

Responses to Hancock Neighborhood Association Development Issues – May 17, 2010

Main Motion

That the Hancock Neighborhood Association (HNA) commit the HNA Zoning Committee to meet with the developer to evaluate and explore zoning categories, development regulations and alternative options that would address concerns of the neighborhood association. Development regulation discussion is not to be binding and is not to indicate endorsement of the proposed development. The HNA Zoning Committee is to convene a general membership neighborhood meeting, to be held in approximately 1 month, to report progress, make more detailed recommendations, and seek resident input.

Additionally, the developer shall be asked to commit in writing not to press forward with a zoning application to the City of Austin before the neighborhood has a chance to convene a next general membership meeting.

End of motion

The initial list of identified concerns is as follows:

1. Quantity of rooms and scale of buildings.

Between 70 and 90 hotel rooms - the final number of rooms will be established as a conditional overlay of the rezoning ordinance. Buildings constructed will be limited to a maximum of 30 feet from ground level and may not exceed height of two stories, pursuant to the existing Hancock Neighborhood Plan ordinance. However, some of the existing structures to be retained may currently exceed 30', and the rezoning ordinance will accommodate the existing height for these structures. For any new structures, we can commit in writing to the scale and massing that is presented in our conceptual drawings.

2. Adequacy of parking.

Development of the property will comply with all City parking requirements subject to shared parking arrangements between uses. We will provide adequate on-site valet parking for the hotel, restaurant, and school; we will negotiate a verifiable off-site valet lot(s) for large events. The maximum number of attendees at an event held at the property will not exceed four (4) times the number of on-site parking spaces (unless off-site valet parking is provided). Both the hotel and the school will maintain active car-pooling and commuting arrangements and will encourage their employees to walk, bike, or /bus to work. Complimentary transportation will be provided to hotel guests to discourage the use of cars while staying in the hotel. We are exploring the use of subterranean parking below the parking court adjacent to Red River Street, but in no event will we propose an above-ground parking structure.

3. How much traffic and noise will a restaurant, amphitheater or wedding generate?

Any noise will comply with limitations set forth in City of Austin ordinances. Additionally:

- All dining areas will all be inside structures except for dining areas around the main pool and the mansion terrace (both of which are on the 41st street side of the mansion);
- The amphitheatre will be used only for weddings, ceremonies, readings, and acoustic performances during limited hours (no amplified sound at any time);
- Weddings and outdoor events on the front lawn and main pool areas will be held during limited in hours and will be buffered by the buildings, landscape, and topography (the front lawn area is located in a topographical low-spot of the property).
- Other than the aforementioned uses of the amphitheatre (and school uses of the area west of Waller Creek), no outdoor events will occur on the property except on the front lawn, chapel, and main pool areas. (at least 200' east of Waller Creek, east of the existing stone wall that runs NW/SE through the property, and at least 200' south of the north property line)
- Any outdoor receptions on the front lawn, chapel, and main pool areas will be tented and any amplified sound will (a) comply with City of Austin ordinances and (b) take place only within tented enclosures or inside structures. City of Austin ordinances require in part that any sound equipment at outdoor receptions is limited to between the hours of 10:00am and no later than the following: 10:30pm Sunday through Wednesday, 11:00pm on Thursday, 12:00pm midnight on Friday or Saturday. We will also limit the hours of outdoor events.
- City of Austin ordinances generally limit certain construction noise adjacent to residences to daytime hours. Initial excavation work will be conducted on an accelerated schedule to reduce the period of time that such noise will be generated. We will also construct the new walls/vegetated buffers on the north and west property lines as the first part of the primary construction project so that those buffers can reduce the construction noise to adjacent residences.

4. The integrity of original building should be maintained. Does the Austin Landmark Status ensure review of modifications to buildings and prevent demolition?

We will add historic (H) zoning to the main house, formal garden, and other 1928 structures at the same time as the community commercial (GR) zoning – this will require City Historic Landmark Commission review of any modifications to those structures. Additionally, we intend to do the restoration work on the 1928 buildings as a federal tax credit project which means all the work will be subject to review by the Texas Historic Commission and the National Parks Service.

5. The wall is an important historic asset that should be preserved. Additional walls and/or screening will need to be added to buffer neighboring residents. Visual privacy and noise concerns.

The existing perimeter wall will be restored and preserved and additional walls/screening/fencing/intensive vegetative buffering will be added along the north and west property lines to meet or exceed that required by City of Austin compatibility

regulations. Vegetative buffering will be included in recorded restrictive covenants. Construction of new walls/vegetative buffers along the north and west property lines will be started immediately when primary construction of the project begins and will be completed as a first phase priority to assist in buffering residents from the effects of the construction phase of the project.

6. How will service work and how will trash be handled? Concerns about noise.

All service functions will occur inside a gated service court and service building that will be located no more than 450' west of Red River Street. All trash will be stored inside the air-conditioned service building; all deliveries and removals will occur inside the gated service court during negotiated daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped. Trash disposal on the property will also comply with City of Austin compatibility requirements, including requirements to screen adjacent single family residences from refuse collection, and setbacks of refuse receptacle(s) from adjacent single family property. Additionally, we will institute an intensive recycling program to limit the amount of trash to be removed from the site. Any noise will also comply with limitations set forth in City of Austin ordinances.

7. Creek water quality and flood controls.

We intend to restore the weir in Waller Creek to create a permanent body of water and to restore the aquatic plant and wildlife ecology native to the creek – this will create a stable and permanent habitat for native/indigenous wildlife and aquatic life. We will minimize the impervious cover on-site to ensure that drainage off the site does not exceed existing conditions and we will use best management filtration practices, including vegetative strips, to ensure that water draining into the creek from the site meets or exceeds City of Austin requirements.

8. How could we ensure a quality hotel and hotel operator?

We are willing to commit in writing to qualitative standards that can only be met by 5-star luxury lodging, including a minimum square footage per lodging room, concierge and service, spa facilities, dining, and a minimum average daily rate per lodging room. Additionally, the historic zoning, restrictive covenants, and conditional overlays imposed on the property as part of the rezoning will ensure that any changes to the project different than that currently proposed will require multiple levels of review and approval by the HNA and the City of Austin. Finally, the level of investment required to restore the historic structures and grounds will ensure that a quality project with room rates sufficient for the owner to receive a return on its investment will be established on the property.

9. Who are other significant investors and what is their reputation?

Clark Lyda, Overland Partners, and other Texas investors will be equity investors in the project. Additionally, we are consulting with prominent hotel operators including Bunkhouse Management (owner/operator of the St. Cecelia and San Jose in Austin), hotel financial consultants, event planners, restaurant operators, spa operators, and preservation consultants to ensure that the designed project will meet guest expectations of a destination luxury hotel.

10. 41st Street is not in an adequate condition to support more traffic and parking while allowing for safe pedestrian and bicycle movement.

We will work with the City of Austin and the Parks and Recreation Department to add sidewalks, curbs, bike lanes, and parallel parking along 41st Street. We will also explore options to add a raised median and/or crosswalks on Red River Street. We will seek a license from the City of Austin to allow the hotel to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41st Street and Red River Street.

11. How can we ensure compatibility between the school building and adjacent residents?

We will construct a wall/vegetative/landscape buffer along the west and north property lines (except in the Waller Creek floodplain) and observe the required compatibility setback of 25'. Additionally, any new buildings will not exceed one-story or 20' height within 50' of the property line. Beyond 50' from the property line, the school building(s) will be limited to a maximum of 30 feet from ground level and may not exceed height of two stories, pursuant to the existing Hancock Neighborhood Plan ordinance. The school will also be designed to put "quiet uses" adjacent to the residential neighbors and to put noisier uses internal to the building or facing to the south. The school will agree to operating hour limits and will comply with all City compatibility requirements including minimum 50' setback from playground or other intensive recreational use from adjacent property, and vegetative buffering/screening to screen adjoining single family property from views of off-street parking, mechanical equipment, storage, and refuse collection.

12. How can we be assured that any zoning changes won't allow other unanticipated uses, should this development not happen or go bankrupt?

The rezoning ordinance will eliminate those permitted uses under GR not necessary to the project. Recorded restrictive covenants will burden the property and run with the land, thereby making the restrictive covenants applicable to any successor owner of the property.

13. Might zoning roll back with any change of use or abandonment of the project?

No, see response to #12 above.

14. Red River is a dividing line between commercial development and single family areas. Would redevelopment of the Perry Estate encourage more commercial development west of Red River or discourage renovation of the Emma Long House on the corner of Park Blvd. and Red River?

To the contrary - the proposed redevelopment will stabilize the surrounding neighborhood and encourage quality restoration of surrounding single-family homes and redevelopment of existing commercial properties in the area to higher-quality uses. The conditional overlays imposed as part of the rezoning ordinance, development restrictions established as part of the recorded restrictive covenants, historic zoning development regulations, other development regulations applicable to the project, and the unique nature and quality of the development proposed for the estate will all serve to stabilize rather than destabilize surrounding land-uses. A sustainable use for the Perry Estate that respects and enhances the historic role of the Estate in the neighborhood and respects the established neighborhood character will increase the desirability of the surrounding area as doubts about the future of the Perry Estate are resolved. The Perry Estate is a unique property (ten acres with historically significant improvements) in the City, and as such requires and justifies zoning appropriate to ensure its stabilization and preservation for existing and future residents of the neighborhood and the City.

15. Light pollution.

The desired ambiance of the project for guests will dictate that all on-site lighting will be very low-level, shielded, and designed to provide minimum safety lighting for paths and drives. No pole-mounted lights will be used and no service lights that project onto adjacent property will be used. Lighting on the property will comply with City compatibility requirements, including requirements that exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent single family property, and highly reflective surfaces will be limited pursuant to those regulations. Light levels at night will be comparable to existing conditions.

16. Has the estate been marketed as a single family property or single family plus school property?

Yes but all brokers consulted indicated that residential use in the property's existing configuration is not likely or desirable given its proximity to Hancock Center and IH35.

17. What assurances are there that the schematic site plan shown is indicative of how the project will be built?

The conditional overlays of the approved rezoning ordinance, and the recorded restrictive covenants will tie many of the development standards of the project to the site plan. We can commit in writing to the scale and massing of what is presented in our conceptual drawings. We are willing to explore in coordination with the HNA other mechanism(s), including PUD zoning, to ensure that the site plan is representative of what will be built.

18. If the developer is interested in green building and a botanical garden feel, how might this be incorporated as a development regulation?

We are committed to an intensively landscaped project using regionally-appropriate plantings and to using locally-sourced and sustainable building materials and labor, sustainable operating practices (including an intensive recycling, composting, and gardening program), and sustainable technologies (including solar, passive solar, green roofs, rainwater capture, greywater irrigation, geothermal HVAC) and will commit to that in writing. Green building standards will be incorporated as conditional overlay of the approved rezoning ordinance.

19. How would development regulations differ if this were a bed and breakfast or a smaller 14 room boutique hotel, such as St. Cecelia?

	<u>St. Cecelia</u>	<u>Perry Estate</u>
Acreage:	1.0468	9.806
Maximum Building Height:	35'	30'
Maximum Building Coverage:	50%	Approximately 25%
Maximum Impervious Cover:	60%	Approximately 40%
Maximum FAR:	.5 to 1	Approximately .25 to 1
Minimum Setbacks:	10' and 15'	25'