parks Foundation to ensure this is a sustainable trail accessing the Barton Creek Greenbelt; and, 4) Investigate and report back on methods to fund off-site Barton Creek Greenbelt preservation and management through commercial development at the site was approved on Vice Chair Faust's motion, Board Member Barnard's second, on a 9-0 vote. Board Members Lewis and Taylor absent.**

For: Chair Cottam Sajbel, Vice Chair Faust, Board Members Barnard, DePalma, Di Carlo, Flowers, Hugman, Moore and Rinaldi

Against:

Abstain:

Absent: Board Members Lewis and Taylor.

Attest:

Attachment C

Tim Dombeck

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

PROJECT NAME: **Brodie Oaks Redevelopment**
ADDRESS/LOCATION: 4021 thru 4141 S. Capital of Tx. Hwy NB; 3940 thru 4236 S. Lamar Blvd. SB
CASE #: C814-2021-0099

☐ NEW SINGLE FAMILY
☒ NEW MULTIFAMILY
☐ DEMOLITION OF MULTIFAMILY
☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 1,700 STUDENTS PER UNIT ASSUMPTION
Elementary School: .044 Middle School: .022 High School: .022

IMPACT ON SCHOOLS

The student yield factor of 0.088 (across all grade levels) for apartment homes was used to determine the number of projected students. This was determined by the district's demographer by looking at similar projects in the area and accounting for the indicated affordable units.

The proposed 1,700-unit multifamily development is projected to add approximately 149 students across all grade levels to the projected student population. It is estimated that of the 149 students, 75 will be assigned to Barton Hills Elementary School, 37 to O. Henry Middle School, and 37 to Austin High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Austin HS (103%), below the target range at O. Henry MS (71%), and over the target range at Barton Hills ES (112%). The projected additional students at O. Henry MS would not offset the anticipated decline in student enrollment. The enrollment and number of transfers into Barton Hills ES will need to be closely monitored to determine the impact on its capacity.

TRANSPORTATION IMPACT

Students attending Barton Hills ES, O. Henry MS and Austin HS will all qualify for transportation. One additional bus trip will need to be created for each of the schools.

SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: **08/27/2021** **Executive Director:** DocuSigned by: Beth Wilson 38E0989C305B4F8...

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Barton Hills

ADDRESS: 2108 Barton Hills Drive

PERMANENT CAPACITY: 418
MOBILITY RATE: +65.0%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	240	240	315
% of Permanent Capacity	57%	57%	75%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	396	392	467
% of Permanent Capacity	95%	94%	112%

MIDDLE SCHOOL: O. Henry

ADDRESS: 2610 West 10th St.

PERMANENT CAPACITY: 945
MOBILITY RATE: -1.5%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	939	657	694
% of Permanent Capacity	99%	70%	73%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	925	636	673
% of Permanent Capacity	98%	67%	71%

Attachment D

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

HIGH SCHOOL: Austin

ADDRESS: 1715 W. Cesar Chavez St.

PERMANENT CAPACITY: 2,247

MOBILITY RATE: +11.5%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	2,110	2,037	2,074
% of Permanent Capacity	94%	91%	92%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	2,353	2,269	2,306
% of Permanent Capacity	105%	101%	103%

Carbon Impact Statement

Project:

Scoring Guide:

1-4: Business as usual

5-8: Some positive actions

9-12: Demonstrated leadership

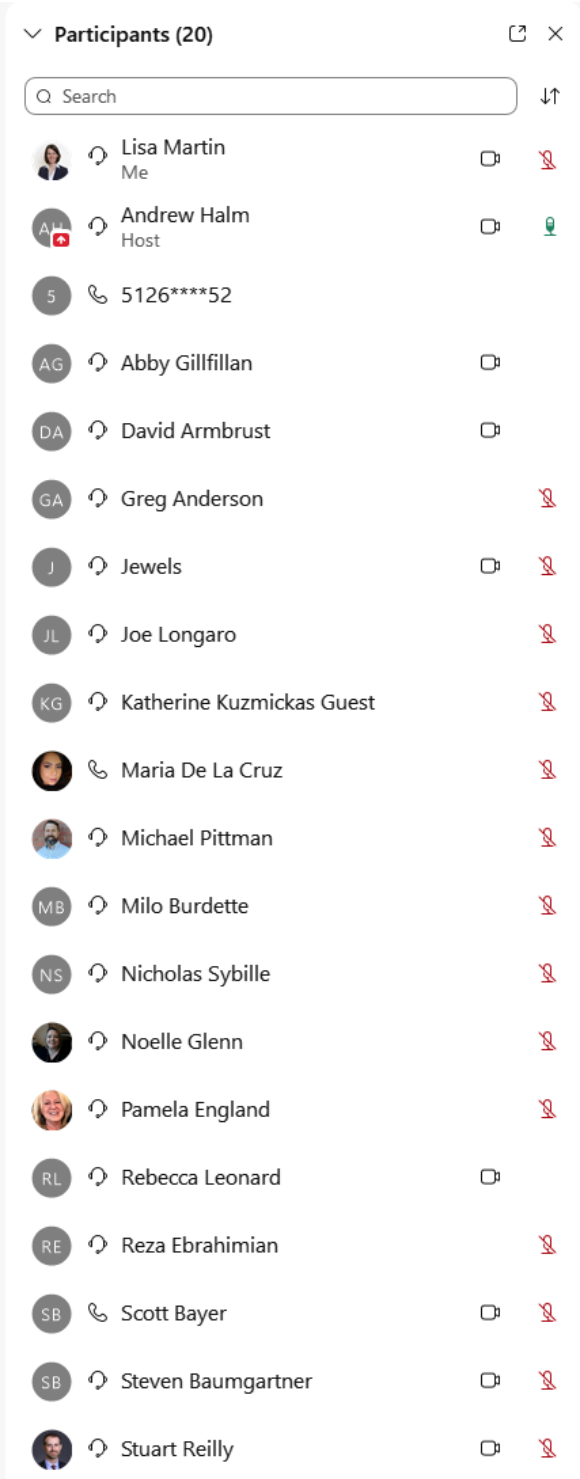
	Response: Y=1, N=0	Documentation: Y/N
Transportation		
T1: Public Transit Connectivity	Y	☐
T2: Bicycle Infrastructure	Y	☐
T3: Walkability	Y	☐
T4: Utilize TDM Strategies	Y	☐
T5: Electric Vehicle Charging	Y	☐
T6: Maximize Parking Reductions	Y	☐
Water + Energy		
WE1: Onsite Renewable Energy	☐	☐
WE2: Reclaimed Water	Y	☐
Land Use		
LU1: Imagine Austin Activity Center or Corridor	Y	☐
LU2: Floor-to-Area Ratio	☐	☐
Food		
F1: Access to Food	Y	☐
Materials		
M1: Adaptive Reuse	☐	☐
Total Score:		

The Brodie Oaks Redevelopment site superiority is anchored in our commitment to a robust set of performance standards. At the foundation of these standards is a commitment to several third-party sustainability rating system certifications, including: USGBC LEED Neighborhood Development; USGBC Sites; AEGB Star Rating System; and others. In addition to pursuing third-party sustainability rating system certifications, Brodie Oaks Redevelopment has established a customized set of goals and objectives for the project. This will embrace the critical environmental aspects of the site in its South Austin context, advance equity, resilience, and climate mitigation as core imperatives, and accelerate City and community-level planning efforts.

Attachment E

November 10, 2022 -- Meeting Notes – Re: Brodie Oaks Development

Austin Energy, COA Law Dept, Brodie Oaks Development Team, Planning Commissioner Greg Anderson



Intros

- AE: Andy H., Stuart, Scott B., Lisa, Maria, Michael P., Reza, Nick S., Noelle, Pamela E.
- COA: Kait
- Armbrust & Brown: Jewel, David
- Lionheart: Rebecca, Abby
- Brodie Oaks Owner Rep: Milo
- Engineers & Planners: Steven, Joe Longaro

Rebecca Leonard

- Apologized for communication breakdowns; transparency and engagement have been cornerstones of the approach for the last 3 years
- Have had many meetings with AE staff
- Most recently Summer 2022; included Stuart and Jackie
    - Clear direction that only option was 1.5 acre substation site on property
    - Approx 1/3 of substation capacity would be for the Brodie Oaks development
- Left the mtg thinking that was AE's final say; didn't realize AE was still working on things
- Does not support substation on site
- Have met with several entities and none of them think this is a great location for a substation
- Interested in hearing more from AE in terms of what options are available

Stuart

- Did not intend that meeting to be final
- Left the meeting with the intent that the teams would look for creative solutions together
- We have not been approaching this as, this is a nice to have, so we can burden this site and serve other areas
- First and foremost, we need a substation to serve this site and we don't have the substation capacity elsewhere to serve it
- All sites are not the same from an engineering perspective

David

- Never encountered this issue at the zoning stage of the work
- This is a long way out; why now?
- What would AE do if Milo decided not to do this project? How would you serve S. Austin otherwise?

Stuart

- Can't plan out too far due to 10 year rule associated with eminent domain
- A load such as this, which is a few years out, is really right around the corner for us

Rebecca

- Team provided very preliminary loading estimate; was very conservative on it
- Expect they will come in lower than that

Maria

- AE recognizes that load estimates are estimates and that load varies over time; thus, AE applies a diversification factor to load estimates; used to determine how to feed the site
- The driver for the substation is the load of Brodie Oaks; there is no other way to serve this load
- You don't want to put a load this large at the end of a feeder
- Also one feeder serves 10-12 MVA, if you're talking 20-30 MW, then we need more than one feeder available

David

- This is in the SOS area, which has impervious cover limitations

- Across Lamar, that is not in the SOS zone
- Of all the sites in S. Austin, it gets very difficult once you get into an SOS zone

Maria

- True, that may be why we didn't plan for a development such as this one in this location

Pamela

- Re why this is coming up now, we need to plan ahead to serve load
- It has to work from an engineering standpoint: connect into T and D system
- Acquiring properties is 18-24 months just to get the land
- We do operate with power of eminent domain; it still takes a lot of time
- Need civic use to be included in this zoning phase

Rebecca

- Have added those as permitted uses; from a zoning perspective, we're good
- We still don't agree that this is the best site for a substation
- You normally assess those things at site plan or building permit
- We just want to get through the zoning phase

David

- Are we good from a zoning perspective or is AE going to step in and hold things up?

Pamela

- If civic use is included, we're golden from a zoning perspective
- We can't stop the conversation there, though, b/c it takes time to prepare and be ready to serve your load

Stuart

- There were two other sites off-PUD, one is no longer viable and the other is needed for another substation

Milo

- What is the best way to discuss potential sites?
    - Pamela explained the AE team structure

Stuart

- What is before the Planning Commission? Is the PUD document included?

David

- PUD documents include a site plan; don't plan on having substation on site
- If we changed it, would require PUD amendment
- SOS amendment is limiting impervious cover to 54%; if AE wanted to come in later and add a substation, it would require an additional SOS amendment

Stuart

- We should discuss now b/c timing requires action now

David

- Planning Commission 11/15; Council at 12/1
- There isn't time to site a substation prior to that; would take months

Greg (Planning Commission)

- 10 of 17 acres taken up here (???)
- Across Lamar, means a lot less land needed; believes less cost
- Don't let the substation be a poison pill that kills this project

Stuart

- Can see your point about looking elsewhere; Makes sense logically
- There may be creative solutions on-site that allow for a substation while still meeting your other requirements (e.g., reduce building footprint to reduce impervious cover but go higher)
- Using another site assumes use of eminent domain elsewhere for the benefit of this site

Milo

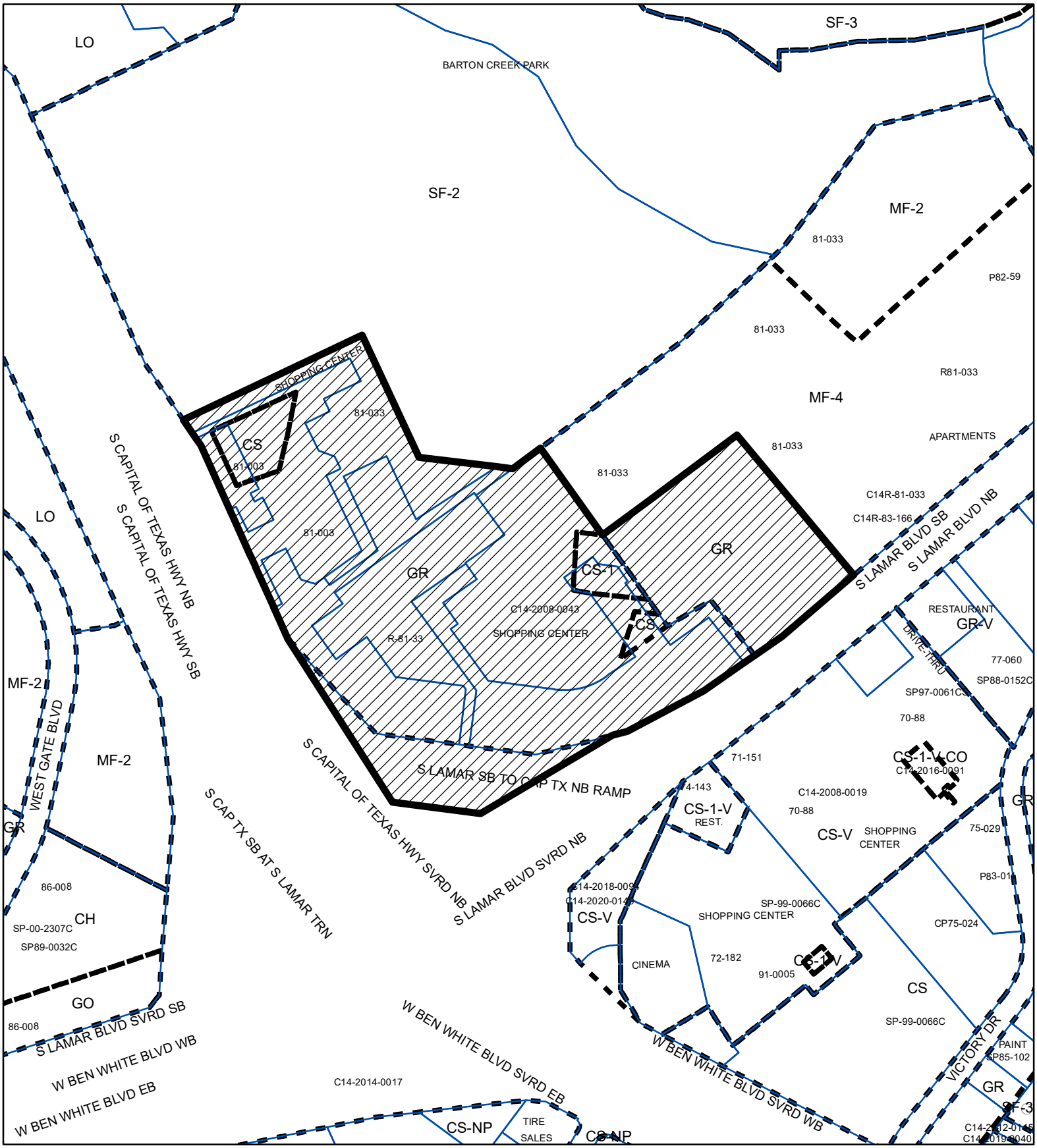
- This is a difficult situation and we appreciate it
- We've been trying to please a whole lot of interests in this PUD
- Adding on top of the height may be the straw that breaks the camel back

Rebecca

- PUD takes 50% vote; SOS ordinance takes supermajority vote to pass
- If there is any solution that doesn't affect the SOS ordinance …
- Adding substation now will make it impossible to pass now, on 12/1 at Council

Pamela

- Andy H. is SPOC for AE for substation, PUC, site plan; please ensure all communications involve him and he will coordinate up and down internally



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

Restrictive Covenant Amendment

CASE#: C14R-81-033(RCA)

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

CITY OF AUSTIN FOUNDED 1839

Created: 10/27/2021

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Jewels Cain
(512) 435-2318
jcain@abaustin.com

August 9, 2021

Rosie Truelove
Director, Housing & Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Restrictive Covenant Termination Application C14r-81-033(RCT) (the "Application")

Dear Mrs. Truelove:

This Application is submitted to terminate the restrictive covenant recorded in Volume 7479, Page 23 (the "Restrictive Covenant") of the Official Public Records of Travis County, Texas on June 26, 1981. This Restrictive Covenant was associated with zoning case C14r-81-033 at the time it was recorded.

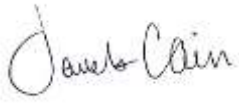
The Restrictive Covenant encumbers Lots A, B, C and D shown on the Barton Creek Plaza Subdivision in Figure 1 below (the "Property").

Figure 1

A Planned Unit Development application (the "PUD Application") has been submitted for Lots A and B (C814-2021-0099) and will be reviewed concurrently with this Application. The purpose of this Application is to terminate the Restrictive Covenant which limits height on Lots A, B, C and D to allow for the mixed-use project proposed in the PUD Application. Although the PUD Application is only being submitted on Lots A and B the Restrictive Covenant applies to Lots A, B, C, and D and will require approval from the adjacent property owners prior to finalizing the terminations.

Thank you in advance for your consideration of this Application. Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully,



Jewels Cain
Land Development Consultant

cc: Jerry Rusthoven; City of Austin
Kate Clark: City of Austin
Milo Burdette; Barshop & Oles Company
Rebecca Leonard: Lionheart Places
Abby Gillfillan: Lionheart Places
David Armbrust: Armbrust & Brown

JUN-26-81 RC&HB 2274 63.00 63.00

RESTRICTIVE COVENANTS

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

2-61-2798

WHEREAS, the Estates of H. E. Brodie and Frances G. Brodie, Deceased, acting through J. M. Patterson, Testamentary Trustee and of the Will of H. E. Brodie, and Albert Brodie, Woodrow Eskew and J. M. Patterson, Jr., Independent Executors of the Estate of Francis G. Brodie, hereinafter colletively referred to as Grantors, are the owners of that certain tract or parcel of land lying and being situated in the City of Austin, Travis County, Texas, and more particularly described as follows, to-wit:

> 164.14 acres, more or less, located in Travis County, Texas, described by metes and bounds in Exhibit A, attached hereto and made a part hereof for all pertinent purposes;

and

WHEREAS, this property is divided into certain various tracts as hereafter set forth and said tracts are more particularly described by metes and bounds and identified as to tract designations on Exhibits "B" through "J" and graphically displayed on Exhibit "K", all of said Exhibits being attached hereto and made a part hereof for all purposes; and

WHEREAS said tracts have been rezoned as follows:

Tract A1	"GR"	1st Height and Area
Tract A2	"C"	1st Height and Area
Tract A3	"GR"	2nd Height and Area
Tract A4	"C-1"	1st Height and Area
Tract B	"0-1"	2nd Height and Area
Tract C1	"B"	2nd Height and Area
Tract C2	"B"	2nd Height and Area
Tract C3	"BB"	1st Height and Area
Tract D	"0-1"	2nd Height and Area

and

WHEREAS, as a condition to the rezoning of the various tracts and for the better development of said property above described, the City Council of Austin, Texas, desires that

Grantors, make, execute and deliver for the benefit of said property and for the City of Austin, a Municipal corporation, restrictive covenants relating to the above described property; and

2-61-2799

WHEREAS, said restrictive covenants will benefit said Grantors and also the City of Austin, a Municipal corporation, by (1) conforming development to the requirements of the Barton Creek Watershed Ordinance; and (2) setting various height and density limitations.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Grantors do hereby place upon and charge said hereinbefore described property with the following restrictive covenants, which shall be deemed and considered as covenants running with the land, and which shall be binding upon their successors and assigns, to-wit:

(1) Prior to development of any portion of the 164.14 acres tract, a subdivision plat will be filed with and an approval of such plat obtained from the Planning Commission of the City of Austin;

(2) No building or improvement hereafter built upon any of the respective tracts shall exceed the following height limitations:

Tracts A1, A2 and A4	35 feet
Tract A3	40 feet
Tract B	60 feet
Tract C1	50 feet
Tract C2	50 feet
Tract C3	35 feet
Tract D	40 feet

(3) The total number of dwelling units constructed on Tract C1, C2 and C3 shall not exceed 850 units in the aggregate.

If any person or persons shall violate or attempt to violate the foregoing restrictions, it shall be lawful for

the City of Austin, a Municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against the person or persons violating or attempting to violate such restrictive covenant, and either to prevent him or them from so doing or to collect damages for such violation. 2-61-2800

The failure at any time to enforce this restrictive covenant by the City of Austin, whether such violations are of knowledge or not, shall not constitute a waiver or estoppel of the right to do so.

This agreement may be modified, amended or terminated only by a majority vote of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and by the then owner of the above described property at the time of such modification, amendment or termination.

EXECUTED this the 28 day of April, 1981.

ESTATE OF H. E. BRODIE, DECEASED

By J. M. Patterson
J. M. Patterson, Jr.,
Testamentary Trustee

ESTATE OF FRANCIS G. BRODIE,
DECEASED

By Albert Brodie
Albert Brodie, Independent
Executor

Woodrow Eskew
Woodrow Eskew, Independent
Executor

J. M. Patterson
J. M. Patterson, Jr.,
Independent Executor

7479 25

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared J. M. Patterson, Jr., Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

2-61-2801

Given under my hand and seal of office on this 29th day of April, 1981.

Colleen Belk

Colleen Belk
(Typed or printed name of Notary)
Notary Public in and for the State of Texas.

NOTARY SEAL

My Commission Expires:
February 20, 1984

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared Albert Brodie, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as executor of the estate of Francis G. Brodie, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.

Given under my hand and seal of office this 28 day of April, 1981.

LaVon Johnson

LaVON JOHNSON
Notary Public in and for Travis County, Texas
My Commission expires 1-25-84

(Typed or printed name of Notary)
Notary Public in and for the State of Texas.

NOTARY SEAL

My Commission Expires:
Jan. 25, 1984

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared Woodrow Eskew, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as executor of the estate of Francis G. Brodie, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.

2-61-2802

Given under my hand and seal of office this 29th day of April, 1981.

RITA LANGE
Notary Public in and for Travis County, Texas
My Commission expires 5/18/81

Rita Bussis Lange
(Typed or printed name of Notary)
Notary Public in and for the State of Texas.

NOTARY SEAL

My Commission Expires:

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

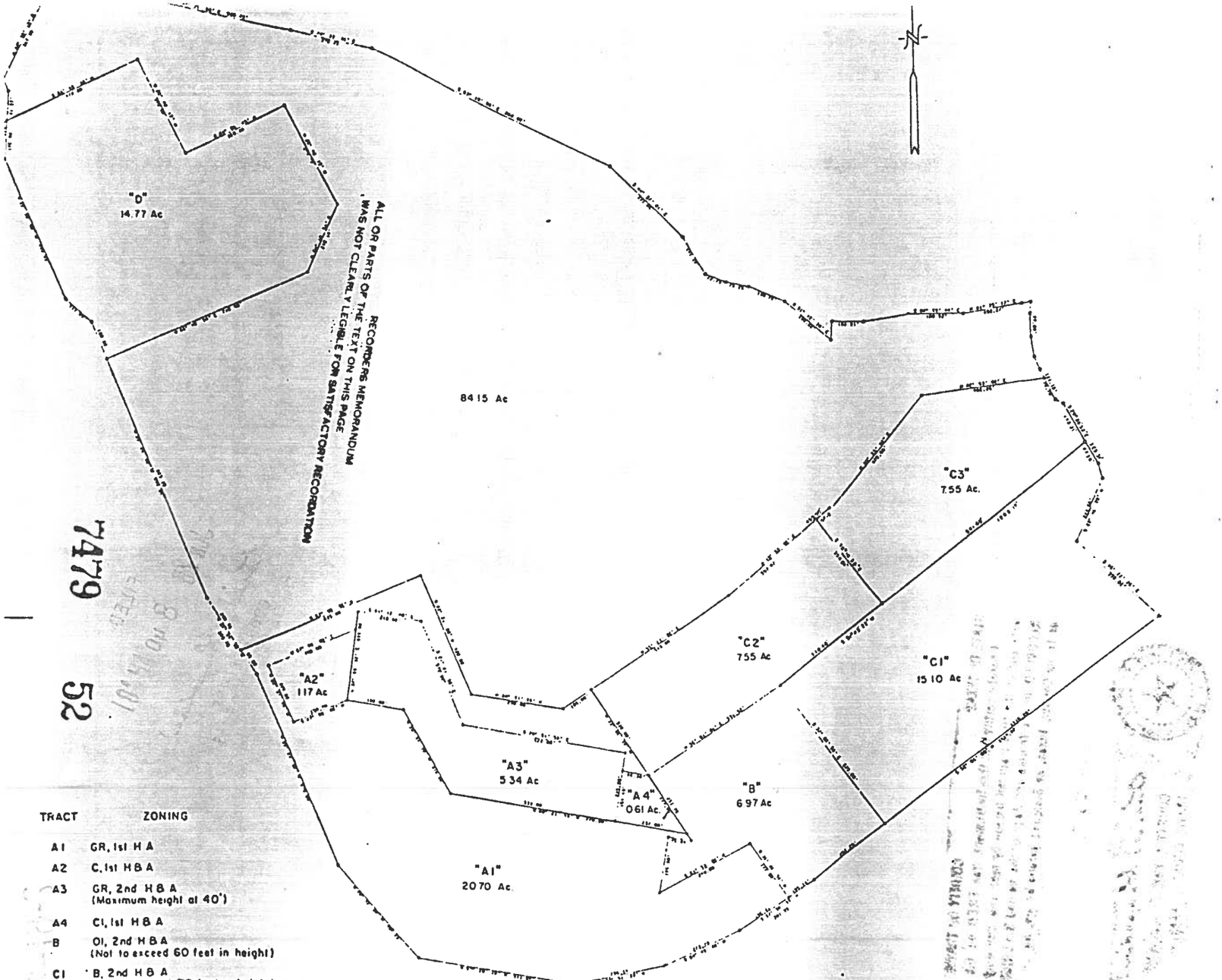
Before me, the undersigned authority, on this day personally appeared J. M. Patterson, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as executor of the estate of Francis G. Brodie, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.

Given under my hand and seal of office this 29th day of April, 1981.

Colleen Belk
Colleen Belk
(Typed or printed name of Notary)
Notary Public in and for the State of Texas.

NOTARY SEAL

My Commission Expires:
February 20, 1984



TRACT	ZONING
A1	GR, 1st H A
A2	C, 1st H B A
A3	GR, 2nd H B A (Maximum height at 40')
A4	CI, 1st H B A
B	OI, 2nd H B A (Not to exceed 60 feet in height)
CI	B, 2nd H B A (Not to exceed 50 feet in height)
C2	B, 2nd H B A (Not to exceed 50 feet in height)
C3	BB, 1st H B A
O	OI, 2nd H B A (Not to exceed 40 feet in height or 3 stories)

THE BRODIE TRACT
ZONING PLAN

7479 52

C82-19-2

2-61-2828

FILED
JUN 26 8 40 AM '81
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as stamped hereon by me.

JUN 26 1981

COUNTY CLERK
TRAVIS COUNTY, TEXAS

7479 53

From:
To: Dombeck, Tim; Rowlinson, Thomas;
Cc: Kallivoka, Liana [PARD]; McNeeley, Kimberly; Scott, Randy;
Subject: Re: Brodie Letters of Support
Date: Monday, September 26, 2022 6:54:49 AM
Attachments: image001.png
2022 09 26_APF-HCC_Ltr_To_PARB_BrodieOaksTrails.docx

Good Morning, Tim.

Please forward the letter appended below and attached as word.doc to PARB. Thank you. George

Monday, September 26, 2022

TO: City of Austin Parks & Recreation Board - Via Electronic Communication

Austin Parks Foundation and Hill Country Conservancy have agreed to lead a team of trail professionals to offer guidance to The Barshop Oles Company regarding the routing and design of separate, sustainable pedestrian and mountain biking trails – with emphasis on sustainable, low-maintenance design, that would connect the proposed redevelopment project to the Barton Creek Greenbelt.

APF and HCC collectively have more than forty years of “on the ground” experience designing, constructing, and maintaining pedestrian and biking trails in ecologically sensitive landscapes. We plan to involve representatives of other organizations and draw on their expertise as well.

Thank you for your consideration of this letter and thank you for your commendable, and important, public service.

Sincerely,

Colin Wallis, CEO
Austin Parks Foundation

George Cofer
Hill Country Conservancy

From: "Dombeck, Tim" <Tim.Dombeck@austintexas.gov>
Date: Friday, September 23, 2022 at 12:19 PM
To: Thomas Rowlinson <Thomas.Rowlinson@austintexas.gov>, Abby Gillfillan

Cc: George Cofer, Liana Kallivoka <Liana.Kallivoka@austintexas.gov>, Kimberly McNeeley <Kimberly.McNeeley@austintexas.gov>, Randy Scott <Randy.Scott@austintexas.gov>

From:
To: Rivera, Andrew; Rhoades, Wendy
Cc: Brodie PUD - Planning Commission
Subject: Tuesday, October 25, 2022 10:09:14 PM
Date:

*** External Email - Exercise Caution ***

Dear Commissioners Cohen, Hempel, Llanes, Howard, Cox, Shaw, Mushtaler, Schneider, Thompson, Shieh, Anderson, Azhar, Flores, and Singh:

I am writing in support of the Brodie PUD. As a long time South Austin resident, I am all in favor of the proposed redevelopment of the (formerly) Brodie Oaks site.

The existing ocean of parking / collection of empty big boxes / greatest hits of 1980s strip mall architecture is a gross under-utilization of the site that maximized impervious cover and turned its back on some of the best views in Austin.

In contrast, the Brodie project as envisioned by the development team strikes all the right notes: it decreases impervious cover, provides an inviting connection to the greenbelt, takes advantage of the gorgeous views, includes affordable spaces for creatives and housing, aligns with existing and future transit, and activates the site with a variety of uses for 24/7 engagement. Keeping an eye towards the future, the project as presented includes innovative water and energy management, and flexibility for decreased reliance upon automobiles and parking. The development team has done a great job in identifying and highlighting the best features of this site in a sensitive and efficient manner while balancing the concerns of neighbors. My favorite feature is the procession of formal to informal green space for the most delicate alliance with the Barton Creek Greenbelt.

The Brodie sets a high bar for future re-development of similar commercial sites. Let's help them do it.

Sincerely,
Andrea Freiburger

South Lamar Neighborhood resident since 2008
South Austin resident since 1998
Planet Earth resident since 1968

From:
To: Rhoades, Wendy
Cc:
Subject: Re: Brodie Letter of Support
Date: Saturday, December 3, 2022 7:25:11 AM
Attachments: image001.png

Dear Wendy,

I am the owner of buildings 200 and 300 at 4544 S Lamar Blvd, Austin, TX 78745, about .3 miles away from Brodie Oaks, across the 360 highway (Time 2 Dance LLC is the entity that owns the building, and I own that LLC). Our buildings are the home of Balance Dance Studios, Mom's Best Friend, Jovie Childcare Reimagined, and other dance companies, and we have over a thousand people onsite at our location every week. I am writing in support of the Brodie project. This project will have tremendous value for the local community, as well as Austin at large. Please let me know what additional details you need from me in this regard. I will be signing up for public comment next week.

Thank you.

Stuart Dupuy, Principal
MBF Agency, www.mbfagency.com
512-879-7509
www.linkedin.com/in/stuartdupuy/

On Fri, Dec 2, 2022 at 3:44 PM Abby Gillfillan wrote:

> Stuart
>
> You can respond directly to this email which includes Wendy Rhoades, from the City of Austin with a letter of support for the Brodie project. If you are able to speak, either in person of over the phone, sign up begins at 10AM on Monday, December 5 at this link. Public Comment for this item will begin at 2:00PM on December 8. Thank you again for your support and feel free to reach out to me by email, text, or phone at the number below if you have any questions.
>
> https://cityofaustin.formstack.com/forms/austin_city_council_speaker_signup
>
> - Abby
>
> Abby Gillfillan AICP

From:
To: Rhoades, Wendy
Subject: FW: Support for Brodie
Date: Monday, December 5, 2022 8:12:36 AM

*** External Email - Exercise Caution ***

Good Morning Wendy
Here is a letter of support for the packet.

Abby Gillfillan AICP
M 512 644 9628

From: Hill Abell
Sent: Sunday, December 4, 2022 1:13 PM
To: Milo Burdette
Cc: Abby Gillfillan
Subject: Re: Support for Brodie

Milo—here's the email that I've sent Mayor Adler and City Council:

Mayor Adler and members of Austin City Council--I'm writing you today to express my support for the Brodie Oaks PUD and to request that you vote in favor of the project. I'm a 40 year resident of the Zilker neighborhood, and my particular interest is active transportation and parks and open space.
The provision for greatly expanding the open space adjacent to the Barton Creek greenbelt will be a phenomenal addition to our parklands, and the trail connectivity under consideration will add high quality trailheads and purpose built trails for hiking and mountain biking in an area that is currently heavily used but grossly inferior due to poor design and build out. I'm thrilled to see the planned pedestrian and cycling infrastructure for the project--the separated bike lanes are best in class design, and will seamlessly connect the project to S. Lamar and the upcoming corridor improvement project there.
The scale of this project is exactly what we need on the major S. Lamar corridor, and the developers commitment to downscale the parking on the site and include robust accommadations for active transportation and public transit is where all development should be going in the near future. Austin is poised to be a much less automobile oriented city in the near future, and dense, well designed developments such as Brodie Oaks are exactly what we need to

provide more people with the opportunity to live car-free or car-lite lives.

Best success with the first meeting!

Hill Abell
Mob 512-422-3648

It's Time to Ride!

From: Milo Burdette
Date: Thursday, December 1, 2022 at 1:23 PM
To: Hill Abell
Cc: Abby Gillfillan
Subject: Support for Brodie

Hill – Thank you! We very much appreciate your support for Brodie. The exhibits Abby sent should fill in what you could not locate. If any questions or comments arise as you look through them, please let us know.

I look forward to running into you soon.

Big Thanks Again,

Milo Burdette
Partner & VP Development | Barshop & Oles Compnay
901 S. Mopac Expwy, Bldg 2, Ste 550, Austin, TX 78746
512.637-0482 Direct | 512.632-2452 Cell

From: Abby Gillfillan
Sent: Thursday, December 1, 2022 1:15 PM
To: Hill Abell; Milo Burdette
Subject: RE: Support for Brodie

Hill
Thank you for your support. Let me know if you have any questions at all. I have attached all exhibits here. Pages 10 – 18 contain Exhibit D and E, the parkland and transportation exhibits.

Abby Gillfillan AICP

M 512 644 9628

From: Hill Abell <hill@whabell.net>
Sent: Thursday, December 1, 2022 1:09 PM
To: Milo Burdette <milo@barshop-oles.com>
Cc: Abby Gillfillan <abby@lionheartplaces.com>
Subject: Re: Support for Brodie

Milo—I just worked through the Brodie PDF that was linked in your email but didn't see the mentioned Exhibits D and E. Did I overlook them? If not, would you please send them my way?

I will be expressing my support for the project to Council and will cc you when I email it. Unfortunately I'll be out of town next Thursday or I'd sign up to speak in favor.

Thanks, Hill

Hill Abell
Mob 512-422-3648

It's Time to Ride!

From: Milo Burdette <milo@barshop-oles.com>
Date: Wednesday, November 30, 2022 at 5:25 PM
To: Hill Abell <hill@whabell.net>
Cc: Abby Gillfillan <abby@lionheartplaces.com>
Subject: Support for Brodie

Hill – Hey there. I trust you are well. I am reaching out to you about our proposed Brodie Oaks redevelopment project. I believe that a member of our planning team reached out to you and may have supplied you with additional information about Brodie. I want to see if you still have any questions because we are hoping that you might support our proposed PUD re-zoning proposal.

You were good enough to contact us after the crane viewing demonstration we arranged for Brodie Oaks in early March. Our proposed re-zoning case has progressed through all public boards except City Council where we are scheduled to appear on Thursday, Dec. 8th. To

update you on how Brodie has evolved and to highlight the many community benefits of the project, we have created a Brodie Redevelopment website - https://brodieoaksredevelopment.com/

We still have a few neighbors from Barton Hills and Zilker that oppose our project and have written letters or appeared at the public hearings to voice their concerns. If you have everything you requested on Brodie, I want to see if you would be willing to write a letter of support or, even better, agree to a quick public comment (I think you will be limited to 2 minutes) on Dec. 8th, probably early in the afternoon.

I trust that you will see all the work we have put in to make Brodie a true destination and the environmentally friendly yet densely developed transit-oriented community that Austin and, in particular, South Austin will value. We have committed to working with George Cofer, Hill Country Conservancy, Austin Parks Foundation and other interested non-profits and stakeholders to design a plan for reasonable access from Brodie into the Barton Creek Greenbelt. And to clean up the informal trails and poorly maintained park area that currently sits below Brodie. All of this will be required to be permitted through the Balcones Canyonlands Preserve, so we are committed to engage with BCP if we can obtain the zoning we seek. I know that you will be interested in the cycling community having a spot at the table. We want all to be involved.

If you have any questions about this or would like to visit with me first before deciding, I will be happy to get on a call. If you would agree to support Brodie, I have copied Abby Gillfillan of our Brodie planning team. Abby will tell you where a letter needs to be sent or how and when to sign up for the public hearing.

If writing a letter or making a brief public comment is not in your comfort zone, we will still appreciate any support you can voice when talking to neighbors and friends.

Thank you for considering this.

Best,

Milo Burdette
Partner & VP Development | Barshop & Oles Compnay
901 S. Mopac Expwy, Bldg 2, Ste 550, Austin, TX 78746
512.637-0482 Direct | 512.632-2452 Cell
milo@barshop-oles.com

From:
To: Rhoades, Wendy;
Cc:
Subject: FW: [Brodie Oaks Redevelopment] Contact
Date: Monday, December 5, 2022 3:50:51 PM

Wendy
Please accept this letter of support for the Brodie PUD from Sean Garretson. Sean is copied here.

Abby Gillfillan AICP
M 512 644 9628

From: Sean Garretson
Sent: Monday, December 5, 2022 2:33 PM
To: dsalinas Abby Gillfillan Rebecca Leonard DArmbrust ; milo

Subject: [Brodie Oaks Redevelopment] Contact

Name:
Sean Garretson
Email:

Message:
As a long-time advocate of Imagine Austin and Affordable Housing, I can safely say that The Brodie Oaks Redevelopment is one of the best redevelopment opportunities in Austin, where we could yield nearly 1700 residents and more than 200 new affordable units. YES, YES and YES!

Time: December 5, 2022 at 2:33 pm
IP Address: 173.174.74.231
Contact Form URL:

Sent by an unverified visitor to your site.

TO: Austin City Council - Via Electronic Communication

Austin Parks Foundation has agreed to work with other trail professionals, such as the Hill Country Conservatory, to offer trail sponsorship of the Brodie Oaks PUD. APF has also offered to advise The Barshop Oles Company regarding the design of pedestrian and mountain biking trails. APF will utilize our many years of experience in designing, constructing, and maintaining pedestrian and biking trails in ecologically sensitive landscapes to offer advice with emphasis on sustainable, low-maintenance designs that would connect the proposed redevelopment project to the Barton Creek Greenbelt.

Thank you for your consideration of this letter and thank you for your admirable public service.

Sincerely,

Colin Wallis, CEO
Austin Parks Foundation

December 7, 2022

TO: City of Austin Mayor and Council
Via Electronic Communication

RE: City Council Agenda Items 80/96/97 - Brodie Oaks PUD

Hill Country Conservancy (HCC) does not take positions on specific projects.

HCC staff are, however, working with several non-profits and a team of trail professionals to offer guidance to The Barshop Oles Company regarding the routing and design of separate, sustainable pedestrian and mountain biking trails – with emphasis on sustainable, low-maintenance design, that would connect the proposed redevelopment project to the Barton Creek Greenbelt. We also have experience in ecological restoration on Balcones Canyonland Conservation Plan tracts and look forward to working with the Barshop Oles team on that as well.

HCC staff collectively has more than forty years of “on the ground” experience designing, constructing, and maintaining pedestrian and biking trails in ecologically sensitive landscapes. We plan to involve representatives of other organizations and draw on their expertise as well.

Thank you for your consideration and thank you for your commendable, and important, public service.

Sincerely,

George Cofer
Project Manager
Hill Country Conservancy
(512) 657-3628

From:
To: Rhoades, Wendy
Subject: FW: Letter from President of CNU
Date: Thursday, December 8, 2022 8:22:41 AM

Wanted to make sure you received this one.

Abby Gillfillan AICP
M 512 644 9628

From: Rebecca Leonard
Sent: Wednesday, December 7, 2022 7:58 PM
To: Milo Burdette ; David Armbrust ; Abby Gillfillan
Subject: Letter from President of CNU

Sent the following:

Mayor, Mayor Pro Tem and Council Members,

I am writing to express my personal enthusiasm for the reimagining of the Broadie Oaks Shopping Center into a vibrant mixed use, transit supported development and hope you will support this project before you this week.

As a mostly post-war city, we have inherited a lot of auto-oriented sprawl, much of it in the form of disconnected strip malls set among a sea of parking. Here, there is an opportunity to transform this disconnected highway oriented sprawl into a properly designed center with real streets, parks, plazas, a diverse mixture of office, hotel, retail, and housing. A place that that puts people first and is designed around human needs, wants, and desires. A place that will attract people to it, not just because of the retail establishments it hosts, but because it's a great place that can be enjoyed simply by being there, talking a walk with a loved one or sitting down in a park or plaza to watch the activity and enjoy a bit of shade or sunshine. Broadie Oaks now sits at what has become a gateway to central Austin. Although it is enviably perched above the Barton Creek Watershed the current use is so poor that it merely serves to degrade that valuable resource. This project will change that.

As you well know, the City is making a major investment in our transit infrastructure through Project Connect. It is absolutely critical that we give that investment every chance to succeed by supporting the investment with our land use policies. Broadie Oaks is located on a Project Connect Line. The best way to support these major investments is to align our land use and transportation policies by building dense, people oriented, transit friendly development with transit supportive densities in a walkable configuration along the transit lines. This project does exactly that by putting jobs, destinations, and residents within a short 1/4 mile walking distance of a Project Connect transfer station.

There are so many other benefits to this project - but I do want to highlight all the other ways it will increase connectivity in this area.

It will provide a new trailhead to the Barton Creek Greenbelt.
It will create a cohesive internal grid of tree-lined streets with nearly two miles of sidewalks and almost a mile of trails and replace barren parking lots with housing, parks, and businesses.
It will ultimately connect to the Regional Violet Crown Trail as well as extend the planned South Lamar Bike Corridor.

Other benefits include:
13 acres of parks and plazas
A mix of retail, office, hotel, ad 1700 residential units where none exist today including over 10% as affordable units
Replace surface parking with on-street and structured parking

Ultimately, this project will serve as kind of a gateway to central Austin along the South Lamar Blvd. Corridor. We should take this opportunity to transform a poor land use into a highly desirable one that all Austin citizens can enjoy and benefit from.

Thank you for your consideration and I look forward to seeing your discussion.

- Mateo Barnstone

Get Outlook for iOS

November 2, 2022

TO: Austin Environmental Commission Via Hand-delivery and email

FROM: Bill Bunch, Executive Director, SOS Alliance

RE: Brodie Oaks PUD needs changes to meet required "superior" standards, to comply with Austin's Imagine Austin Comprehensive Plan, and to meet Water Forward and Climate Equity Plan goals

Dear Chair Ramberg and Commissioners:

Save Our Springs Alliance representatives have actively engaged with Applicant representatives off and on for over a year on this project. The goal has always been to reach agreement on all issues so that Brodie Oaks would be a model project that would set a very high standard for redevelopment in the Barton Springs watershed and for the larger Austin community.

While we can agree on some key elements, and very much appreciate the Applicant's efforts to engage with neighborhood and environmental representatives and provide answers to our questions, the project as currently proposed does not meet required "superior" standards on environmental issues and does not fully meet Imagine Austin, Austin Climate Equity, and Austin Water Forward environmental and planning standards.

For context, the current development holds approximately 360,000 square feet. The proposed development would, according to the Applicant, total about 3.2 million square feet. Thus the proposal is not simply a significant increase in overall density but would rather be roughly a 900 percent increase in density.

While some substantial density increase is readily supported, the scale and type of development proposed both push the project into "inferior" status and in direct conflict with multiple environmental standards and planning goals.

SOS does support a narrowly tailored SOS ordinance site specific amendment for the Brodie Oaks PUD. This amendment would accept the Applicant's proposed reduction in impervious cover from 84% gross site area to approximately 56% net site area and the Applicants commitment that SOS "pollution prevention" requirements would be met with SOS level water quality controls.

Our consulting expert, Dr. Lauren Ross, Ph.D., P.E., has reviewed the details of the Applicant's water quality controls. Dr. Ross generally agrees with the Staff that if implemented as described the water quality controls would provide the necessary treatment and capture volumes to meet the "pollution prevention" standards. In doing so, pollutant loading from the site would be greatly reduced, along with the impervious cover, as compared to the current development.

The environmental shortfalls to "superiority" are, however, significant. We ask that the Environmental Commission vote to find that the proposed PUD is not environmentally superior and should be denied unless the following changes shortfalls are corrected:

1. **Need for offsite mitigation land to reduce overall impervious cover to below 15% net site area and to mitigate for offsite pollution and environmental impacts.**

The Brodie Oaks tract rests within the Barton Springs recharge zone and thus is otherwise subject to a 15% net site area limit. We recognize that under the SOS redevelopment exception ordinance, the council has discretion to approve a much higher level of onsite impervious cover when considering the specific circumstances of a project. That SOS exception ordinance contemplates and in some cases requires the acquisition of land or conservation easements offsite so that the overall impervious cover (taking the two tracts together) meets SOS impervious cover standards.

Absent this offsite mitigation requirement, the proposed PUD cannot be viewed as "superior" to either the SOS ordinance or the SOS redevelopment exception ordinance requirements.

The SOS redevelopment ordinance provides in relevant part at Section 25-8-26:

> "(G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:
>
> (1) benefits of the redevelopment to the community;
>
> (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
>
> (3) the effects of offsite infrastructure requirements of the redevelopment; and
>
> (4) compatibility with the City's comprehensive plan.
>
> (H) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond. . . .
>
> (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent."

As noted below, several of these factors are implicated by the proposed redevelopment project. Offsite impacts will be substantial given that the project is heavy on office, retail, and hotel that will drive secondary development further out into the Barton Springs watershed, in direct conflict with Imagine Austin goals. As proposed there would be developed 1.2 million sq. feet of office, 140,000 sq. ft. of retail, and a 200 room hotel – all of which will create a demand for yet more housing over the Barton Springs Edwards Aquifer watershed.

2. **Need to reduce height to meet Climate Equity Plan and "carbon neutral" goals**

Skyscrapers are not climate-friendly, primarily because of the "embodied" energy required to manufacture the concrete and steel required to support very tall buildings. There is now solid research showing that cities that develop with mid-rise and low-rise projects that are dense enough to support public transit and walkability and limit land consumption have greatly reduced greenhouse gas emissions when compared to skyscraper development. This short piece from October 2021 in Resilience provides an excellent summary on the issue.

We do not have an exact height limit to recommend at this time but keeping the height low enough, in the 5 to 10 story range, that use of energy intensive steel and concrete construction can be minimized or avoided altogether, while being consistent with Imagine the Imagine Austin Comprehensive plan should be recommended. This would allow substantial increase in density and likely could accommodate all of the proposed residential development if the 1.2 million square feet of office and hotel were scaled back. Converting the internal streets from auto traffic to pedestrian malls would also allow more of the onsite impervious cover to be dedicated to buildings rather than car habitat.

3. **Need to remove skyscrapers or other otherwise reduce density to meet Austin Water Forward "net zero water" goals.**

The skyscrapers in the plan not only push the site away from being "carbon neutral" but also result in the project failing to meet "net zero water" goals. These buildings and the extra density they accommodate translate into having too little available onsite water to meet summer cooling tower, landscaping, and other project water demands. By reducing the scale of the development, the project would be able to flush toilets and meet other onsite water demands that cannot be met as proposed.

4. **Need to remove skyscrapers to be consistent with the Imagine Austin Comprehensive Plan's call for an "activity center in a sensitive environmental area."**

SOS respectfully disagrees with Staff's stated conclusion that the proposed development is consistent with the Imagine Austin Comprehensive Plan. The "activity center in an environmentally sensitive area" designation calls for lower density, low- to mid-rise redevelopment that supports public transit without inviting major density centers into the Barton Springs watershed. As proposed, the project would be more on the order of a "satellite

downtown," especially when the large commercial tracts across Lamar and adjacent to the Brodie Oaks tract move toward redevelopment.

The attached list of Imagine Austin and neighborhood plan references prepared by long-time Zilker neighborhood/South Lamar development expert Lorraine Atherton make clear that the proposal, in its current form, is not consistent with the Imagine Austin Comprehensive Plan and should be scaled back to be consistent. It is certainly not "superior" to the comprehensive plan requirements.

5. **Parks need more attention and should be "public" and mostly kept natural and not converted to outdoor commercial areas controlled by the developer.**

6. **Please request that the matter be returned to the Environmental Commission when there is an actual draft zoning ordinance to be reviewed.**

We have learned from the Statesman PUD that having boards and commissions "review" a complex "zoning" ordinance that addresses far more than zoning when that ordinance does not actually exist leads to all kinds of problems – problems that are hidden from view or simply go unnoticed when they are not written down on paper. To address this problem, please include in your recommendation that the Environmental Commission be allowed to again review and make recommendations when there is an actual draft ordinance to review.

Currently the staff back-up says there are 43 code modifications requested. Several of these have not been addressed here, and some of these are very important. For example, the proposal appears to mostly gut Hill Country Roadway Ordinance protections that are important not just for scenic beauty but also for air quality, urban heat island, and carbon capture. These issues deserve some attention, at least to the point of what is being lost from what would otherwise be required. Regretfully, we have not figured this one out yet.

It only recently registered with us that the proposal would greatly reduce setbacks from a spring on the site. We also do not yet understand this issue but of course are concerned and don't see how reducing setbacks from the spring can be environmentally superior.

As to Airman's Cave, we do believe that, given the unique geology of the site and the configuration of the cave, that the cave should be adequately protected.

Thank you for your service to the community and for your consideration.

Sincerely,

Bill Bunch

Enclosure

Cc: David Armbrust, Pat Oles, Milo Burdette, Applicants
Melissa Hawthorne, Barton Hills Neighborhood Assn.
Lorraine Atherton, Zilker Neighborhood Assn.
Hon. Ann Kitchen, Councilmember, District 5

Here's a run-down of the passages relevant to the proposed Brodie Oaks PUD from Imagine Austin [with Lorraine's comments in square brackets]. The references to building height are found on page 105. Here goes:

Pages 100-103, Figures 4.2 (Bicycle and Pedestrian Networks), 4.3 (Transit Networks), 4.4 (Roadway Networks), and 4.5 (Growth Concept Map):

On all maps, the dots indicating the activity center at Ben White and Lamar are positioned to the east, between Lamar and Manchaca, not on top of Barton Creek.

Page 104, Growth Concept Map Definitions, Activity Centers and Corridors

Centers that are already established by existing small-area plans . . . are drawn to reflect those plans. Centers without small-area plans are simply shown with a circle, indicating scale and general location. Specifying boundaries for these centers may occur through small-area plans"

[In this case, the center's boundaries should now reflect the South Austin Combined neighborhood plan. The South Austin Combined NP captures perfectly the definition of an activity center in the third paragraph on page 104. The Brodie Oaks proposal, on the other hand, has no library, no college campus, no high school, no hospital, no playing fields, no housing choices other than high-rise multifamily, and no transit center. It has one bus stop, and the Brodie PUD proposal pushes it south to the equivalent of a highway on-ramp, isolating it from any possible pedestrian traffic.]

Page 105, description of Regional Centers

"The central regional center encompassing Downtown . . . is the most urban. It includes low- to high-rise residential and office buildings."

[Regional Center is the only category that includes high-rise buildings. The intersection of Ben White and South Lamar is NOT a regional center in Imagine Austin. Also see page 124 below.]

Page 105, description of Town Centers

"The buildings found in a town center will range in size from one- to three-story houses, duplexes, townhouses, and row houses, to low- to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system."

[Town Center is the only category that fits the "Activity center for redevelopment in sensitive environmental areas" designation for the intersection of Ben White and South Lamar. The South Austin Combined NP fits the Town Center description perfectly, with lots of variety embedded in a grid of South Austin bus routes with established routes to the north and east.]

Page 106, Activity Centers for Redevelopment in Sensitive Environmental Areas

“Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods.”

[Note that it says "existing neighborhoods," not "new."]

“State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context."

[In this case, the size of the proposed project overwhelms the fire, power, water, and street infrastructure that can be provided within the environmental context. Attempts to provide that increased level of services to the Brodie site will necessarily divert resources away from the redevelopment of the Westgate and South Austin Hospital areas, which are already under way.]

Page 107:

"The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."

[In this case, growth should be directed to the approved South Austin Combined neighborhood plan, which is well-positioned as an education, medical, and transportation hub, and able to absorb a large population in the redevelopment of large and small shopping centers.]

Also,

"Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas."

Page 108:

"transit stops are identified as ‘proposed.’ As more detailed planning occurs, these may move. When this happens, the associated activity center should move as well."

[In this case, the Westgate transit center has moved to Ben White at Victory, which means the associated activity center should be the South Austin Combined neighborhood plan area. Given the state highway department’s policies controlling the Lamar right of way south of Panther, it

will not be possible to change traffic patterns or make any substantial pedestrian or transit connections to the Brodie Center in the foreseeable future.]

Page 118, Best Practices:

“One of the most critical pieces of the code is the concept of ‘successional zoning.’ This allows rezoning only to the next most intense zone if the property abuts a more intense zone. This promotes a controlled evolution of the built environment and minimizes opportunities for developers to acquire a property and request a rezoning to a dramatically different intensity or use.”

[In other words, rezoning of Brodie Oaks should not exceed the zoning across the street, which is GR with a VMU overlay.]

Page 124, Figure 4.6, Combined Future Land Use Map:

There is one, and only one, parcel designated as a bright blue "Activity Center." It is the Westgate Shopping Center, on the southeast corner of the Ben White-Lamar intersection.

Opposition to Case C814-2021-0099, Brodie Oaks PUD

AFFORDABLE HOUSING AGREEMENT AND PUD BONUS CALCULATIONS

Nov. 14, 2022
From: Lorraine Atherton, member, Zilker Neighborhood Association Zoning Committee
2009 Arpdale, Austin TX 78704
Council District 5

Over the three years that ZNA has been aware of this case, the affordable housing component has always come up at the end of the discussion, when everybody is ready to go home. If affordable housing is the Planning Commission's and City Council's top priority, however, the PUD requirements for affordable housing really should be examined more closely.

Last week, staff did not address Commissioner Schneider's question about "the 10 percent standard in typical bonus programs." They simply stated that the package met superiority. If the applicant did intend to develop on-site affordable units at the 10% standard, the PUD would be incorporating 170 affordable units (10% of 1,700) onsite, in addition to contributing an $8.6 million fee-in-lieu to cover the nonresidential bonus area. Also, it should be noted that the new standard for bonus height programs is 12% of units (in this case 204 affordable units). Please ask staff to explain how the value of the land under an unfunded future affordable housing complex of only 100 units can be higher than the value of 170 affordable units onsite and a cash contribution of $8.6 million to NHCD that could be used to support projects offsite immediately.

The "stand-alone"affordable apartment building offered in the Brodie PUD is not a gift, and it is not even a reliable commitment. To make a long story short, Austin cannot rely on speculative rezoning agreements to provide affordable housing in the short-term. The history of the tiny PUD at Riverside and South Lamar (Taco PUD) is instructive.

TACO PUD COMPARISONS

To summarize:

In 2013, when the Taco PUD consisted of a 175-unit luxury condo project on less than an acre, a vaguely defined fee-in-lieu of less than $500,000 was deemed superior as an affordable housing contribution. The PUD ultimately delivered no housing and no fee-in-lieu.

In 2019, a fee-in-lieu of $1.2 million was calculated for a redesigned PUD on the same site, with 108 hotel rooms and 27 luxury condos; plus, a direct, immediate cash donation was made to a deeply affordable 110-unit permanent supportive apartment project about one mile away from the PUD site. Construction on the nonprofit project began almost immediately, followed closely by the PUD hotel project, delivering $3.7 million to Austin's affordable housing program.

2013 Taco PUD ordinance

The Affordable Housing section of the 2013 PUD ordinance for 1211 W. Riverside (211 S. Lamar) reads:

"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 basehne. 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."

Note that the fee rate was locked in at a very low $6 per square foot of bonus area, and the size of the bonus area was slashed by requiring that the baseline include "additional F.A.R. that may be granted under Section 25-2-714." Because PUD fees were tied to permit approvals, the baseline FAR and the bonus square footage were not estimated, and the public never had the opportunity to compare the value of housing provided in a VMU project with the housing that would be expected from the PUD project. We were told that the fee-in-lieu would work out to something between $250,000 and $500,000. My own estimate, with incomplete data, was $414,000.

Six years later, no site plan had been submitted, no market or affordable housing had been built, and no fees had been paid--demonstrating that the minimum affordable housing requirement under a typical PUD is, essentially, 0 units and $0 in fees to NHCD.

2019 Taco Hotel PUD ordinance

If the 2019 hotel PUD had been approved under the baseline and bonus area methodology of the 2013 PUD, the baseline entitlement would have been about 193,000 square feet. In the end, the site plan submitted for the hotel had a gross floor area of 184,000 square feet, which works out to a bonus area of negative 9,000 sf. In other words, the project would be required to provide 0 affordable units and $0 in fees to NHCD. That's why the ZNA zoning committee worked to negotiate a substantial contribution to an off-site private nonprofit project separate from the PUD, with no strings attached to PUD baselines or bonus areas and no reliance on a site plan approval for a hotel that might never be built.

The result was the Foundation Communities project nearing completion today at 1508 S. Lamar, with 110 apartments affordable for income levels below 50% MFI. Because the land was purchased and transferred to Foundation Communities before the PUD was approved by City Council, we in ZNA did not pay much attention to the final wording in the PUD ordinance. The deal was already done. So, looking at the ordinance language last week, I was surprised and pleased to see that the terms of the affordable housing contribution were actually written into the ordinance, in a way that should serve as a model for future PUDs.

The Affordable Housing section of the 2019 PUD ordinance for 1211 W. Riverside (211 S. Lamar) reads:

"PART 8. Part 9 (Affordable Housing Program) of the Original Ordinance is deleted in its entirety and replaced with the following:

The community benefit package contains a total of $3,700,000 devoted to affordable housing, to be contributed as follows:

A. $1,200,000 in cash shall be contributed to the Neighborhood Housing & Community Development Department on or before issuance of the Certificate of Occupancy for the Proiect; and

B. $2,500,000 in cash shall be donated to a non-profit organization that provides affordable housing ("Non-Profit"), or its designee, on or before 60 days from the effective date of this Ordinance, to be used by Non-Profit for the acquisition of the site located at 1508 South Lamar Boulevard, Austin, Texas, as required by agreement between the applicant and Non-Profit.

In addition to the cash donations described above, the applicant shall assign its rights to the purchase contract for the 1508 South Lamar Boulevard property to Non-Profit, or its designee, contemporaneously with the cash donation described in subsection B above. If for any reason Non-Profit notifies the applicant and the City in writing of its decision not to accept the cash donation described in subsection B above, or fails to acquire the site located at 1508 South Lamar Boulevard within 90 days of approval of this Ordinance, the applicant shall satisfy the requirement in subsection

B above by donating the $2,500,000 in cash to the Neighborhood Housing & Community Development Department on or before 90 days from the effective date of this Ordinance."

Note that there is no quibbling over baselines and bonus areas, rental or ownership, length of leases, on-site or off-site. The only part of the package that isn't pinned down is the timing of the $1.2 million cash payment. It is dependent on the issuance of the Certificate of Occupancy. If the hotel project failed to complete construction, the payment to NHCD would be delayed, but the affordable project would not be affected.

Compare the 2019 Taco hotel PUD with the Brodie PUD proposal, and then ask staff how they could possibly call the Brodie proposal "superior."

2019 Taco hotel PUD: 108-room hotel contributes $3.7 million to affordable housing, resulting in a guaranteed 110-unit nonprofit project on a close-in corridor site in a high-opportunity area.
versus
2022 Brodie PUD: a project with 3.1 million sf of space, including a 200-room hotel, 1,700 residential units, and 1.26 million sf of office space, contributes an undefined amount--to be determined in the distant future, depending on the phasing of building permits, and based on an unpredictable calculation of nonresidential bonus area above a baseline yet to be revealed--to a possible 100-unit nonprofit project on the edge of a remote environmentally sensitive area with high infrastructure and construction costs.

Excerpts from Exhibit C, Brodie Land Use Plan 6/15/2022, pp. 120-121 [my comments in brackets]:
NON-RESIDENTIAL BONUS AREA
To the extent any non-residential buildings exceed the base height established in this Exhibit C Brodie Land Use Plan (Page 4), the developer shall convey land to Foundation Communities for a standalone affordable housing project built on-site that must:
• Include a minimum of 130 [staff says this number has been reduced to 100] family-oriented units with a higher percentage of 3-bedroom units than the site wide average [if there are no 3-bedroom units on the rest of the site, the average will be 0];
• Be affordable to a household whose income is between 30 and 60 percent of the median family income in the Austin metropolitan statistical area;
• Remain affordable for 40 years [staff says this number has been increased to "perpetuity"] from the date a certificate of occupancy is issued; and
• Be eligible for federal housing choice vouchers.
ASSURANCES AND PHASING OF NON-RESIDENTIAL BONUS AREA
In recognition of these facts:
• Brodie will be constructed over time;
• A stand-alone Foundation Communities project will require additional tax credits and other funding sources for construction and operation that are likely but not certain and not within this developers control [see next page]; and
• The best site for a stand-alone affordable housing project is located in Phase II of the development, adjacent to the planned neighborhood park, along the South Lamar frontage, and adjacent to the planned transit stop [The PUD proposes to move the transit stop to the south of the one and only driveway, where it will be about three blocks away from the FC project and cut off from most pedestrian activity]. The affordable housing requirement attributed to nonresidential square footage may be constructed no later than 5 years after the first building permit in Phase II is granted a Certificate of Occupancy. In the event land has not been conveyed to Foundations Communities and a project is not in process by this time the developer will provide the amount established under Section 2.5.6 (In Lieu Donation) for each square foot of non-residential bonus square footage above the baseline [*] to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood

Housing and Community Development Department. The fee-in-lieu amount form Phase I and Phase II will be assessed at the time of building permit and tracked on each site plan in accordance with Exhibit H: Brodie Oaks Phasing Plan.

[* New wrinkle: Exhibit C includes a diagram and calculations of baseline heights within the Hill Country Roadway area. The calculations seem to indicate that the non-residential bonus area will have a negative value.]

Lessons learned from the Goodwill-Foundation Communities project in the Barton Springs Zone

In Exhibit C, the Brodie PUD applicant admits that "A stand-alone Foundation Communities project will require additional tax credits and other funding sources for construction and operation that are likely but not certain and not within this developers control."

The stand-alone project will have to compete with other affordable housing projects for additional funding sources (in other words, public funding). Given the lengthy time-frame for redevelopment, dependence on the Certificate of Occupancy in Phase II, the use of questionable calculations of nonresidential bonus area to determine the dollar-amount of the contribution, and the increased construction costs dictated by the site restrictions, the affordable housing project is not likely to survive the competition for public funding.

ZNA learned this the hard way in 2013, with the Goodwill-Foundation Communities proposal at 2800 S. Lamar. This was an excellent project, but it had to compete with three other nearby projects. It failed to receive tax credits and was never revived. It is not just a coincidence that Goodwill sold this problematic site within the Barton Springs Zone and moved to a shopping center on the east side of South Lamar, directly across from Brodie Oaks. The old Goodwill building at 2800 S. Lamar is now abandoned and derelict, along with two affordable fourplexes behind it.

ZNA put that lesson to good use in 2019, when a new owner was seeking an amendment to the Taco PUD at S. Lamar and Riverside. We insisted that an appropriate site should be purchased for Foundation Communities, off-site but within the neighborhood, separate from the PUD rezoning and bonus area calculations. As a result, FC was able to close on a new property within the neighborhood before the PUD case was approved and to begin development of the affordable housing immediately. The 110 units of permanent supportive housing are nearing completion as I write this.

Based on ZNA's real-world experience with affordable housing and PUD promises, I would expect the Brodie Oaks PUD to assist Foundation Communities in securing a site east of S. Lamar or within the Westgate neighborhood plan area large enough for the construction of at least 200 units of housing affordable at less than 60% MFI--on terms similar to those written into the 2019 Taco hotel PUD. Such housing is desperately needed for hospital employees, school employees, ACC students and employees, and other public service workers in the rapidly growing Ben White corridor east of Lamar.

Because of the environmental restrictions in the Barton Springs Zone, infrastructure and construction costs will be very high within the Brodie PUD, so it makes sense to permit more expensive market-rate housing on the site identified in Exhibit C, similar to the multifamily housing in the adjacent, heavily wooded Retreat complex, in two- or three-story structures with 4 to 8 dwellings each.

Thank you, Commissioners, for the opportunity to examine this one aspect of the PUD process in such detail. I hope you will recommend that the Brodie PUD be shelved until you and the City Council can revise the City's PUD ordinance as proposed by the Austin Neighborhoods Council last month.

Thank you for your service,
Lorraine Atherton

South Lamar Corridor Office
Aerial view of S. Lamar at Ben White

December 5, 2022

TO: Austin City Council
SUBJECT: Brodie PUD Land Use Plan

Dear Commissioners,
The Barton View Neighborhood Association (BVNA) believes that the Brodie Oaks PUD has the potential to be a great development for Austin, but what is currently being proposed falls short. Our concerns are outlined below.

ELECTRICITY
BVNA has questions and concerns as to how this development would be powered. We have heard that a substation somewhere along Brodie would be built to supply power, which would require large transmission lines between the substation and the development. Our neighborhood vehemently opposes ***ANY*** transmission lines passing through our neighborhood or the adjacent Austin Water Wildlands protected Shudde Fath Tract. We feel strongly that this very important detail should be worked out ***prior*** to the planning commission's approval of any zoning or height variances.

ENVIRONMENT
With a maximum proposed height of 275', this property will dwarf everything in its vicinity. We feel that this height is inappropriate for the location given its proximity to the Barton Creek Greenbelt and the Barton Hills, Barton View, South Lamar, Westgate, and Zilker neighborhoods – most of which are zoned SF2. Our neighborhood was startled during the crane demonstration to realize that this new development will be viewable from nearly every point in our small, greenbelt surrounded community. We feel that a maximum height of 120' is more appropriate for this location, which is still double the current height maximum. A height of 120' would provide more protection to migrating birds and would result in significantly less light pollution than a 275' structure. This startling height is contextually out of place, and does not adhere to current code, or any recently proposed code changes such as Code Next.
How will this development affect light pollution in South Austin? We ask that the planning commission take this into consideration and require the developers to take steps to limit light pollution by following recommendations made by he International Dark Skies Association.
We ideally would like to see the impervious cover of this development come closer to the SOS Ordinance maximum of 15%. If is not feasible, we support the Sierra Club and SOS Alliance's request that fees be paid to mitigate the 41% beyond the current limit. With that said, the purpose of the SOS ordinance is to protect the Barton Springs watershed, which this property sits directly on top of. It is difficult to see how any offsite mitigation can match the benefit of increased pervious cover on this site.

Another concern with this development is its proximity to critically environmental features. We agree that restoring the grading of the greenbelt side of the property to its original slope is far superior to the retaining wall currently encroaching on the nearby spring. We request that City Staff disallow any non-natural disturbances for 50' from springs. We have grave concerns regarding tall vertical structures being built over Airman's Cave. The developer's assessment that a 20' depth of clay (the amount of cover they agree to leave in place after excavation) is sufficient to protect the cave from the weight of a 20+ story building is at best untested and at worst a disaster waiting to happen. BVNA strongly urges the City to take strong measures to protect Airman's Cave by limiting the structural load built directly above the cave and by requiring continuous geotechnical monitoring during construction.

TRAFFIC/ACCESS

BVNA is worried about how this development will impact traffic along South Lamar Blvd and the westbound US 290 service road. This service road is our neighborhood's only means of egress. The developer seems to be putting all their eggs in one basket – transit. BVNA wholly supports transit, however, the reality is that this is not how Austinites currently choose to navigate their city. The 803-bus route, which currently is the only route that serves this property, is a north-south route that terminates just south of development. How will residents in far south, east, and west Austin reach this site via transit? Our hypothesis is that they won't. They will drive, and these trips will impact our ability to enter and leave our neighborhood.

BVNA supports the developer's efforts to reduce vehicular traffic by reducing parking and providing ample bicycle and pedestrian infrastructure on-site. We would like to know how we can access this property without the use of a passenger vehicle? Our neighborhood is located just 1.2 miles from this development, however, there is no bus route between our neighborhood and the site, and there is no sidewalk or accessible path that would allow one to walk or ride a bicycle to the site. The irony of this is not lost on us.

Thank you,
Sarah LaBorde – BVNA Chair
Genest Landry – BVNA Vice-Chair
Ingrid Morton – BVNA Treasurer
Shellayne Burkhart – BVNA Secretary
Rachel Walker – BVNA Communications Chair

December 5, 2022

TO: Austin City Council
SUBJECT: Brodie PUD Land Use Plan

Dear Commissioners,
The Barton View Neighborhood Association (BVNA) believes that the Brodie Oaks PUD has the potential to be a great development for Austin, but what is currently being proposed falls short. Our concerns are outlined below.

ELECTRICITY
BVNA has questions and concerns as to how this development would be powered. We have heard that a substation somewhere along Brodie would be built to supply power, which would require large transmission lines between the substation and the development. Our neighborhood vehemently opposes ***ANY*** transmission lines passing through our neighborhood or the adjacent Austin Water Wildlands protected Shudde Fath Tract. We feel strongly that this very important detail should be worked out ***prior*** to the planning commission's approval of any zoning or height variances.

ENVIRONMENT
With a maximum proposed height of 275', this property will dwarf everything in its vicinity. We feel that this height is inappropriate for the location given its proximity to the Barton Creek Greenbelt and the Barton Hills, Barton View, South Lamar, Westgate, and Zilker neighborhoods – most of which are zoned SF2. Our neighborhood was startled during the crane demonstration to realize that this new development will be viewable from nearly every point in our small, greenbelt surrounded community. We feel that a maximum height of 120' is more appropriate for this location, which is still double the current height maximum. A height of 120' would provide more protection to migrating birds and would result in significantly less light pollution than a 275' structure. This startling height is contextually out of place, and does not adhere to current code, or any recently proposed code changes such as Code Next.
How will this development affect light pollution in South Austin? We ask that the planning commission take this into consideration and require the developers to take steps to limit light pollution by following recommendations made by he International Dark Skies Association.
We ideally would like to see the impervious cover of this development come closer to the SOS Ordinance maximum of 15%. If is not feasible, we support the Sierra Club and SOS Alliance's request that fees be paid to mitigate the 41% beyond the current limit. With that said, the purpose of the SOS ordinance is to protect the Barton Springs watershed, which this property sits directly on top of. It is difficult to see how any offsite mitigation can match the benefit of increased pervious cover on this site.

--
--

From:
To: Adler, Steve; Harper-Madison, Natasha; Fuentes, Vanessa; Renteria, Sabino; Kelly, Mackenzie; Pool, Leslie; Tovo, Kathie; Kitchen, Ann; Alter, Alison; Vela, Jose "Chito"; Ellis, Paige; Rhoades, Wendy; Rusthoven, Jerry; Cronk, Spencer
Subject: Large Building Project on Barton Creek in Austin, Texas
Date: Friday, December 16, 2022 11:14:25 AM

Dear Madam/Sir:

I am contacting you today regarding the proposed Brodie Oaks Redevelopment project located on the Barton Creek greenbelt (Austin zoning case C814-2021-0099). I've been unable to participate in the meetings held so far on this project. As a board member of Save Barton Creek Association (SBCA) I've monitored the situation with great interest and a growing concern. This letter is my personal statement on the matter, rather than an SBCA adopted position.

As final completion of the zoning process draws near, it has become much clearer what is at stake. With a cluster of towers adding 900 percent more building density onto the site, and the tallest building reaching 27 stories, the character of this area will forever be altered by this Planned Unit Development (PUD) project. It could trigger a domino effect with other nearby properties all seeking the same consideration from the City.

Barton Creek is a natural refuge, a popular place, and the last swimmable creek in the heart of the fastest growing city in America. This unique setting is presumably why Lionstone developers are choosing this location over others as a place to build their festival marketplace and mixed-use center. While I appreciate all the efforts so far made by the applicants to provide superior public benefits as required by PUD zoning, it still falls short in some very crucial aspects.

The normally required park area for a project of this size is 29.6 acres. Instead, the PUD is providing an "8.9 acres of credited Private Parkland" (Brodie Superiority Table, Page 10). The rest of the requirement is to be met with a "fee-in-lieu." In material presented to the Austin City Council, there is no mention of how much this money is; nor where in the city the land will be bought. Elsewhere in the council's backup, 11.6 acres is listed as "open space" (not "park"). Calling it "Private Parkland" suggests not all the land will be available for the public to use.

Developers also failed to meet the impervious cover limits of the Save Our Springs (SOS) ordinance, a law on the books for over 30 years. Applicants ordinarily must purchase offsite land in the same watershed in exchange for being allowed to exceed the limits. Roy Waley of Sierra Club says David Armbrust had assured him they would provide such mitigation land in exchange for environmentalists supporting a one-time exception from the SOS ordinance.

The City's Environmental Commission has requested the developers fill the "gaps" in parkland and other land needed to comply with SOS. Other discussions centered on maintenance for the existing greenbelt, which is severely stressed right now, even

without the extra damage caused by thousands more visitors from Brodie Oaks.

Responding to these shortcomings, Austin City Council Member Ann Kitchen introduced a motion in the last Austin City Council meeting, which passed unanimously. The motion instructs the City Manager to explore with the applicants definite strategies, including a Public Improvement District (PID), as a “solution for the funding gap required to address the trail and greenbelt needs identified by the Planning and Environmental Commissions…”

Such districts are authorized under Texas State law, as outlined here:

LOCAL GOVERNMENT CODE CHAPTER 372. IMPROVEMENT DISTRICTS IN MUNICIPALITIES AND COUNTIES (texas.gov)

A PID can help deliver the truly superior project promised by the Brodie developers. Eligible "public improvement projects" include -- besides parks –public art, landscaping, fountains, utilities, roads, affordable housing, etc. What these allowed purposes have in common is spending on 'more than normal' public facilities that can increase value for a particular property, while at the same time benefiting the general public.

Formation of such a district would be voluntary; the landowners would be able to appoint a governing board with consent of the City. Issuing low interest municipal bond debt, making improvements, and levying fee assessments on property within the district to pay for it all can occur ***only*** with joint approval of both the District board and the City Council.

I hope you consider such a measure seriously, to the advantage of developers and the public alike. Such a district could finance the promised improvements at Brodie Oaks. Assessment fees on the building spaces as they become occupied could recoup those costs and then provide a dedicated permanent fund for the purchase and maintenance of parks and open space on Barton Creek. Brodie Oaks residents and businesses can enjoy access to the greenbelt and perhaps maintain permanently protected views, which would greatly enhance property values for the development.

We can’t solve all the world’s problems with one project. Nonetheless, we can do much better here, and the tools are ready to hand. This is not simply a “might be nice” optional choice, but rather, a necessity for a place under siege. The situation for Barton Creek and Austin demands nothing less.

I appreciate any feedback anyone would offer. Thank you.

Regards,

Stephen Beers

From:
To: Rivera, Andrew; Rhoades, Wendy
Cc:
Subject: Brodie Oaks PUD postponement request at Planning Commission C814-2021-0099
Date: Monday, November 7, 2022 10:40:11 AM

Hello, Ms. Rhodes and Mr. Rivera,

The Zilker Neighborhood Association requests that the Planning Commission rezoning hearing for the Brodie Oaks PUD, case C814-2021-0099 (items 2, 3, and 4 on the Nov 8 agenda), be postponed to November 15. We'd like to review materials presented at and after the Environmental Commission hearing, including but not limited to the affordable housing agreement and bonus calculations, the terms of the site-specific amendments to the SOS ordinance and the proposed restrictive covenant amendments, the parking calculations, the traffic and transit recommendations, the school impact analysis, the tree plans, the limits on excavations, the electric demand, the water and sewer demand, the fire and EMS demand, and conflicts with Imagine Austin and other planning guidelines. Thank you for your time.

Best regards,

David Piper, ZNA Secretary

From: Rhoades, Wendy
To: Rivera, Andrew
Subject: RE: November 8, 2022 Planning Commission Agenda
Date: Tuesday, November 8, 2022 2:01:00 PM
Attachments: image001.png

Andrew,
Please see my responses below.

Wendy

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Sent: Friday, November 4, 2022 2:11 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: FW: November 8, 2022 Planning Commission Agenda

Wendy,

Please see questions below from Commissioner Schneider.

Thank you,
Andrew

From: Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>
Sent: Friday, November 4, 2022 1:16 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: November 8, 2022 Planning Commission Agenda

Hi Andrew --

I have some questions for staff regarding the Brodie Oaks PUD.

I am unable to attend Tuesday's meeting but would appreciate their response for my own as well as other PC members better understanding of the case.

Thanks!
Rob

Questions on Items 02, 03, and 04, Brodie Oaks PUD

As I understand it, this is the first case for a development in an activity center in an environmentally sensitive area. The SOS ordinance would require strict limits on impervious cover if this were a new development (as opposed to a redevelopment). While the applicant is reducing the impervious cover on this site compared to the site's existing coverage, it is expected to be at a significantly higher level than the standard for new development under SOS.
Redevelopment under SOS envisions the ability of an applicant to offset impervious coverage that exceeds current SOS limits by acquiring land or conservation easements so the impervious coverage of the two tracts taken together meets or exceeds the 15% SOS ordinance standard. Is the applicant doing that? If not, does staff believe the proposal demonstrates superiority, and if not, could staff articulate its rationale for that analysis? RESPONSE: The Brodie Oaks PUD project is not eligible for the conditions of the BSZ Redevelopment Exception due to proposed impacts of Critical Environmental Features on the site; therefore, staff did not require the project to comply with the conditions described in 25-8-26, including the purchasing of mitigation land. However, staff would support any recommendation from Planning Commission or Council to adopt this requirement. Instead of the Redevelopment Exception, the applicant was directed by staff to follow the process for a site-specific SOS

amendment to address proposed impervious cover limits. This process requires a higher level of approval at City Council (super majority) and a higher level of water quality protection (full compliance with SOS water quality non-degradation requirements) compared to the BSZ Redevelopment Exception. Staff finds the Brodie Oaks PUD project to be environmentally superior with the included site-specific SOS amendment for impervious cover.

I understand that the applicant is proposing to provide support for affordable housing by donating a portion of the site's land to Foundation Communities for affordable housing. The idea is this is the offset for the bonus heights the applicant is requesting for the office buildings on the site.

- In a recent case further north on Lamar, the "Taco Cabana" PUD, did the applicants offer both land and funding for an affordable housing project in order to to support its claim of superiority? What were the details of the Taco Cabana PUD's affordable housing contribution? RESPONSE: Council approved an amendment to the 0.933 acre Taco Cabana PUD on October 17, 2019 that revised its affordable housing program to include two different community benefit contributions for a total of $3,700,000 as follows: 1) a $1,200,000 cash donation for affordable housing to the Housing and Planning Department, and 2) a $2,500,000 cash donation to a Non-Profit for acquisition of the site at 1508 South Lamar Boulevard. The complete affordable housing program in the amended Taco Cabana PUD ordinance is provided in Part 8 (please refer to pages 5-6) below:
  document.cfm (austintexas.gov)
  Is staff able to provide an analysis of the value of the affordable housing contribution on this site, and to what extent it demonstrates superiority? RESPONSE: The affordable housing requirement for office buildings is typically a fee-in-lieu. The fee-in-lieu is equivalent to $7 per SF of bonus area. While the amount of bonus area is not able to be determined until building permits, the Applicant has provided an estimate of approximately $8.6 million dollars. The Applicant's commitment as part of this PUD is to provide for a new Foundation Communities affordable housing project with a minimum of 100 family-sized units affordable to residents earning between 30% – 60% of median income. The commitment also includes a restrictive covenant that will ensure the property remains affordable at these levels in perpetuity. This commitment is superior to the PUD requirements by:
    - Requiring that units are constructed on-site in this High-Opportunity area instead of paying the Fee-in-lieu. The value of a new affordable housing complex is much higher than the potential fee-in-lieu commitment.
    - Filing a restrictive covenant that ensures an affordability period in perpetuity instead of the PUD required 40-year period.
    - Collaborating with Foundation Communities, an organization with a long track-record of delivering successful projects that support residents on many levels beyond affordability.

  For the residential units the applicant is planning, I understand applicant intends to develop on-site affordable units at the 10 percent standard in typical bonus programs for the city. Does staff believe that commitment demonstrates superiority to meet the PUD approval requirement? RESPONSE: The commitment to affordability on this site does meet superiority as a full package. The Applicant reports that the project is also committing to source-of-income protections and affirmative marketing provisions.

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Sent: Friday, November 4, 2022 11:01 AM
To: Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>
Subject: November 8, 2022 Planning Commission Agenda

Dear Chair Shaw, Vice-Chair Hempel and Members of the Planning Commission:

Below please find the link to the November 8, 2022 agenda and backup (prelim. proposed consent agenda attached).

If you have not done so, please let me know if you will be absent Tuesday evening.

Please fill out the form, link below, to inform me of your availability to attend Tuesday evening. An absence without informing me of a reason prior to the date of the scheduled meeting will result in an unexcused absence (City Code, § 2-1-26).

Planning Commission Question and Answer

2, 3, and 4:

Commission Shaw / Staff Response:

As I understand it, this is the first case for a development in an activity center in an environmentally sensitive area. The SOS ordinance would require strict limits on impervious cover if this were a new development (as opposed to a redevelopment). While the applicant is reducing the impervious cover on this site compared to the site's existing coverage, it is expected to be at a significantly higher level than the standard for new development under SOS.

Redevelopment under SOS envisions the ability of an applicant to offset impervious coverage that exceeds current SOS limits by acquiring land or conservation easements so the impervious coverage of the two tracts taken together meets or exceeds the 15% SOS ordinance standard. Is the applicant doing that? If not, does staff believe the proposal demonstrates superiority, and if not, could staff articulate its rationale for that analysis? RESPONSE: The Brodie Oaks PUD project is not eligible for the conditions of the BSZ Redevelopment Exception due to proposed impacts of Critical Environmental Features on the site; therefore, staff did not require the project to comply with the conditions described in 25-8-26, including the purchasing of mitigation land. However, staff would support any recommendation from Planning Commission or Council to adopt this requirement. Instead of the Redevelopment Exception, the applicant was directed by staff to follow the process for a site-specific SOS amendment to address proposed impervious cover limits. This process requires a higher level of approval at City Council (super majority) and a higher level of water quality protection (full compliance with SOS water quality non-degradation requirements) compared to the BSZ Redevelopment Exception. Staff finds the Brodie Oaks PUD project to be environmentally superior with the included site-specific SOS amendment for impervious cover.

I understand that the applicant is proposing to provide support for affordable housing by donating a portion of the site's land to Foundation Communities for affordable housing. The idea is this is the offset for the bonus heights the applicant is requesting for the office buildings on the site.

- In a recent case further north on Lamar, the "Taco Cabana" PUD, did the applicants offer both land and funding for an affordable housing project in order to to support its claim of superiority? What were the details of the Taco Cabana PUD's affordable housing contribution? RESPONSE: Council approved an amendment to the 0.933 acre Taco Cabana PUD on October 17, 2019 that revised its affordable housing program to include two different community benefit contributions for a total of

$3,700,000 as follows: 1) a $1,200,000 cash donation for affordable housing to the Housing and Planning Department, and 2) a $2,500,000 cash donation to a Non-Profit for acquisition of the site at 1508 South Lamar Boulevard. The complete affordable housing program in the amended Taco Cabana PUD ordinance is provided in Part 8 (please refer to pages 5-6) below:

document.cfm (austintexas.gov)

Is staff able to provide an analysis of the value of the affordable housing contribution on this site, and to what extent it demonstrates superiority? RESPONSE: The affordable housing requirement for office buildings is typically a fee-in-lieu. The fee-in-lieu is equivalent to $7 per SF of bonus area. While the amount of bonus area is not able to be determined until building permits, the Applicant has provided an estimate of approximately $8.6 million dollars. The Applicant's commitment as part of this PUD is to provide for a new Foundation Communities affordable housing project with a minimum of 100 family-sized units affordable to residents earning between 30% – 60% of median income. The commitment also includes a restrictive covenant that will ensure the property remains affordable at these levels in perpetuity. This commitment is superior to the PUD requirements by:

- Requiring that units are constructed on-site in this High-Opportunity area instead of paying the Fee-in-lieu. The value of a new affordable housing complex is much higher than the potential fee-in-lieu commitment.
- Filing a restrictive covenant that ensures an affordability period in perpetuity instead of the PUD required 40-year period.
- Collaborating with Foundation Communities, an organization with a long track-record of delivering successful projects that support residents on many levels beyond affordability.

For the residential units the applicant is planning, I understand applicant intends to develop on-site affordable units at the 10 percent standard in typical bonus programs for the city. Does staff believe that commitment demonstrates superiority to meet the PUD approval requirement? RESPONSE: The commitment to affordability on this site does meet superiority as a full package. The Applicant reports that the project is also committing to source-of-income protections and affirmative marketing provisions.

Commissioner Mushtaler/ Staff Response:

1. I would like to know which department oversees water quality runoff for a development site both during and after construction? I would like to know the city process for this.

Development Services Department (DSD) water quality reviewers and Watershed Protection Department (WPD) engineering staff will review the construction plans before construction begins. DSD Environmental Inspectors will inspect the project during construction and provide a final inspection once construction is complete. The developer is also required to obtain an

annual Barton Springs Zone operating permit, requiring them to submit an annual maintenance plan and maintain their water quality infrastructure to the standards required by current code and applicable ordinances. WPD staff will inspect the water quality facilities for compliance.

I would like legal to comment on status of MOU between BCP and developer?

Will be sent via separate communications.

I would like to know more from watershed on how this area feeds into drinking supply? aquifers? potable water?

Water runoff from the Brodie Oaks site does not impact the drinking supply for Austin since the water source for our drinking supply comes from the Colorado River upstream of the site and treated at a water treatment plant. Regarding the Edward's Aquifer and based on the analysis of Austin Water and Watershed Protection staff, there is little to no point-source infiltrations on the Brodie Oaks site to the Edwards Aquifer due to an existing layer of Del Rio Clay. However, the runoff from the site has the potential of entering the Edward's Aquifer at a point recharge feature in the Barton Creek Greenbelt. The proposed project is required to comply with the Save Our Springs non-degradation water quality requirements, which would prevent the project from increasing sediment and pollutant loads from the pre-developed condition for any water flowing offsite. The project also proposes to reduce potable water demands by harvesting rainwater off all buildings within the project and using it for beneficial reuse.

24

Commissioner Thompson / Staff Response:

- **For the Secondary metric, is it the Percent of SF units that are affordable? I wasn't aware Census included this data. If it is simply the number of SF homes, how does that indicate that we are preserving affordable housing? If we bulldoze 3 affordable homes and replace with 40 units, 10% of which are affordable how does the metric change?**
    - At this time, the secondary metric is **simply the percent of SF units out of the total universe of housing units** within the station (and not tied to explicitly affordable SF units). ETOD Goal 3 aims to both preserve and increase both affordable housing and "attainable" (non-luxury) market-rate housing. These Complete Community Indicators (that this metric is part of) are intended to help staff find a starting point of future detailed station area planning that will follow approval of the Policy Plan. This metric allows us at a glance to see whether most of the residents living in a station area live in SF homes or not. For instance, if a station today has a large percentage of its existing housing stock as SF homes, it could indicate that allowing and/or incentivizing more types of housing units (beyond SF) could help increase the amount of attainable and affordable units overall, benefiting transit ridership as well as providing access to

From:
To: Johnston, Liz; Mushtaler, Jennifer - BC; Sherman, Lee
Cc: Lilly, Leslie; Coyne, Katie; Rhoades, Wendy
Subject: RE: Brodie
Date: Tuesday, November 15, 2022 12:03:28 PM
Attachments: image001.png
tier_iia-12_public_access.pdf

Good Morning,
Liz – that is correct about the mitigation land.

The Brodie team chose the path to pursue an amendment to the SOS Ordinance when City Environmental staff and SOS indicated they would not support the Brodie PUD if we used the Redevelopment Exception. The redevelopment exception allows a lesser standard for water quality and impervious cover in exchange for preserving land elsewhere.
We believe the environmental and water quality commitments in this development meet the goals of the SOS Ordinance and do not need to be mitigated for elsewhere. Instead of mitigating elsewhere we are committed to working with the Hill Country Conservancy, Save Barton Creek Association, Austin Parks Foundation, and the Balcones Canyonlands Preserve to improve the conditions within the greenbelt adjacent to this site.

Based on our conversations, we understand that you need to have more assurances written into the PUD to ensure that this will happen.

Please consider a condition to require the applicant to work with applicable non-profits and apply for a Trail Master Plan permit through the BCP prior to issuance of the first site plan permit constructing the adjacent parkland. As we have discussed this is an extensive process that takes many factors into consideration including long-term maintenance, habitat conservation, and ongoing stewardship. I have attached the application packet here to give you an idea of how comprehensive the trail master plan process is.

We are in favor of and amenable to your suggestion to provide sufficient Scoop the Poop stations and trash cans at trail heads and at other green spaces throughout the site. We will also provide educational signage about the negative effects of pet waste.

Commissioner Mushtaler – Thank you for all of the time that you have spent to gain a better understanding of this project and the issues surrounding it. We area available to answer any additional questions that you have.

- Abby

Abby Gillfillan AICP
M 512 644 9628

From: Johnston, Liz <Liz.Johnston@austintexas.gov>
Sent: Tuesday, November 15, 2022 10:34 AM
To: Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Sherman, Lee <Lee.Sherman@austintexas.gov>
Cc: Lilly, Leslie <Leslie.Lilly@austintexas.gov>; Coyne, Katie <Katie.Coyne@austintexas.gov>; Rhoades, Wendy <wendy.rhoades@austintexas.gov>

Subject: RE: Brodie

Good morning Commissioner Mushtaler!

Yes, WPD staff will be available to answer questions this evening.

While mitigation land is not a staff condition of support, we are certainly not against it. However, we do know from experience through WPD's land acquisition program that land in the BSZ can be difficult to acquire and it may not be possible to find a willing seller. There is also the option of paying into a mitigation fund that was set up for BSZ redevelopment projects that WPD administers to acquire land in the Barton Springs Zone as an option. Staff are also not requiring this as a condition of staff support but it is an option to consider. I believe the applicant is not in support of this (Abby can confirm).

Regarding increased pressure on green spaces from increased density – yes the concerns you express are true of green spaces everywhere in Austin, especially during and after the pandemic. However, on the whole it is preferable to have density on sites such as this one than greenfield development in the suburbs. Denser development at this site will also relieve some pressure from the highly gentrifying areas of east Austin, and therefore help improve some of the environmental inequities that are inherent within our environmental regulations.

Pet waste is not great of course, and as you mentioned below the effects of pet waste on the environment are difficult to quantify because high bacteria levels in creeks can come from a variety of sources (pets, wildlife, leaky wastewater infrastructure, etc). Perhaps the applicant could provide sufficient Scoop the Poop stations and trash cans at trail heads and at other green spaces throughout the site? Educational signage about the negative effects of pet waste is also an option.

Liz Johnston
(she/her/hers)
Deputy Environmental Officer – Environmental Policy & Review
City of Austin | Watershed Protection Department

O: (512) 974-2619| C: (512) 350-6024
www.austintexas.gov/watershed

From: Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>
Sent: Monday, November 14, 2022 4:12 PM
To: Sherman, Lee <Lee.Sherman@austintexas.gov>; Johnston, Liz <Liz.Johnston@austintexas.gov>
Cc: Abby Gillfillan
Subject: Brodie

Good afternoon,

I am seeking information from Watershed on Brodie PUD. Abby and team has been terrific in having open background discussion on the plans. I have shared with Abby that I am concerned that we are guessing the impacts good or bad on water recharge and that I would lean more towards requiring mitigation land in addition to the improvements they have committed to already. I am concerned that although the plans improve the site dramatically, the complete plans also drastically increase human (and by default pet) traffic in, around, over, through the area in ways that are difficult to quantify. Admittedly, this is an emotional reaction on my part so I am seeking scientific input. I believe some of our environmental groups have expressed concern that what is being "counted" in credits still falls short of SOS intent?

I hope someone from staff can help and also be available for commission questions tomorrow evening, unless I am the only commissioner with these questions. I am working my regular paying job but will be reading email this evening and tomorrow before PC starts.

Thank you
Jennifer Mushtaler

Jennifer Mushtaler
Boards and Commissions

From: Rhoades, Wendy
To: Powers, Catie
Cc: Harden, Joi; Rivera, Andrew
Subject: RE: Q:A
Date: Tuesday, November 29, 2022 6:27:00 PM

Catie,
Please find responses below.

Sincerely,
Wendy Rhoades

From: Powers, Catie <catie.powers@austintexas.gov>
Sent: Monday, November 28, 2022 3:12 PM
To: Van Eenoo, Ed <Ed.VanEenoo@austintexas.gov>; Olivares, Kimberly <Kimberly.Olivares@austintexas.gov>; Torchin, Sarah <Sarah.Torchin@austintexas.gov>; Curless, Sammi <Sammi.Curless@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Rusthoven, Jerry <Jerry.Rusthoven@austintexas.gov>
Cc: Roberts, Kaycie <Kaycie.Roberts@austintexas.gov>
Subject: FW: Q:A

Please see the questions below from MPT Alter for one of your agenda items. I need a response by 3pm tomorrow.

Item 10: Approve an ordinance amending Ordinance No. 20211220-002 related to Tax Increment Reinvestment Zone No. 19 by amending the boundaries of the zone, amending the participation rate of the zone, and amending the preliminary financing plan and related matters.

- Please summarize the rationale for establishing the participation rate at 46%?
-

Item 74: C814-2021-0099 - Brodie Oaks Redevelopment PUD

Please provide additional information regarding the funding for a new fire/EMS station which is detailed in the staff report. How is this facility accounted for in our long-term planning and how are we accounting for funding of the staff? What is timeline for this? **RESPONSE:** Below is summary of estimated cost for new station at Brodie Oaks. Please keep in mind that this is anticipated to be a shared facility with ATCEMS; some of these costs will benefit both departments, but there may be separate costs associated solely with ATCEMS.

Funding for 16 Engine Staff at Brodie Oaks Fire Station	
Engine Staff Operating Costs	**Funding**
Estimated Salary Costs	$1,650,000
Estimated Annual Maintenance Costs for Fire Station and Engine	$220,000
Total	**$1,900,000**

One-Time Costs

Estimated New Engine cost	$1,100,000
Estimated Communication Equipment for Apparatus & Staff Cost	$50,000
Estimated Hose, Ladder, SCBAs, Misc. Equipment for Engine Cost	$150,000
Estimated total one-time costs	**$1,300,000**

Capital Improvement Costs	
Estimated "build out" cost of new station; kitchen, day room, dorms, bay and bay doors, CTM connections, alerting	$3,000,000
Estimated HVAC, Water heaters, I.T equipment, exercise equipment, misc. furnishings	$500,000
Estimated Capital Improvement Costs	**$3,500,000**

Question: How is this facility accounted for in our long-term planning and how are we accounting for funding of the staff?

-

RESPONSE: This opportunity is a recent development. The station ***was not submitted*** in our latest financial "5 –Year Forecast FY 23 to 27".
Our executive team will include this in our next financial "Forecast FY 24 to 28."

Currently, there are two stations scheduled to be built and staffed in the next two fiscal years. Based on the timeline discussed with the developer, the station at the Brodie PUD is likely to be built after Phase 1 of the development has been completed.

Please provide additional detail summarizing their park contributions / parkland dedication requirements and where this is captured in ordinance form? Please detail in what ways they are exceeding parkland dedication ordinance requirements. **RESPONSE:** The parkland dedication superiority is described in the Parks and Open Space Plan (two sheets). The project must provide 10.4 acres of parkland per 1,000 residents, which is a superiority requirement in accordance with the Parkland Dedication Operating Procedures. The PUD is to provide a minimum 11.6 gross acres of parkland onsite, equal to a minimum of 8.9 acres of credited parkland after deductions for encumbrances. That is equal to nearly twice the amount of parkland that would have been required under current code for a development located within the urban core. For park development, the PUD commits to providing an additional $700 per dwelling unit above what is required by current code and the fee schedule in effect at the time of project development; this will result in a higher quality of park amenities and development than what would be required by current code. Additional features contributing toward parkland superiority include:

- provide 50 parking spaces reserved for park users and provided in the development's first phase;

- achieve SITES Silver Certification for parks;
- restore the landscape and regrade the area adjacent to the existing Barton Springs Greenbelt to connect and extend into the existing parkland; and
- provide trailhead to the Barton Creek Greenbelt, including a commitment to support the creation of a proper trail connection from Brodie down to the existing Barton Creek Greenbelt trail.
- Does this property fall in the WUI area? RESPONSE: Yes. If so, are they responsible for following WUI code in requirements? RESPONSE: Yes, the project will meet all aspects of the Fire Code and Wildland Urban Interface (WUI) Code, Ordinance No. 20200409-040.

- Does this property fall in the WUI area? **RESPONSE:** Yes. If so, are they responsible for following WUI code in requirements? **RESPONSE:** Yes, the project will meet all aspects of the Fire Code and Wildland Urban Interface (WUI) Code, Ordinance No. 20200409-040.

- Please provide additional detail as to why the project excludes the parking structures from gross floor area and the rationale for including that provision? **RESPONSE:** LDC Section 25-1-21 *(Definitions)* excludes parking facilities from the definition of gross floor area. The intent of the Code modification is to provide additional clarification that parking structures are also excluded. The Code definition of parking facilities does not specifically identify parking structures and the Applicant is seeking certainty that this type of building is also excluded.

- In various places the report alludes to 1,200 units and in other places it references 1,700 units. Please confirm the number of units being contemplated at this site. **RESPONSE:** The correct number is 1,700 residential units.

Item 84: C814-89-0003.02 - 305 S. Congress - Approve third reading

Please summarize their parkland dedication fee requirements. Please detail the fee amount they will be paying for the fee-in-lieu. Do they have a maximum or minimum amount in fees that they will be contributing? Will their fee amount be based upon the fee that exists at the time of ordinance adoption or at a fee-in-place at another time? **RESPONSE:** The two parkland fees (parkland fee in lieu and park development fee) are based on the fee schedule in place at the time that a development application (e.g. site plan) is filed. There is no maximum or minimum amount, but fees may increase over time based upon the standard budget approval process. If all currently proposed units and commercial space were submitted on January 1, 2023, PARD has estimated that fees would total $6,982,571. This estimate takes into account all proposed dedicated parkland, and a +$100 per unit development fee. The +$100 per unit development fee is included in the most recent draft ordinance. The applicant will pay the parkland dedication fees calculated at the time a site plan/development application is filed.

From:
To: Tiemann, Donna; Rusthoven, Jerry
Cc: Harden, Joi; Rhoades, Wendy Re: brodie PUD
Subject: Monday, December 5, 2022 12:32:21 PM
Date:

*** External Email - Exercise Caution ***

Donna,

Below is Milo's response to your inquiry. We will commit to having the Agreement with Foundation Communities finalized and in place by third reading of the PUD ordinance. Please let us know if you need more information.

Thanks,
David

On 12/5/22, 11:15 AM, "Milo Burdette" wrote:

David - We have not drafted the Agreement with Foundation Communities because we had to wait to see what the City was going to require for the affordable housing commitment. Walter will be there Thursday to answer any questions and reaffirm our commitment.

The commitment is:

1. The land is being donated. I do not know the value, but we could provide an estimate of what it might be worth when it is conveyed. It would depend upon the assumptions used for the valuation. Based on other valuations around Austin, the developable land at Brodie could easily be worth $200/SF after the zoning is in place. For 1.33 acres, that would equate to $11.5M. If you use only our current basis in the property prior to zoning but consider that we will have materially less developable area after the 36% reduction in impervious cover, the valuation would be just under $6M.

2. We estimate FC building approximately 125 family-oriented units with 75 being provided as part of the residential development throughout the rest of Brodie. We are committing in the PUD to 100 units although FC expects it to be closer to 125-130 units. But none of this is designed and FC definitely has a limit to how high they can build because they need it to be stick construction. We took a conservative route in the PUD and the proposed Restrictive Covenant and said a minimum of 100. Of course, this number does not include the affordable units to be constructed on site and spread throughout the project and mixed in with the market rate units.

From: Donna Tiemann <Donna.Tiemann@austintexas.gov>
Date: Monday, December 5, 2022 at 10:29 AM
To: David Armbrust, Jerry Rusthoven <Jerry.Rusthoven@austintexas.gov>

Subject: brodie PUD

Hi David and Jerry,

Tract 4:

* has language been nailed down (signed) between parties?
* Is the land value donated or is it being paid for by FC or Austin Housing? If donated, it's value?
* As current plan proposes, does the project estimate FC building apprx 100 units with and additional 100 sprinkled in balance of development?

Thanks,
-d

Donna Tiemann
Office of Council Member Ann Kitchen, District 5
Chief of Staff

Direct Phone: 512-978-2166
Main Phone: 512-978-2105