



MEMORANDUM

TO: Mayor and Council

FROM: Rodney Gonzales, Director, Development Services Department (DSD)
Rob Spillar, Director, Austin Transportation Department (ATD)

DATE: May 9, 2016

SUBJECT: Grove at Shoal Creek Traffic Impact Analysis

CC: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Robert Goode, Assistant City Manager
Greg Guernsey, Director, Planning and Zoning

This memorandum provides information regarding the Traffic Impact Analysis (TIA) review for the Grove at Shoal Creek Planned Unit Development (PUD) and related transportation issues.

TIA Review Process and March 22, 2016 Meeting with Applicant

The TIA review process began with the submittal of the PUD Development Assessment on April 3, 2015. Over the last approximately 12 months, the TIA has been through four formal review cycles; meetings with the applicant, interested neighbors and the Bull Creek Road Coalition (BCRC); multiple revisions; and review of informal submittals.

Staff from the Development Services Department and Austin Transportation Department (ATD) extensively reviewed the TIA. The applicant has been required to provide much more detailed transportation information than a typical PUD to ensure adequate right-of-way and acceptable operations for improvements proposed to mitigate the traffic impacts of the project.

On February 2, 2016, the applicant submitted an updated TIA. Due to interdepartmental discussion on several major elements of the TIA, comments had not been released as of March 21, 2016.

CM Pool office response:

Our understanding is that although there were multiple formal review cycles, as of March 22, 2016, the applicant had not provided responses that were sufficient enough to clear staff's concerns and finish the review. In our meetings on this topic, it was represented to us that the TIA review was not completed because of staff illness – but also because the applicant had not provided adequate responses.

On Tuesday, March 22, 2016, staff from ATD, DSD and the Planning and Zoning Department (PAZ) met with representatives and transportation consultants for the Grove, at the applicant's request, to discuss the transportation elements of the PUD.

Staff present at the meeting were Eric Bollich, PE, PTOE, Managing Engineer, ATD; Annick Beaudet, AICP, System Development Division Manager, ATD; George Adams, CNU-A, Assistant Director, DSD; Andy Linseisen, PE, Managing Engineer, DSD; Bryan Golden, Transportation Reviewer, DSD; and Jerry Rusthoven, AICP, Current Planning Manager, PAZ. Scott James, PE, Transportation Engineer, DSD, was invited to the meeting but could not attend due to a conflict. This meeting has been portrayed as being inappropriate or favoring the applicant and this is not the case. It is neither unusual nor inappropriate for senior staff to meet with an applicant to discuss the details of a project, and this is routine.

CM Pool office response:

Our office is not concerned that senior staff met with the applicant to discuss the details of the project; we would like more clarity about certain actions that appear to have occurred during and following the March 22 meeting.

Our understanding is that as of March 22, 2016, the applicant had not provided responses to staff review comments that were sufficient enough to resolve those comments. However, the review process by transportation review staff was ceased, and the approval process appears to have moved forward following the March 22 meeting – even though the applicant does not appear to have provided the information needed to resolve the outstanding comments.

For a project of this size, scope, complexity and controversy it is incumbent upon senior staff to be fully informed and responsible for key decisions. At the March 22nd meeting, the applicant agreed to provide substantial additional improvements not previously committed to, which include the following:

- Dedication of Jackson Street as public street and provision of a public roadway connection to 45th Street;

CM Pool office response:

The Master Review Reports indicate that review staff were asking for both Jackson Avenue plus the PUD collector street network to be dedicated as public streets. This bullet point indicates that staff achieved public street status for Jackson, but conceded the PUD collector street network as private.

- Dedication of a 5 foot public access easement at the northwest corner of Bull Creek Road and 45th Street;

CM Pool office response:

Although this bullet point indicates that the applicant has agreed to provide an easement at the intersection of Bull Creek Road and 45th Street, the applicant has not demonstrated that he

actually controls all of the necessary easements.

The Master Review Reports indicate that staff was requiring the applicant to demonstrate control over the easements needed for the 45th and Bull Creek Rd improvements. Additionally, management staff indicated in meetings with CM Pool and District 7 staff that the applicant would be required to demonstrate control of those easements before the PUD application could be approved by Council.

We still do not have any evidence that the applicant has secured the necessary easements. Our concern is that if those easements are not secured, the transportation improvements will not be optimal, and the City of Austin will then be responsible for mitigating traffic problems caused by this development.

- Construction of a shared-use path for bicycles and pedestrians along Bull Creek Road as a protected facility;

CM Pool office response:

Staff comments in the Master Review Reports indicate the “shared-use path” has been an integral part of the applicant proposal for Bull Creek Road since the beginning, not an addition as of March 22. Questions remain about that shared-use path and the protected facility that is described here, including whether the taper at the southern end of the applicant’s property is sufficient for bicycle safety.

- Dedication of public access easements to Shoal Creek at the north and south end of the property for bike and pedestrian facilities;
- Funding of design and construction of a bike and pedestrian bridge over Shoal Creek;

CM Pool office response:

While there are details of that funding in the PUD notes, there are a number of unresolved items that call into question the proposal’s viability. For instance, under the proposed agreement, the applicant’s engineer will set the funding amount without oversight or approval by city staff, the applicant has asked that their contribution be capped at \$750,000, and there is no requirement that the applicant fund the bridge “from end to end.” The language in the PUD notes appears to leave open the possibility that the City of Austin could be required to contribute to the construction of this bridge.

- Minimum geometric standards for internal private streets; and

CM Pool office response:

Transportation review staff comments in the Master Review Reports up to March 22 indicate that the applicant’s internal private street design were not compliant with recommended geometric dimensions. Those comments were removed with a Master Review Memo from March 25, which followed the March 22 meeting with management staff and the applicant’s representatives.

- Establishment of a cap on the Phase 1 development prior to completion of the

improvements to Bull Creek Road and the intersection of Bull Creek Road and 45th Street. The final cap is to be established as part of the Traffic Phasing Agreement.

The applicant's agreement to provide the above improvements, in addition to previously identified improvements, allowed ATD and DSD staff to determine the project was mitigating the traffic impacts of the proposed development and to advance the transportation review process subject to conditions outlined in the staff comment memo dated March 25, 2016. A list of transportation improvements proposed by the applicant and the March 25 Memo is included as attachments. Remaining transportation issues which are to be finalized prior to third reading of the PUD ordinance include requirements for fiscal posting and phasing of construction for required improvements, which will be outlined in the Traffic Phasing Agreement that will accompany the final PUD Ordinance.

As noted in the staff comment memo dated March 25, 2016, comments related to detailed design requirements were deferred to the subdivision construction and site development permit review. These comments will be issued to the applicant under separate memorandum (attached) and will be required to be addressed as part of ATD and DSD review of detailed construction plans for the proposed improvements. Deferral of the final design of these improvements has also been portrayed as favoring the applicant; however, this is standard practice for PUD and conventional zoning cases.

CM Pool office response:

Review staff requested design requirements related to proposed improvements in the Master Review Reports "prior to PUD approval" – however, the applicant did not provide sufficient information to resolve staff's comments. Nevertheless, management decided to postpone these details to the site plan stage, once zoning entitlements have been granted by Council. Emails between review staff indicate that they were concerned that deferring these details to site plan, as agreed in the March 22 meeting with management, would not provide the level of review needed to ensure proper design and safety.

The alternative is to require the applicant to design and engineer, at significant cost, transportation infrastructure improvements prior to Council review or approval of zoning entitlements for the property.

CM Pool office response:

That's correct. When you are proposing an intense development such as this one, careful detailed design and engineering is a requirement to avoid future failings and reduce the possibility of future City of Austin expenditures to fix those failings.

Public Street Connection to W. 45th Street

Representatives from BCRC and neighborhood residents have expressed concern over a proposal to provide a public street connection from Bull Creek Road, through the Grove property, and connecting to W. 45th Street where a single-family residence is currently located. The applicant acquired the property at 2627 W. 45th Street in April 2015 for the purpose of providing access between the proposed PUD and W. 45th Street. The applicant presented their Master Plan showing the proposed street connection to the BCRC in July 2015 and identified the street connection as an

option for staff consideration. The Alternative Vision plan proposed by BCRC (<http://www.bcrctx.org/alt-vision/>) also shows a pedestrian and bicycle connection through the property at 2627 W. 45th Street.

CM Pool office response:

Pedestrian/Bicycle access is different than vehicular connection. The BCRC's Alternative Vision was developed using the applicant's design, which showed pedestrian and bicycle access through 2627 W. 45th St. as a baseline. It retains the applicant's proposed pedestrian and bicycle connection, but does not indicate support for a vehicular connection. The BCRC plan also contains many other elements that should be noted, such as less square footage of development across the parcel, more parkland, more buffer for surrounding communities, and more open space.

The proposal was idle for many months as no additional analysis was provided and the focus was on other potential transportation improvements. As part of their February 2, 2016 TIA submittal, the applicant provided an analysis of the W. 45th Street connection, and staff was able to determine this provided measurable improvement for traffic circulation. Based on this determination, staff recommended including the street connection as part of the transportation improvements.

The property at 2627 W. 45th Street is 59.8' wide. If utilized as a street, the proposed ROW width of 59.8' is greater than the typical 50' ROW width common to other local streets in the area. It is anticipated that this connection will be designed as right-in, right-out only and will be limited to passenger and emergency services vehicles. Staff has requested a preliminary design from the applicant and will evaluate the proposal in more detail prior to review by the Zoning and Platting Commission.

CM Pool office response:

Emails from review staff to a resident at a neighboring property seem to indicate staff expected that if a vehicular connection was proposed at 2627 W. 45th St., the TIA would be revised to incorporate that information since it would have "profound implication for the site's traffic distribution." Will the TIA be revised to incorporate this access point? And will the analysis described in this memorandum include a "feasibility study" and will our review staff be tasked with approving it?

Additional Questions Asked by the Community

Two questions have been asked by the community regarding the process for review and approval of TIA's. The first is which department has authority over the TIA Application? In the case of TIA's, the responsible Director refers to the Director of the Austin Transportation Department.

The second is related to Land Development Code Section 25-6-141. In the zoning context, Chapter 25-6 affords Council the legislative discretion to approve an application if it finds that adverse traffic effects are "satisfactorily mitigated" or that additional traffic will have "an insignificant effect on a residential street." That standard, which is the basis for staff's evaluation, does not prevent approval of a zoning case where adjacent roads are operating below the standards established by Section 25-6-116 (*Desirable Operating Levels for Certain Streets*).

Additional Analysis Requested by Council Member Pool

In a letter to the City Manager dated April 13, 2016, Council Member Pool made the following transportation-related requests. A brief response to each of the requests is provided below.

Analysis of Jackson Avenue Connection to W. 45th Street

As mentioned above, staff has requested the applicant provide a preliminary design of the proposed Jackson Avenue street connection to W. 45th Street. As of May 6, 2016, staff has not received the preliminary design from the applicant. Once provided, staff will evaluate the proposal in more detail prior to review by the Zoning and Platting Commission.

CM Pool office response:

Will this analysis include the “feasibility study” and will city transportation review staff be tasked with approving it?

Full Build-Out Analysis of Jackson Avenue

The applicant has proposed mitigation at the intersections of Jackson Avenue/35th Street and Jackson Avenue/Bull Creek Road, including modified lane configurations and signalization, respectively. ATD and DSD deem this mitigation as acceptable under future traffic conditions. Streets can typically accommodate thousands of daily vehicles and are constrained by their intersections. Because the intersections of Jackson Avenue with 35th Street and Bull Creek Road are projected to operate acceptably under build-out conditions, further mitigation measures have not been identified at this time. However, ATD and DSD are requiring that Jackson Avenue be evaluated when the intersection improvements are needed to determine whether additional measures, such as traffic calming, would be appropriate.

CM Pool office response:

CM Pool asked for an analysis of Jackson Ave as a “collector street” if it is built out with the connection to 45th Street. That question is not addressed here.

If Jackson Avenue is constructed as a collector street connecting 35th Street to 45th Street during Phase 1, the analysis and feasibility of this public street will need to be studied before PUD approval by Council, and any necessary transportation improvements need to be proposed and approved by city transportation review staff.

Adequate Right-of-Way for Improvements Proposed to the Intersection of W. 45th and Bull Creek Road

The applicant submitted a preliminary layout of the proposed intersection which shows existing and proposed rights-of-way and easements for improvements. The applicant has indicated they are working to acquire necessary easements or right-of-way on the southeast corner to accommodate a proposed right turn lane from Bull Creek Road to eastbound 45th Street. The applicant is also obtaining an easement on the northwest corner to accommodate sufficient space for receiving the dual northbound to westbound left turn lanes. If the applicant is unable to acquire the needed land, a revised design or phasing of improvements to secure missing rights-of-way will need to be

reviewed and approved by ATD and DSD.

TIA Phasing Agreement to be presented to ZAP

Staff is working with the applicant to formalize the terms of the TIA Phasing Agreement. If a draft is available at the time of ZAP consideration, staff will provide the draft agreement. The Phasing Agreement will be provided as part of City Council back up material for consideration of the PUD.

CM Pool office response:

The PUD should not be scheduled at the Zoning and Platting Commission before the TIA Phasing Agreement is finalized; the Council will need the input of the commission on the full PUD agreement, including what is proposed in the TIA Phasing Agreement.

Proposed Bridge over Shoal Creek

The applicant will provide an engineer's estimate of the proposed bridge over Shoal Creek to provide pedestrian and bicycle connectivity between the project site and the adjacent Texas State Library and Archives Commission property. ATD and DSD will determine whether this estimate exceeds the maximum funding that the applicant is willing to contribute to construction of the bridge.

CM Pool office response:

This response calls into question the bridge's ultimate viability, as currently proposed. Because the applicant both selects the engineer to provide a cost estimate and has a maximum funding cap, there is a scenario in which the applicant could provide less than the amount actually needed to construct the bridge. In that scenario, would the city be required to share cost on the bridge? If not, would the bridge be built?

Median on Bull Creek Road at Oakmont Boulevard

A raised median is proposed on Bull Creek Road at its intersection with Oakmont Boulevard/W. 40th Street/Driveway 4. It would assist pedestrian crossings and prohibit left turns to and from Bull Creek Road.

CM Pool office response:

Has the applicant committed to this median? Will this be in the TIA Phasing Agreement?

Examples of other Street Widening

Streets are frequently widened within the City's right-of-way to accommodate additional travel or turn lanes. A comprehensive database of examples is not maintained.

CM Pool office response:

This response provides no examples or precedent. It also does not provide examples of single-family homes that have been removed to install a road between adjacent single-family homes.

Next Steps

Planning and Zoning Department staff, with assistance from other City departments, are formulating a PAZ recommendation for the Grove PUD.

CM Pool office response:

It should be noted that, as of Friday, May 6, Greg Guernsey and Jerry Rusthoven communicated with several Council offices, the applicant, and the communities around The Grove site, that they do not find the PUD application to be "superior" at this time. It is up to the applicant to provide an improved application or choose another path.

PAZ staff intends to meet with the applicant and interested parties prior to finalizing the recommendation. Once this is complete, the case will be heard by the Environmental Board, the Zoning and Platting Commission, and finally the City Council. The dates for these public hearings have not yet been determined. I hope this provides useful information for your consideration. Please feel free to contact me at (512) 974-2313 or George Adams, Assistant Director at (512) 974-2146 if you have questions or concerns.

Attachments:

- List of Proposed Transportation Improvements
- March 25, 2016 Memorandum
- May 9, 2016 Memorandum
- Staff Response to Questions from Grayson Cox