

Watershed Protection and Development Review Department FY2006 Annual Report

The FY2006 Approved Budget implemented the fifth and final year of annual increases to the drainage fee under the cost of service plan approved by City Council in 2001. The additional revenue allowed the Department to increase the operating transfer to the Capital Improvement Program by 41% or \$4.8 million. Staff resources were added in critical areas. Six engineering positions were added to the Flood Hazard Mitigation and Creek Erosion Mitigation programs. Infrastructure and Waterway Maintenance added 10 positions including a second erosion repair crew to be staffed in the fourth quarter. Water Quality protection added an administrative support position. Support Services added three positions: a safety coordinator, GIS technician and fee administration position.

This report highlights key accomplishments and how the Department used the additional resources to meet its performance goals during FY2006. The information is organized by business plan programs, focusing on those in the Drainage Utility Fund. Data on General Fund supported programs and performance measures are not included in the report but are available on request.

Infrastructure & Waterway Maintenance

This program provides on-site maintenance services to property owners and other affected citizens to reduce flooding, repair erosion and improve stormwater quality. Some program highlights are noted below.

- The Erosion Repair activity completed 16 projects exceeding the budgeted goal of 14 for the year by 14.3%. Over 43,000 square feet of creek stream banks were repaired exceeding the budgeted goal of 24,000. As a result of these projects, 40 properties received increased protection from erosion.
- The three Pond Maintenance crews rehabilitated and maintained 555 ponds, exceeding the year-end goal of 550 ponds. This work effort represents maintenance of 92.7% of the residential ponds in the City's inventory of 599, less than the budgeted goal of 94% due to the growth in the pond inventory.
- The Storm Drain Rehabilitation crews had a successful year, with the output goal of repairing 4,000 feet of pipe exceeded by 19%, for a total of 4,776 feet. As a result, 161 properties received increased flood protection compared to the budget goal of 150. The flooding of these homes and properties will now be significantly reduced during major storm events.
- The Town Lake Cleaning crew spent over 8,400 hours removing debris deposited during major storm events during the year between Tom Miller and Longhorn Dams to facilitate the recreational use of Town Lake. The visual index of Town Lake was 1.4, well below the maximum goal limit of 2.00. The index is the measure of the amount of floating debris in the lake.
- The Storm Drain Cleaning crews cleaned 87,770 feet of drain pipe in FY2006 or 87.8% of the annual need, exceeding the budget goal by 17%. During the year, the crews responded to 463 direct dispatches from the 311 Citizen Telephone Call System concerning plugged inlets and storm drains. The crews cleaned 6,503 inlets, exceeding the year-end goal by 1,803 or 38%.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Creek Vegetation Control					
Miles of creek maintained	62.94	62.74	62.58	65.50	64.40
% of identified creeks(miles) maintained for vegetation control	94.5%	94.5%	100%	99.2%	100%

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Erosion Repair					
Number of projects completed	10	12	14	14	16
Number of properties receiving increased erosion protection	25	26	34	25	40
% of prioritized projects provided increased erosion protection	5.6%	6.7%	4.6%	5.0%	5.3%
Pond Maintenance					
Number of residential ponds to be rehabilitated & maintained	480	491	577	585	599
Number of residential ponds rehabilitated & maintained	216	244	522	550	555
% of residential ponds rehabilitated & maintained	45%	49.7%	90.5%	94%	92.7%
Storm Drain Cleaning					
Feet of pipeline cleaned	40,893	53,013	81,040	75,000	87,770
% of annual feet of pipeline targeted for cleaning completed (100,000)	40.9%	53%	81%	75%	87.8%
Storm Drain Rehabilitation					
Feet of pipeline installed or repaired	2,230	5,493	4,878	4,000	4,776
% of annual feet of targeted pipeline installations & repairs completed (10,000)	22.3%	54.9%	48.8%	40%	47.8%
Number of properties receiving increased flood protection due to storm drain maintenance	174	199	193	150	161
Town Lake Cleanup					
Tons of litter, trash and debris removed from Town Lake	214.6	230.8	250.8	200	221.6
Maintain Visual Index of Pollution for Town Lake below 2.00	1.35	1.54	1.20	<2.00	1.4
Open Waterway Maintenance					
Miles of creeks, channels and ditches cleared	6.20	7.78	6.60	6.00	7.15
% of annual targeted miles of open waterways cleared (30)	20.7%	25.9%	22.0%	60%	71.5%
Number of properties receiving increased flood protection due to creek maintenance	342	401	404	300	310

Creek Erosion Mitigation

The Creek Erosion Mitigation Program (Stream Restoration for FY2007) focuses on creating a stable stream system that decreases property loss from erosion and increases the beneficial uses of waterways. Several program accomplishments are summarized below.

- The team completed 14 in-house designs and plan sets for the Erosion Repair crew.
- The voluntary erosion buyout services purchased three houses on Dixie Drive along Onion Creek and one house on Pine Knoll along Little Walnut Creek that were threatened by erosion.
- The Victoria Drive Channel Reconstruction project was completed in September 2006. Active erosion in the tributary channel of Tannehill Branch Creek threatened a culvert on Martin Luther King, a home on Victoria Drive, and impacted several other properties. The project included the purchase and removal of a home and reconstruction of 400 feet of

channel between Martin Luther King Boulevard and the main channel of Tannehill Branch Creek.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Creek Erosion Mitigation Services					
Number of erosion solutions proposed	27	12	12	14	14
Total number of erosion sites that need increased protection	1,821	1,814	1,802	1,790	1,788
% of erosion sites with increased erosion protection	0.55%	0.66%	0.66%	0.78%	0.78%

Flood Hazard Mitigation

The Flood Hazard Mitigation program works to reduce the impacts of flooding to protect lives, property and the environment. Some of the program's results and achievements in 2006 are discussed below.

- The Division provided major support for the development and prioritization of the 2006 bond election proposal for Creek Flood Hazard Mitigation and Localized Flood Hazard Mitigation capital improvement projects. Staff made presentations to the Citizen Advisory Committee and interested community groups.
- Program staff successfully applied for a Division of Emergency Management/Federal Emergency Management Agency Hazard Mitigation Grant Program Buyout grant award for \$6.3 million. The grant provides funding to remove up to 118 houses located in the floodplain along Lower Onion Creek.
- The three year \$4 million joint City/FEMA initiative to update floodplain models and digital floodplain maps was completed with the roll out of map modernizations for 51 watersheds.
- A National Oceanic and Atmospheric Administration (NOAA) grant for \$36,515 was awarded to support the installation of additional rainfall and stream-monitoring equipment.
- The Building Code Effectiveness Grading Scale Recertification audit resulted in an improvement in Austin' Community Rating System (CRS) score. Based on the audit, the City's flood insurance discount increased from 10% to 15% reducing the insurance premium cost for all Austin policies.
- As part of the Onion/Williamson Creek-USACOE Study, the Corps of Engineers completed the Feasibility Study phase recommending floodplain buyout of 410 houses for the Lower Onion Creek area and benched channel modification to reduce flooding for 250 houses for the Williamson Creek study area. The Corps deferred the Williamson Creek recommendation due to cost but the Onion Creek recommendation is proposed for Federal funding authorization.
- The Z-K Pond project, a significant public-private partnership effort between the City and Simon Property Group was substantially completed. The \$3.3 million project consisted of the enlargement and functional modification of an existing regional detention pond in the upper Shoal Creek watershed.
- A construction contract was awarded for the Regional Pond "G" Region Flood/Erosion Mitigation project. Flood and erosion hazard reduction benefits will extend to about 5 miles downstream of the dam providing increased protection for 77 structures.
- Fifteen houses were acquired and removed from the floodplain of lower Onion Creek through the Voluntary Buyout Program.
- Construction started on the Thornberry Road Culvert Upgrade/Channel Stabilization project. The project will improve a low-water crossing of a Carson Creek tributary and stabilize 1,000 feet of highly degraded channel.

- Studies were completed on Carson Creek Flood Hazard Reduction preliminary engineering, Upper Boggy Creek Flood Alternatives Analysis from Airport Blvd. to Rosewood Park, and Upper Little Walnut Creek from Metric to Rundberg Lane.
- Construction started on Rosedale Storm Drain Improvements that will address major house and street flooding conditions.
- Major progress was made on preliminary engineering and design phase activities for storm drain improvement projects planned for construction with general obligation bond funding. Examples of these localized flood hazard mitigation projects include: Bannockburn-Williamson Creek, East 4th Street/Pedernales, Oaklawn-Fort Branch, Blarwood-Williamson Creek, Allendale-Shoal Creek, Ridgelea-Shoal Creek, and Long Bow Storm-Blunn Creek.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Creek Flood Hazard Mitigation					
Number of structures at risk of creek flooding with increased protection through drainage system improvements	18	185	137	43	0
Number of buyouts completed	73	84	98	96	113
% of structures/roadway crossings at risk of flooding with increased protection proposed	2.88%	0.41%	0.33%	0.91%	0.47%
Flood Early Warning System (FEWS)					
% of direct customer satisfaction(OEM & FEWS operators) as measured by semi-annual survey	70%	80%	82%	80%	80%
Number of Office of Emergency Management mobilizations completed	3	15	19	8	7
Flood Plain Management					
Annual savings on flood insurance premiums resulting from CRS activities	\$240,050	\$240,050	\$230,000	\$230,000	\$255,254
Number of floodplain development assistance meetings conducted	116	99	126	100	167
Number of requests for Flood Insurance Rate Map (FIRM) information	1,882	1,599	1,586	1,600	1,515
Localized Flood Hazard Mitigation					
% of structures with increased flood hazard protection due to storm drain system improvements	1.94%	0.24%	0.52%	0.48%	0.52%
Number of structures with increased flood hazard protection due to storm drain system improvements	25	8	17	16	17
Field Engineering Services					
Number of pond inspections completed	1,290	872	1,039	1,100	1,044
% of pond & FEMA mandated creek inspections completed	42%	30%	51%	38%	38%

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Regional Stormwater Management					
Annual value of RSMP fees collected	\$876,194	\$1,148,813	\$1,535,139	\$1,250,000	\$1,161,551
Number of participation projects completed	New for FY06	New for FY06	New for FY06	1	1

Water Quality Protection

The Environmental Resource Management Division (ERM) manages the activities in the Water Quality Protection program. This program works to protect and improve water quality in Austin's creeks, lakes and aquifers by preventing, detecting, evaluating and reducing water pollution. The FY2006 achievements for activities in this program are listed below.

- The Center for Watershed Protection (CWP) recognized several Water Quality Protection programs as national benchmarks. The overall program was recognized as a Superior Stormwater Program with special recognition for the Environmental Integrity Index and the Water Quality Education components.
- City Council approved the ban on PAHs (polycyclic aromatic hydrocarbons) and coal tar sealants in November 2005. ERM staff scientists have conducted research on the environmental impact of these materials and reported the findings to the Environmental Protection Agency, Texas Commission on Environmental Quality, and other governmental agencies as well as at professional conferences. Information is available on the Department's web page at http://www.ci.austin.tx.us/watershed/coal.tar_main.htm. Community education efforts and contact with industry representatives continue through news stories, informational letters, and notifications.
- The Department coordinates with other departments, and local, State and Federal authorities on potential environmental impacts of pipelines, landfills, and other high-risk land uses or activities. During FY2006, the staff continued to work on the Mabel Davis Park remediation project and performed a comprehensive assessment of the Winn-Cook Landfill.
- The Planning and GIS section continues to work on a comprehensive update of the Structural Stormwater Control (Pond) Database to enhance its completeness and accuracy. The staff worked closely with neighborhood planning staff for the Oak Hill and Windsor Park/University Hills plans.
- One of the East Austin Environmental Initiative (EAEI) goals is to inform the community about environmental issues and projects. During FY2006, outreach was increased by partnering with Keep Austin Beautiful on the Clean Creek Campaign. An additional outreach effort began communication with church pastors and leaders, presentations to church groups, and printing educational materials in Spanish.
- In response to the One Stop Shop consultant work to eliminate duplicate efforts and streamline customer service, the Stormwater Discharge Permit Program (SDPP) developed a guidance spreadsheet of plumbing related "Non-Stormwater" discharge information to help plan reviewers make decisions during the pre-development phase on proposed plumbing for such things as parking garages and swimming pools. This prevented an extra step for the customer, keeping them from having to visit with SDPP staff about discharge requirements during development.
- Construction was completed on two stormwater quality ponds at the intersection of Ben White and I-35 (Williamson Creek) as well as a large regional wet pond, the Oak Springs pond in Boggy Creek. Construction is underway on the Barton Hills pond (Barton Creek), and two remaining ponds at Ben White and I-35 (Williamson Creek). As a pilot program with the Flood Hazard Mitigation staff, a Stormceptor™ is being installed on the Rosedale drainage project to test the cost effectiveness of small scale treatment devices in the storm drain system.

- Projects in the engineering design phase include: Lundelius McDaniels pond (Williamson Creek), Pleasant Valley wet pond (Williamson Creek), Canyon Creek biofiltration pond (Bull Creek), Ridgelea biofiltration (Shoal Creek), Sand Beach biofiltration pond (Town Lake), Warehouse Row pond (Blunn Creek), Wood Hollow pond retrofit (Shoal Creek) and several projects resulting from the Boggy Creek Watershed Management Area study.
- The Stormwater Treatment section spearheaded the process to update the Alternative Water Quality Controls section of the Environmental Criteria Manual (ECM). This effort will result in design criteria for alternatives to standard sand filters that include: rainwater harvesting, disconnected impervious cover, biofiltration, porous pavement and rain gardens.
- The Green Neighbor program, a booklet that includes a comprehensive list of water quality protection strategies for homeowners, was piloted this year in the Circle C, Barton Hills, and Cherrywood neighborhoods with positive results. 81% of those responding to a post pilot survey said that the book contained very useful information and 77% said they had changed their behavior "somewhat" to "substantially" as a result of the program.
- Two core programs, Grow Green (earthwise landscaping) and Scoop the Poop, continue to grow. Last year 150,000 Grow Green fact sheets and 66,000 Plant Guides were distributed inside and outside (at cost) of Austin and well over 550,000 mutt mitts were distributed in Austin's parks with the help of the Parks Department.
- The Water Quality Monitoring section has studies underway to determine the effectiveness of green roof technology in the Austin climate with data expected in late FY2007. In addition, the team is monitoring runoff quality at the Lion's golf course and is cooperating with the Lady Bird Johnson Wildflower Center in a study of nutrient leachate from fertilized lawns. These studies are projected for completion in FY2008.
- In FY2006, Water Resources Evaluation section completed the bulk of three native aquatic plant restoration pilot projects in Town Lake, Lake Austin, and Barton Springs Pool. These projects were conducted through the Lewisville Aquatic Ecology Research Facility (LAERF) operated by the U.S. Army Corps of Engineers and the University of North Texas (UNT). The main activity conducted in this period was planting, maintenance, and monitoring of protected cages of plants in several areas of both water bodies.
- For the Salamander Conservation activity, habitat reconstruction has been the focus of management activities in the past year. The success in increasing salamander abundance in Eliza Spring has guided efforts to improve the aquatic environment in Parthenia Spring/Barton Springs Pool. The aquatic environment in Eliza Spring is maintaining itself as a natural stream should, and the site harbors approximately 400-600 salamanders. Plans for removing gravel accumulated in Barton Springs Pool that began in FY2006 are expected to result in the successful completion of this critical project in FY2007.
- The Water Resources Evaluation staff tracked several major public and private infrastructure projects to help protect the watersheds within the City's jurisdiction. These projects have included everything from review of permit application for wastewater discharge in the Barton Springs Contributing zone to review of several major highway projects under design at TxDOT. Of special interest have been the segments of U.S. Highway 290 in Oak Hill with potential channelization of a mile of Williamson Creek, and the extension of State Highway 45 SW through City Water Quality Protection Land and the drainage to protected Flint Ridge Cave.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Salamander Conservation					
Number of activities in compliance	43	43	43	43	43
% of activities in compliance with Federal 10(a) and State permits	100%	100%	100%	100%	100%

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Environmental Impact Assessments					
% of environmental impact assessments completed	97%	89%	100%	100%	100%
Total number of assessments or reviews completed	248	352	516	320	568
Pollution Detection, Tracking & Forecasting					
% of projected water quality study reports published	48%	70%	75%	100%	100%
Number of water quality study reports published annually	11	14	10	12	19
Pollution Prevention & Reduction					
Gallons of pollutants recovered as a result of business inspections and spills response	12,326,956	4,902,363	1,970,806	1,100,000	778,529
Cubic yards of pollutants recovered as a result of business inspections and spills response	508	314	473	125	1,110
% of previously inspected facilities with 100% compliance at current fiscal year inspection	55.2%	61.6%	62%	60%	56.6%
Number of stormwater discharge permits issued	1,224	1,151	1,194	1,160	1,165
Water Quality Planning & Intergovernmental Compliance					
Number of activities in compliance	139	122	122	122	126
% of activities in compliance with State & Federal stormwater permits	100%	100%	100%	100%	100%
Stormwater Quality Evaluation					
Number of total storm sites successfully sampled and analyzed	727	1,002	1,009	800	871
% of total storm sites successfully analyzed annually	98%	93%	97%	90%	97.75%
Stormwater Treatment					
Cumulative number of acres treated	4,559	4,559	4,676	4,897	4,868
% of total suspended solids (TSS) removed per TSS produced annually in drainage areas with publicly-funded structural water quality controls	52%	52%	50%	51%	51%
Water Quality Education					
Number of students educated in Earth Camp	587	616	547	500	537
Number of storm drains marked	1,013	859	861	450	1,907
% of improvement in pre- and post-tests for Earth Camp students	70%	56%	71%	60%	48%

Brownfields

The Brownfields program provides incentives and information to owners of contaminated property so they can cleanup and redevelop the land.

- The Austin Brownfields Redevelopment Office (ABRO) was awarded a \$200,000 U.S. EPA Brownfields UST grant. This grant is a community-wide grant that was used to

conduct environmental assessments on abandoned underground storage tanks (USTs), located in the East Austin target area. ABRO assisted four of the forty-four UST sites that were investigated.

- Additionally, the City of Austin Brownfields team co-sponsored the 2006 U.S. EPA Revitalization Summit which drew 300 public and private individuals from six states.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Brownfields					
Number of eligible sites assisted by the program	16	17	6	30	6

Master Planning

The Master Planning program coordinates the integration of flood, erosion and water quality activities to develop, prioritize and implement cost effective, integrated solutions. Accomplishments included items noted below.

- WPDRD completed 6 integrated CIP projects this year, above the budget goal of 2 projects. Those completed include the Wells Branch Pond, 3 erosion buyouts on Dixie Drive, 1 erosion buyout on Pine Knoll, and 1 channel reconstruction on Victoria Drive. FY2006 was also the first year that we implemented the Mission Integration Process for all Capital projects, resulting in 100% of WPDRD capital projects being fully integrated.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Master Planning					
Number of integrated CIP solutions implemented	2	2	8	2	6
Number of Program Enhancements implemented	3	1	1	1	7
Number of regulatory solutions implemented	5	2	3	1	1

One Stop Shop

The Drainage Utility supports the environmental review and inspection functions in the One Stop Shop. Environmental inspections are part of the Site/Subdivision Inspection activity. The Environmental Inspection Section is responsible for inspecting construction projects for compliance with City Code requirements.

- On average inspectors were able to inspect ninety percent (90%) of the 1,307 permitted commercial sites monthly. Ninety percent (90%) of these inspected commercial sites were compliant.
- Environmental inspectors issued 287 stop-work orders due mostly to inadequate erosion and sedimentation controls or development activities without required approved site plan.

Activity/Performance Measure	FY03 Actual	FY04 Actual	FY05 Actual	FY06 Budget	FY06 Actual
Site/Subdivision Inspections					
Number of environmental inspections conducted	38,761	31,165	52,067	50,000	49,124

Support Services

The Drainage Utility Fund is the funding source for activities that support the department's missions of flood control, erosion control and water quality protection. Drainage fee revenue provides 97% of the Utility's revenue. In FY2006, the Utility collected \$52.4 million in total revenue, exceeding the approved budget by \$2.8 million or 5.6% and the year-end estimate by 1.8%. Revenue expectations were exceeded due to additional increased residential drainage

fees, development-related income, and interest revenue from the investment pool. Total expenditures of \$49.9 million were \$1.7 million less than budget and \$1.5 million or 2.9% less than estimated. Most of the unanticipated savings came from contractual savings in the Infrastructure and Waterway Maintenance and Water Quality Protection programs. The combination of increased revenue and expenditure savings result in an unaudited ending balance of \$9.7 million that is \$2.4 million or 72% greater than estimated.

The Department met 117% of the FY2006 CIP spending plan of \$11.8 million. This spending included many of the projects discussed in the program highlights above. Planned spending also paid for replacement of equipment used for infrastructure maintenance, preliminary engineering studies and project design phases.

Some Support Services accomplishments are summarized below.

- The drainage and transportation fee administration team reviewed and processed almost 11,000 checks totaling \$1.8 million for claims filed under the settlement of a class action lawsuit. A team member created complex databases and the entire team participated in processing commercial claims and reviewing residential claims.
- The Data Management section of the Office of the Director completed a Department-wide Information Management Plan (IMP) during the course of the fiscal year. The plan is an update to the 1998 Database Contract Summary Report prepared by Camp Dresser & McKee (CDM).
- Following through on a 2002 pilot project, the 2006 Drainage Infrastructure GIS (DIG) project was initiated to implement a City-wide phased project to develop a comprehensive and accurate automated drainage infrastructure mapping and data management system.
- The Department had 422 media contacts for an advertising equivalency value of \$491,979. This is a 59% and 57% increase, respectively, over FY05. This was due in part to the number of high profile issues the department addressed such as coal tar sealants, McMansions, Mabel Davis Park, and the Longhorn Pipeline.
- The Department filled a safety coordinator position that was included in the approved FY2006 budget. In May the safety coordinator implemented on-location safety training allowing field operations personnel to receive task specific hazard control and awareness training.
- The department's turnaround time for accounts payable was an average of 25 days for FY2006 meeting the citywide standard.
- 21.02% of the under \$5,000 competitive procurements went to Minority-owned Business Enterprises and 13.4% went to Women-owned Business Enterprises.

Conclusion

Through the annual business planning process, the Department continues to clarify services, performance measures, and the organizational structure in order to manage for results more effectively. Department staff will continue to emphasize collaborative relationships with other City departments and external agencies in order to meet its goals of flood control, erosion control, and water quality protection in the most efficient manner.



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: January 17, 2007

NAME & NUMBER OF PROJECT: BULL CREEK MULTIFAMILY REDEVELOPMENT
SP-06-0637C

NAME OF APPLICANT OR ORGANIZATION: Bury + Partners, Inc.
(Charles E. Fowler, Jr. P.E. - 328-0011)

LOCATION: 4330 Bull Creek Road

PROJECT FILING DATE: NOVEMBER 20, 2006

WPDR/ENVIRONMENTAL STAFF: INGRID MCDONALD, 974-2711
INGRID.MCDONALD@CI.AUSTIN.TX.US

**WPDR/
CASE MANAGER:** Sue Welch, 974-3294
SUE.WELCH@ci.austin.tx.us

WATERSHED: Taylor Slough North (Water supply suburban)
Drinking Water Protection Zone
Johnson Creek (Urban watershed)
Shoal Creek (Urban watershed)

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request to exceed the allowable 25% impervious cover redevelopment limit in the Drinking Water Protection Zone (LDC Section 25-8-26(B)5).

STAFF RECOMMENDATION: Recommend with conditions.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Ingrid McDonald, Environmental Program Coordinator
Watershed Protection and Development Review Department

DATE: January 17, 2007

SUBJECT: Bull Creek Multi-Family Redevelopment/SP-06-0637C
4330 Bull Creek Road

Description of Property

Bull Creek Multi-Family Redevelopment is a proposed residential development on an existing 3.8 acre multi-family project located at 4330 Bull Creek Road. It should be noted that this project is **not** located in Bull Creek Watershed, but is uniquely situated within three separate watersheds (Taylor Slough North Watershed – Water Supply Suburban, Johnson Creek Watershed and Shoal Creek Watersheds (both Urban Watersheds) as a result. The project is located both in the Drinking Water Protection Zone and the Desired Development Zone. It is bounded on the west by Mo-Pac Expressway, on the north by West 44th Street, on the east by Bull Creek Road and on the south by another multi-family development. Bull Creek Townhomes are on the site currently, which has 140 multi-family units in twelve (12) 2-story apartment buildings, two swimming pools, asphalt-paved parking, Sprint communications tower and landscaped area. The Bull Creek Townhomes were constructed in 1968. The site is currently zoned MF-6-CO, and does not provide any water quality or detention facilities. The site plan proposes the demolition of the existing development and the redevelopment of a 267-unit multi-family development.

The tract is located over a portion of the Northern Edwards Aquifer Recharge Zone recognized by the City of Austin. No portion of the site is located within the 100-year floodplain. The site is located along a watershed divide and existing drainage travels easterly and westerly from that ridgeline. There are no Floodplains, Critical Water Quality Zones, or Water Quality Transition Zones occurring within or near the property. In the Taylor Slough North Watershed, allowable impervious cover for multi-family is 40%, and in the Johnson and Shoal Creek watersheds there is no watershed limitation on impervious cover. The current impervious cover for this site is 3.4 acres (90%); the proposed impervious cover will be reduced to 2.867 acres (75%), a reduction of approximately .5 acres.

Existing Topography/Soil Characteristics/Vegetation

This site is currently developed with structures, parking and landscape areas.

Critical Environmental Features/Endangered Species

There are no CEFs or Endangered species on the site.

Water/Wastewater

Water and wastewater is and will continue to be provided by the City of Austin.

Variance Requests

The variance being requested is to LDC Section:

LDC 25-8-26(B)5 – Redevelopment Exception

“For property in the drinking water protection zone, combined with all other redevelopment of the site since April 17, 2000 does not affect more than 25% of the site's impervious cover.”

Recent Variances

There are no previous variance requests to the redevelopment exception.

Recommendations

Staff recommends conditional approval of the variances required to redevelop this property for the following reasons:

- The existing multifamily development on the property was developed in 1968 prior to adoption of any special watershed regulations. The existing improvements on the property can legally remain in a non-complying state indefinitely with no requirement to provide water quality, to upgrade landscaping or to provide other site improvements.
- The property is partially located within the headwaters of the Taylor Slough North watershed that extends eastward across MoPac. The remainder of the property is located within the Shoal Creek watershed. The watershed divide in this area has been modified by previous construction of MoPac and adjacent development from its original natural state. The property's location along the divide between the Drinking Water Protection Zone and the Desired Development Zone allows a portion of the property to be fully redeveloped and the other portion of the property to only be partially redeveloped. This creates a unique situation where the property is located within a developed, urbanized area and is not provided the same redevelopment potential as properties in the immediate area located entirely within the urban watersheds. Adjacent properties that are previously developed within the Desired Development Zone can be fully redeveloped without environmental variances.

- Redevelopment of the property provides an opportunity to revitalize the project within the urban core while providing significant environmental benefits, including a reduction in impervious cover and current water quality controls. The project has neighborhood support and has committed to address existing drainage issues through redevelopment of the property.

Conditions

The staff recommendation includes the following conditions to insure that the redevelopment will provide enhanced environmental protection that would not otherwise be required by Code:

1. An Integrated Pest Management Plan (IPM) approved by WPDRD staff will be adopted to reduce potential pollutant sources associated with long-term management of the project;
2. Impervious cover will be permanently restricted to a maximum of 76.5% (2.867 acres) on the site;
3. On-site water quality controls will be provided for all development on the site;
4. All existing Class I and II trees that are removed on the site will be replaced at 100% of the existing caliper inches with Class I trees. Tree replacements will be situated to optimize shading of paved surfaces to reduce heat island effect;
5. The site will incorporate stormwater improvements to reduce existing stormwater runoff from the site to address downstream drainage problems; and
6. Construct all structures to a minimum 1 star Green Builder standard.

If you have any questions or need additional information, please feel free to contact me at 974-2696.



Ingrid McDonald, Environmental Program Coordinator
Watershed Protection and Development Review Department

Environmental Officer:



Pat Murphy

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File

MEMORANDUM

TO: Environmental Board Chair and Members

FROM: Ingrid McDonald, Environmental Program Coordinator
Watershed Protection and Development Review Department

DATE: January 19, 2007

SUBJECT: Bull Creek Town Homes Redevelopment Variance Request

Please find enclosed a revised copy of the applicant's findings of fact letter to replace the letter in the packet for the Environmental Board meeting January 24, 2007. This letter was just sent to me this afternoon January 19, 2007. If you have any questions, please call me at 512-974-2711.

Sincerely,

Ingrid McDonald,
Watershed Protection and Development Review Department

cc: Pat Murphy
File



January 12, 2007

Ms. Betty Baker, Chairperson
City of Austin Zoning and Platting Commission
City Hall
301 West 2nd Street
Austin, Texas 78701

Re: Bull Creek Townhomes Redevelopment
Variance Request
4330 Bull Creek Road
Austin, Travis County, Texas

Dear Ms. Baker:

On behalf of our client, Bury+Partners, Inc. is requesting a variance from Section 25-8-26(b)(5) of the City of Austin Land Development Code.

This project is located on Lot 4, and portions of Lots 3 and 5 of the Georgetown Square Subdivision located southwest of Bull Creek Road and West 44th Street in the full purpose jurisdiction of Austin, Travis County, Texas. A site location map has been attached for your use.

The site is located on approximately 3.8 acres and currently provides 140 multi-family units for the Bull Creek Townhomes. The Bull Creek Townhomes were constructed in the late '60's. We have attached an aerial photograph for your review. The site is currently zoned MF-6-CO, and does not provide any water quality or detention facilities. The current impervious cover on the tract is approximately 3.4 acres (93%).

The 3.8-acre site is uniquely situated within three separate watersheds and the desired development zone and drinking water protection zone (see attached Exhibit). The site is located within the Taylor Slough North Watershed (Water Supply Suburban Watershed), and the Johnson Creek and Shoal Creek Watersheds (both Urban Watersheds). According to the Texas Commission on Environmental Quality, no portion of this site is located inside the Aquifer Recharge Zone. Also, no portion of the site is located within the 100-year floodplain.

BURY+PARTNERS, INC.
3345 Bee Coves Road, Suite 200
Austin, Texas 78746

TEL (512) 328-0011
FAX (512) 328-0325

Austin • Dallas • Houston • San Antonio • Temple, Texas
Fairfax • Warrenton • Williamsburg, Virginia

www.burypartners.com

The proposed redevelopment consists of 250 multi-family units on the 3.8-acre tract with associated utilities, parking, drives, etc. The redevelopment will provide a water quality pond (no water quality currently exists) and reduce the overall impervious cover from approximately 90% to 80%.

We're very aware of few projects east of Mopac that are in the drinking water protection zone, none of which have this set of circumstances being in three separate watersheds. Unless this site is granted a variance, the project will continue to deteriorate, as redevelopment would be effectively precluded. We believe the proposed water quality treatment and overall reduction in impervious cover will benefit the watersheds and request your favorable consideration of this variance.

As required in LDC Section 25-8-41, in order to grant a variance the Platting and Zoning Commission must make the following findings of fact:

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES/NO**

The strict application of the Ordinance in this case would deprive the property owners of privileges enjoyed by similarly situated and similarly timed development.

This variance is being requested due to the unique location within multiple watersheds and within both the Desired Development Zone and Drinking Water Protection Zone. Without this requested variance the applicant would be unable to redevelop the property.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES/NO**

We believe that by approving the variance for this tract, the departure from the minimum standards has been achieved by reducing the sites existing impervious cover and by requiring water quality facilities to be constructed with the redevelopment. The need for a variance is primarily due to the projects unique locations within three separate watersheds and in both the Desired Development Zone and Drinking Water Protection Zone.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition, which was created as a result of the method by which a person voluntarily subdivided land. **YES/NO**

The property does not enjoy any special privileges not enjoyed by other similarly situated properties not are any special privileges created by the way the property has been subdivided. The variance is required due to the properties location in the City watersheds, not a result in method by which the land was subdivided.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **YES/NO**

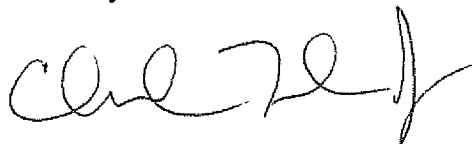
Not applicable. No development within the Critical or Water Quality Zone is proposed.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? **YES/NO**

Not applicable. Development is not located in the Barton Springs Zone.

We appreciate your consideration in reviewing this request. If we may be of further assistance or if you should have any questions, please do not hesitate to contact our office.

Sincerely,



Charles E. Fowler, Jr., P.E.
Senior Vice President

January 24, 2007

David Anderson, Chair
Environmental Board
City of Austin
Austin, Texas 78701

Hand
out @
1/24/07
env Board
meeting

RE: Variance for the Bull Creek Apartments, Case No. C-14-06-0100

Dear Chair Anderson:

I have lived at 2806 West 44th Street for nearly 17 years which is directly across from the Bull Creek Apartments. The neighborhood association has organized several meetings with the developer, Ardent Residential, to discuss the project in terms of the zoning and the environmental variance that they are seeking.

I write this letter in support of the environmental variance that is currently pending to allow Ardent Residential to redevelop the Bull Creek Apartments and provide for better storm water detention and water quality.

During large rain storms, 44th Street becomes flooded and dangerous. There have been times that the water has not only flooded my yard, but reached the doorsteps to my house, and even got inside my car parked on the street. It appears that part of this problem is attributable to the lack of storm water detention or water quality facilities at Bull Creek Apartments to slow the flow of water from that property into the street.

The variance would allow Ardent Residential to redevelop this property with agreed upon restrictions. The addition of storm water detention and water quality further improves the safety and quality of life for those of us who live on 44th Street and will be an improvement to our current situation.

It is our understanding that, without the variance, the Bull Creek Apartments will in all likelihood not be redeveloped by anyone in the near future and will continue to age on the property without any storm water detention or water quality improvements.

If you have any questions or would like further information about the reasons for my support of this variance request, please feel free to call me at 294-4997.

Very truly yours,



Griff Smith

OAKMONT HEIGHTS NEIGHBORHOOD ASSOCIATION

December 15, 2006

Mr. Dave Anderson, Chairman
Environmental Board
City of Austin
Austin, Texas 78701

Re: C-14-06-0100
Drainage Variance for Bull Creek Apartments, 4320 and 4330 Bull Creek Road

Dear Members of the Environmental Board:

On November 30, 2006, the Oakmont Heights Neighborhood Association (OHNA) met with Mr. Brett Denton, Mr. Jim Knight, and Mr. Michael Whellan to hear a presentation regarding Ardent Residential's plans for redevelopment of the Bull Creek and Kingswood Place Apartments properties. OHNA is interested in this project because our neighborhood is located just south of the proposed project area and shares the environs, the same principal access routes, and some of the watershed (drainage basin) with the subject properties.

At the meeting, Ardent Residential representatives outlined steps they want to take to improve the drainage situation for the project and adjoining neighborhoods, including constructing a water-quality pond to control storm water discharge.

Several residents on 44th Street, in the area immediately north of the subject properties who attended the November 30 and/or earlier OHNA meetings have reported drainage problems on their street, and indicated that drainage improvements would be welcomed. (Their residential area is somewhat detached from the surrounding neighborhoods, due to its location between 45th Street, and MoPac Expressway, and apartments, and open land.) OHNA, which also has an interest in the project as noted above, is here offering its support for Ardent's drainage proposal on behalf of the residents on 44th Street.

OHNA has been working with Ardent Residential for some time now and we have been pleased with Ardent's awareness of the proposed project's potential impact upon the surrounding neighborhoods and responsiveness to our concerns. As a result, we have been in support of Ardent's requests to the City of Austin, as they have been represented to us, and we continue our support. We do not know if we could expect the same degree of openness and cooperation from another developer. Therefore, OHNA is hoping you will be able to evaluate Ardent's request and grant the variance, with any changes as you determine necessary, and enable Ardent to pursue the project.

Sincerely,

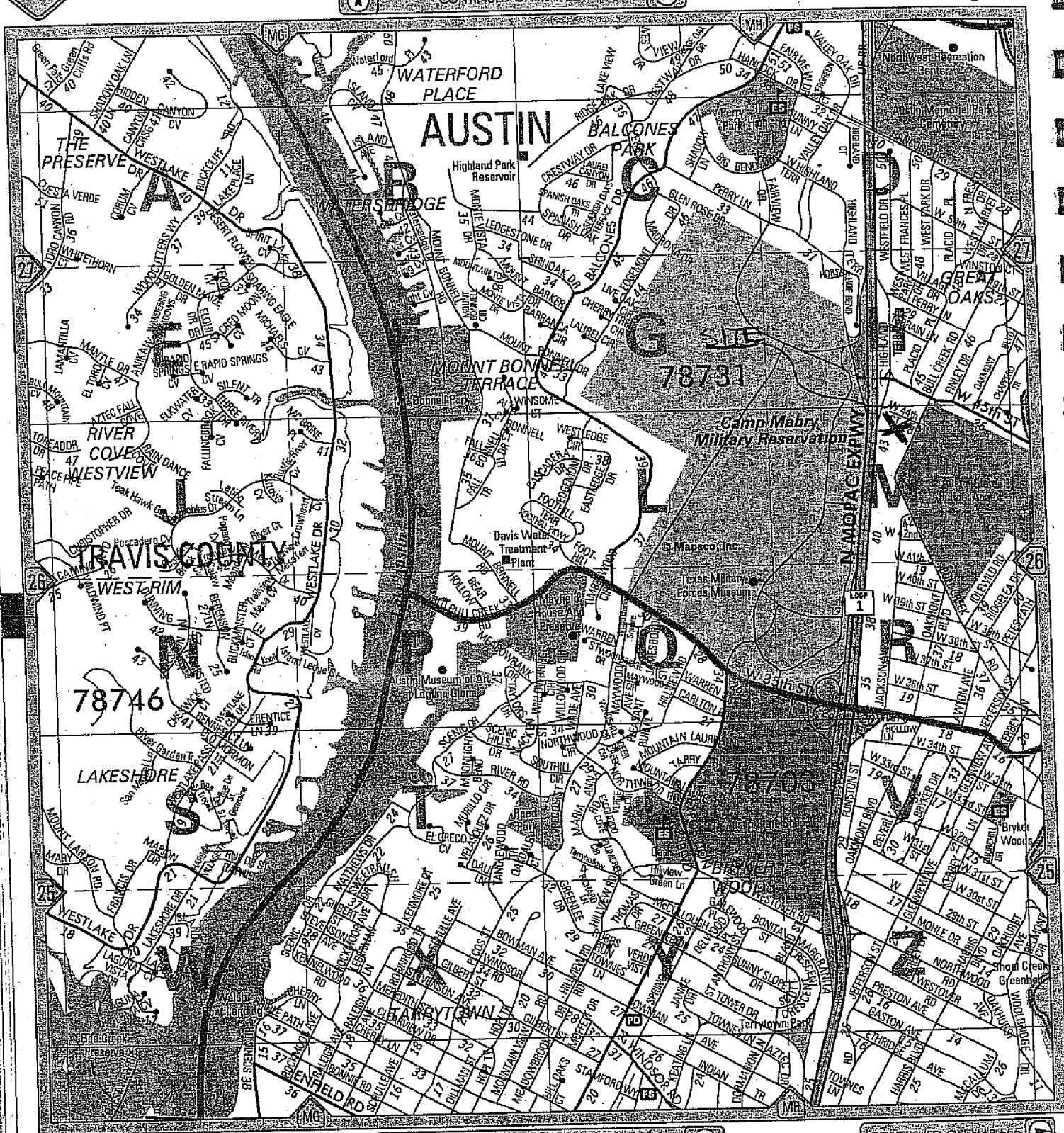
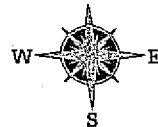


Arden J. Avakian, President
Oakmont Heights Neighborhood Association
c/o 1813 West 36th Street
Austin, Texas 78731

BULL CREEK ROAD, R.I. ON BULL CREEK, LOCATED
AT CORNER OF BULL CREEK AND W. 44th ST.

554

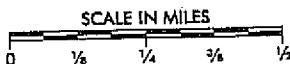
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5



ENVIRONMENTAL BOARD MOTION 012407-C1

Date: January 24, 2007

Subject: Bull Creek Town Homes Redevelopment

Motioned By: Rodney Ahart

Seconded by: Karin Ascot

Recommendation

The Environmental Board recommends **approval with conditions** of a variance request to Land Development Code 25-8-26 (B) (5) 1) - To exceed the allowable 25% impervious cover redevelopment limit in the Drinking Water Protection Zone.

Staff Conditions

1. An Integrated Pest Management Plan (IPM) approved by WPDRD staff will be adopted to reduce potential pollutant sources associated along
2. Impervious cover will be permanently restricted to a maximum of 80% (2.867 acres) on the site;
3. On-site water quality controls will be provided for all development on the site;
4. All existing Class I and II trees that are removed from the site will be replaced at 100% of the existing caliper inches with Class I trees. Tree replacements will be situated to optimize shading of paved surfaces to reduce heat island effect;
5. The site will incorporate stormwater improvements to reduce existing stormwater runoff from the site to address downstream drainage problems; and
6. The applicant will construct all structures to a minimum 1 Star Green Builder standard.

Rationale

1. The findings of fact have been met. Water quality controls will be implemented on the site.

Vote 7-0-0-2

For: Anderson, Moncada, Maxwell, Ahart, Curra, Ascot and Jenkins

Against:

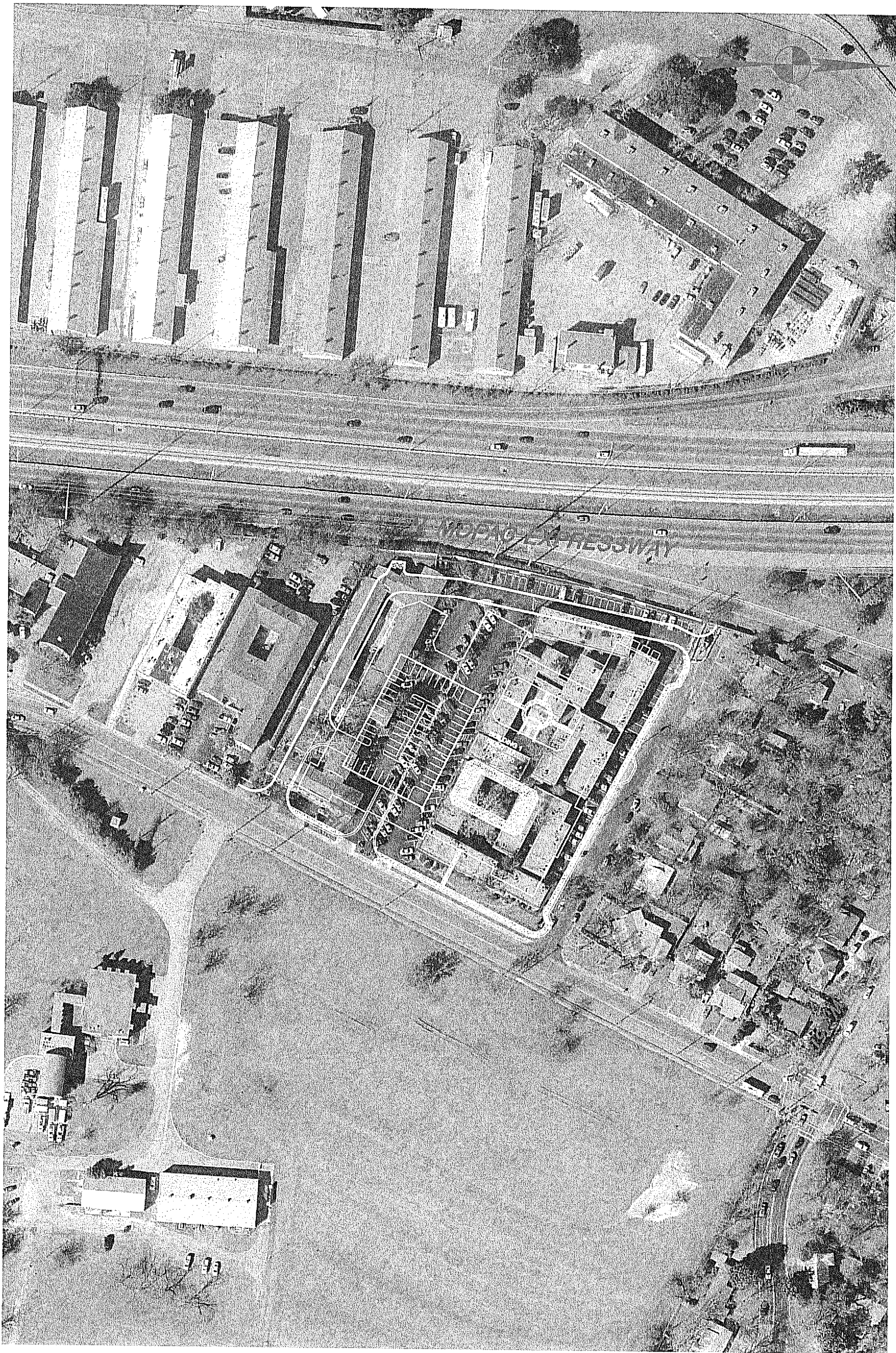
Abstain:

Absent: Beall and Dupnik

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair

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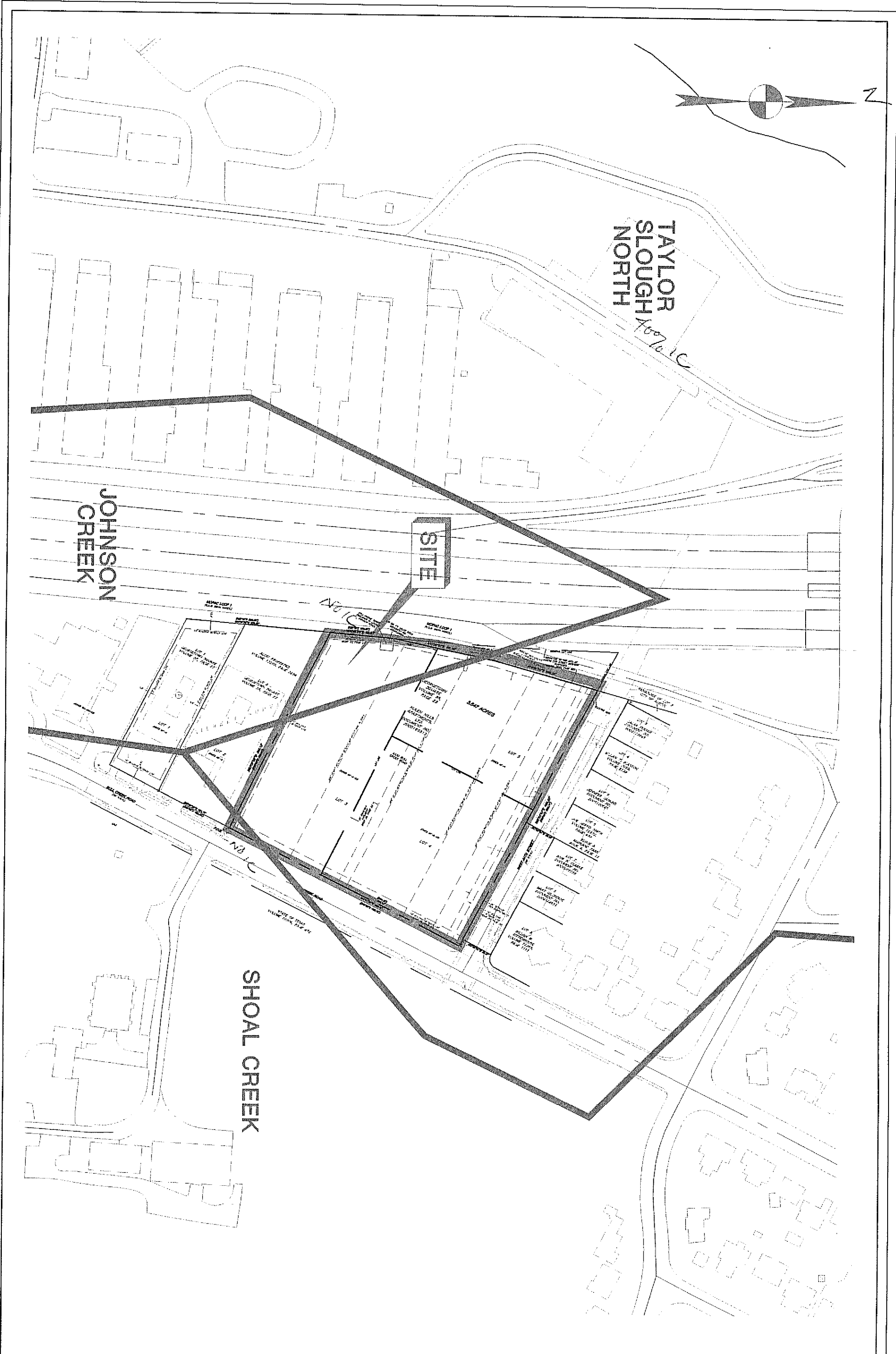
EXH

SCALE: 1"=300' DATE: 01/10/07
FILE: G:\1659\03\165903EXH13
DRAWN BY: RMM
DESIGNED BY: EL
REVIEWED BY: EL
PROJECT NO.: 1659-03.00

BULL CREEK MF REDEVELOPMENT
4330 BULL CREEK ROAD
ARDENT RESIDENTIAL

AERIAL MAP

Bury+Partners
ENGINEERING SOLUTIONS
3345 Bee Caves Road, Suite 200 Austin, Texas 78746
Tel. (512)328-0011 Fax (512)328-0325
Bury+Partners, Inc. ©Copyright 2007





ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: January 17, 2007

NAME AND NUMBER
OF PROJECT: Lelah's Crossing
SP-06-0402C

NAME OF APPLICANT
OR ORGANIZATION: Thrower Design
Ron Thrower (Consultant) 476-4456

LOCATION: 1300 W. Dittmar Rd.

PROJECT FILING DATE: July 25, 2006

WPDR/ENVIRONMENTAL
STAFF: Betty Lambright, 974-2696
betty.lambright@ci.austin.tx.us

WPDR/
CASE MANAGER Nikki Hoelter, 974-2863
nikki.hoelter@ci.austin.tx.us

WATERSHED: South Boggy Creek/Suburban/Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (Current Code)

REQUEST: Variance request to allow construction in a Critical Water
Quality Zone (§25-8-392 and §25-8-261)

STAFF
RECOMMENDATION: Recommended with conditions.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review Department

DATE: January 17, 2007

SUBJECT: Lelah's Crossing/SP-06-0402C
1300 W. Dittmar Rd.

Description of Property

Lelah's Crossing is a proposed multifamily condominium development on a 42 acre tract abutting Dittmar Road in the South Boggy Creek Watershed (Suburban Watershed). It is bounded on the west by the Union Pacific Railroad track, on the north by single-family residences, and on the east by a medical facility. The majority of the land is vacant, with the exception of several vacant buildings formerly associated with the adjacent Texas NeuroRehab Center. In addition, several areas of illegal spoils dumping were observed. The applicant proposes to take primary access from Dittmar Road on the south and secondary access (emergency vehicles only) from Albert Lane to the north.

The tract lies in the Desired Development Zone, but it is not located over the Edwards Aquifer Recharge Zone. South Boggy Creek is classified as an intermediate waterway for this project. It divides the site by flowing west to east along the lower third of the property. Drainage travels overland towards the creek from both sides. There are three pipelines that cross the property approximately 200 feet north of the creek. Floodplains, Critical Water Quality Zones (CWQZ), and Water Quality Transition Zones (WQTZ) occur within the property lines. In this watershed, allowable impervious cover is 60% in the uplands and 30% in the WQTZ. The total allowable impervious cover for this site is 18.4 acres; the proposed impervious cover is 16.1 acres.

Existing Topography/Soil Characteristics/Vegetation

The property has slopes ranging from 1 to 40%. Surface elevation ranges from approximately 700 feet above mean sea level (msl) to 762 feet above msl. The majority of the steeper slopes are associated with the creek.

2

The soils in the southern portion are classified as Houston Black clay, 1 to 3% slopes (HnB). These soils are deep, moderately drained clay soils which developed in calcareous marls and chalk. Soils in the central portion are classified as Urban land and Austin soils, 0 to 5% slopes (UsC). These moderately deep silty clay soils are well-drained and have developed from chalk. The soils in the northern portion are classified as Eddy soils and urban land, 0 to 6% slopes (EuC). These shallow, well-drained soils consist of gravelly loams which have developed in chalk.

The site is located in the Blackland Prairie province. Vegetation types common in the region include the Pecan-Sugarberry Series and the Gamagrass-Switchgrass Series. Vegetation on the site consists of native range grasses with scattered hardwoods. Many of the oaks have succumbed to oak wilt. Overall canopy cover was estimated at less than 10%.

Critical Environmental Features/Endangered Species

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells, riparian woodlands, and significant recharge features. One rimrock feature as defined by COA was found on the property. The standard setback has been applied to this feature.

Water/Wastewater

Water and wastewater will be provided by the City of Austin.

Variance Request

The variance being requested by this project is to LDC Sections:

Variance from LDC 25-8-261 and 25-8-392-Construction in the CWQZ

"(A) A fence that does not obstruct flood flows is permitted in a critical water quality zone.
(B) A public or private park, golf course, or open spaces, other than parking lot, is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection and Development Review Department." (25-8-261)

"Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1." (25-8-392)

Recent Variances in Suburban Watersheds

The following project had similar construction issues and received recommendations from the Environmental Board that were subsequently approved by the Zoning and Platting Commission:

Gilbert Lane Subdivision (C8J-04-0160) was recommended by consent by EV Board vote of 8-0-0-1 on June 1, 2005, with the following conditions:

1. Elevations above 448 (MSL) to be restored with native vegetation/grasses (per COA Specifications 609S and 604S.6).
2. The dedication of 6.71 acres of open space in the wooded, northern portion of the site, and the planting of 200 caliper inches of riparian trees along the restored banks of the channel, upstream of the wet pond.
3. Provide an IPM plan.
4. Forbid the use of coal-tar based asphalt sealants throughout the project.

Recommendation

Staff recommends approval of the variance request because the findings of fact have been met.

Conditions

Staff recommends granting the variance with the following conditions:

- (1) The applicant will follow an Integrated Pest Management Plan (IPM),
- (2) The applicant will restore disturbed areas in the Critical Water Quality Zone with 609.S standard specifications.
- (3) The applicant will work with Watershed Engineering to provide streambank stabilization and erosion hazard mitigation.
- (4) The applicant will remove 1.0 acre of allowed impervious cover from further development. This will be accomplished by a site plan note and restrictive covenant.

The applicant is also requesting administrative variances for 25-8-341/342 (Cut/Fill). These variances will be discussed during the presentation. If you have any questions or need additional information, please feel free to contact me at 974-2696.

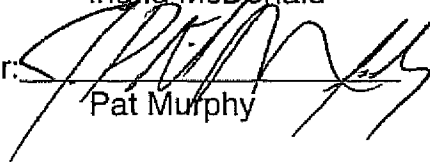


Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Lead:


Ingrid McDonald

Environmental Officer:


Pat Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Lelah's Crossing*
Application Case No: *SP-06-0402C*
Code Reference: *LDC 25-8-261 and 25-8-392*
Variance Request: *Construction in the Critical Water Quality Zone*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. The requirement would cause the applicant to be unable to access the property because of the configuration of South Boggy Creek. The majority of the site lies north of the creek, yet access from the north is limited to emergency access only. The creek must therefore be crossed in order to reasonably develop the site.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The applicant has agreed to an IPM plan, restoration of any disturbance in the Critical Water Quality Zone with native revegetation, erosion hazard mitigation, and setting aside 1.0 acre of allowed impervious cover from further development.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The crossing is the minimum change necessary to allow a reasonable use of the property.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes. As mentioned above, the applicant has agreed to several conditions that provide environmental benefits above current code. In addition, the applicant worked closely with staff to locate the crossing at a point that would minimize impact to trees in the creek.

Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The applicant is meeting current code for water quality requirements, including runoff from the bridge.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes.

Reviewer Name: Betty Lambright

Reviewer Signature:

Betty Lambright

Date:

January 10, 2007

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

6

Thrower Design

2807 Manchaca Road, Building 2
Austin, Texas 78704
(512) 476-4456 • Fax (512) 476-4454

July 19, 2006

Ms. Betty Baker
Chairperson
Zoning & Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Lelah's Crossing
SP-06-0402C

Dear Ms. Baker,

On behalf of our client we respectfully request variances to the Land Development Code so that we may appropriately develop the property.

The site is located within the South Boggy Creek watershed and totals 42 acres in size. The City of Austin Zoning & Platting Commission voted in favor of changing the zoning on the property to "SF-6-CO" to permit the development of the proposed project with multi-family construction.

The specific sections of the Land Development Code along with a brief explanation is as follows:

Section 25-8-341 & 342 – Cut and Fill

The property is located in the Desired Development Zone and some areas of the proposed site plan have cuts and fills exceeding the amount limited by the LDC. The cuts and fills are necessary to promote the proper draining of the property to detention and water quality ponds designed to current standards for water quality. Additionally, the variance is necessary to properly construct the crossing of the creek with an access to develop the bulk of the property located on the north side of the creek. Access through the neighborhood to the northern section of the property is limited to emergency service access only by Deed Restriction and Conditional Overlay on the zoning.

Section 25-8-261 – Critical Water Quality Zone Development

South Boggy Creek traverses the site and the bulk of the property is located on the north side of the creek. Access through the neighborhood to the northern section of the property is limited to


L A N D P L A N N E R S

emergency service access only by Deed Restriction and Conditional Overlay on the zoning. The variance to have construction in the Critical Water Quality Zone is to cross the creek which is classified as an Intermediate Waterway. Otherwise development is prohibited on the north section of the property as access is then prohibited. WE have designed as small of a crossing as possible to minimize the impact to the creek and are providing water quality to current standards for the development of the property. No run-off will directly enter the creek.

Therefore, we respectfully request variances to the Land Development Code as stated above for the reasons as stated above.

Thank you for your consideration of this request. Should you have any questions or need additional information, please call me at my office.

Sincerely,


A. Ron Thrower

APPLICANT

Watershed Ordinance Variances – Finding of Fact

As required in LDC Section 25-8-41, the Planning Commission shall make the following findings of fact when considering watershed variances:

Project: Lelah's Crossing ~ SP-06-0402C
Ordinance Standard: Section 25-8-261 Critical Water Quality Zone Development

Justification

1. The variance is not based on a condition caused by the method chosen by the applicant to develop the property?

Yes – The variance is needed due to the limiting factors associated with the rezoning of the property to properly develop the property. Specifically, the access from the north is limited to emergency vehicles only. The main body of the property lies across South Boggy Creek and crossing of the creek with a driveway will allow for the development to occur as well as providing a second outlet for the residents of the area in case of an emergency situation.

2. The variance does not provide the applicant with a special privilege not given to owners of other similarly situated property with approximately contemporaneous development.

Yes – This variance would not provide any special privileges to the property owner as the reasonable development area for the property is for that portion which lies across the creek necessitating this variance request. The requests of the abutting neighborhood associations to prohibit the development from entering the abutting neighborhood residential streets unless under an emergency situation limits reasonable access for development of the property.

3. The variance is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property.

Yes – The subject property, at 42 acres, has approximately 30 acres north of the creek that warrants the bulk of the proposed development. The abutting property for which is developed as a Hospital Services medical use continues to enjoy the rights and privileges similar to our request but must also use our emergency access drive to the neighborhood street

4. The project does not create a significant probability of harmful environmental consequences.

Yes – The proposal is to provide access to the north portion of the development with a commercial drive and not a public street. Commercial drives will be constructed out of the flood plain of the creek just as public roads but with less of a footprint for the crossing. The crossing has been agreed to by City of Austin Environmental Staff prior to the initiation of construction plans associated with this application. The point of crossing has less impact to the creek versus other points of crossing available to the property.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone, it has been found that the application of code restrictions leaves the property owner without any reasonable economic use of the entire property.

The bulk of the developable area of the property lies across the creek with the only point of vehicular traffic coming from Dittmar Road and crossing the creek. Vehicular access, other than emergency service, is prohibited from the abutting neighborhood residential streets. The only possible access is with the creek crossing and the proposal is to provide this point of access with the least possible environmental impact.

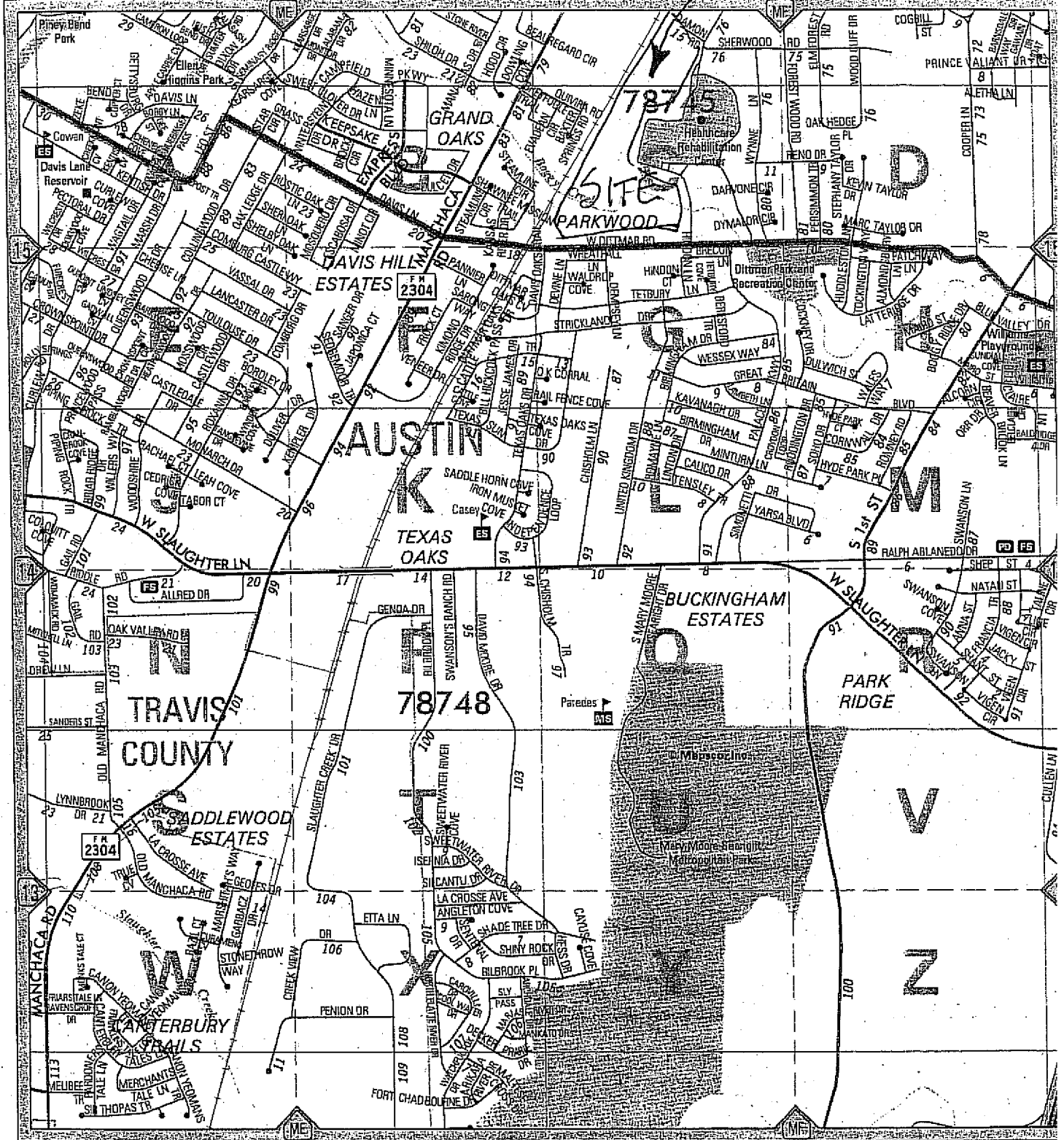
5. For variances in the Barton Springs Zone, in addition to the above findings, it has been found that the project demonstrates water quality conditions equal to or better than would have resulted had the development proceeded without the variance.

This project is not within the Barton Springs Zone.

1

FROM 175 - TAKE WILLIAM CANNON WEST TO SOUTH FIRST; TURN LEFT (SOUTH) ON SOUTH FIRST; TURN RIGHT (WEST) ON DITTMAR RD; THE SITE WILL BE ADJACENT TO THE MEDICAL FACILITY

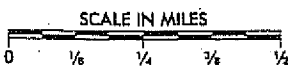
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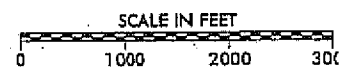
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BOOK PAGE 12

7

Environmental Commissioning

Recent Activities

- The Mitigation Working Group, comprised of representatives from Austin Water Utility (AWU), Watershed Protection and Development Review (WPDRD), Public Works (PU), and others has been meeting regularly since July 2006 to implement the Environmental Commissioning process for WTP 4.
- Chuck Lesniak, WPDRD, was designated the interim EC agent and is now functioning in that role. Once the EC consultant is hired, Chuck will continue as the City's EC Lead and manage the EC consultant's work effort.
- General guidelines for the EC process have been developed.
- A Request for Qualifications (RFQ) was prepared for hiring an independent, outside consultant to monitor and oversee the EC process. The RFQ was issued December 18, 2006.
- A Memorandum of Understanding (MOU) between AWU and WPDRD was developed and signed. The MOU will guide the implementation of the EC process and establishes funding commitments for the EC activities. Signatories are AWU and WPDRD.
- Plans and staffing for monitoring water flow, stormwater, water quality, and species in Bull Creek were developed and budgets prepared.
- Efforts are underway to hire additional WPDRD staff to assist with monitoring and managing the EC process. The first staff begins work in January 2007.
- Surface water and salamander monitoring began in December 2006 as part of the effort to define baseline environmental conditions.
- EC training and education was conducted for the design team on December 13, 2006.

Upcoming Activities

- The RFQ process will be used to select a consultant to serve as the EC agent. Submittals are due January 23, 2007 and we anticipate the EC consultant being under contract by late March or early April.
- EC checklists and other documentation will be finalized to guide the design team and EC team through the project.
- Surface water and salamander baseline monitoring will continue in the Bull Creek watershed.
- Groundwater dye tracing will begin in late January 2007.

- Installation of stormwater monitoring equipment will occur.
- Additional EC training and education will be implemented as additional staff, consultants, and contractors become engaged in the project.

Engineering

Recent Activities

- Surveys for karsts, Critical Environmental Features, and vegetation were completed and reports prepared for the Upper Cortaña site.
- Conceptual WTP 4 layout evaluations were performed for alternate sites.
- Revised WTP layouts were developed for the Upper Cortaña and Bull Creek sites.
- Planning for upcoming geotechnical investigations is ongoing.
- A detailed project schedule and scope was developed.

Upcoming Activities

- Geotechnical drilling will be performed in Lake Travis, along the raw water tunnel route, and on the WTP site.
- Preliminary engineering will be performed.
- Evaluations of chlorine storage and feed options will occur.
- Planning for the construction of storm water ponds will occur.
- CEF feature locations will be surveyed and tied to the WTP 4 site coordinate system.
- Preliminary concepts will be developed for the administration building, and potential LEED credits will be identified.

Communications

Recent Activities

- A presentation was made to the Environmental Board on November 1, 2006.
- A newsletter on the WTP 4 Project was issued mid-December.
- New information was posted to the WTP 4 website at <http://www.ci.austin.tx.us/water/wtpfour.htm>.
- A site tour was conducted of the Upper Cortaña and Bull Creek sites with members of the Environmental Board and others.

- Postcards were mailed to businesses and homeowners in the vicinity of Lake Travis to describe upcoming geotechnical work that will be performed in the lake.
- A presentation was made to the Water and Wastewater Commission on December 20, 2006.
- A meeting was held with 2222 CONA to discuss the status of the project.

Upcoming Activities

- Information meetings will be conducted with neighborhoods and other project stakeholders.
- Monthly status reports will be prepared and distributed to the Environmental Board and others.
- A second newsletter will be issued in January.
- Quarterly presentations will be given to the Environmental Board. The next presentation is scheduled for January 17, 2007.

WPDRD Recommendation for Ridgeview Service Extension Request


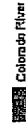
After careful consideration of all the related information as summarized below, WPDRD recommends that the Ridgeview Water and Wastewater Service Extension request be approved. Ridgeview Subdivision is a proposed single family SOS compliant subdivision located in Williamson Creek and Slaughter Creek Watersheds, within the Barton Springs Contributing Zone in the City of Austin's ETJ. (See attached map). The preliminary plan submitted to the City indicates compliance with SOS, and the layout proposed provides open space with headwater protection for an unclassified waterway, and CEF protection of several ephemeral springs. Much consideration was given to this service extension request, with careful analysis of the pros and cons of City provided wastewater disposal compared to onsite, owner maintained septic systems. Key information on the subdivision considered by staff is provided below:

- Development plan is SOS compliant (25% impervious cover)
- Proposal is 197 units with 45.57 acres of SF, 11.03 acres of ROW and 36.6 acres of greenspace/stormwater controls and treatment/PUE
- Area is within our ETJ, no immediate plans for annexation
- AWU has approved utility extension design
- Subdivision is within the AWU Service area, but not within wastewater CCN
- SER requires Council approval and is scheduled for WW Commission on January 24 and for City Council in early February
- Preliminary Plan has met all other review requirements and requires approval by Planning Commission/Zoning and Platting Commission subject to Council approval of SER

Potential Concerns Related to Provision of Service	Mitigating Factors
Increased density results from provision of service, (197 lots for proposal of service vs. an estimated 85 lots with onsite septic.)	Onsite impacts associated with owner maintained septic systems in local shallow soils decreased with provision of service.
Increased density is sprawl inducing.	Domino effect /sprawl limited due to existing development surrounding proposal.
Proposal for higher density is inconsistent with surrounding rural character.	Proposed layout results in increased open space and protects headwaters.
Impact associated with construction of infrastructure for extension of service.	Impact limited due to close proximity; service extension is in existing developed ROW.

This map illustrates the Ridgeview Service Extension Request area in Williamson, Texas. The request area is highlighted in a dark, irregular shape. Key features include:

- Major Roads:** Loop 71 (labeled '71 TEXAS'), Loop 290, and Loop 1 (labeled 'Loop 1').
- Geographic Labels:** 'Williamson', 'LANTANA', 'Recharge Zone', and 'BRADLEY'.
- Infrastructure:** A network of streets and a 'Recharge Zone' boundary.
- Scale and Orientation:** A scale bar indicating distances from 0 to 8,400 feet, and a north arrow.



Water Wastewater Service Boundary



Waterfetched Boundary

5 Mile ☐ LTD ☐





ENVIRONMENTAL BOARD MOTION 012407-D2

Date: January 24, 2007

Subject: Ridgeview Subdivision Utility Service Extension Request

Motioned By: Phil Moncada

Seconded by: Julie Jenkins

Recommendation

The Environmental Board supports this proposal for the Ridgeview Subdivision Utility Service Extension Request

Staff Conditions

None.

Rationale

1. The Ridgeview Subdivision Utility Service Extension Request is Save Our Springs compliant with 23.8 % impervious cover and City of Austin staff supports this project.
2. Onsite impacts associated with owner maintained septic systems in local shallow soils decreases with provision of service.
3. Domino effect / sprawl limited due to existing development surrounding proposal.
4. Proposed layout results in increased open space and protects headwaters.
5. Impact limited due to close proximity; service extension is in existing developed Right of Way (ROW).

Vote 6-0-0-3

For: Anderson, Moncada, Maxwell, Ahart, Curra, and Jenkins

Against:

Abstain:

Absent: *Beall, Ascot and Dupnik

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair

* Karin Ascot was not present after 9:00 p.m.