

CITY OF AUSTIN – WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT  
SITE PLAN APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: **SP-2010-0082D**  
REVISION #: **00** UPDATE: **U2**  
CASE MANAGER: **Cesar Zavala** PHONE #: **974-3404**

PROJECT NAME: **2700 Edgewater**  
LOCATION: **2700 EDGEWATER DR**

SUBMITTAL DATE: **June 24, 2010**  
REPORT DUE DATE: **July 8, 2010**  
FINAL REPORT DATE: **July 8, 2010**

**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, Watershed Protection and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

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

It is the responsibility of the applicant or his/her agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is September 23, 2010.** 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.

**EXTENSION OF UPDATE DEADLINE (LDC 25-1-88):**

You may request an extension to the update deadline by submitting a written justification to your case manager on or before the update deadline. Extensions may be granted for good cause at the Director's discretion.

**UPDATE SUBMITTALS:**

**A formal update submittal is required. You must make an appointment with the Intake Staff (974-2689) to submit the update. Please bring a copy of this report with you upon submittal to Intake.**

**Please submit 5 copies of the plans and 5 copies of a letter** that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name that are intended for specific reviewers. **No distribution is required for the Planner 1 and only the letter is required for Austin Water Utility.**

**REVIEWERS:**

Planner 1 : Elsa Garza  
Drainage Construction : Beth Robinson  
Environmental : Michael Clay  
Flood Plain : David Marquez  
Parks : Chris Yanez  
Site Plan : Cesar Zavala

## Environmental Review - Michael Clay - 512.974.2296

- EV 1 It appears the comment box stating “shoreline bulkhead permit SPX-2007-0032” references the location of the recently built non-code compliant bulkhead, rather than the preexisting bulkhead that was to be repaired under said permit. Please revise.  
Update #1: Comment pending.  
**Update #2: Comment pending.**
- EV 2 Please submit plans detailing what has occurred between the issuance of SPX-2007-0032 to repair the preexisting bulkhead and the construction of the new bulkhead. This information will be needed to determine what code compliant options exist, including removal of the recently build bulkhead and if variances need to be requested for issues such as, construction in the CWQZ, floodplain modification, and cut/fill exceeding 4'.  
Update #1: Comment pending.  
**Update #2: Comment pending.**
- EV 3 Thank you for sending copies of the tree removal applications. The reviewer understands there are ongoing tree permit issues outside of this site plan through the tree ordinance review application process. The reviewer will consult with Michael Embesi, City Arborist, to address these issues.  
Update #1: Comment pending.  
**Update #2: Comment pending.**
- EV 4 Provide 21 11x17 copies of the site plan.
- EV 5 Provide findings of fact letter in accordance with ECM Appendix U.
- EV 6 This comment pending outcome of EV Board meeting.

## Parks Review - Chris Yanez - 974-9455

### UPDATE #2:

- PR1. The exemption SPX-07-0032 was for replacement of existing failing bulkhead. It appears that an atypical replacement took place where the bulkhead was placed 10-15 feet out into the lake and additional fill was placed modifying the shoreline significantly which was beyond the scope of the exemption.
1. Approval by the Parks and Recreation Board is required to place fill in Lake Austin [25-8-652].
  2. Any application that exhibits dredging in or along the lake or is considered to be a shoreline modification must be approved by the Parks Board [Section 25-7-63].
  3. Provide Army Corps of Engineer waiver or approved application for amount of fill placed in the lake.  
Please provide written documentation from USACE.
- PR2. The shoreline width of the lot (**as measured in the scaled drawings**) is 96 feet allowing 19.2 feet boat dock width. Also, the measurement of the proposed boat dock as

measured in the scaled drawings is 20 feet while the written dimension leader specifies 19 feet 6 inches. Please explain or provide an accurately scaled/dimensioned drawing. The proposed boat dock will require approval from Parks Board for exceeding 20% of shoreline width [Section 25-2-1176(D)(2)].

Comment has not been addressed. Applicant has stated that the proposal will be altered to conform to 20% rule therefore the variance request will not be placed on the Parks Board agenda.

## Site Plan Review - Cesar Zavala - 974-3404

- SP 1. Width of shoreline length is 96 feet. A maximum 20% boat dock width of 19 feet is allowed. Approval of the Park and Recreation Board is required for the proposed 20 foot width of the boat dock: LDC 25-2-1176(D)(2)]
2. greater than 20 percent of the shoreline width of the lot

Update 1: Correct shoreline and boat dock widths. The drawing measure a proposed shoreline width of 96 ft. and not a 97.5 shoreline width as stated in the response letter and shown on the plans. The boat dock measures 20 ft and not 19.5 ft. The maximum allowed width of the boat dock without Parks Board approval is 19.2 ft.

**Update 2:** Repeat comment. The drawing measure a proposed shoreline width of 96 ft. and not a 97.5 shoreline width as stated in the response letter and shown on the plans. The boat dock measures 20 ft and not 19.5 ft. The maximum allowed width of the boat dock without Parks Board approval is 19.2 ft. Clarify if approval of the Parks board will requested for the proposed 19.5 ft. boat dock width.

SP 2. – SP 9. Comments Cleared.

SP 10. Provide information on the existing conditions of site and the red tag that has been placed on site. As well as on the proposed residential building shown over the original existing shoreline.

**F.Y.I.** – It is this reviewers understanding that the Stop Work Order issues by Greg Guernsey remains on this site. Provide any new information relating to this case.

SP 11. **F.Y.I.** - Proposed residential building does not appear to meet the rear 10 foot setback for SF-2 zoning. Verify with building permit if section LDC 25-1-22(A)(2) applies.

SP 12. – SP 13. Comments Cleared.

## Wetland Biologist – Andrew Clamann (974-2694)

Although no wetland CEFs were observed on site, it is not known if wetland CEFs existed prior to the unauthorized extent of filling of the lake. Wetland plants and aquatic resources are often located in the shallow water habitat of Lake Austin. The elimination of shallow water habitat potentially reduces any water quality and aquatic resource benefits that may have been present in this area and is not consistent with the goal of maintaining the aquatic integrity of the lake and does not “preserve the natural and traditional character of the land and the waterway”. In

addition, the unauthorized extent of fill material in the lake for the purpose of capturing land on which to build a residence does not appear to be consistent with policy.

ECM 1.7.3(D) states: "If applicable, a development application which proposes construction or alteration in a floodplain must show application for permit for activities in waterways under relevant state and federal statutes, including but not limited to Section 10 and/or Section 404 permit(s) from the U.S. Army Corps of Engineers." Applicant asserts that a USACE permit is not relevant, however I do not concur for the following reason: The USACE regulates the discharge of fill material into all waters of the U.S. through the issuance of "Individual" permits for major activities, and "General" permits (Nationwide permits) for minor activities. Nationwide Permit #13 might be the appropriate permit for activities in which "no material is placed in excess of the minimum needed for erosion protection" and "the activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark" (which is higher than the normal pool elevation). It my determination that neither of these criteria are met and may require an Individual permit, but even if the applicant can demonstrate that they these criteria are met, the project would still require authorization by the USACE under a Nationwide permit. Guidance for Nationwide Permit #13 (Bank Stabilization) can be accessed at:

<http://www.swf.usace.army.mil/pubdata/envIRON/regulatory/permitting/nwp/2007/07nw13.pdf>

Regardless, only a designated representative of the USACE can determine whether or not a proposed project will require an Individual permit, or can be approved under a Nationwide Permit, especially in circumstances in which the work has already begun. Therefore, as per ECM 1.7.3, applicant should show application for USACE permit.

The proposed wetland bench is not supportable in its current form for this site. Deficiencies include: Details need to be to scale, and specify what the "fill" material is. Functionally, it still appears to be a land grab for residential use rather than wetland restoration, and proposes even more fill material in the lake. I recommend that the 6" concrete block bulkhead be demolished and the wetland bench be located at the 492.8 elevation to become a shallow, inundated wetland populated with native and adapted obligate herbaceous wetland plants in perpetuity. Currently, project plans do not provide enough detail to demonstrate appropriate mitigation (i.e. wetland vegetation species, size, locations, quantity, etc) and there is no assurance that this area will be maintained as a wetland in perpetuity.

FYI, Variances from the Parks Board, Environmental Board and potentially from Council may apply. I do not support a variance for the proposed activities. If a board or committee considers the request for a variance for the proposed activities, my recommendation is that, at a minimum, the area be restored as a functional herbaceous wetland bench located at the 492.8 elevation (or lower), replat to include plat notes that prohibit docks and additional development, prohibit irrigation below the 25-yr floodplain, and protect the wetland mitigation area in perpetuity.

WB1update1. (Recommendation unchanged) I recommend removal the unpermitted extent of fill material and restoration of shoreline characteristics as per the June 22, 2004 survey.

WB2update1. (Recommendation unchanged) I recommend demonstration of application for a USACE permit as per ECM 1.7.3(D)

SP 1. Flood Plain Review - David Marquez - 974-3389

FP1 Please delineate the 25-year and 100-year floodplains.

FYI Approval from the floodplain office is pending on no adverse impact determination from the drainage reviewer.

## Drainage Construction Review - Beth Robinson - 974-6312

### **Update 2:**

It is my understanding that the project site has been red-tagged for un-permitted shoreline modification and the proposed site plan should address this issue prior to release of permit.

DE3. Please provide a floodplain study demonstrating no adverse impacts will result from the development within the floodplain.

- Please provide a pre-developed (i.e. pre modified shoreline) conditions plan with contours. Please also include the location of the previous bulkhead on the plan.
- Please provide a developed (i.e. modified shoreline) conditions plan with contours including the location of the new bulkhead and wall elevations.
- Please provide cross-sections through the property showing existing (pre-shoreline modification) and proposed conditions (new bulkhead) 100 year water surface elevations.
- Please provide cut/fill calculations with respect to compensation of floodplain storage (pre-shoreline modification/proposed conditions).

**U2: Comments pending modified study. Please also provide cut/fill calculations for entire site (include cut/fill for building within the floodplain)**