



MEMORANDUM

TO: Assistant City Manager Robert Goode

FROM: Rodney Gonzales, Director, Development Services Department
Robert Spillar, Director, Austin Transportation Department

DATE: September 9, 2016

SUBJECT: **Process for the review of the Proposed Grove Development**

Rodney Gonzales
Robert Spillar

The purpose of this memorandum is to address questions and concerns expressed by members of City Council regarding the review process undertaken for the Grove at Shoal Creek Planned Unit Development (PUD).

A Traffic Impact Analysis (TIA) is both a planning and technical document that incorporates the forecasting of future transportation conditions and the implementation of traffic mitigation measures. Applications for zoning changes require the submission of a TIA if the resulting change in land uses or density will result in an increase of more than 2,000 trips per day. The TIA describes the potential impacts of a proposed development on the transportation system within the area of the proposed zoning change. The TIA also includes proposed traffic mitigation measures that could be implemented to offset the potential impacts on the transportation system. The role of both the Development Services Department (DSD) and Austin Transportation Department (ATD) is to review and scrutinize the TIA and to assess the potential development impacts and proposed mitigation as part of the zoning change request application.

Establishment of Improvements

During the change of zoning application, it is appropriate to only review conceptual designs of the proposed development and traffic mitigation measures. At this stage of the proposed development, it is financially imprudent for the project applicant to spend the time and money to bring forward site specific details. The information from conceptual designs is sufficient to model future improvements and mitigation proposals. The conceptual designs show the overall approximate configurations and geometry of proposed improvements based on site record information and identify the locations of significant constraints such as existing right-of-way widths. The conceptual designs are utilized as the basis for future construction documents to implement the traffic mitigation measures. The construction documents are reviewed for approval through the City's Site Development Permit process.

Site Development Permit Process

The City of Austin's Site Development Permit process includes a multi-department and multi-disciplinary review of detailed engineering construction documents to ensure project compliance with adopted City of Austin Codes and Ordinances. As part of the final engineering design process, conceptual designs proposed within the TIA are refined to accommodate constraints identified by current as-built site surveys and compliance with code and criteria. The as-built surveys provide site specific details including tree, topographic, utility locations, and right-of-way. The Site Development Permit process is coordinated by DSD. Projects that propose the implementation of mitigation improvements are reviewed by the DSD transportation review team, the ATD transportation review team, and where applicable, the Texas Department of Transportation, Travis County, and Williamson County.

Transportation Review Process

The Austin Transportation Department (ATD) has received questions and concerns related to the process for review of Transportation Impact Statements (TIA) by the office of the City Traffic Engineer and staff in the Department. ATD has provided a separate memorandum related to the technical issues raised and the following subsections respond to procedural issues.

- Senior Management Participation:

Senior management in the Austin Transportation Department (ATD) participated directly in the review of the Grove TIA. A concern has been voiced that senior staff somehow suppressed or discounted the opinions of junior or “front line” engineers in an effort to support the claims of the developer. The implication is that senior staff are less qualified than front line staff to analyze and determine appropriate mitigation for traffic impacts identified in the developer’s Traffic Impact Analysis (TIA).

ATD was formed in 2008. As part of that formation, ATD inherited various elements and responsibilities of the One Stop Shop Development Services unit related to mobility. Right-of-way management transitioned to ATD and we provide technical support through the one stop shop for review and analysis of development impacts to the physical right-of-way. Likewise, transportation related analyses (whether made in Development Services or directly by ATD transportation engineering reviewers) are made under the authority of the City Traffic Engineer which resides within ATD. The City Traffic Engineer position is identified by the City Charter as the office with authority to make operational recommendations and administrative decisions within the city related to mobility. Since the formation of ATD, registered engineers in ATD have increasingly taken responsibility for detailed review of TIAs, especially when significant elements of the Austin transportation network are potentially affected (i.e., critical arterials, access to major regional corridors such as IH 35 and MoPAC, and the Capital Metro Transit system). ATD assists in all TIAs and Development Service reviews, but is most involved when the anticipated project may result in more complicated transportation issues. In the past several years, as ATD has gained sufficient staffing in the traffic engineering division, we have been able to apply the appropriate oversight for those projects requiring greater scrutiny of their TIAs.

ATD maintains a documented organizational structure. Front line engineers report to division managers; division managers to assistant directors; and all perform their responsibility under the supervision and authority of the City Traffic Engineer. The Director of Transportation is designated by the City Manager as the official City Traffic Engineer. All decisions and communications by individuals within the department are made on behalf of the City Traffic Engineer and under his/her delegation of responsibilities. Complicated projects, including ones that draw the attention of City policy makers, are elevated in ATD to assure that the City Traffic Engineer is fully vested in the position being taken. Historically, this has been true on high profile projects such as the Triangle and Mueller Redevelopment Project. More recently, this was the case for the Garza Tract and now the Grove where the City Traffic Engineer participated in the review and determination of the appropriate response.

The City Traffic Engineer chose to increase senior management involvement in the Grove project because of the sensitivity of the issues related to traffic and after council offices expressed concerns with the project and review process. It is more appropriate for the City Traffic Engineer (Director) to respond to Council questions and public inquiries on controversial developments rather than front line staff so that junior staff are shielded from public pressure and can perform their best technical work. This allows junior staff to make recommendations to the City Traffic Engineer

based on their technical insights. The process does however mean that the official opinion is formed through a cumulative consensus building process. Senior staff, all of whom are registered engineers in the State of Texas, have the responsibility of recommending to the City Traffic Engineer a course of action so the City Traffic Engineer may recommend a course of action to the City Manager.

In the case of the Grove, the internal technical discussions have resulted in healthy debate of the various elements related to mobility. It is rare that a City is presented with the redevelopment of nearly 70 acres of vacant land within an established urban neighborhood. It is clear that any development of the Grove property will result in dramatically changed traffic generation and travel patterns than exist today. No doubt, properties immediately adjacent to the existing vacant property will see the greatest changed conditions compared to the remainder of the surrounding neighborhood. Taking the competing needs of the existing community and those of the developer into consideration, it is the responsibility of the City Traffic Engineer to determine if the project proposal adequately mitigates the mobility impacts it is likely to cause. If that development, like the Grove, is within an existing urban neighborhood where travel conditions are already congested, the responsibility to mitigate the project impacts remains a requirement of the development. A proposed development is not required to remedy existing deficiencies, only to mitigate traffic generated by the project. If a proposed development can present a plan through a TIA that demonstrates it adequately mitigates that development's impacts, then it is the duty of the City Traffic Engineer to make a positive recommendation to Council.

- **Front-Line Staff Comments:**

An e-mail from a front line engineer in ATD to the Manager of the Traffic Engineering division has been used to speculate that there is a difference in opinion between front line staff and senior management at ATD (see attached March 22 e-mail). The e-mail refers to comments made by the staffer and other front-line staff in a draft memorandum dated March 22nd that was drafted by the front line engineers but not sent to the developer. The DRAFT memo from the front line staff included what was observed to be information/requests appropriate for the zoning discussion and other comments that were more appropriate for the design review. The front line staff engineer was uncomfortable with the information that was going to be withheld from transmittal until the more detailed phase of the review process and wanted his name removed from the communication. Subsequent discussions between front line staff and engineering management suggest that the reason for the concern was that front line staff did not have the understanding that developments going through both the zoning and the site development process receive ATD scrutiny at both phases of development and that it was the intent of the City Traffic Engineer to require ATD review of the site plan level mitigation designs.

All concerns and comments raised by the front line engineers were in fact communicated to the developer or his agents over the course of the summer, except for one related to addressing existing grass triangles at the corner of 45th and Bull Creek (i.e., a comment intended to correct an existing design deficiency – not a zoning issue). The table below provides the cross reference between the points raised by the front line engineers and those transmitted to the developer.

Cross Reference Table

March 22, 2016 DRAFT front line engineering recommendation	Communication to developer
TIA comment 1 related to Bull Creek and 45 th Street	Transmitted to developer June 28, 2016, TIA comment 1
TIA comment 2 related to concrete safety barrier along Bull Creek Rd.	Transmitted to developer June 28, 2016 TIA comment 10
TIA comment 3 related to 14% traffic on Jackson Street	Transmitted to developer June 28, 2016 TIA comment 2
TIA comment 4 related to transit headways	Transmitted to developer March 25, 2016 TIA comment B
Bull Creek Rd/45 th Street comment related to design of sidewalk and space for signal cabinet	This is a minor design comment. At a March 22 nd meeting with the developer, the developer agreed to the higher mitigation participation and to all mitigation requirements – regardless of final cost, including the remedy of existing identified deficiencies in the intersections they are reconstructing.
Bull Creek Rd Item 1 related to PHB and crosswalks at driveway 1	Transmitted to developer June 28, 2016 TIA comment 3
Bull Creek Rd Item 2 related to traffic signal, crosswalk at driveway 2	Transmitted to developer June 28, 2016 TIA comment 5
Bull Creek Rd Item 3 related to refuge island driveway 4	Transmitted to developer June 28, 2016 TIA comment 7
Bull Creek Rd Item 4 related to PHB at driveway 4	Transmitted to developer June 28, 2016 TIA comment 8
Bull Creek Rd Item 5 related to 167' taper south of driveway 4	Transmitted to developer June 28, 2016 TIA comment 9

(See Memorandums, attached)

As can be seen from the cross reference table, all recommendations raised by front line engineers were communicated to the developer. Furthermore, in a June 28, 2016 transmittal to the developer, it was clearly communicated to the developer that staff reserved the right to review the development mitigation measures at the site plan review and approval stage of development (See Jeff Howard Memorandum, June 28, 2016). Referring to geometric elements of the proposed mitigation concepts, the notice reads “These elements may affect site plan review and approval as they are considered integral to the viability of the subject development as proposed.”

From a management perspective, we believe and maintain that the process was transparent and provided sufficient time for all levels of the organization to be heard and involved in the process. Participation at all levels of the organization was facilitated and there was no truncation of the process. As Directors responsible for the One Stop and development services, we stand behind the cumulative recommendation that represents the input of both junior and senior staff (all of whom are registered professional engineers).

- **Traffic Phasing Agreement:**

The Grove is a unique development in that it was previously owned by the State of Texas and therefore had no zoning prior to its sale. The developer has proposed Planned Unit Development (PUD) zoning so that they can have greater assurances as to their final investment. Once zoning is established, PUD or otherwise, the development will then move to the site development stage. Staff review of the mobility attributes occurs at both stages of development, zoning and site development. At the zoning stage of development, it is incumbent on the developer to show

plausible concepts to mitigate the estimated transportation impacts caused by the development. They are required to provide a proof of concept for mitigation. Perfection of those mitigation concepts occurs during final design. At the site development phase, design-tested mitigation solutions are presented to support the concepts proposed during zoning.

As part of the Grove TIA, a traffic phasing agreement is included as an integral part of the recommendation. The traffic phasing agreement becomes part of the restrictive covenant on the property. The phasing report describes specific traffic outcomes that are to be achieved prior to the attainment of certain development rights and milestones. As the project enters the project development phase, and if additional design level traffic mitigation is determined to be needed, the City Traffic Engineer has the right to demand those modifications. In other words, the developer is locked into the mitigation concept included in the recommended TIA and has to demonstrate through geometric design that the development can achieve the mitigation levels prior to receiving a site development permit. Because the site plan must be approved prior to the start of construction, the City maintains its authority and leverage over the development to achieve the necessary mitigation.

- **Determination of Traffic Mitigation:**

The amount of mitigation required of a development must be commensurate with its impact on the system. This principal is known as rough proportionality and requires each development to pay its roughly proportionate amount of the cost of improvements needed for the surrounding networks (as determined by the City Traffic Engineer). Funding from this calculation can only be used on new capacity improvements.

The city is also bound by historical practices with regards to establishing developer participation rates. The local practice of pro rata share has been used for decades in setting mitigation levels and has often resulted in lower levels of developer participation as compared to the calculated rough proportionality.

When the Grove development was first presented to ATD reviewers for consideration, the developer approached it from the pro rata share perspective, yielding an offer of just \$750 thousand in proposed mitigation. Because of the diligence of ATD review staff, mitigation proposed as part of the recommended TIA is nearly \$3.2 Million and includes major improvements to Bull Creek Road, a new public street through the development, bicycle improvements, a major multi-purpose trail connection across Shoal Creek, and many safety enhancements. This increased level of mitigation (four times what would normally have been accepted in previous development review processes) is directly the result of coordinated review effort by front-line and management staff throughout the process. The increased commitment funding for mitigation by the developer and resulting from the more involved process is evidence of this.

As part of the PUD process it is typical to require a developer to donate the right-of-way necessary for mitigation at the time of PUD designation. However, when the necessary right-of-way is not currently owned at the time of PUD designation by the developer, the developer can be allowed to proceed at his/her financial risk. In the case of the Grove, the developer can proceed at his/her own risk that they will not obtain the necessary right-of-way to complete the identified mitigation project and therefore be subject to the elements of the phasing agreement (i.e., in the specific case of the Grove, they could build up to the 2000 vehicle trips without the necessary mitigation and right-of-way, but without the mitigation they would not be able to develop beyond the 2000 vehicle trip limit.

If for whatever reason a developer cannot achieve the mitigation promised in an approved TIA, the developer may propose alternate designs or alternative delivery methods to achieve the level of required mitigation, but the traffic impacts must still be mitigated for the development to be realized. The bar is set high to match or improve upon the mitigation offered in the original TIA.

- **SYNCRO Files:**

A question has been raised related to denial of access to SYNCRO modeling files used in the development of the TIA.

As part of the City's standard review process, the Transportation Department requests SYNCRO traffic simulation files from developers when they prepare a TIA. The SYNCRO files contain data that is used to develop the traffic simulation model in the TIA.

As you know, the City received a public information act request for the SYNCRO files, among other things. The Developer's traffic engineer informed the City that he did not want to release its SYNCRO file data because it is proprietary information.

When the City receives a public information act request for information created and submitted to the city by outside companies, and they object to its release, the City must write to the Attorney General and request permission to withhold the requested documents. That is what happened in this situation. On March 15, 2016 the City advised the Attorney General that the information was being requested and asked for a determination whether the information should be withheld from release.

On March 20, 2016 the Office of the Texas Attorney General ruled that the information embodied by the coding in the SYNCRO file could be withheld from release under the public information act. While the City is able to supply conclusions based on the modeling and tabulations of input and output data, the City may not release the underlying electronic SYNCRO networks and other coding specifics. Any public release of this information is solely at the discretion of the Developer's traffic engineer.

- **March 22, 2016 Meeting:**

Concerns have been expressed by a Council office regarding this meeting. This meeting has been described in a previous memo distributed on May 9, 2016 (attached). The meeting provided an opportunity for senior staff, including the City Traffic Engineer, to confirm issues that remained unresolved such as the connection of Jackson Street with 45th Street. All issues resolved at this meeting were informed by the work completed by front line staff and based on the collective knowledge of the participating departments.

- **Unsigned Memorandums:**

Concerns have been expressed by Council offices regarding memorandums produced by ATD staff in regards to review comments that did not carry the signature of the engineer responsible for the communication.

Attached are the two memorandums specifically raising concern for Council offices. In preparing this response, authors of both communications were consulted (Gordon Derr and Eric Bollich with regards to the 6/28/16 memo; Andrew Linseisen and Gordon Derr with regards to the 7/11/16 joint internal memorandum).

The 6/28/16 memorandum to the developer indicates that the communication is from the Austin Transportation Department. It was coordinated and compiled by ATD's transportation engineering division and should have carried the name or signature of that Division Manager, Eric Bollich, as the author so that we could better track the communication. However, the communication was part of the on-going negotiation of mitigation measures and evaluation issues with the developer. This memo was accompanied with a verbal communication as well and the information was successfully transmitted.

State Law and City Policy do not require such a memorandum to be signed by a registered engineer. The letter represents a negotiations letter where the City staff member, on behalf of the City Traffic Engineer, is working through the definition of the needed mitigation and elements of the proposed Grove improvements. The completed Traffic Impact Analysis (TIA) dated March 28, 2016, represents the engineering document that requires a professional seal from the engineer of record (in this case, the developer's engineer). The City's acceptance of the TIA with identified modifications will be memorialized by Council action.

The 7/11/16 internal memorandum to the case manager at PAZ clearly indicates the two registered engineers from whom the communication was sent. The communication was sent via internal city e-mail. Our understanding is that there is no city policy that requires such electronic memorandums to be signed, nor is there a state law that requires such a memorandum to be signed. The original communication was coordinated through Andy Linseisen and sent by him electronically, after he had received confirmation from Gordon that he approved. This memorandum does not represent a record of an engineering opinion. It is part of the negotiations record expressing the needs of the City. As with the previous memo, the engineering record is established when the TIA is sealed by the developer's engineer and then memorialized by Council action.

The Transportation Director recognizes that it is a superior practice to sign external communications. Internal communications that may be transmitted to an external customer would also benefit from signature. The Transportation Director will be reviewing departmental practices and procedures to make this our standard in ATD.

Attachments

- Andre Betit email, March 22, 2016
- Bryan Golden Memorandum, March 22, 2016
- Brian Williams/James Schwerdtfeger Memorandum, March 25, 2016
- Jeff Howard Memorandum, June 28, 2016

From: Betit, Andre
Sent: Tuesday, March 22, 2016 2:48 PM
To: Bollich, Eric
Cc: Craig, Brian
Subject: RE: revised comments memorandum on The Grove TIA

Eric,

As we discussed, please remove my name from the memo.

Thanks,

André

André H. Betit, Jr, PE
Engineer C
1501 Toomey Rd.
Austin, TX 78704

Office: (512) 974-4091
Fax: (512) 974-4068
Andre.Betit@austintexas.gov

From: Bollich, Eric
Sent: Tuesday, March 22, 2016 1:43 PM
To: James, Scott <Scott.James@austintexas.gov>; Linseisen, Andrew <Andrew.Linseisen@austintexas.gov>; Adams, George <George.Adams@austintexas.gov>
Cc: Barua, Upal <Upal.Barua@austintexas.gov>; Golden, Bryan <Bryan.Golden@austintexas.gov>; Craig, Brian <Brian.Craig@austintexas.gov>; Borkar-Desai, Dipti <Dipti.Borkar-Desai@austintexas.gov>; Beaudet, Annick <Annick.Beaudet@austintexas.gov>; Derr, Gordon <Gordon.Derr@austintexas.gov>; Betit, Andre <Andre.Betit@austintexas.gov>
Subject: RE: revised comments memorandum on The Grove TIA
Importance: High

We (Andy, George, Gordon, Annick) met this morning and discussed the Grove issues and our comments. We have a meeting **this afternoon at 4:00** with the applicant team to talk through our comments. So please review that I've captured them correctly and offer comments ASAP.

From: Betit, Andre
Sent: Tuesday, March 22, 2016 9:09 AM
To: James, Scott; Bollich, Eric; Linseisen, Andrew
Cc: Barua, Upal; Golden, Bryan; Craig, Brian; Borkar-Desai, Dipti
Subject: RE: revised comments memorandum on The Grove TIA

All,

I do not feel we should change the ATD memo to remove the comments as I am do not believe we will see this once it passes the zoning stage and these geometric issues are critical.

Thanks,

André

André H. Betit, Jr, PE
Engineer C
1501 Toomey Rd.
Austin, TX 78704

Office: (512) 974-4091
Fax: (512) 974-4068
Andre.Betit@austintexas.gov

From: James, Scott

Sent: Tuesday, March 22, 2016 8:53 AM

To: Bollich, Eric <Eric.Bollich@austintexas.gov>; Linseisen, Andrew <Andrew.Linseisen@austintexas.gov>

Cc: Betit, Andre <Andre.Betit@austintexas.gov>; Barua, Upal <Upal.Barua@austintexas.gov>; Golden, Bryan <Bryan.Golden@austintexas.gov>; Craig, Brian <Brian.Craig@austintexas.gov>; Borkar-Desai, Dipti <Dipti.Borkar-Desai@austintexas.gov>

Subject: revised comments memorandum on The Grove TIA

Andy and Eric,

Good morning, please find attached two revised memoranda for staff comments on The Grove submittal.

They are in DRAFT form and reflect recent discussions on how to amend the comments that are more related to geometric elements (and not necessarily addressed at zoning).

However, I have concerns (shared by both André and Upal), that the staff review of the geometric elements will not occur at site plan, at least not at the same level of scrutiny. Therefore, staff comments on the need for adequate ROW to permit for turning lanes, storage lanes, transitions from at grade to shared use path, etc are valid, even though detailed site design will be handled separately from the zoning application.

With this in mind, I propose to include the general comment:

“Staff reserves the right to conduct further review of the subject application with regard to geometric constraints that may arise due to inadequate or unavailable right-of-way that may affect the operational objectives of proposed infrastructure improvements. These elements may affect site plan review and approval as they are considered integral to the viability of the subject development as proposed.”

This comment may be listed in either DSD or ATD’s memo, perhaps both.

Please advise.

Thanks.

Scott

Scott A. James, P.E., PTOE
Land Use Review | Transportation
Development Services Department
505 Barton Springs Road, 4th Floor

Desk line (512) 974 - 2208



MEMORANDUM

DRAFT

To: Bryan Golden
Development Services Department

Date: March 22, 2016

Project: The Grove At Shoal
Creek

CC: Scott A. James, PE

From: André H. Betit, Jr. PE
Brian Craig, PE
Upal Barua, PE
Austin Transportation Department

Re: TIA Comments
(February 2, 2016)

Page: 1 of 2

The Arterial Management Division has reviewed the February 2, 2016 revision of the traffic report regarding the *"The Grove at Shoal Creek, Traffic Impact Analysis"*, prepared by R-K Traffic Engineering, LLC. The following comments summarize our review findings:

TIA Comments:

1. The 2018 analysis does not include the full build out of the Bull Creek and 45th street intersection. It is our understanding that this intersection will be fully built out prior to completion Phase 1 of the development. We recommend that the Applicant confirm that this intersection will be constructed at the completion Phase 1 of the development.
2. It is unclear from the information contained in the TIA as to when the concrete safety barrier is constructed along Bull Creek Road in association with the bike lane. In addition, it is our understanding that the Applicant will be installing this barrier when Bull Creek Road is reconstructed to provide the other proposed improvements.
3. **Repeat comment ATD7** - It appears from the information provided in the TIA that 14% of the site generated volumes will use Jackson Street. This site generated traffic will more than double the total traffic volume on Jackson Street. However, it does not appear that mitigation has been proposed along Jackson Street to address this increase in traffic. We recommend that the Applicant develop mitigation measures to address this issue.
4. The TIA indicates as part of the transit assumptions that in order for the allowed 5% transit reduction to be appropriate, bus headways need to be decreased from one hour to 10 minutes. It is unclear however if the Applicant has discussed this reduction in headway with Cap Metro. We recommend that the Applicant work with Cap Metro to archive the necessary reduction in bus headways for the 5% reduction to be allowed. If this is not attainable, the analysis will need to be revised for the higher number of trips.



Bull Creek Road/45th Street Intersection Plan – Option 1: - Not recommended

1. This option, as presented creates safety concerns by shifting the northbound through traffic approximately nine (9) feet.

Bull Creek Road/45th Street Intersection Plan – Option 2: - preferred option

1. We recommend that the small grass panels on the northwest, northeast and southeast corners be eliminated to allow for wider sidewalks and the placement of traffic signal equipment. In addition, the sidewalk easement that the Applicant has indicated needs to allow for the installation of traffic signal equipment.

Bull Creek Road Improvements Plan (comments start at the north and head south):

1. The PHB, crosswalks and landings are not shown at Driveway 1. Please show this information.
2. The traffic signal, crosswalks and landings are not shown at Driveway 2/Jackson Street. In addition, no information is shown on Jackson Street related to length of turn lanes and tapers. Please show this information.
3. The pedestrian refuge island show at Driveway 4 does not appear to have offsets to the travel lanes provided. We recommend that one foot (1') minimum offsets be provided.
4. The PHB, crosswalks and landings are not shown at Driveway 4. Please show this information.
5. The 167' lane taper south of Driveway 4 appears to be too short. In addition, it is unclear how the improvements south of Driveway 4 will match the existing conditions, including how the existing northbound bicycle lane will transition onto the multi-use path. Please show this information.



Date: March 25, 2016

To: Brian Williams, P.E. Brown & Gay, Engineering
James Schwerdtfeger, P.E., Big Red Dog Engineering

CC: Sherri Sirwaitis, Case Manager

Reference: Bull Creek Parcel (aka “The Grove at Shoal Creek”)
CD – 2015 – 0009

Staff from the City of Austin Development Services and Transportation Departments have reviewed the revised Traffic Impact Analysis for the Bull Creek Parcel development proposal (hereafter called “The Grove”) and offer the following comments:

GENERAL COMMENTS

- A. Written approval from the Texas Department of Transportation (TxDOT) of the proposed Traffic Phasing Agreement is required for the proposed PUD as various state-maintained roadways are bordering the PUD area.
- B. Pedestrian crossings should be identified and paired with the (proposed) location of transit stops. Provide map showing location(s) of transit stops (current and proposed). The TIA allows for a 5% transit reduction, assuming bus headways are decreased from current service levels. Applicant to provide final written confirmation from CapMetro that current and future services levels on Bull Creek Road will support the 5% transit reduction as presented in the TIA prior to final Council approval.
- C. Comment cleared.

Development Services (Bryan Golden/Scott A. James):

DSD1. Update 1 – After interdepartmental discussion, the proposed development shall dedicate Jackson Avenue as a public roadway to the City of Austin. As agreed by the applicant, Lot 43, Shoal Village Section 2, shall be dedicated as public right-of-way to the City of Austin for the extension of Jackson Avenue to 45th Street. Vehicular access at the intersection of 45th Street and Jackson Avenue shall be limited to “right-in, right-out only.” Staff will review roadway design plans submitted by the Applicant as part of the subdivision and site development permit

process. A pedestrian hybrid beacon may be installed at the intersection of Jackson Avenue and 45th Street to facilitate pedestrian crossings across 45th Street. The timing of the installation of the pedestrian hybrid beacon shall be determined by the Austin Transportation Department.

DSD2. Comment cleared.

DSD3. **Update 1** - Project will be built in two phases: for initial 2018 build conditions (Phase 1), the improvement of the Bull Creek Road/45th Street intersection is required. The phase one improvements shall be inclusive of the following elements: dedication of right-of-way, bicycle lanes, medians, turn lanes, sidewalks, and trails. The details of the phasing and timing of the specific improvements will be finalized with the Traffic Phasing Agreement that accompanies the final PUD Ordinance per the comment below as DSD5. NOTE: TxDOT agreement of the terms of fiscal participation for off-site improvements is required.

DSD4. **Repeat comment** - 2024 build conditions (Phase 2) will include full width reconstruction of Bull Creek Road and improvements to Jackson Avenue. In accordance with ATD TIA Comment 3, the improvements to Jackson Avenue will be identified and addressed at the time of the warrant study to support the signalization of Jackson Avenue and Bull Creek Road.

DSD5. **Repeat comment** - Please provide a draft Traffic Phasing Agreement that clearly outlines the traffic improvements to be built for each phase of the development. NOTE: the traffic phasing agreement will require the approval from the COA Legal Department.

DSD6. Jackson Avenue should be extended to the north through the site from its intersection with Bull Creek Road to 45th Street as a public street, provided the following:

- The City approves the street design sections for the northern extension of Jackson Avenue in lieu of standard City street sections, as shown in the Design Guidelines; and
- The City agrees to provide code modifications to allow the Jackson Avenue right-of-way to be included in site calculations and to allow property on both sides of the northern extension of Jackson Avenue to be included in a single site. DSD and PAZ will determine how this provision is incorporated into the final PUD Ordinance.

DSD7. Other roadways in the project may be private roadways, provided the following:

- Public access and utility easements are provided for the entirety of the private street lengths, granting control to the City of Austin of all traffic elements for intersections between public right-of-way and any private streets/driveways within the development;

- Retail Streets, Green Streets, and Connector Streets shall be designed to include 50 feet minimum tangent for intersection approaches and a 100 feet minimum centerline radius for horizontal curves. Horizontal design geometry for these streets may be varied with approval of the Director.

DSD8. A note will be provided on the Land Use Plan and/ or a provision of the PUD ordinance will be provided stating the following:

The Applicant will post fiscal with the City of Austin for the construction of a bicycle and pedestrian bridge crossing Shoal Creek enabling a trail connection from the site to Shoal Creek Blvd. The amount of the fiscal shall be based on the Applicant's approved engineering cost estimate. Subject to City approval of the proposed bridge location (the City considering environmental, connectivity and other factors) the Applicant will construct the bridge and trail. If the City of Austin or the applicant is unable to secure an easement to allow for the construction of said bridge, the posted fiscal may be utilized by the City to complete other bicycle and pedestrian improvements in the area. The Applicant further agrees to provide easements for future bicycle and pedestrian bridge crossings at both the northern and southern portions of Shoal Creek, whether or not the bridge described above is constructed.

Austin Transportation Department:

For the proposed intersection of 45th Street/ Bull Creek Road:

- ATD1. Comment cleared per Option 2 diagram provided.
- ATD2. Comment cleared per Option 2 diagram provided.
- ATD3. Comment cleared per Option 2 diagram provided.
- ATD4. Comment cleared per Option 2 diagram provided.
- ATD5. Comment cleared per Option 2 diagram provided.
- ATD6. Comment cleared.
- ATD7. Repeat comment - Projected volumes onto Jackson Avenue require mitigation measures along Jackson Avenue.
- ATD8. Comment cleared.
- ATD9. Comment cleared per Bull Creek Road diagram provided.
- ATD10. Comment cleared.

ATD11. Comment cleared.

ATD12. Comment cleared per Option 2 diagram provided.

ATD13. Comment cleared per Option 2 diagram provided.

ATD14. Comment cleared per Option 2 diagram provided.

ATD15. Comment cleared per Option 2 diagram provided.

ATD16. Comment cleared per Option 2 diagram provided.

ATD17. Comment cleared per Bull Creek Road diagram provided.

General Comment

Additional comments from ATD are provided in the attachment. Staff reserves the right to conduct further review of the subject application with regard to geometric constraints that may arise due to inadequate or unavailable right-of-way that may affect the operational objectives of proposed infrastructure improvements. These elements may affect site plan review and approval, as they are considered integral to the viability of the subject development as proposed.

We thank you for the revised TIA submitted in support of this PUD application. City staff will continue to review elements of the proposal and the related Traffic Phasing Agreement. If you have any questions please feel free to contact me or Bryan Golden at (512) 974-3124.

A handwritten signature in black ink, consisting of a stylized 'A' and 'L' followed by a horizontal line.

Andrew Linseisen, P.E.
Managing Engineer
Division Manager, Land Use Review Division
Development Services Department

Attachment



MEMORANDUM REVISED

To: Jeff Howard
McLean & Howard, LLP

Date: June 28, 2016

Project: The Grove At Shoal
Creek

CC: Andrew Linseisen, P.E.
Development Services Department

Sherri Serwaitis
Planning and Zoning Department

From: Austin Transportation Department

Re: Review Comments

The Austin Transportation Department has reviewed the March 28, 2016 (received June 16, 2016) traffic report regarding the "*The Grove at Shoal Creek, Traffic Impact Analysis*", prepared by R-K Traffic Engineering, LLC. The proposal calls for constructing 110 Single Family Homes, a 600 unit apartment building, 425 condo/townhouse dwelling units, a 600 room congregate care facility, 225,000 SF of office, 55,000 SF of shopping center, a 35,000 SF supermarket, plus additional uses. The development would be constructed between Bull Creek Road, Shoal Creek and 45th street. The following comments summarize our review findings:

Unresolved Traffic Impact Analysis (TIA) Comments

Analysis Comments

1. The 2018 analysis, as presented in the TIA, does not include the following:
 - Full build out of the Bull Creek Road and West 45th Street intersection
 - The improvements at the Bull Creek Road/Driveway 1 intersection
 - The improvements at the Bull Creek Road/Jackson Avenue intersection
 - The improvements at the Mopac/45th Street intersection
 - The improvements at driveways 2 through 5 along Bull Creek Road

This analysis was however included in the 2024 analysis. Based on the information provided in the current revision of the TIA, ATD understands that these intersection improvements will be fully built out prior to completion of Phase 1 of the development (see other comments below). Please clarify if otherwise.

2. **Repeat Comment ATD7 from March 2016:** It appears from the information provided in the TIA that 14% of the site generated volumes will use Jackson



Avenue. This site generated traffic will significantly increase traffic volume on Jackson Avenue. However, mitigation has not been proposed along Jackson Avenue to address this increase in traffic. We recommend that when a signal warrant study is conducted by the Applicant for the signal at Jackson Avenue and Bull Creek Road, the Applicant also study Jackson Avenue to determine whether mitigation is needed address the increase in traffic.

Geometric Comments

The Applicant will include design plans addressing these geometric comments, and those addressed by the ATD memorandum dated March 28, 2016 as part of the site plans:

Bull Creek Road/West 45th Street Intersection Plan – Preferred Option 2:

1. ATD had conceptually accepted the concept plan (Option 2) at the intersection of 45 Street/ Bull Creek Road, submitted by the Applicant, dated December 15, 2015 (as per Transmittal, dated March 25, 2016).

ATD recommends that acquisition of all necessary ROW (as proposed in the Plan – Option 2 submitted by the Applicant) and construction of the intersection at 45 Street / Bull Creek Road according to the plan be one of the conditions of approval of the PUD.

ATD also recommends that the Applicant provide documentation that this, and all other ROW, has been obtained to allow construction of the proposed improvements at this location as proposed.

2. The northbound right turn is too narrow to allow for a WB-50 design vehicle to make the turn. The lane should be widened by shifting the outermost curb and not the island curb line.
3. The northern curb face of the pork-chop island must be offset by two (2) feet from the travel lane for eastbound traffic.
4. On the eastbound approach, the 100 feet approach taper is insufficient in length. The taper should be lengthened by narrowing the painted island.
5. The concept plan shows four (4) feet wide sidewalk on the northwest of the intersection along 45th Street. All sidewalks must be minimum five (5) feet wide.

Bull Creek Road Improvements Plan (comments start at the north and head south):

1. It is unclear at this time if sufficient ROW will be obtained for the proposed improvements along Bull Creek Road. In addition, since there are a number of comments regarding the proposed design along Bull Creek Road, it is unclear if



the total ROW needed has been adequately identified, particularly at the PHB locations and the traffic signal at Jackson Avenue. If this ROW is not obtained there is concern that the proposed improvements along Bull Creek Road will not be able to be constructed.

ATD requests that the Applicant provide verification that the required ROW along Bull Creek Road, has been dedicated/obtained to allow construction of the proposed improvements at this location as proposed.

2. Tapers shown between the back-to-back turn lanes are insufficient in length. A single taper between the two turn lanes should be provided.
3. The PHB, crosswalks and landings are not shown at Driveway 1. Please show this information.
4. The 185 feet taper on the northbound left turn approach to Jackson Avenue is insufficient in length. Lengthen the taper and narrow the painted island.
5. The traffic signal, crosswalks and landings are not shown at Driveway 2/Jackson Avenue. In addition, no information is presented on Jackson Avenue related to length of turn lanes and tapers. Please present this information.
6. Between Driveway 5 and Driveway 4, the Applicant is proposing a 10-foot wide southbound lane, 11-foot wide lane northbound with a 9-foot wide shoulder. ATD recommends that the Applicant provide 10-foot wide travel lanes including a center two-way left-turn lane.
7. The pedestrian refuge island shown at Driveway 4 does not appear to have offsets to the travel lanes as provided. We recommend that one foot (1') minimum offsets be provided.
8. The PHB, crosswalks and landings are not presented at Driveway 4 in the concept plan. Please present this information.
9. The 167' lane taper south of Driveway 4 appears to be too short. In addition, it is unclear how the improvements south of Driveway 4 will match the existing conditions, including how the existing northbound bicycle lane will transition onto the multi-use path. Please present this information.
10. It is unclear from the information contained in the TIA as to when the concrete safety barrier for the bicycle lane will be constructed along Bull Creek Road. The Applicant has indicated in conversations with ATD that the barrier will be installed when Bull Creek Road is reconstructed to provide the other proposed improvements listed in the TIA. The Applicant will include design plans of this barrier installation with the site plans for the development.



Vehicular Connection to 45th Street from Jackson Avenue Extension

1. The Applicant provided traffic analysis for this proposed connection and included it in Appendix J of the TIA. However, the applicant didn't model full connection of Jackson Avenue from Bull Creek Road to 45th Street in Synchro. Also the TIA did not document how the diversion of the site trips and additional diverted trips (if any) were determined. We recommend that the Applicant review and provide justification of the diverted site trips and any additional diverted trips.
2. The site plan must include the proposed layout and cross section for the Jackson Avenue Extension from Bull Creek Road to West 45th Street. At the connection to West 45th Street, the cross section of Jackson Avenue should be wide enough to accommodate emergency vehicles. Bicycles and pedestrians should be accommodated as part of the complete streets policy.
3. Since no internal plans have been provided for the Jackson Avenue Extension from Bull Creek Road to 45th Street, we recommend that as part of the site plans for the development this roadway (called a driveway in the TIA) be designed such that a consistent cross-section, with bike lanes and sidewalks is provided between Bull Creek Road and 45th Street. In addition, we recommend that the design speed of this new roadway connection be 30 mph.
4. It is Austin Transportation Department's understanding that the Jackson Avenue Extension connection from Bull Creek Road to 45th Street shall be fully funded by the Applicant, including the PHB, as part of the improvements during the implementation of the 2018 improvements.
5. The Austin Transportation Department understands that the Applicant has purchased 2627 45th Street for ROW and additional ROW is being pursued along 45th Street which will be provided for this connection. Austin Transportation Department also understands that movements at this "new" intersection will be restricted to right in/right out only. Plans will need to show how turning movements will be restricted and which design vehicles can be accommodated. ATD requests that the applicant submit plans presenting these details at this proposed connection. If the additional ROW is not obtained we recommend that this access be limited to right-out only.



6. Advisory Comment: ATD had significant comments on the preliminary plan(s) previously submitted for this proposed new access (please submit plans as per comments 2, 3, and 4 above). The comments on the previously submitted plans are as follow:
 - a. The proposed splitter island is shown as 20.5' along 45th Street. This distance is insufficient to prevent vehicles from making an illegal left into the site or an illegal through movement from the site to Chiappero Trail. We recommend that the island be enlarged to prevent these movements.
 - b. The proposed splitter island is proposed to be constructed with type 1 mountable curb. We recommend that the island be constructed with non-mountable curb to prevent illegal movements.
 - c. The lanes on either side of the splitter island appear to be approximately 12'. We recommend that these lanes be widened to accommodate, at a minimum, a fire truck.
 - d. The Pedestrian Hybrid Beacon Signal on the west side of the proposed driveway is too close to the stop bar. This needs to be a minimum of 40' from the stop bar to allow for sight distance. We recommend that the design be modified to meet proper sight distance.

Development Phasing Comments

1. Based on the analysis presented in the TIA, all the improvements need to be constructed in 2018. The Applicant is requesting that these improvements be constructed when Phase 1 development reaches 2,000 vehicle trips per day. These improvements must be constructed when either the 110 single-family homes and half of the residential condominiums (188 units) or when all the residential condominiums (375 units) are complete. These intensities equate to the approximately 2,000 vehicle trips per day requested. It is our understanding that no construction on-site will occur beyond these units until all the improvements identified in the TIA for 2018 are complete. We recommend that these thresholds and restrictions be included in the Final TIA memorandum prepared by DSD and be one of the conditions of approval of the PUD.

Staff will conduct further review of the subject application with regard to geometric constraints that may arise due to inadequate or unavailable right-of-way that may affect the operational objectives of proposed infrastructure improvements. These elements may affect site plan review and approval as they are considered integral to the viability of the subject development as proposed.