

CITY OF AUSTIN – DEVELOPMENT SERVICES DEPARTMENT  
SITE PLAN APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: SP-2018-0472C  
REVISION #: 00  
CASE MANAGER: Anaiah Johnson  
UPDATE: U4  
PHONE #: 512-974-2932

PROJECT NAME: 44 East  
LOCATION: 44 EAST AVE

SUBMITTAL DATE: July 26, 2019  
REPORT DUE DATE: August 9, 2019  
FINAL REPORT DATE: August 14, 2019  
5 DAYS HAVE BEEN ADDED TO THE UPDATE DEADLINE

**STAFF REPORT:**

This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Development Services Department, P.O. Box 1088, Austin, Texas 78767.

**UPDATE DEADLINE (LDC 25-5-113):**

It is the responsibility of the applicant or their agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is November 30, 2019.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

**UPDATE SUBMITTALS:**

**An informal update submittal is required. Please coordinate directly with each reviewer listed below to clear comments.**

**REVIEWERS:**

Planner 1: Elsa Garza  
Drainage Engineering: Laura Arthur  
Environmental: Mike Mcdougal  
PARD / Planning & Design: Thomas Rowlinson  
Regional Stormwater Management: Laura Arthur  
Site Plan: Anaiah Johnson  
Transportation Planning: Ryan Johnson  
AW Utility Development Services: Bradley Barron  
Water Quality: Laura Arthur

**Electric Review - Karen Palacios - 512-322-6110**

**\*\* NOTE\*\*** must be added to the site plan cover and building plan cover.

*The new construction of the building cannot be constructed until the existing overhead electrical facilities along Cummings are relocated underground.*

FORWARD THE COVER OF THE SITE PLAN AND BUILDING PLANS WHEN SUBMITTED TO THE COA.

CLEARED

Continue working with your AE designer for the final electrical design.

**Drainage Engineering Review - Laura Arthur - 512-974-3402**

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DE0. Comment pending RSMP fee is paid.

DE14. U4,U3,U2 Comment pending receipt of UDA.

U1 pending Please provide approved plat prior to permitting.

**Environmental Review - Mike McDougal - 512-974-6380**

EV 01 through EV 04 Update #4 Comments cleared.

EV 05 Update #4 Provide payment of the site plan environmental inspection fee prior to permit/site plan approval. Obtain the invoice at COA Intake, or by calling 512-974-1770. Payment of the fee may be made at the first floor Cashier's Window. This comment will clear by providing a receipt of payment to the Environmental Reviewer.

EV 06 Update #4 The ESC fiscal estimate is approved. This comment is pending posting of ESC fiscal surety. Note that fiscal surety is accepted during the following hours:

Monday – Thursday 8:00 – 11:30 a.m. & 1:00 – 3:30 p.m.

Friday 8:00 – 11:30 a.m.

EV 07 Update #4 Payment of the landscape inspection fee is required prior to permit/site plan approval.

Please obtain the invoice at Intake on the fourth floor. For questions regarding landscape fee amount, please call 512-974-1770. Payment of the fee is made at the first floor Cashier's Window. Upon payment, please notify the environmental reviewer.

EV 08 through EV 09 Update #4 Comments cleared.

**erPARD / Planning & Design Review - Thomas Rowlinson - 512-974-9372**

PR 1: Per *City Code §25-1-601*, the parkland dedication and park development fee is required and must be paid prior to site plan approval (high density fee for a project greater than 12 units per acre). This reviewer will issue the fee bill in AMANDA on a future update when the number of rooms is

confirmed. Currently, the proposed unit count is 352, with an undetermined number designated as affordable units. Please email this reviewer at [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov) to provide final number of dwelling units and affordable housing certification documents.

U1: Awaiting confirmation of number of market-rate and affordable units.

U2: Awaiting NHCD letter to confirm the number of affordable units. Please contact this reviewer with the letter. Once the letter has been received, and the number of market-rate and affordable units has been confirmed, fees will be issued.

U3: Comment remains. Awaiting letter.

**U4: NHCD letter was received. The park fee bills have now been issued in AMANDA. The person named as an “Applicant” may pay in person at the cashier at One Texas Center or online at Austin Build + Connect. The fee can be made in one payment though there are two bills. Email the PARD reviewer at [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov) to request the bill numbers. When payment has been made, email the receipt to this reviewer to clear this comment.**

PR 2: Add the following note to the coversheet:

A fee-in-lieu of parkland dedication and park development has been paid for XXX [insert correct #] residential units.

U1: Revise as follows once market-rate and affordable units have been confirmed:

*A fee-in-lieu of parkland dedication and park development has been paid for XXX [insert correct #] market-rate dwelling units. An exemption to the Parkland Dedication Ordinance has been granted for XXX [insert correct #] certified affordable dwelling units. The Parkland Dedication Ordinance is subject to enforcement if this development no longer complies with affordable housing requirements set forth in the approval from the Neighborhood Housing and Community Development Department.*

U2: Thank you for adding the note. It may need to be revised once the affordable units and market rate units have been confirmed.

U3: Comment remains until a time when the affordable units have been confirmed by NHCD letter.

**U4: Please remove the extra spacing between the words “parkland” and “dedication” in the 3<sup>rd</sup> sentence.**

PR 3: Label the adjacent City parkland to the south as follows:

City of Austin (Parkland)

U1: Please label City parkland exactly as follows, on the site plan as well as every applicable sheet (existing conditions, erosion, demolition, etc.):

City of Austin (Parkland)

U2: Cleared.

<b>Regional Stormwater Management Review - Laura Arthur - 512-974-3402</b>
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RSMP4. U4. Pending approval date put on the coversheet of the plans and payment of RSMP.

U3, U2, U1 pending approval for ##. If the Watershed Protection Department approves participation in the program, please submit a copy of the approval letter and payment receipt to this reviewer. In addition, please place the following note on the cover sheet:

Participation in the Regional Stormwater Management Program was granted for this site on \_\_\_\_\_(date) by the City of Austin Watershed Protection Department, Office of the Director.

### **DOWNTOWN DENSITY BONUS PROGRAM**

SP1. To be allowed the proposed FAR, the project must participate in the Downtown Density Bonus program which requires approval from Great Streets and Design Commission. Upon completion, provide an approval letter from Urban Design (PAZ). For more information contact the following individuals: Great Streets – Humberto Rey 974-7288; License Agreements – Andy Halm 974-7185;

Design Commission –Tonya Swartzendruber 974-3462

Great Streets requires a License Agreement which is a timely process and must be completed prior to Design Commission.

U1: Comment pending approval from Design Commission.

**U2, U3, & U4: Comment pending. Design Commission has approved. This comment will remain pending until Urban Design (Planning and Zoning Department) approves the overall density bonus.**

SP2. – SP10. **Comment cleared.**

### **SUBDIVISION REQUIREMENTS**

SP11. Update the legal description on the coversheet to match the proposed plat currently under review.

U1: Comment not cleared. The legal description should read as what the legal description will be once the plat is recorded. Most likely something like “Lot 1, The East Subdivision”.

U2: Comment pending. The legal description on the cover sheet still has a blank where the subdivision recordation number should be. Also, please add the land status determination case number for TCAD Parcel ID # 0203030921 (the north-most lot on the site).

U3: Comment pending. The legal description now looks correct on the cover sheet. Please also add the Land Status Determination case number (C8I-01-0261) to this section.

**U4: Comment cleared.**

SP12. – SP16. **Comment cleared.**

### **CBD REQUIREMENTS**

SP17. 25-6-591(B)(5)- *Parking Provision for development in the Central Business District (CBD) and the (DMU) Downtown Mixed Use and (P) Public zoning districts.*

Except as provided in Subsections (C) and (D) of this section, a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in [Section 25-2-691](#) (Waterfront Overlay (WO) District Uses) that fronts on the street at the ground level.

Specify on which floors the garage is located.

U1: Comment pending. Thank you for clarifying that the parking is not on the ground floor. For a parking structure in the CBD and DMU districts, the headlights of automobiles in a parking structure may not be directly visible from an adjacent building or a building across a street, other than an alley, from the parking structure. Automobiles in a parking structure must be screened from public view (§ 25-2-293(D)). Please provide an elevation depiction of the parking garage screening for headlights.

U2: Comment not cleared. Please provide a screening detail. From the elevations provided, it does not seem that the screening is adequate.

U3: Comment not cleared. The headlight screening must be at least 4' in height. From 4' up, there must be screening (mesh, vegetative screen, bars, something), not just open air. If the openness ratio will not work with openness requirements of a naturally ventilated garage if changed, that is because of the design choice by the applicant, not because of conflicting regulations. The garage must meet the screening requirements of LDC § 25-2-593(D).

**U4: Comment cleared.**

## **SUBCHAPTER E**

SP18. - SP21. **Comment cleared.**

SP22. If any vertical improvements are planned for the Right-of-Way, such as trees, furniture, or irrigation, a license agreement is required. Please contact Andy Halm with ROW Management Division at 974-7185. Please begin this process as soon as possible, as it can take some time. The approval of the license agreement is required prior to site plan approval and release.

**U1, U2, U3, & U4: Comment pending recordation of license agreement.**

## **ADMINISTRATIVE SITE PLAN REQUIREMENTS**

SP23. – SP26. **Comment cleared.**

SP27. Confirm that all existing and future dedicated easements, including joint access, drainage, conservation, utility, communications, etc. have been depicted on the plans. Indicate volume/page, document number, or dedication by plat.

**U1, U2, U3, & U4: Comment pending recordation of easements.**

SP28. **Comment cleared.**

## **U1 NEW COMMENTS**

SP29. In the Rainey Street Waterfront Overlay Subdistrict, residential affordability requirements are triggered if the 8:1 FAR is not achieved in the first 40' of building height (which this project does not). For the first 8:1 FAR (from the ground floor, up), the project must appropriate 5% of the residential portion of GFA for affordable housing at 80% MFI as determined by the Neighborhood Housing and Community Development Department. Show the bonus area calculations in the data tables on sheet 8, and provide an approval letter from NHCD.

U2: Comment not cleared. Provide the approval letter from NHCD. Also, in the data tables on the overall site plan (sheet 14), please indicate the amount of residential GFA contained within the first 8:1 FAR from the ground floor up, and tie the information to the following note: *The project may exceed 40' in height for the first 8:1 FAR from the ground floor up by providing at least 5% of the residential GFA within the first 8:1 FAR at 80% MFI, in accordance with the affordability requirements of LDC § 25-2-739(C)(4).*

U3: Comment pending approval letter from NHCD.

**U4: Comment cleared.**

SP30. – SP31. **Comment cleared.**

SP32. Industrial Waste, Fire, and Water must sign cover sheet prior to site plan approval.

**U2, U3, & U4: Comment pending signatures.**

SP33. **Comment cleared.**

## **U2 NEW COMMENTS**

SP34. **Comment cleared.**

SP35. Place the following note on the cover sheet and site plan sheet: *This site is composed of 2 lots/tracts. It has been approved as one cohesive development as Document No. \_\_\_\_\_ in the official public records of Travis County, TX. If portions of the lots/tracts are sold, application for subdivision and site plan approval may be required.*

Once recorded add the document number for the UDA to the note.

**U3 & U4: Comment pending addition of UDA recordation number to note.**

SP36. Record (or provide) a Unified Development Agreement that clearly ties these lots together for the construction, use, and maintenance of the stormwater facilities, and submit the document to this reviewer, who will coordinate with the Law Department for review and approval. For any legal document questions, please contact Annette Bogusch, the Legal Liaison, at 974-6483. Please be aware this process takes some time and now requires lien-holders information/consent.  
**U3 & U4: Comment pending recordation of UDA.**

### **U3 NEW COMMENTS**

SP37. Confirm that the irrigation water meter and BFP as well as the domestic water meter and vault are either buried or screened from public view (LDC § 25-2-721(G)).  
**U4: Comment cleared.**

**Transportation Planning - Ryan Johnson - 512-974-1225**

### **TIA**

TR1. 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 25-6-142]. Comments will be provided in a separate memo.  
U1: Comment not cleared.  
U2: Comment not cleared. ATD provided final comments to the applicant in a memorandum dated January 2, 2019. Please demonstrate compliance and contact ATD for final TIA approval memo.  
**U4: Comment will clear upon payment of fee-in-lieu per ATD Fiscal Memorandum dated July 1<sup>st</sup>, 2019. Please provide receipt of payment.**

TR2. –TR5. Comments cleared.

### **PARKING & DRIVEWAY**

TR6. -TR14. Comments cleared.

TR15. Driveway approaches must be separated by a minimum of 50 feet, measured from edge to edge at the property line. TCM, Table 5-2. Please revise driveway to increase spacing between proposed driveway and the driveway on the adjacent lot to the north.  
U1: Comment not cleared. If waiver is requested please submit waiver request letter.  
U2/U3: Comment not cleared. Waiver request was received. Please pay waiver fee. Waiver will be reviewed once fee has been paid.  
**U4: Comment cleared per email with Katie Wettick 06/21/2019. Waiver approved and fee paid.**

TR16. Comment cleared.

### **ACCESSIBILITY**

TR17. **U4: Comment cleared. Signage detail included in plan set.**

TR18. -TR21. Comments cleared.

TR22. **U4: Comment cleared. ATD approved parking per email dated 6/21/2019.**

Informal update required – site plan will be approved upon payment of fee-in-lieu for transportation mitigations.

**AW Utility Development Services - Bradley Barron - 512-972-0078**

WW1. The review comments will be satisfied once Austin Water/Pipeline Engineering has approved the water and wastewater utility plan. For plan review status, contact George Resendez at 512-972-0252.

**Water Quality Review - Laura Arthur - 512-974-3402**

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

WQ8. **U4,U3,U1,U2 pending not addressed yet.** Recorded Restrictive Covenant: Once the IPM has been submitted online and approved, an IPM restrictive covenant shall be recorded to tie the document to the property. Please contact this reviewer for the standard restrictive covenant. This comment will be cleared when the copy of the recorded restrictive covenant is provided.

WQ9. **U4,U3,U1,U2 noted, Will be cleared once IPM recorded with #.**

Please place the following note on the cover sheet:

For Integrated Pest Management Plan, see agreement filed in document No. \_\_\_\_\_, Official Public Records, Travis County, Texas.

WQ14. **U4. Subsurface maintenance plan restrictive covenant was sent to the law department. Comment pending the recordation number being put on the coversheet with a note referencing the SPM plan RC.**

U3 Comment was not addressed.

The tank appear to be stored underground in an inaccessible area. A subsurface maintenance pond restrictive covenant and other requirements per the ECM will be required. "The Engineer of Record shall prepare and submit a Subsurface Pond Maintenance (SPM) plan for the proposed development to be reviewed as part of the Site Development Permit. This document shall be signed and sealed by a Licensed Professional Engineer" (ECM 1.6.2.E.1p). Provide this document and make sure the document has plans for access, inspections, sediment removal, media replacement, debris/litter removal, filter underdrain and responsibility as outlined in ECM 1.6.2.E.2.

**Planner 1 Review - Elsa Garza - 512-974-2308**

**THE FOLLOWING COMMENTS APPLY PRIOR TO THE RELEASE OF THE SITE DEVELOPMENT PERMIT.**

P1. FYI – An appointment is required in order to receive the site development permit. The permit will be released *after* the flash drive has been submitted with the Intake Staff and the site plan approval blocks have been finished. Contact the Planner I listed above to set up an appointment to receive the site plan permit.

P2. FYI – Fill out the Site Plan Approval blocks with the following information in **bold**.

- **Sheet numbers**
- File number: **SP-2018-0472C**
- Application date: **October 5, 2018**
- (if the case is administrative) Under Section **112** of Chapter **25-5** of the City of Austin Code

- Case Manager: **Anaiah Johnson**
- Zoning: **Please Add the Zoning on the mylars.**

If the Site Plan Approval Blocks are not filled out, the applicant will need to make an appointment to fill them out by hand. If the applicant wishes the Planner 1 to fill them out, there could be a delay in receiving the site development permit.

P3. FYI – FLASH DRIVE REQUIREMENT

All applications submitted for completeness check after 5/10/10 for Administrative Site Plan Revision, Consolidated Site Plan, Non-Consolidated Site Plan, CIP Streets and Drainage, Major Drainage/Regional Detention, and Subdivision Construction Plans will require the additional items listed in the Electronic Submittal Exhibit of the application packet on a USB flash drive prior to release of permit. **The flash drive must be taken directly to the Planner 1 on this report by the applicant once all comments are cleared.**

**End of Report**