



Postmarked:  
From: 1/24/07  
To: 2/7/07

**ITEM FOR ENVIRONMENTAL BOARD AGENDA**

**BOARD MEETING  
DATE REQUESTED:** February 7, 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](mailto:betty.lambright@ci.austin.tx.us)

**WPDR/  
CASE MANAGER** Nikki Hoelter, 974-2864  
[nikki.hoelter@ci.austin.tx.us](mailto: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.

*Item B-1*



## 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:** February 7, 2007

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

Staff and the Applicant made a presentation to the Environmental Board for a variance request for construction in the Critical Water Quality Zone on January 24, 2007. Please refer to the packet provided at that time, as the information and exhibits provided are still applicable.

During the presentation, Board members had questions that could not be answered because the Applicant's engineer and COA drainage reviewer were unable to attend the meeting. Please find attached a letter from Chris McComb, P.E., responding to those questions. Mr. McComb and the COA drainage reviewer will be in attendance for the February 7 EV Board meeting.

Staff recommendations and conditions remain the same.

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



**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).**



Watershed Ordinance Variances – Finding of Fact

APPLICANT

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.

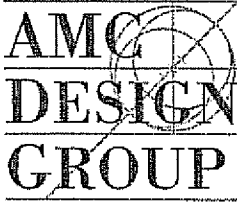
Yes – The proposal is to provide access to the north portion of the development with a commercial drive and not a public street. Commercial drives will be constructed out of the flood plain of the creek just as public roads but with less of a footprint for the crossing. The crossing has been agreed to 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.



AMC Design Group, Inc.  
P.O. Box 18058  
Austin, Texas 78760

Tel 512.385.2911  
Fax 512.385.5400  
info@amcdesigngroup.com

January 30, 2007

David Anderson, Chairman  
City of Austin Environmental Board  
P.O. Box 1088  
Austin, TX 78767

Re: **Lelah's Crossing**  
**SP-06-0402C**

Dear Mr. Anderson:

I am writing this letter to answer questions relating to the above referenced project that came up during the Environmental Board meeting that occurred on Wednesday, January 24, 2007. Specifically, questions pertaining to floodplain, drainage and the Corps of Engineers 404 Permit were brought up that will be addressed in this letter. Also, please let me apologize for not being present at the meeting. As you are aware, the ice storm of the previous week caused the board meeting to be postponed. Because of this, I had a prior family commitment that could not be changed and thus was not able to be at the meeting. However, I will be able to attend the next scheduled meeting for the board.

Addressing the floodplain and drainage questions, we can state that all water quality and floodplain comments have been cleared. Moreover, all technical drainage comments have been cleared. The outstanding drainage comments relate to finalizing and recording multiple drainage easements, and paying construction inspection fees.

The main question that postponed the meeting relates to the Corps of Engineers 404 Permit status. In summary, there is no permit issue with the Corps 404 permit. South Boggy Creek, an intermediate waterway as defined by the Land Development Code, is considered an intermittent stream by Corps of Engineers definitions (33CFR Part 328). The proposed bridge crossing of South Boggy Creek is a 156-foot span across the existing creek channel and does not disturb the existing bank conditions.

The Corps of Engineers has issued a series of Nationwide Permits (NWP) to handle projects such as Lelah's Crossing, in order to reduce paperwork and to not overload the federal review process. There are currently 43 NWP's that were issued on January 15, 2002, and expire on March 18, 2007. The Corps is in the process of renewing the current set of NWP's.

The construction of this bridge falls within the jurisdiction of Corps of Engineers NWP #14 and #25, which relate to Linear Transportation Projects, and Structural Discharges for the Construction of Bridges. This project qualifies under both of these nationwide permits and

meets all General Conditions. Therefore, individual permits will not required for this project. Under the General Conditions of both NWP's, a pre-construction notice (PCN) is not required. There are no additional regional Corps of Engineers requirements that relate to this project that would require a PCN.

I discussed this briefly with Eduardo Acosta, P.E., City of Austin Drainage Reviewer, and he had no issues.

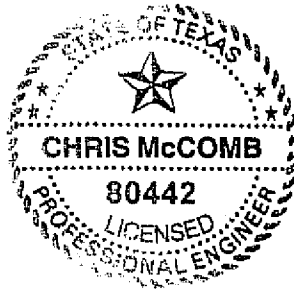
If you have any other questions, please do not hesitate to call. We would also be available to meet with you prior to the next scheduled meeting to discuss any concerns you may have.

Sincerely,

AMC Design Group, Inc.

*C. McComb 1-30-07*

Christopher McComb, P.E.  
President



Cc: Betty Lambright  
Eduardo Acosta, P.E.  
Ron Thrower  
Robert Kleeman, Esq.  
John R. Kleas

# 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

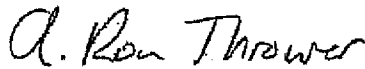
South Boggy Creek traverses the site and the bulk of the property is located on the north side of the creek. Access through the neighborhood to the northern section of the property is limited to

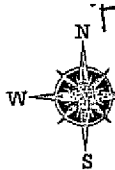
emergency service access only by Deed Restriction and Conditional Overlay on the zoning. The variance to have construction in the Critical Water Quality Zone is to cross the creek which is classified as an Intermediate Waterway. Otherwise development is prohibited on the north section of the property 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.

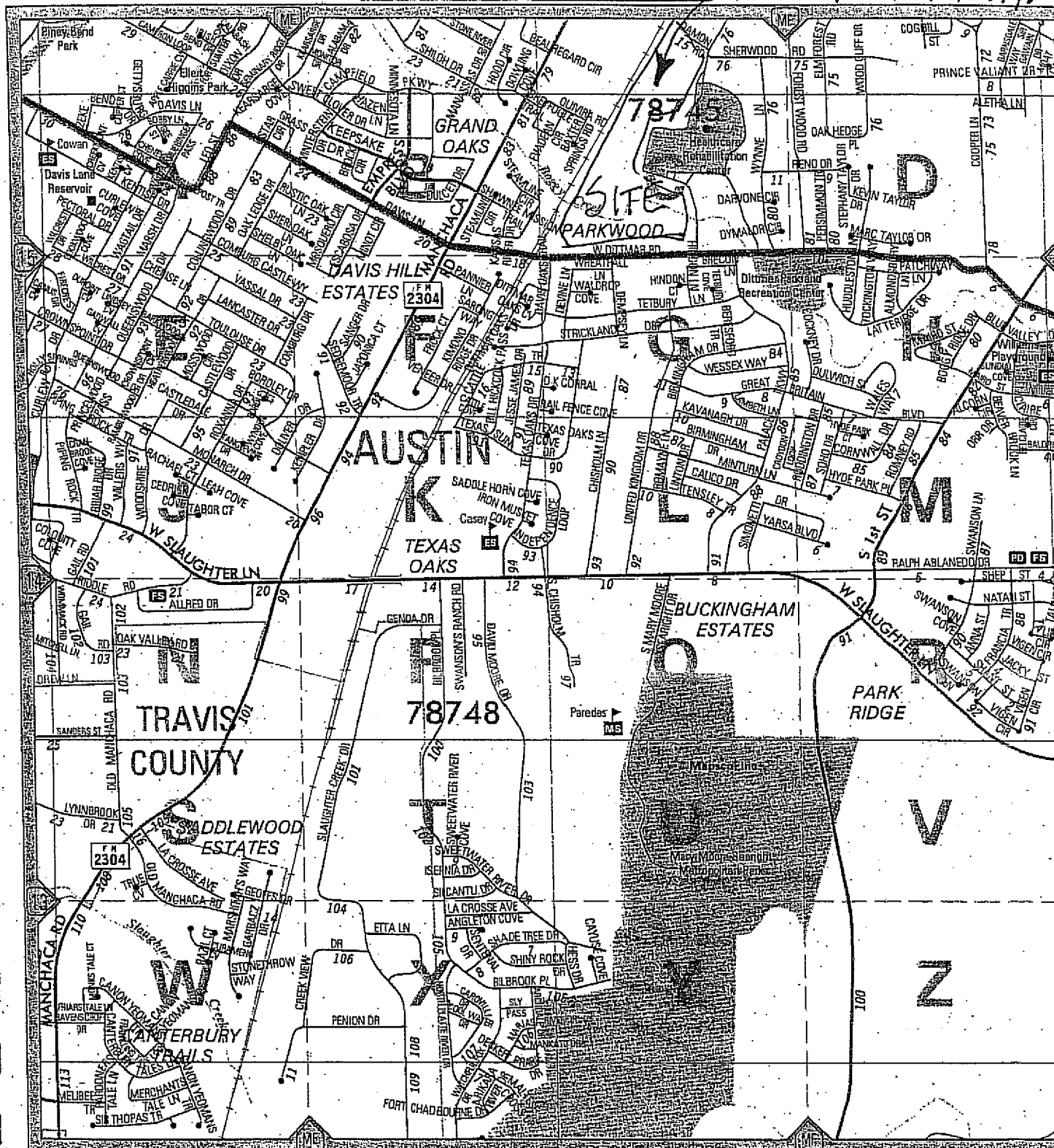
Sincerely,

  
A. Ron Thrower



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

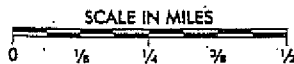
673



CONTINUED ON MAP 672

CONTINUED ON MAP 673

CONTINUED ON MAP 674



COPYRIGHT 1993, 2004 by MAPSCO INC. - ALL RIGHTS RESERVED.





## ENVIRONMENTAL BOARD MOTION 020707-B1

Date: February 07, 2007

Subject: Lelah's Crossing

Motioned By: Phil Moncada

Seconded by: Karin Ascot

### Recommendation

The Environmental Board recommends **approval with conditions** of a variance request to Land Development Code 25-8-392 and 25-8-261 - To allow construction in a Critical Water Quality Zone.

### Staff 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 stream bank 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.

### Rationale

1. The applicant has worked closely with staff and designed the bridge to minimize impact to waterway.
2. Runoff from bridge will be conveyed to water quality ponds.

Vote 8-0-0-1


For: Anderson, Ascot, Moncada, Curra, Ahart, Jenkins, Dupnik and Beall

Against:

Abstain:

Absent: Maxwell

Approved By:

  
Dave Anderson P.E., CFM *pe*  
Environmental Board Chair



B2

ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING**

**DATE REQUESTED:** February 7, 2007

**NAME & NUMBER  
OF PROJECT:** Star Riverside  
SP-06-0700C

**NAME OF APPLICANT  
OR ORGANIZATION:** C Faulkner Engineering  
(Stephanie Stanford, P.E. – Phone 495-9470)

**LOCATION:** 1300 East Riverside Drive at Manlove Street

**PROJECT FILING DATE:** November 17, 2006

**WPDR/ENVIRONMENTAL  
STAFF:** Patricia Foran, 974-3427  
patricia.foran@ci.austin.tx.us

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

**WATERSHED:** Town Lake (Urban) and Harper's Branch (Urban)  
Desired Development Zone

**ORDINANCE:** Comprehensive Watershed Ordinance (current Code)

**REQUEST:** Variance requests are as follows:  
1. To allow construction and demolition within the  
Critical Water Quality Zone of Town Lake and  
Harper's Branch Creek (LDC Section 25-8-261).

**STAFF RECOMMENDATION:** Recommended with conditions.

**REASONS FOR  
RECOMMENDATION:** Findings of fact have been met.

/





NAME & NUMBER  
OF PROJECT:

STAR RIVERSIDE  
SP-06-0700C

VARIANCES ADDRESSED  
IN PACKET:

*For Environmental Board Recommendation*

Variance to LDC Section 25-8-261 to allow construction and demolition within the Critical Water Quality Zone of Town Lake and Harper's Branch Creek.

*Additional Variances Not Requiring Environmental Board Action*

1. Variance to LDC Section 25-2-734(C) to exceed the 50% impervious cover limitation for area not within the primary or secondary setback line of the East Riverside Subdistrict; and
2. Variance to LDC Section 25-2-721 (B) to allow the construction of trail improvements and water quality facilities within the primary setback of the Waterfront Overlay.



## MEMORANDUM

TO: David Sullivan, Chairperson  
Members of the Planning Commission

FROM: Patricia Foran, Environmental Reviewer  
Watershed Protection and Development Review Department

DATE: January 30, 2007

SUBJECT: Star Riverside/ SP-06-0700C  
1300 East Riverside Drive at Manlove Street

Star Riverside is seeking a variance recommendation to approve proposed demolition and construction located within the Critical Water Quality Zone (CWQZ) of Town Lake and Harper's Branch Creek Watersheds. Land Development Code (LDC) 25-8-261 limits the scope of allowable construction within the CWQZ.

### Description of Project Area

The 4.023-acre site is located at the interaction of East Riverside Drive and Interstate Highway 35. It is bounded by an empty lot to the east, East Riverside Drive to the south, Interstate Highway 35 to the west, and Town Lake to the north. The site is within the Town Lake and Harper's Branch Creek Watersheds, which are both classified as Urban. The site is in the Desired Development Zone. It is not located over the Edwards Aquifer Recharge Zone. The structures located on the site were built in 1962 and therefore do not comply with current requirements for water quality and construction in the CWQZ.

The applicant is proposing to redevelop the site as a residential condominium with limited commercial use. The applicant is seeking a variance to perform construction and demolition within the CWQZ, which composes approximately 1.28 acres of the site. The applicant proposes the following activities within the CWQZ: demolish existing structures including sidewalks, a swimming pool, and a building; to extend the existing box culvert approximately 80 feet within Harper's Branch Creek (and related improvements); to construct hike and bike trails and a trash rack; and perform riparian restoration. As a result of the redevelopment, impervious cover within the CWQZ will be reduced from 24.8% to 7.2% (4,032 square feet), all of which is sidewalk for hike and

bike trails. The gross impervious cover of the entire site will be reduced from 58.6% to 57.6%.

The applicant will also request variances to LDC Section 25-2-734(C) to exceed impervious limitation for areas not within the primary or secondary setback of the East Riverside Subdistrict of the Waterfront Overlay, and Section 25-2-721(B) to allow the construction of trail improvements and water quality facilities within the primary setback of the Waterfront Overlay.

#### **Hydrogeologic Report**

The site can be characterized as sloping from the southeast to northwest towards Town Lake and Harper's Branch Creek. Slopes in excess of 15% are found along the Town Lake shoreline and along the western portion along the Interstate Highway 35 right-of-way. Most of the runoff from the site is currently collected by the parking lot and is conveyed across the site as overland flow that discharges directly into Harper's Branch Creek and Town Lake. Storm water is also collected from the existing building through a gutter and downspout system that flows overland and is discharged into Town Lake.

The shallow soil types of the project area consist of Altoga Silty Clay soil series. These soils are typically light brownish gray, pale brown, and light yellowish brownish. Subsurface soils consist of old grading fill, old utility trench backfill, and possible alluvial soil. The fill likely exists at varying depths due to previous construction activities. Austin Group limestone, which provides reasonably good foundation support, is the bedrock formation at this site.

---

#### **Vegetation**

Vegetation is identified as confined primarily within existing parking lot medians or in portions of the site that have steeper slopes. A majority of the trees present are Live oaks, Pecans, and Willows. Kudzu, a non-native, invasive plant, is present on the site, as well as several other non-native plants within the CQWZ.

#### **Critical Environmental Features**

An Environmental Assessment provided by the applicant, as well as site visits conducted by Watershed Protection Staff and Environmental Resource Management, determined that there are no critical environmental features (CEF's) within 150 feet of the proposed LOC.

#### **Water/Wastewater Report**

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

#### **Variance from Land Development Code LDC 25-8-261**

The variance required by this project is to LDC Section 25-8-261 for critical water quality zone development. This section of the code restricts development in the CWQZ to the following:

- A fence that does not obstruct flood flows.

- A public or private park, golf course, or open space other than a parking lot.
- A utility line crossing.
- Detention basins, provided that the requirements of Subchapters 25-7 (Drainage) and 25-8 (Environmental) are met.

The variance is triggered by the proposed construction of the wet pond, trash rack, and extension of the box culvert within the CWQZ of Town Lake and Harper's Branch Creek.

#### **Similar Cases**

The following projects had variances to LDC 25-8-261 that were recommended by the Environmental Board, and subsequently approved by the Planning Commission or Zoning and Platting Commission:

Little Walnut Creek Library Parking Lot Expansion (SP-06-0311C) recommended by EV Board Vote of 7-0-0-1 with the following conditions:

1. Provide additional water quality treatment for the existing parking lot by utilizing flow spreaders.
2. Implement an IPM program.
3. Provide additional native plantings beyond the Landscape Ordinance requirements.

Infiniti of Austin (SP-0409962C) received a 3-3 vote by the EV Board on July 7, 2004 and was sent forward with the following conditions:

1. Applicant will minimize disturbance to artificial wetland.
2. Native seeding 609S.
3. Forbid the use of coal-tar based parking sealants.
4. Landscape enhancements along header of parking garage and adjacent to channel and building.
5. Rigorous operation and maintenance of sand filter.

The variance was later approved by the Zoning and Platting Commission.

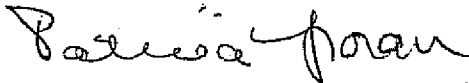
#### **Recommendations:**

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

#### **Conditions**

- Provide water quality for Harper's Branch Creek in the form of a trash rack and riparian restoration.
- Maintain the trash rack and restored riparian area.
- Implement an IPM program.
- Revegetate within the CWQZ using 609S.
- Adequately protect the significant trees identified by the City Arborist.
- Implement a program to remove Kudzu.

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.

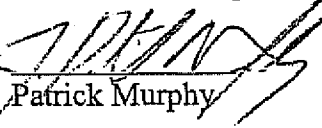


Patricia Foran, Environmental Review Specialist Senior  
Watershed Protection and Development Review Department

Environmental Program Coordinator:

  
Ingrid McDonald

Environmental Officer:

  
Patrick Murphy

## **LDC Section 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT**

- (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 a 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.
  - (1) In a water supply rural watershed or the Barton Springs Zone, park development is limited to hiking, jogging, or walking trails and outdoor facilities, and excludes stables and corrals for animals.
  - (2) In the Barton Springs Zone, a master planned park that is reviewed by the Land Use Commission and approved by the council may include recreational development other than that described in Subsection (B)(1).
- (C) Along Lake Travis, Lake Austin, or Town Lake:
  - (1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone; and
  - (2) approval by the Watershed Protection and Development Review Department of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.
- (D) In the Barton Springs Zone:
  - (1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, or a pedestrian bridge, or bicycle or golf cart path, is permitted in a critical water quality zone; and
  - (2) approval by the Watershed Protection and Development Review Department of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan released.
- (E) A utility line may cross a critical water quality zone. In the Barton Springs Zone, approval by the director is required for a utility line crossing.
- (F) Except in the Barton Springs Zone, detention basins and floodplain alterations are permitted in the critical water quality zone if the requirements of Chapter 25-7 (Drainage) and the other provisions of this subchapter are met.



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

---

**Application Name:** *Star Riverside*  
**Application Case No:** *SP-06-0700C*  
**Code Reference:** *LDC 25-8-261*  
**Variance Request:** *Perform construction within 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 4.02 acres site is composed of 1.28 acres of CWQZ. In addition, a box culvert and 54" wastewater main are present which limits the size of the overall development. The majority of the proposed construction in the CWQZ is to remove structures and build hike and bike trails which is consistent with the surrounding property. The applicant is also proposing to relocate the box culvert and has agreed to construct a regional trash rack and perform riparian restoration as a result of the relocation.*

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 is proposing to remove all of the impervious cover from within the CWQZ with the exception of portions of the hike and bike trails. This will reduce the impervious cover within the CWQZ from 24.8% to 7.2% (all of which is sidewalk for the trail). Regional water quality structures will be installed in the form of a trash rack and riparian restoration. The area above the box culvert contains possibly the only known infestation of Kudzu (a highly invasive plant that the applicant proposes to eradicate). These factors will provide significantly greater environmental protection than what currently exists at the site.*

- 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 proposed redevelopment will provide much needed water quality treatment for Harper's Branch Creek, provide the general public with connections to the Town Lake Hike and Bike Trails, and reduce the site constraints for the applicant.*

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

*Yes The proposed project is an improvement over the existing environmental conditions since it removes structures from the CWQZ, restores native vegetation to the CWQZ, eliminates invasive Kudzu, and provides water quality treatment.*

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

*Yes Water quality will be at least equal to the water quality achievable without the variance due to the proposed regional trash rack, riparian restoration, and compliance with the current code for the water quality control requirement.*

**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 The applicant will be improving the overall water quality and providing the public access through hike and bike trails.*

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

*Yes Denial of the variance request would prevent a reasonable, economic use of the property.*

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

*Yes Without this variance, the improvements within the CWQZ are not possible and the site constraints will not allow a reasonable use of the property.*

---

**Reviewer Name:** Patricia Foran

**Reviewer Signature:** *Patricia Foran*

**Date:** January 31, 2006

---

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



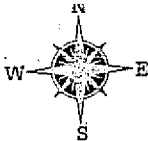
## DIRECTIONS TO STAR RIVERSIDE

SP-06-0700C

This project is located within the Full Purpose City limits.

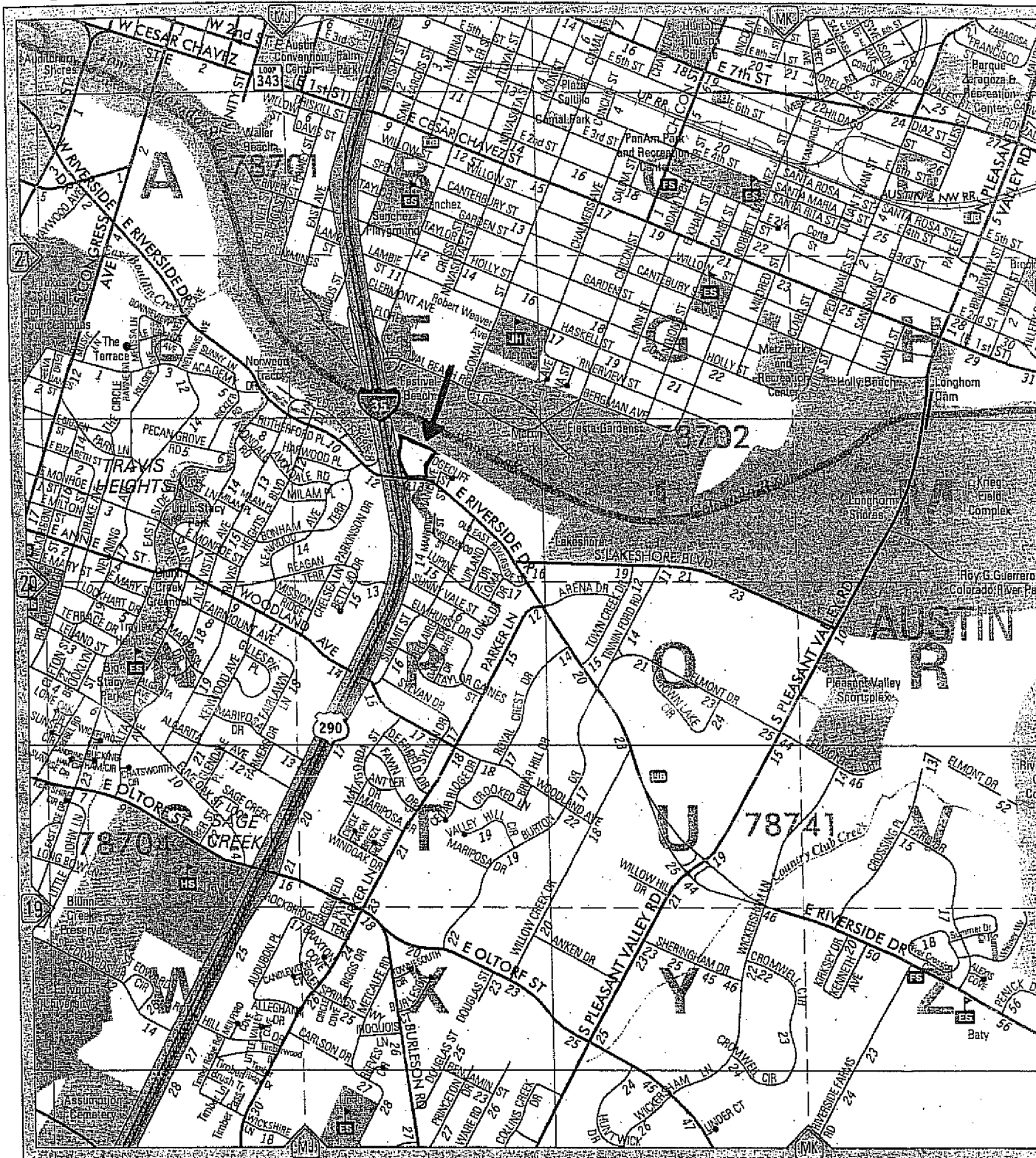
At the intersection of the northbound frontage road of Interstate Highway (IH) 35 and East Riverside Drive, head east on East Riverside Drive. Make the first left possible onto Manlove Street, approximately 300 feet from the IH 35 frontage/East Riverside Drive intersection.

The site is currently developed as the Wellesley Inn and Suites although the name has been removed from the sign.



CONTINUED ON MAP 55

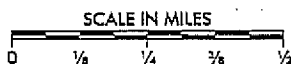
61



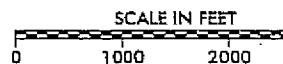
CONTINUED ON MAP 55

CONTINUED ON MAP 55

CONTINUED ON MAP 55



COPYRIGHT 1993, 2004 by MAPSCO INC. - ALL RIGHTS RESERVED



BOOK P1

11

## APPENDIX U: FINDINGS OF FACT

### Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Star Riverside Case Number: SP-06-0700C

Ordinance Standard: Article 7, Division 1, Section 25-8-261 of the City of Austin Land Development Code: Limits the development within Critical Water Quality Zones established by the 100' setback from the Town Lake shoreline boundary and the CWQZ established from the 100 year floodplain of Harper's Branch Creek

#### 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

Yes. This variance request is to allow construction within the Critical Water Quality Zones of Harper's Branch Creek and Town Lake. The following construction activities are proposed: demolition and removal of the existing pool, sidewalks and building; extension of the existing box culvert by approximately eighty (80) feet within Harper's Branch Creek; construction of a trash control rack and a facility with wetland plants for screening, aesthetics, education and riparian restoration within Harper's Branch Creek; construction of the onsite extension of the Town Lake Hike and Bike Trail along the shore of Town Lake and a connection to the Trail at East Riverside Drive; and construction of walls related to the trail and box culvert extension improvements.

This is a redevelopment of an existing site that has a total gross site impervious cover of 58.6% and structures that encroach into the CWQZ setback established along Town Lake. The proposed development reduces the total gross site impervious cover to 57.6% and removes all impervious development from within the setbacks with the exception of the addition of an extension of the Town Lake Hike and Bike Trail park system.

The special circumstances applicable to the property include several unique situations that affect the ability to fully develop and utilize this site. The total site area is 4.02 acres, the CWQZ encompass 1.28 acres, leaving a balance of 2.74 acres of useable area (UA) not included in the setback. There are subterranean constraints such as the box culvert and a 54" wastewater main transmission line that limit the depth available for the development of an underground parking

facility. This limit constrains the amount of available parking and limits the size of the overall development. The area above existing head wall of the box culvert contains the only known infestation of Kudzu in Central Texas. As part of the box culvert extension, this development, in conjunction with experts, will seek to eradicate this infestation to help prevent its devastating effects on our area.

Currently the only water quality treatment consists of a floating boom on Town Lake. City staff requested the creation of an area at the outfall of the expanded box culvert that mitigates the extension of the box culvert. We propose to install a treatment system with a trash control rack and a facility with wetland plants for screening, aesthetics, education and riparian restoration. The trash control rack will provide water quality treatment by removing trash and debris from storm water for Harper's Branch Creek. The area below the trash control rack will provide some immeasurable water quality treatment for the Harper's Creek outfall. It will function as a screening, aesthetic, and riparian restoration facility. The educational part of the facility will provide invaluable dissemination of the importance of such areas for water quality and habitat. This area will also create a riparian restoration area with native plants and habitat for species common to the Town Lake area.

The location of this site along Town Lake allows it to provide an extension of the Trail system for use by all in our community, however, the construction of this city amenity will occur within the CWQZ. This variance request includes the construction of approximately 4,200 square feet a paved access system which meets ADA requirements from East Riverside as well as approximately 6,800 square feet of a decomposed stone trail along the water's edge. The proposed trail will connect to the existing sidewalk along East Riverside Drive at the existing accessible ramp and will run along the west side of the proposed development. The trail is divided into two different experiences. The trail along Town Lake will be composed of decomposed granite gravel and will be twelve (12) feet wide. The trail along the western side of the development will be an eight (8) foot wide accessible concrete trail that will meander down to the gravel trail. Concrete is used so as to allow for ADA accessibility to the Town Lake Trail and to allow for steeper slopes than the decomposed granite allows, reducing the amount of sidewalk required within the CWQZ.

This development has sought through discussions with numerous representatives of the City to meet and exceed the requirements for development. For example, in meetings with Mike Lyday several requests such as restoration of the CWQZ to native plant species and realignment of fire lanes away from the drip line of a significant oak; were made and incorporated into the plans. Additionally, the designs of the box culvert, trash control rack and a facility with wetland plants for screening, aesthetics, education and riparian restoration within Harper's Branch Creek have been achieved through the collaboration and input of several departments.

There is part of an existing building and pool area located within the Critical Water Quality Zone (CWQZ), defined as a 100' setback from the Town Lake shoreline boundary, elevation 429', established in §25-8-92 (B)(1)(c) and §25-8-92 (B)(2)(a) of the Code of the City of Austin. Ultimately, this development will

decrease the overall impervious cover that exists within the CWQZ from 24.8% to 7.2%. Demolition of the existing structure will be required with the overall development, unavoidably disturbing this area. The areas of disturbance within the CWQZ will be revegetated with native plant species. The area being revegetated will also function as a vegetative filter strip to treat storm water runoff from buildings A and B.

---

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

Yes. This project has demonstrated adherence to the requirements of the City of Austin Land Development Code in all other measures relating to a Critical Water Quality Zone. This variance request does not seek to ultimately add to the development or disturbance which currently exists within the CWQZ, instead it will improve the regional water quality of the discharge into Town Lake from Harper's Branch Creek, provide education, restore native vegetation within the setback and reduce the impervious cover within the setback. Furthermore, the trash control rack and the facility with wetland plants for screening, aesthetics, education and riparian restoration is proposed to be constructed at the outfall of the extended box culvert which will provide natural filtration of storm water and a habitat for species commonly found along Town Lake. Harper's Branch Creek currently discharges into Town Lake with only a fabric boom for removal of floating trash and debris. Ultimately, this area will serve as an education tool for the benefits of riparian and native vegetation and will be a feature along the extended Hike and Bike Trail. Within the current setback there is .32 acres or 24.8% impervious cover the proposed development reduces this amount to 7.2%, of which is entirely Trail sidewalk. All of the proposed impervious cover within the CWQZ is for the paved portion of the trail system. The proposed concrete trail within the CWQZ is 4,032 square feet or 7.2% of the setback area. Concrete is used so as to allow for ADA accessibility to the trail and to allow for steeper slopes than the decomposed granite allows, reducing the amount of sidewalk required within the CWQZ. The decomposed granite portion of the trail, to be constructed adjacent to Town Lake is 6,722 square feet. All necessary erosion and sedimentation controls will be employed and maintained as required and ultimately the area will be improved over its current state. As part of the rezoning process for this site, the developer has offered and has arranged to provide funds to the Town Lake Trail Foundation to assist in design and construction of a bridge under IH35 and over Harper's Creek to expand the Town Lake Hike and Bike Trail even further.

---

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

Yes. The proposal does not provide special privileges not enjoyed by others with similar conditions for similarly timed developments. The request for the variance from the requirements is not based on a condition created by voluntary subdivision of the project. This development is in a unique location within the City of Austin city limits. The site has been in its current configuration since approximately the mid-1950 and is located within two Urban Watersheds. The proposed development seeks to create an urban residential environment that complies with the applicable sections of the Land Development Code.

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

Yes. If construction in the critical is not allowed, the existing improvements that encroach into the CWQZ cannot be removed, the Town Lake Hike and Bike Trail cannot be constructed and Harper's Branch Creek would not be improved in any way from existing conditions. Disallowing construction in the CWQZ would also prevent the construction of the box culvert extension which would reduce the buildable area of the site to well below the existing impervious cover located on the property. The overall development requirements of this project are dependent on the existing character of this site being improved for the benefit of the residents and for the community. The Parks and Recreation Department has requested that the Trail be constructed on the property for their support of the development, disallowing this proposal would prevent the developer from complying with the request of the Parks Department to provide access to the trail system from IH 35 and East Riverside Drive and an extension of the trail along the northern boundary of the property. Granting this request does not negatively alter the character of the area, it is integral to the desire to improve the character of the community, promote development on East Riverside Drive and improve the access, aesthetics and water quality along Town Lake and Harper's Branch Creek.

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

The property for which this variance is requested is not located within the Barton Springs Zone.

A variance requires all above affirmative findings with explanations/reasons.

4



## Memorandum

**To:** Planning Commissioners  
Neighborhood Planning and Zoning Department

**From:** Warren W. Struss, Director  
Parks and Recreation Department

**Date:** January 31, 2007

**RE:** Recommendation on the Star Riverside Project Variance Request from the East Riverside Sub-district of the Waterfront Overlay

The Parks and Recreation Department supports the variance request from the Star Riverside project, (formerly the Extended Stay Hotel located on 1001 S. IH-35) to establish a natural water quality pond in the primary setback. The basis for this support is due to: 1) the proposal is not obtrusive to the continued development of the hike & bike trail, and 2) the design of the water quality pond will be of a natural character instead of a concrete shell that would not be aesthetically pleasing in the primary setback.

The proposed improvements outlined by the property owner include a 12 foot granite gravel hike & bike trail along the waters edge of Town Lake and granting the City of Austin an easement. The property owner will also be building a bridge crossing the natural water quality pond making it possible to connect the hike & bike trail under IH-35.

Furthermore, the property owner has agreed to contribute \$250 dollars per unit to the Town Lake Trail Foundation to continue their work in enhancing the trail system around Town Lake. For these reason, the Parks and Recreation Department supports this variance request.

I would like to report that the Parks and Recreation Board considered the Star Riverside project at their January 23, 2007 board meeting and have supported the variance request as well. In addition, the board including in their motion that the property owner comply with the code that states that the maximum impervious cover allowed outside of the primary setback should not exceed 50%. The vote of the board was 6 in support, 1 abstention, and 2 not present.

If you have further question regarding this case, please contact Ricardo Soliz, 974-6765.

---

Warren W. Struss, Director  
Parks and Recreation Department

## Item for Action


Make a recommendation to the Director regarding Star Riverside Project Variance Request

Parks and Recreation Board  
Tuesday, January 23, 2007  
Regular Meeting

Board Member Francell moved to approve to the Director supporting the Star Riverside Project variance request provided that they include information that they have contributed a significant amount to the Town Lake Trail Foundation in lieu of a proposed Parkland Dedication Ordinance fee and that they will work with Parks and Recreation Department staff on the alignment of the trail as to minimize its impact on native trees. In addition, the Board recommended that Star Riverside Project stay within the Waterfront Overlay Ordinance impervious cover requirement, seconded by Board Member Chimenti. Motion passed 6-1 with Board Member Bostick voting against.

Tino Garcia, Parks Board Liaison  
Parks and Recreation Department

February 1, 2007





## APPENDIX U: FINDINGS OF FACT

### Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Star Riverside Case Number: SP-06-0700C

Ordinance Standard: Article 7, Division 1, Section 25-8-261 of the City of Austin Land Development Code: Limits the development within Critical Water Quality Zones established by the 100' setback from the Town Lake shoreline boundary and the CWQZ established from the 100 year floodplain of Harper's Branch Creek

### 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

Yes. This variance request is to allow construction within the Critical Water Quality Zones of Harper's Branch Creek and Town Lake. The following construction activities are proposed: demolition and removal of the existing pool, sidewalks and building; extension of the existing box culvert by approximately eighty (80) feet within Harper's Branch Creek; construction of a trash control rack and a facility with wetland plants for screening, aesthetics, education and riparian restoration within Harper's Branch Creek; construction of the onsite extension of the Town Lake Hike and Bike Trail along the shore of Town Lake and a connection to the Trail at East Riverside Drive; and construction of walls related to the trail and box culvert extension improvements.

This is a redevelopment of an existing site that has a total gross site impervious cover of 58.6% and structures that encroach into the CWQZ setback established along Town Lake. The proposed development reduces the total gross site impervious cover to 57.6% and removes all impervious development from within the setbacks with the exception of the addition of an extension of the Town Lake Hike and Bike Trail park system.

The special circumstances applicable to the property include several unique situations that affect the ability to fully develop and utilize this site. The total site area is 4.02 acres, the CWQZ encompass 1.28 acres, leaving a balance of 2.74 acres of useable area (UA) not included in the setback. There are subterranean constraints such as the box culvert and a 54" wastewater main transmission line that limit the depth available for the development of an underground parking

facility. This limit constrains the amount of available parking and limits the size of the overall development. The area above existing head wall of the box culvert contains the only known infestation of Kudzu in Central Texas. As part of the box culvert extension, this development, in conjunction with experts, will seek to eradicate this infestation to help prevent its devastating effects on our area.

Currently the only water quality treatment consists of a floating boom on Town Lake. City staff requested the creation of an area at the outfall of the expanded box culvert that mitigates the extension of the box culvert. We propose to install a treatment system with a trash control rack and a facility with wetland plants for screening, aesthetics, education and riparian restoration. The trash control rack will provide water quality treatment by removing trash and debris from storm water for Harper's Branch Creek. The area below the trash control rack will provide some immeasurable water quality treatment for the Harper's Creek outfall. It will function as a screening, aesthetic, and riparian restoration facility. The educational part of the facility will provide invaluable dissemination of the importance of such areas for water quality and habitat. This area will also create a riparian restoration area with native plants and habitat for species common to the Town Lake area.

The location of this site along Town Lake allows it to provide an extension of the Trail system for use by all in our community, however, the construction of this city amenity will occur within the CWQZ. This variance request includes the construction of approximately 4,200 square feet a paved access system which meets ADA requirements from East Riverside as well as approximately 6,800 square feet of a decomposed stone trail along the water's edge. The proposed trail will connect to the existing sidewalk along East Riverside Drive at the existing accessible ramp and will run along the west side of the proposed development. The trail is divided into two different experiences. The trail along Town Lake will be composed of decomposed granite gravel and will be twelve (12) feet wide. The trail along the western side of the development will be an eight (8) foot wide accessible concrete trail that will meander down to the gravel trail. Concrete is used so as to allow for ADA accessibility to the Town Lake Trail and to allow for steeper slopes than the decomposed granite allows, reducing the amount of sidewalk required within the CWQZ.

This development has sought through discussions with numerous representatives of the City to meet and exceed the requirements for development. For example, in meetings with Mike Lyday several requests such as restoration of the CWQZ to native plant species and realignment of fire lanes away from the drip line of a significant oak; were made and incorporated into the plans. Additionally, the designs of the box culvert, trash control rack and a facility with wetland plants for screening, aesthetics, education and riparian restoration within Harper's Branch Creek have been achieved through the collaboration and input of several departments.

There is part of an existing building and pool area located within the Critical Water Quality Zone (CWQZ), defined as a 100' setback from the Town Lake shoreline boundary, elevation 429', established in §25-8-92 (B)(1)(c) and §25-8-92 (B)(2)(a) of the Code of the City of Austin. Ultimately, this development will

decrease the overall impervious cover that exists within the CWQZ from 24.8% to 7.2%. Demolition of the existing structure will be required with the overall development, unavoidably disturbing this area. The areas of disturbance within the CWQZ will be revegetated with native plant species. The area being revegetated will also function as a vegetative filter strip to treat storm water runoff from buildings A and B.

---

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

Yes. This project has demonstrated adherence to the requirements of the City of Austin Land Development Code in all other measures relating to a Critical Water Quality Zone. This variance request does not seek to ultimately add to the development or disturbance which currently exists within the CWQZ, instead it will improve the regional water quality of the discharge into Town Lake from Harper's Branch Creek, provide education, restore native vegetation within the setback and reduce the impervious cover within the setback. Furthermore, the trash control rack and the facility with wetland plants for screening, aesthetics, education and riparian restoration is proposed to be constructed at the outfall of the extended box culvert which will provide natural filtration of storm water and a habitat for species commonly found along Town Lake. Harper's Branch Creek currently discharges into Town Lake with only a fabric boom for removal of floating trash and debris. Ultimately, this area will serve as an education tool for the benefits of riparian and native vegetation and will be a feature along the extended Hike and Bike Trail. Within the current setback there is .32 acres or 24.8% impervious cover the proposed development reduces this amount to 7.2%, of which is entirely Trail sidewalk. All of the proposed impervious cover within the CWQZ is for the paved portion of the trail system. The proposed concrete trail within the CWQZ is 4,032 square feet or 7.2% of the setback area. Concrete is used so as to allow for ADA accessibility to the trail and to allow for steeper slopes than the decomposed granite allows, reducing the amount of sidewalk required within the CWQZ. The decomposed granite portion of the trail, to be constructed adjacent to Town Lake is 6,722 square feet. All necessary erosion and sedimentation controls will be employed and maintained as required and ultimately the area will be improved over its current state. As part of the rezoning process for this site, the developer has offered and has arranged to provide funds to the Town Lake Trail Foundation to assist in design and construction of a bridge under IH35 and over Harper's Creek to expand the Town Lake Hike and Bike Trail even further.

---

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

Yes. The proposal does not provide special privileges not enjoyed by others with similar conditions for similarly timed developments. The request for the variance from the requirements is not based on a condition created by voluntary subdivision of the project. This development is in a unique location within the City of Austin city limits. The site has been in its current configuration since approximately the mid-1950 and is located within two Urban Watersheds. The proposed development seeks to create an urban residential environment that complies with the applicable sections of the Land Development Code.

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

Yes. If construction in the critical is not allowed, the existing improvements that encroach into the CWQZ cannot be removed, the Town Lake Hike and Bike Trail cannot be constructed and Harper's Branch Creek would not be improved in any way from existing conditions. Disallowing construction in the CWQZ would also prevent the construction of the box culvert extension which would reduce the buildable area of the site to well below the existing impervious cover located on the property. The overall development requirements of this project are dependent on the existing character of this site being improved for the benefit of the residents and for the community. The Parks and Recreation Department has requested that the Trail be constructed on the property for their support of the development, disallowing this proposal would prevent the developer from complying with the request of the Parks Department to provide access to the trail system from IH 35 and East Riverside Drive and an extension of the trail along the northern boundary of the property. Granting this request does not negatively alter the character of the area, it is integral to the desire to improve the character of the community, promote development on East Riverside Drive and improve the access, aesthetics and water quality along Town Lake and Harper's Branch Creek.

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

The property for which this variance is requested is not located within the Barton Springs Zone.

A variance requires all above affirmative findings with explanations/reasons.



## ENVIRONMENTAL BOARD MOTION 020707-B2

Date: February 07, 2007

Subject: Star Riverside

Motioned By: Karin Ascot

Seconded by: Dave Anderson, P. E.

### Recommendation

The Environmental Board provides **no recommendation** to 1) Land Development Code Section: 25-8-261 -To allow construction and demolition within the Critical Water Quality Zone of Town Lake and Harper's Branch Creek.

2) Land Development Code Section: 25-2-734 (C) – To exceed the 50% impervious cover limitation for area not within the primary or secondary setback of the East Riverside Subdistrict of the Waterfront Overlay, 3) Land Development Code 25-2-721 (B) –To allow the construction of trail improvements of water quality facilities within the primary setback of the Waterfront Overlay.

### Staff Conditions

None.

### Rationale

None.

No recommendation provided due to the lack of a majority vote on the following supporting motions proposed:

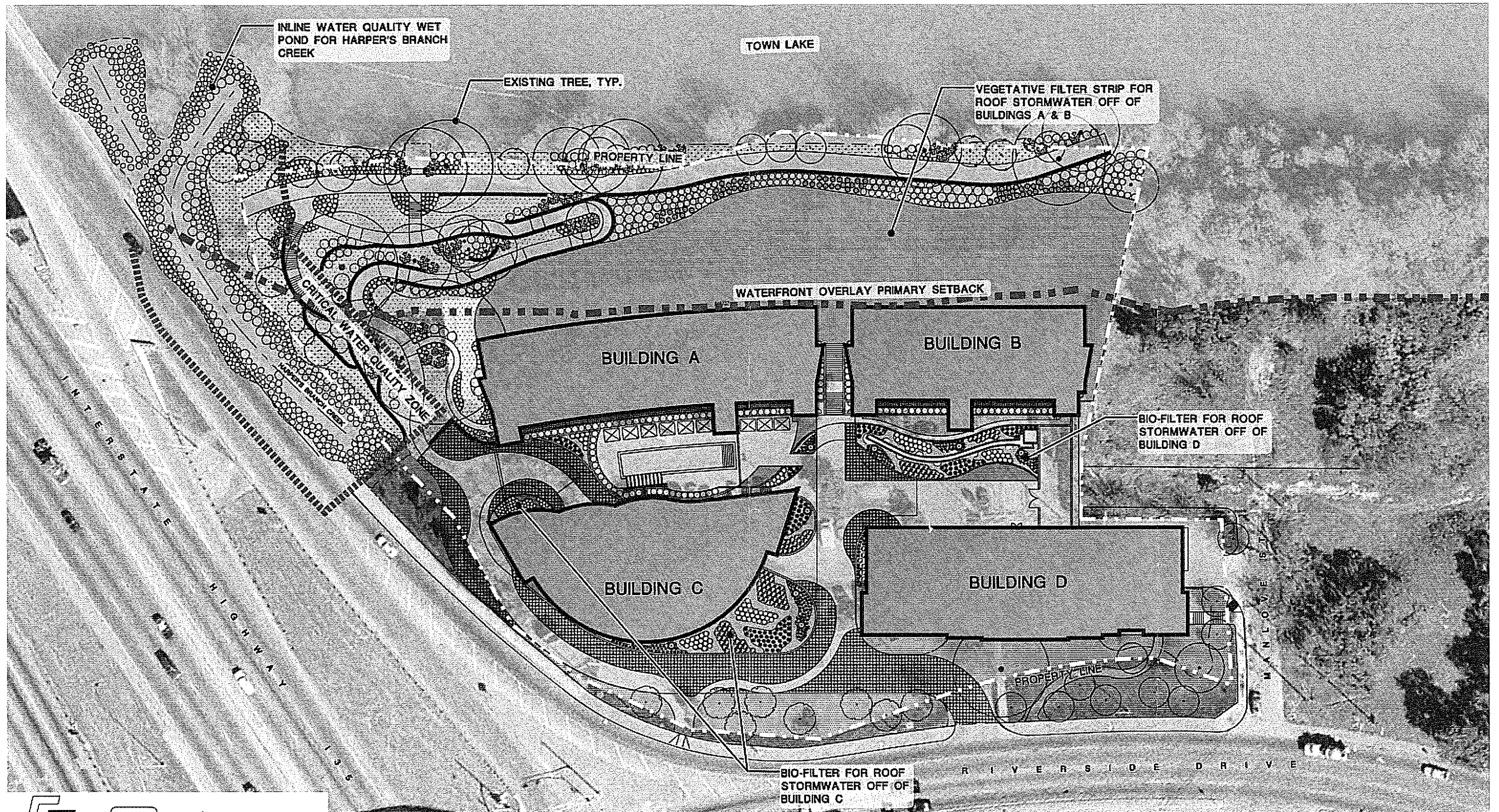
<u>Motioned</u>	<u>By</u>	<u>Seconded by</u>
Conditional Approval	Moncada	Ahart
Disapproval	Ascot	Anderson

Absent: Maxwell

Approved By:

Dave Anderson P.E., CFM  
Environmental Board Chair





## PROPOSED WATER QUALITY AREAS

**STAR RIVERSIDE**  
 AUSTIN, TEXAS



North

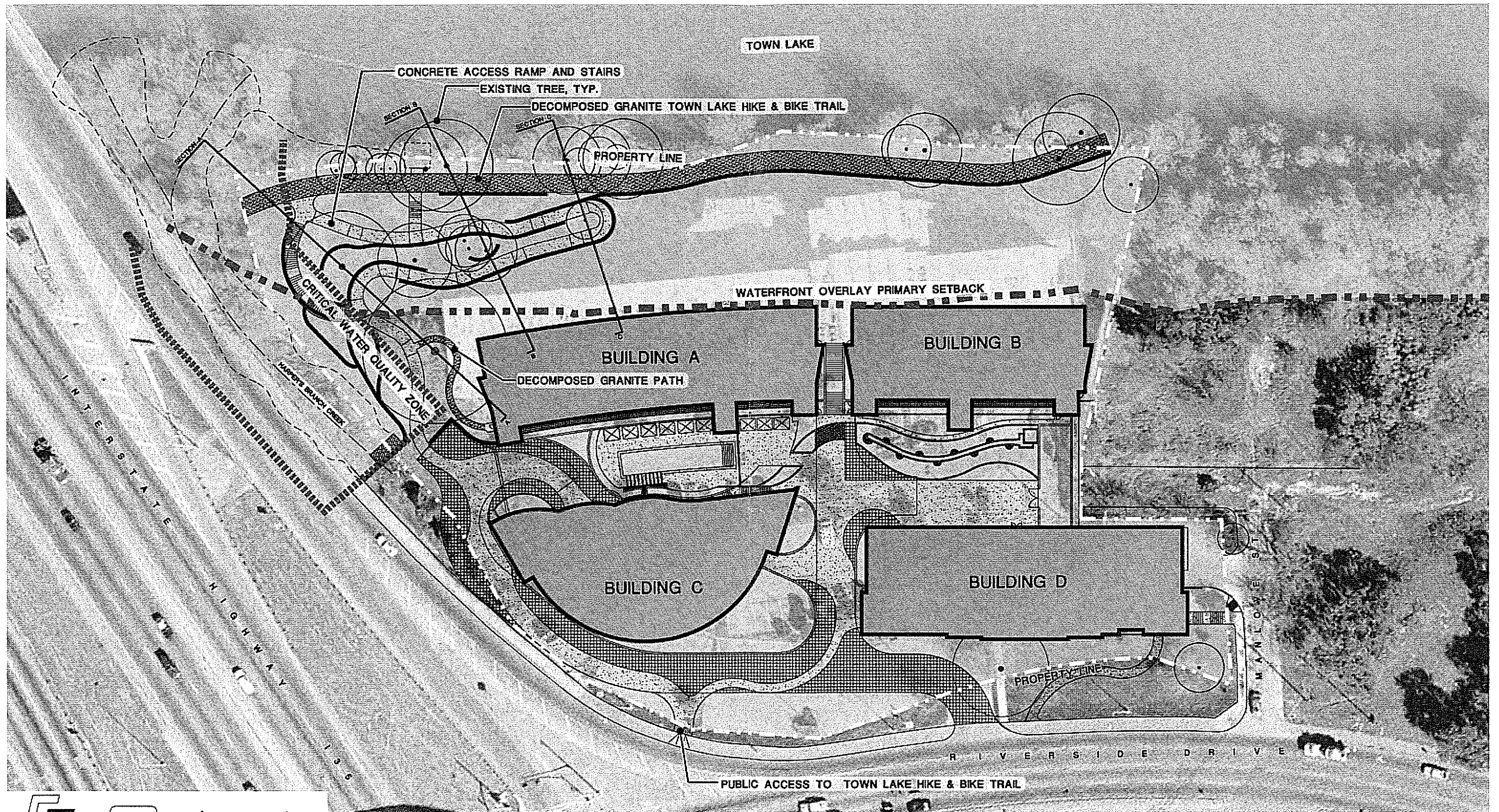


Scale: 1" = 60'  
 Date: January 23, 2007

T:\2006 Jobs\260690-COPCO\Drawings\LANDSCAPE ARCHITECTURE\EXHIBITS\_WATERQUALITY.DWG

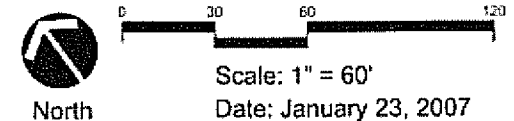
Base mapping compiled from best available information. All map data should be considered as preliminary. In need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.





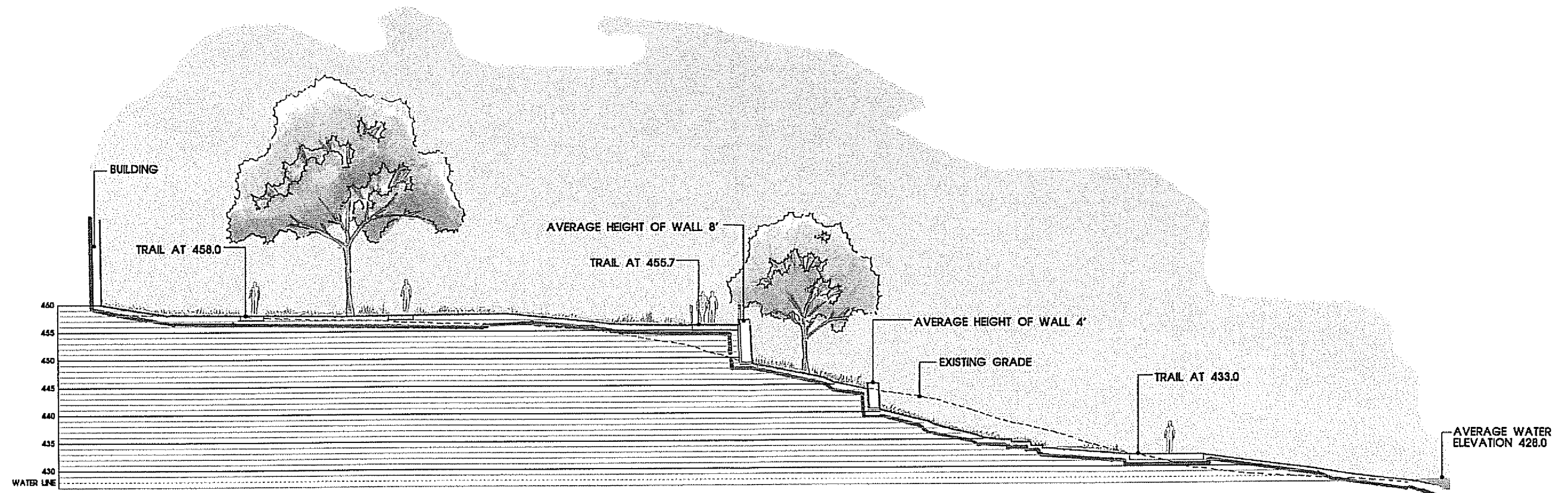
**SEC Planning Consultants**  
 Planning • Landscape Architecture • Community Branding  
 TEXAS • 512.754.0155  
 1301 E. 24th Street • Suite 200 Austin, TX 78702  
[www.secplanning.com](http://www.secplanning.com) • [info@secplanning.com](http://info@secplanning.com)

**PROPOSED CONDITIONS**  
**STAR RIVERSIDE**  
 AUSTIN, TEXAS

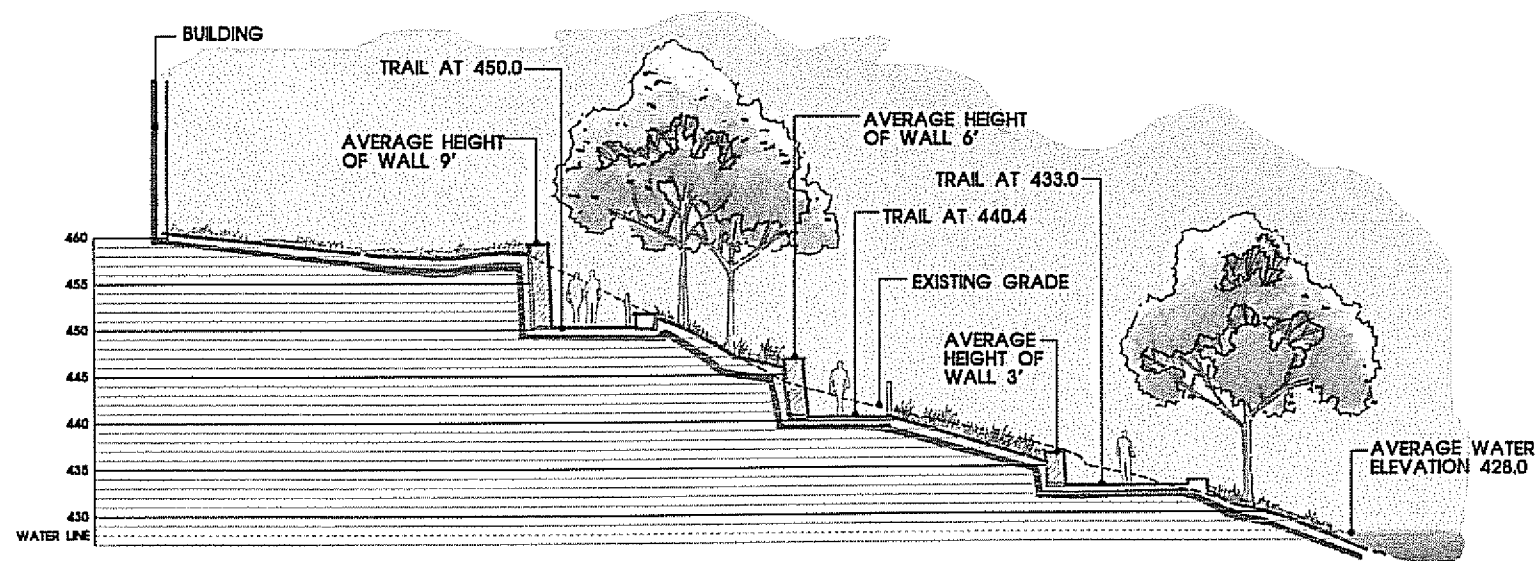


T:\2006 Jobs\060600 CDPG\Casey\LANDSCAPE ARCHITECTURE\EXHIBITS\PROPOSED DWG  
 Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

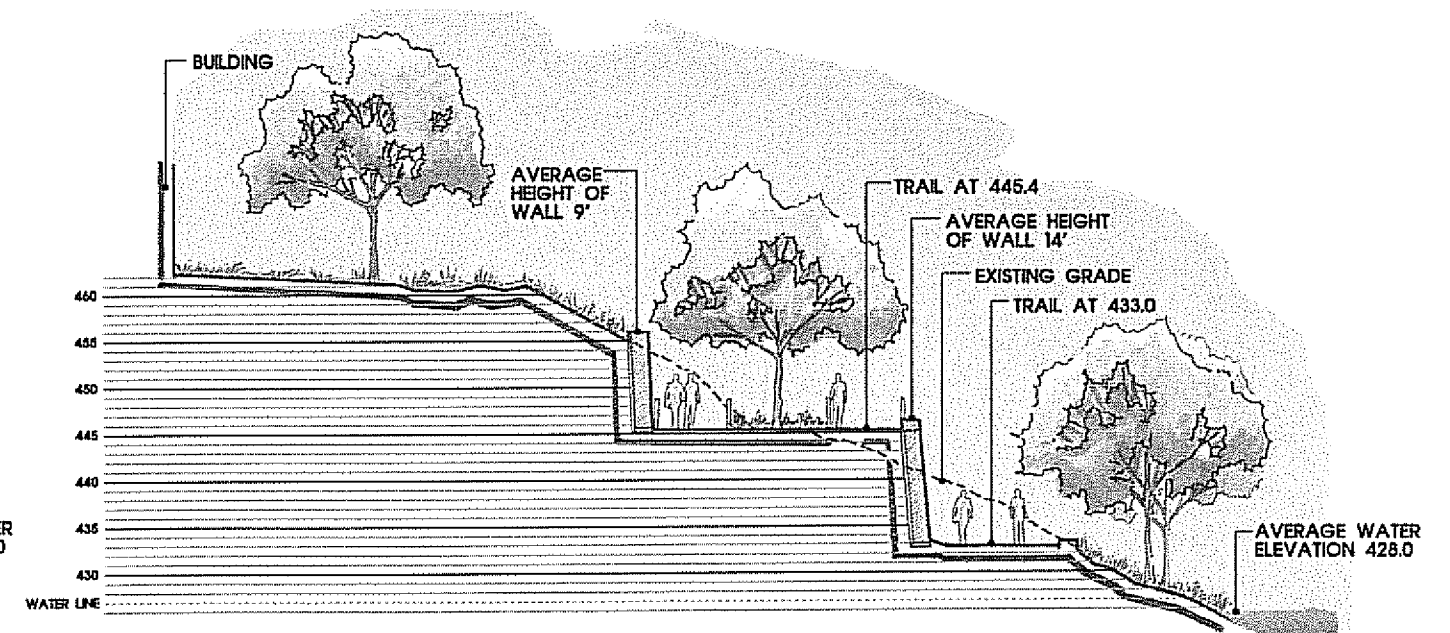




SECTION A  
SCALE: 1"=20'



SECTION B  
SCALE: 1"=20'



SECTION C  
SCALE: 1"=20'

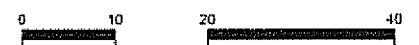


SEC Planning Consultants  
Planning • Landscape Architecture • Community Branding  
TEXAS • ILLINOIS  
1.512.246.7001 • 1.512.246.7703  
www.secplanning.com • info@secplanning.com

## PROPOSED CONDITIONS - SECTIONS

# STAR RIVERSIDE

AUSTIN, TEXAS

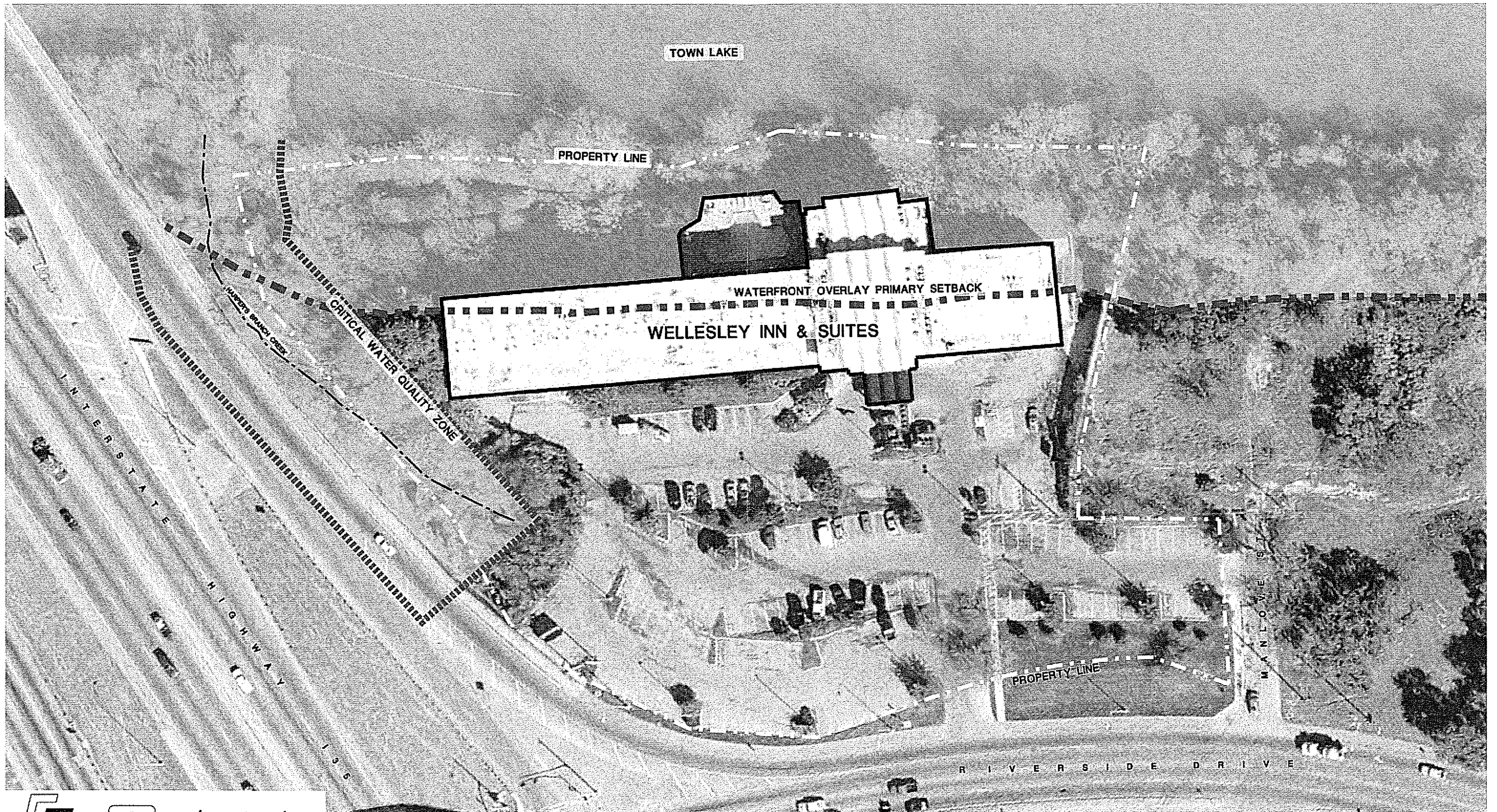


Scale: 1" = 20'  
Date: January 23, 2007

T:\2006 Jobs\060683-COPG\Cadfiles\LANDSCAPE ARCHITECTURE\Exhibits\EXHIBITS\_TrailSections.DWG

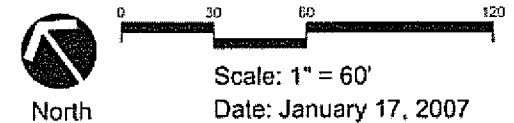
Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.





**SEC Planning Consultants**  
 Planning • Landscape Architecture • Community Branding  
 TEXAS • 512.246.7000 • 512.246.7001  
[www.secplanning.com](http://www.secplanning.com) • [info@secplanning.com](http://info@secplanning.com)

**EXISTING CONDITIONS**  
**STAR RIVERSIDE**  
 AUSTIN, TEXAS



1/2006 Job#060530 COPIED/Carley LANDSCAPE ARCHITECTURE/EXHIBIT/AERIAL EXHIBIT'S DWG  
 Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



**ITEM FOR ENVIRONMENTAL BOARD AGENDA**

**BOARD MEETING**  
**DATE REQUESTED:** FEBRUARY 7, 2007

**NAME & NUMBER**  
**OF PROJECT:** AUSTIN MUSIC HALL  
SP-06-0502C

**NAME OF APPLICANT**  
**OR ORGANIZATION:** Glasco Consultants  
(Alice Glasco - 231-8110)  
Longaro and Clark  
(James McCann)

**LOCATION:** 208 Nueces Street

**PROJECT FILING DATE:** AUGUST 31, 2006

**WPDR/ENVIRONMENTAL**  
**STAFF:** MANUEL DEL LLANO, 974-3410  
MANUEL.DEL-LLANO@CI.AUSTIN.TX.US

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

**WATERSHED:** Shoal Creek (Urban watershed)

**ORDINANCE:** WATERFRONT OVERLAY VARIANCES  
1. Variance to Section 25-2-721 (B) to allow a building to  
within the primary setback line, and  
2. Variance to Section 25-2-738 (B) to allow encroachment  
into the primary setback line of 60-feet from  
the centerline of Shoal Creek.

**REQUEST:** Courtesy presentation - project is located in the Waterfront  
Overlay District.

*Agenda Item*  
*B-3 1*





## MEMORANDUM

**TO:** David Sullivan, Chairman  
Members of the Planning Commission

**FROM:** Manuel Del Llano, Environmental Review Specialist  
Watershed Protection and Development Review Department

**DATE:** February 7, 2007

**SUBJECT:** Austin Music Hall/SP-06-0502C  
208 Nueces Street

### Description of Project

The Austin Music Hall (AMH), located at 208 Nueces, is seeking a site development permit to expand and update its facilities. A portion of the building currently lies in the primary setback and the proposed improvements will increase the nonconforming encroachment, thus this site plan requires variances for the new construction from the Waterfront Overlay District:

- 1) LDC 25-2-721 (B): to allow a building within the primary setback line and;
- 2) LDC 25-2-738 (B): to allow encroachment into the primary setback line of 60-feet from the centerline of Shoal Creek.

The egress under the cantilever portion of the building was proposed by the Fire Department, and the first floor expansion at the back of the building is for egress at the back of the stage. It is the only egress from the north side to the south side of the building backstage, and is shown on the "Modest Expansion" exhibit and the first floor plan.

The building currently sits on piers and overhangs the high bank of Shoal Creek. In the proposed construction, the building will also sit on piers and overhang the high bank, only slightly more. This is shown in Exhibit A.

Trees removed during the process of expansion will be mitigated by replacing trees at locations instructed by PARD up to an equal number of caliper inches removed, or by paying a fee in lieu of replacement due to the difficulty of replanting on site due to planting in the creek area/drainage easement (to be determined).

The applicant is proposing a variety of conditions to enhance the creek during this expansion. They are:

- new façade at the rear of the building;
- improvements to eroded areas on Shoal Creek including working on downspouts, and planting shade tolerant grass mixes;
- The area underneath the AMH will be replaced by a short limestone retaining wall and a covered walk;
- The egress stair and walkway will connect the park trail system to the footbridge at the creek crossing;
- Complying with Green Building requirements for downtown zoning;
- An Integrated Pest Management Plan (IPM) approved by WPRD staff will be adopted to reduce potential pollutant sources associated with long-term management of the project; and
- Working with WPDR staff regarding the stabilization of the bank/retaining wall

### **Description of Property**

The building is located: 1) in the West Area of the North Shore Central sub-district of the Waterfront Overlay District; 2) backs up to Shoal Creek and 3) is in the Downtown Creeks Overlay District. It is situated in Shoal Creek watershed, which is an Urban Watershed. The site is not located over the Edwards Aquifer Recharge Zone.

### **Critical Environmental Features/Endangered Species**

There are no Critical Environmental Features located on the site or within 150 feet of the site.

### **Recommendations**

Applicant will allow minimal disturbance of the creek for the construction of the piers. Applicant will be paying fee in lieu of providing water quality on site.

This is a courtesy presentation to the board because it is located in the Waterfront Overlay District.

If you have any questions or need additional information, please feel free to contact me at 974-3410 or my supervisor, Ingrid McDonald at 974-2711.



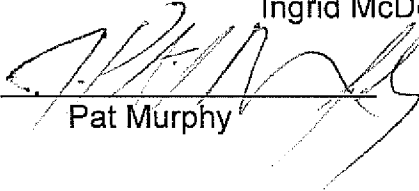
Manuel Del Llano, Environmental Review Specialist  
Watershed Protection and Development Review

Environmental Program Coordinator:



Ingrid McDonald

Environmental Officer:



Pat Murphy

January 30, 2007

Environmental Board  
Watershed Protection and Development Review  
One Texas Center  
505 Barton Springs Road  
Austin, TX 78704

Re: Austin Music Hall Variance  
Case No. SP-06-0502C  
Longaro & Clarke, L.P. Project No. 291-01

Dear Board Members:

The Austin Music Hall (AMH), located at 208 Nueces Street, is currently processing a site development permit to expand and update its facilities. The building backs up to Shoal Creek and lies in the Downtown Creeks Overlay District and the West Area of the North Shore Central Sub-district of the Waterfront Overlay District. A portion of the building currently lies in the primary setback and the proposed improvements will increase the nonconforming encroachment, and therefore this site plan requires a variance from LDC Section 25-2-721 and LDC Section 25-2-738, for the new construction.

The egress under the cantilever portion of the building was suggested by the Fire Department, and the first floor extension at the back of the building is for egress at the back of the stage. It is the only egress from the north side to the south side of the building backstage, and as shown on the "Modest Expansion" exhibit and the first floor plan.

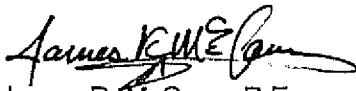
The building currently sits on pier and overhangs the high bank of the creek. Under proposed conditions the building will also sit on piers and overhang the high bank, only slightly more. Please see attached Exhibit A. Also attached are photographs of the current condition of the creek behind AMH and architectural renderings of the proposed improvements.

Some trees will be cut down with the expansion, but they will be mitigated by replacing trees at locations instructed by PARD up to an equal number of caliper inches removed, or by paying a fee in lieu of replacement.

Attached is a list of the enhancements to the creek brought about by the Austin Music Hall renovation, for your review.

Thank you for your consideration of this matter and please call with any questions.

Very Truly Yours,  
LONGARO & CLARKE, L.P.

  
James R. McCann, P.E.

G:\291-01\DOCS\Environmental Board Summary Letter 013007.doc

Directions to Austin Music Hall:

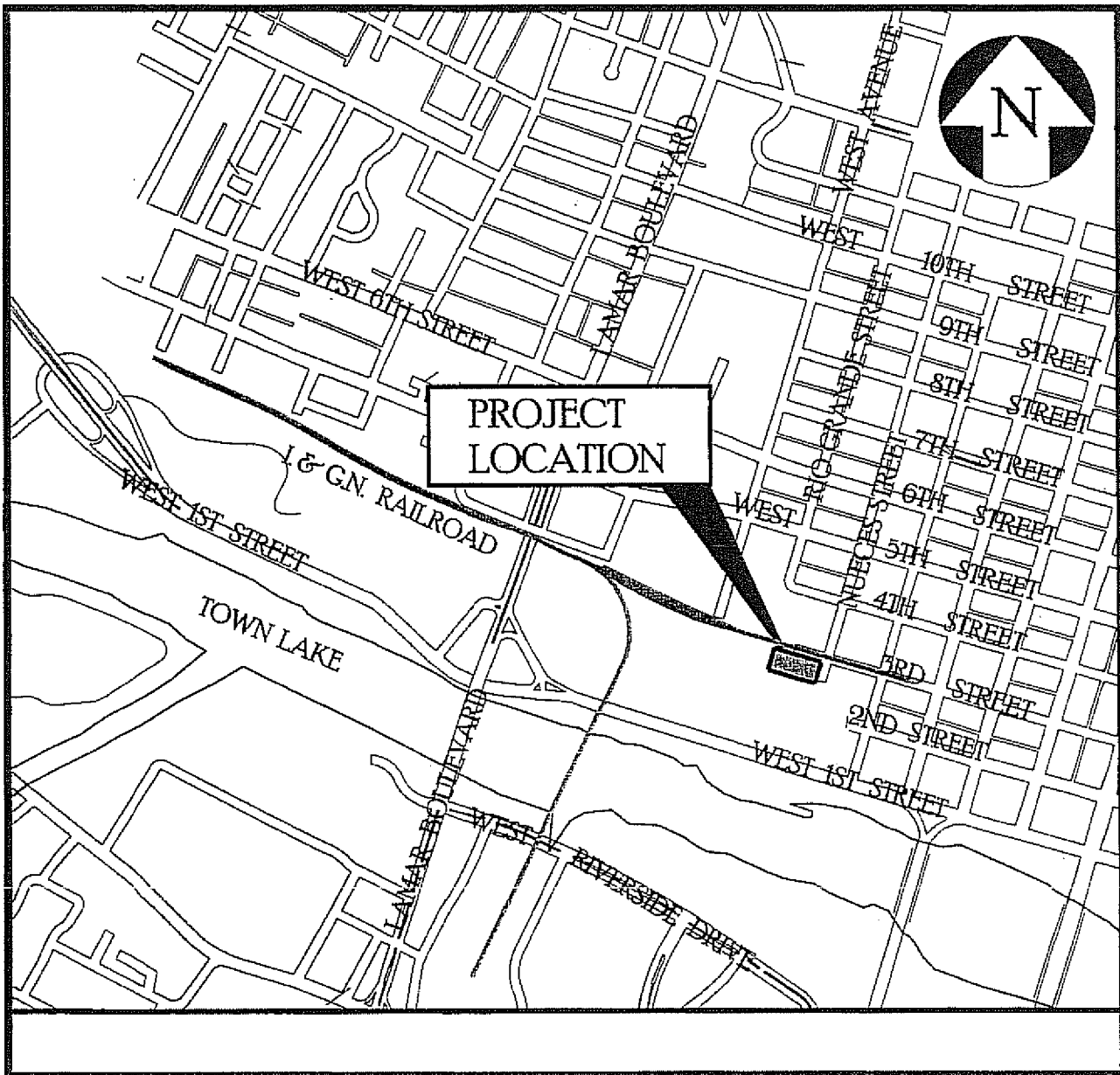
From Mo-Pac:

Go east on Cesar Chavez, turn left on Lavaca, take the first left on W. 2<sup>nd</sup> street. W 2<sup>nd</sup> deadends into Nueces. Austin Music Hall is on your left.

From IH 35:

Go west on Cesar Chave, turn right on Lavaca, take the first left on W. 2<sup>nd</sup> street. W. 2<sup>nd</sup> deadends into Nueces. Austin Music Hall is on your left.





## AUSTIN CITY MUSIC HALL

**LC** LONGARO & CLARKE  
Consulting Engineers

Land Development • Stormwater Management • Water Resources

7501 North Capital of Texas Highway • Building A • Suite 250 Austin, Texas 78731

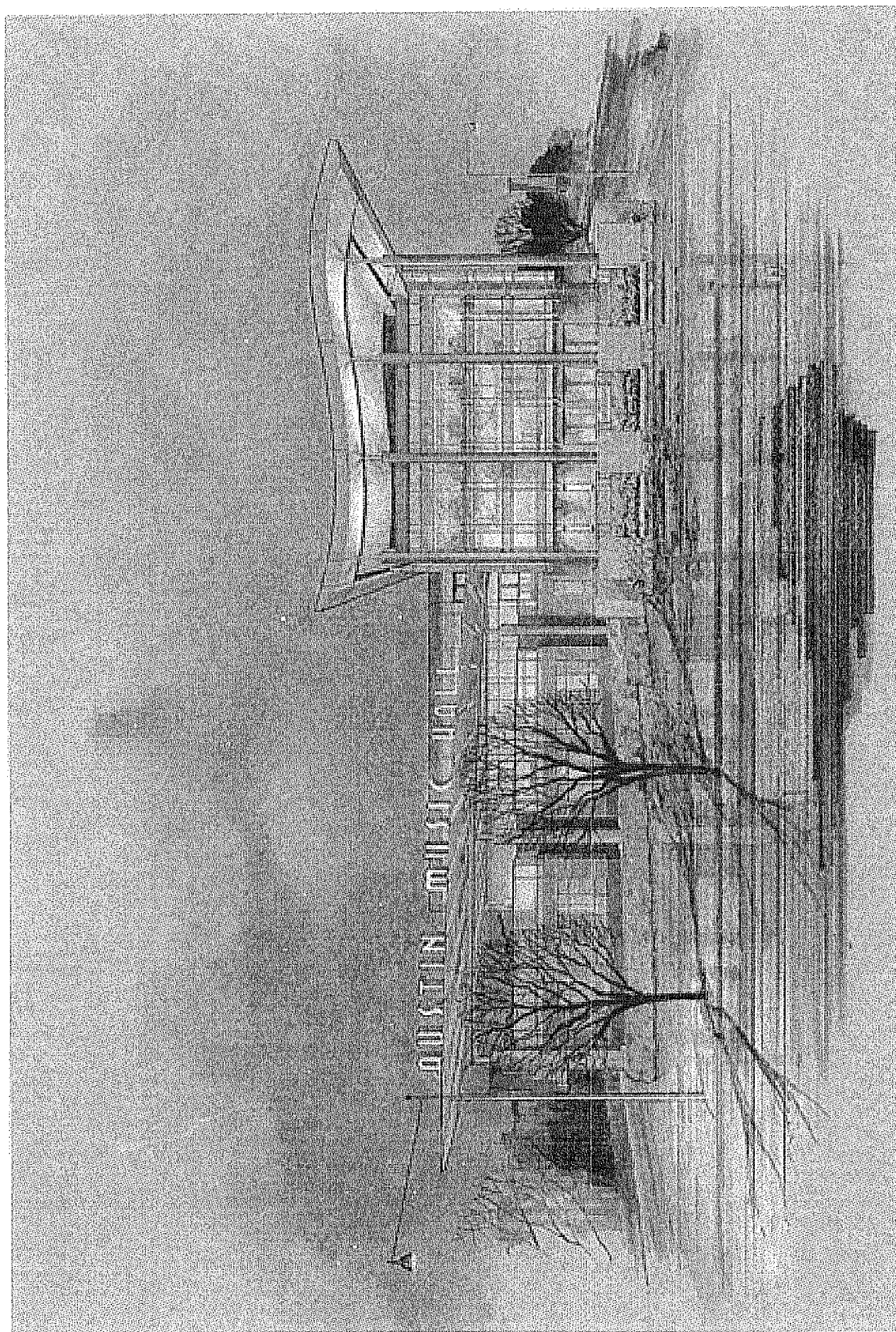
(512) 306-0228 ~ [www.LongaroClarke.com](http://www.LongaroClarke.com) ~ (512) 306-0338 fax

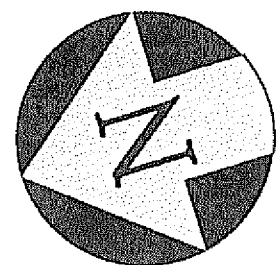
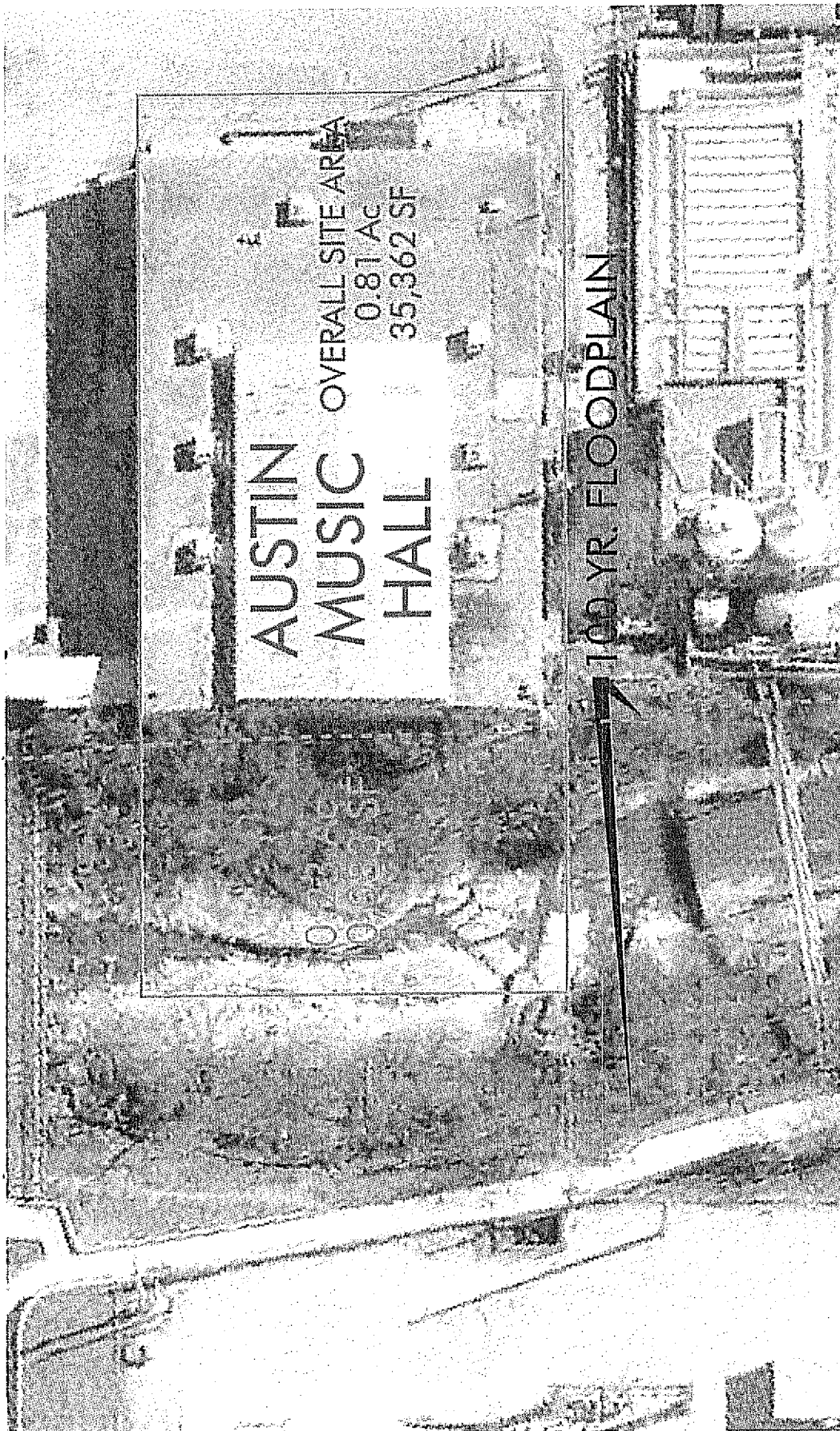


## Austin Music Hall Creek Enhancements

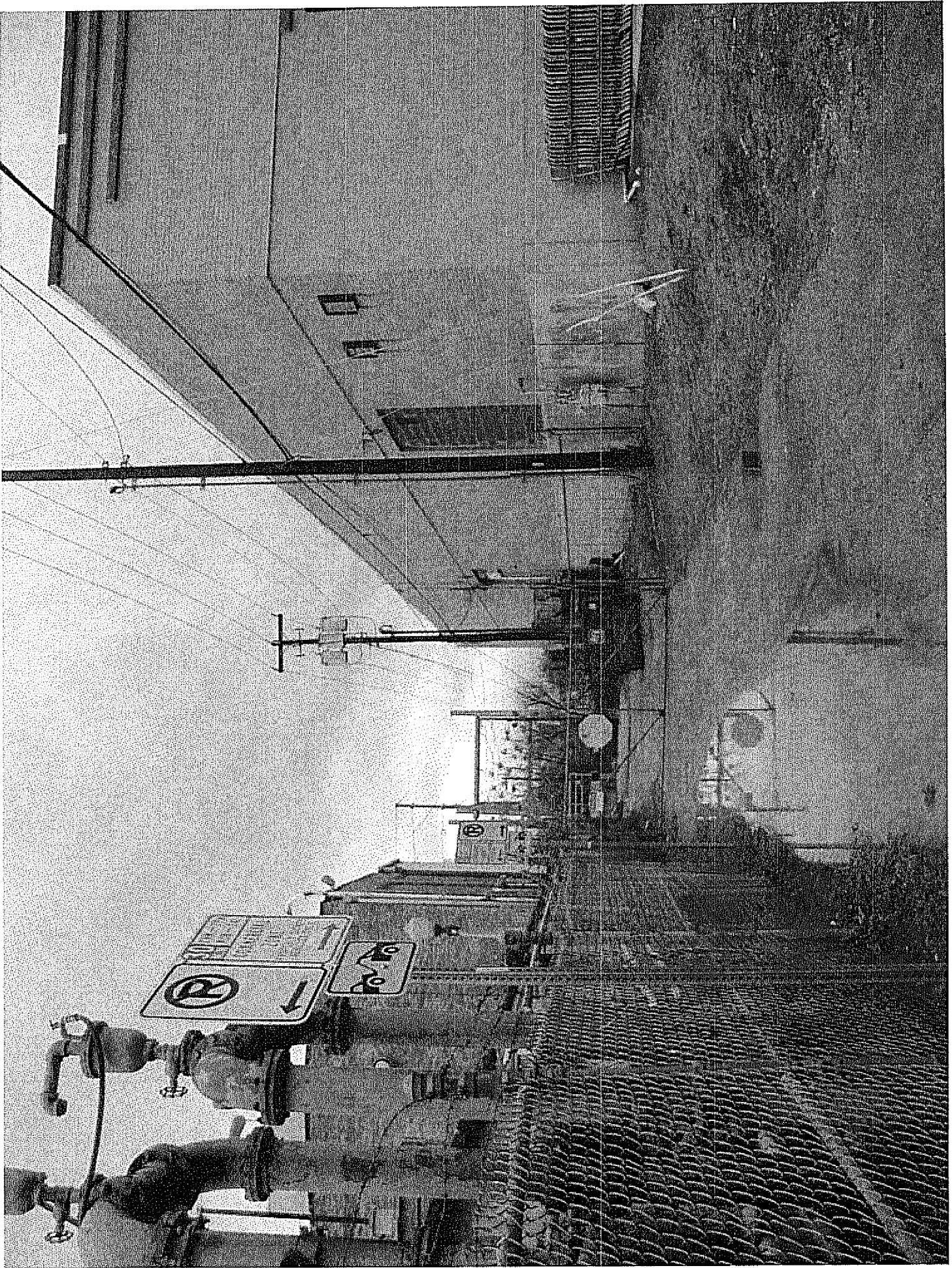
- I. The architectural elevations at the rear of the building are a great improvement over the uninterrupted large green block wall that currently faces the creek.
  - A. The new façade will better complement the 360 Condominium Project, the Seaholm/Green Project, and the overall modernization of Austin's urban core.
  - B. The new façade will add texture, depth, and even light (at night), that is currently not available with the existing building.
- II. The improvements at the back of the building will greatly improve the view of the stream bank from the Seaholm Hike & Bike trail.
  - A. There are two areas that are heavily eroded because of the downspouts at the back of the building. The improvements proposed with Austin Music Hall are to now collect the downspouts that serve the entire building and tie them to a system draining a portion of the south alley and discharge them on the limestone shelf at the bottom of the creek.
  - B. Those areas currently eroded by the existing downspouts will be covered with topsoil and planted with a shade tolerant, drought tolerant grass mix.
  - C. The area underneath the Austin Music Hall is currently unsightly. This space currently facilitated vandalism and vagrancy but will be replaced by attractive limestone retaining walls and a covered walk.
- III. The egress stair and walkway can become an integral part of the park trail system, connecting pedestrian traffic to the footbridge.
  - A. Austin Music Hall is committed to working with the Green Plant developers to tie their pedestrian elements into our creek improvements and provide connectivity all the way to Cesar Chavez and the lake on the east side of the creek.

*Item B-3*

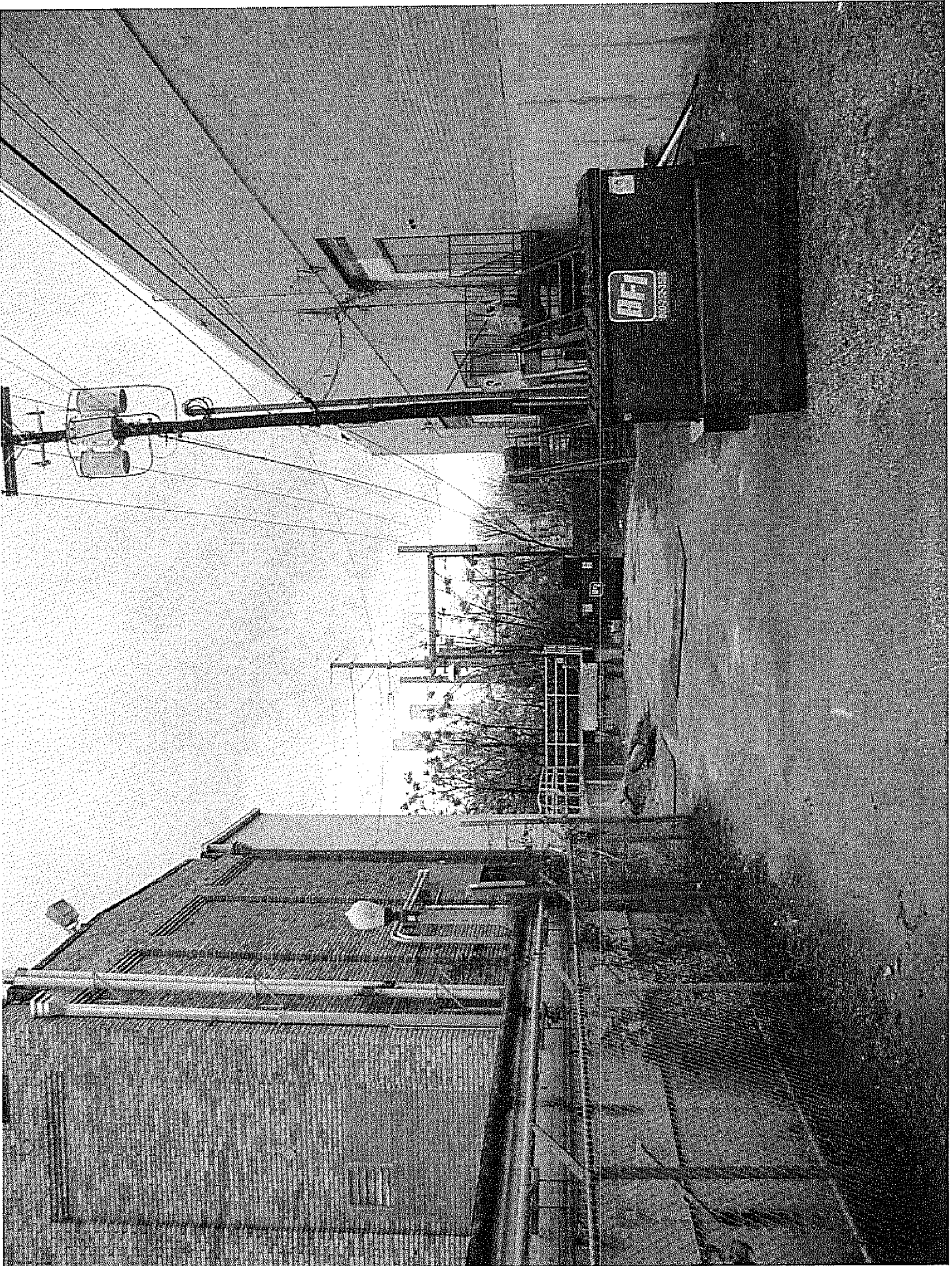
























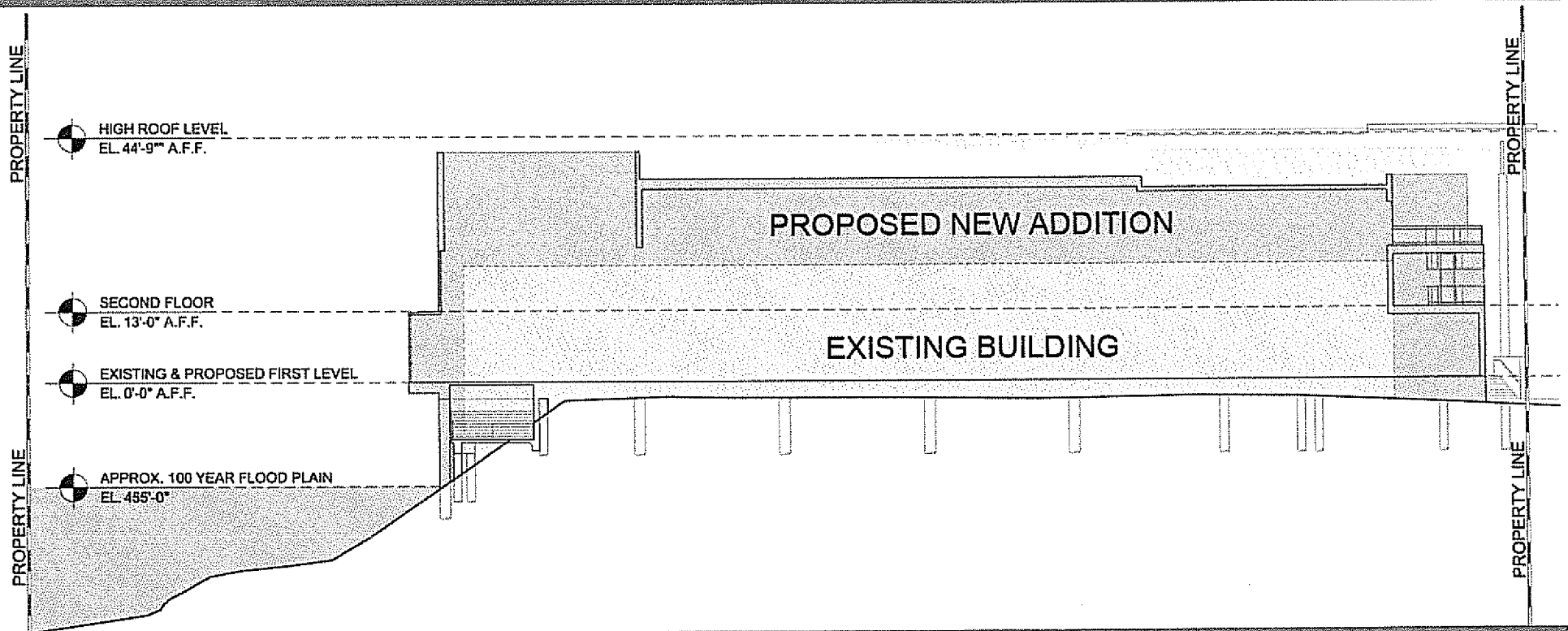






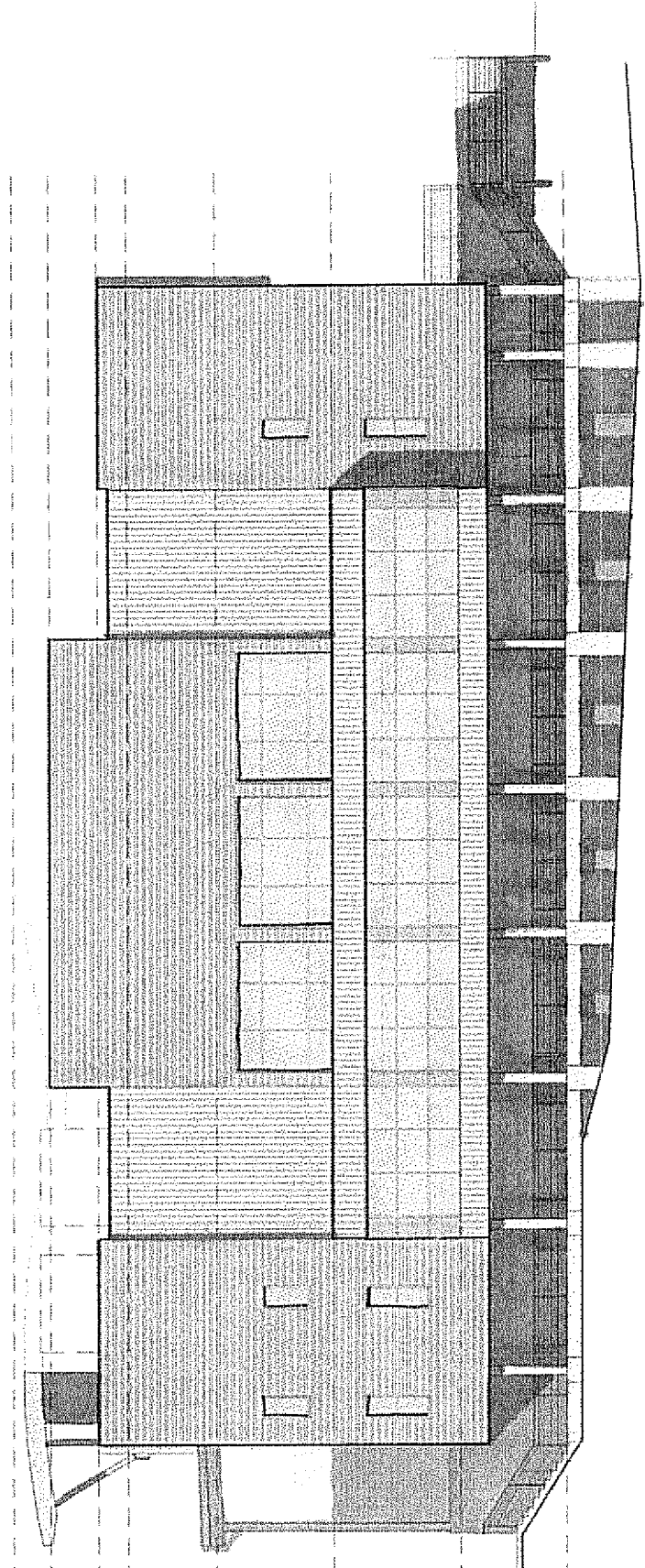


# MODEST EXPANSION:

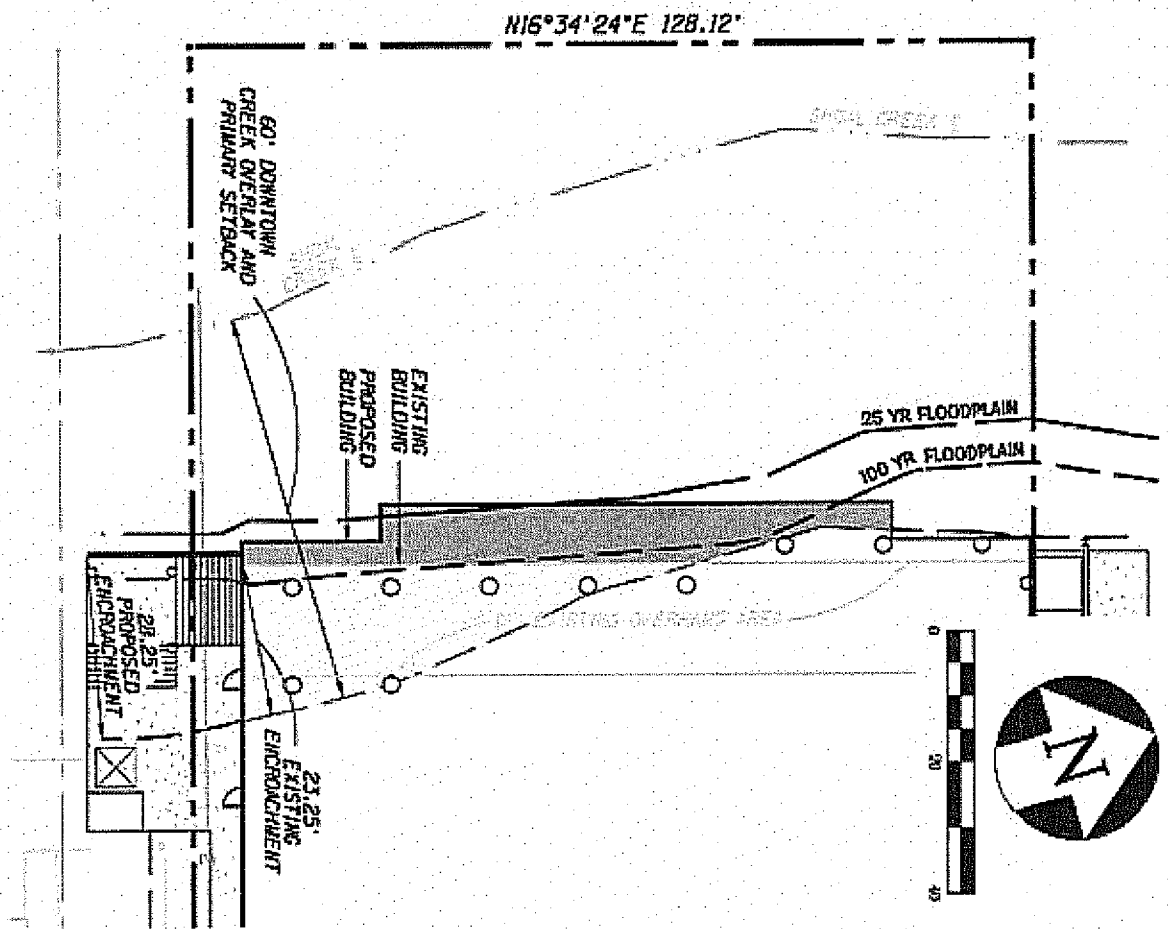


## BUILDING SECTION OF PROPOSED RENOVATIONS

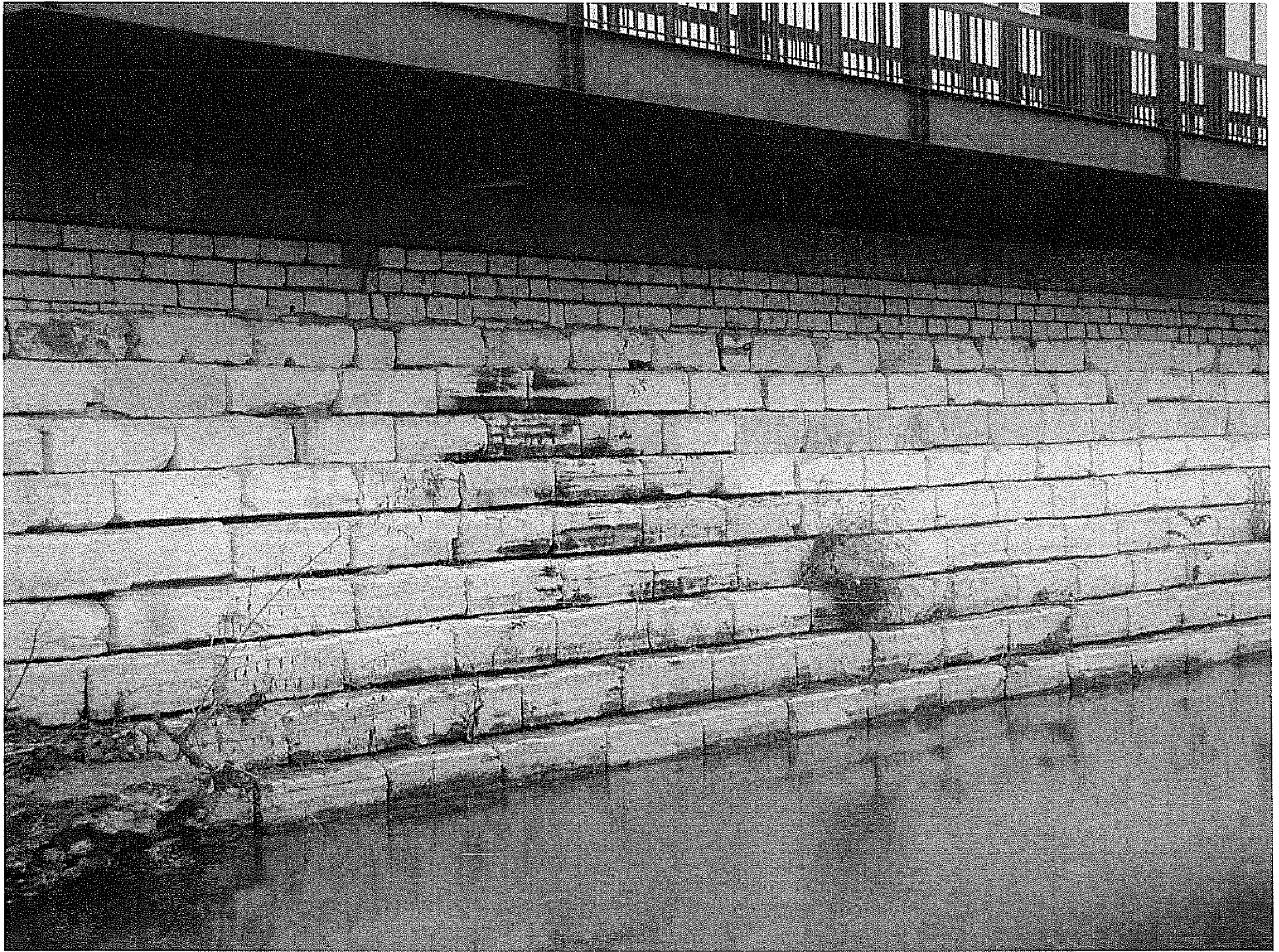




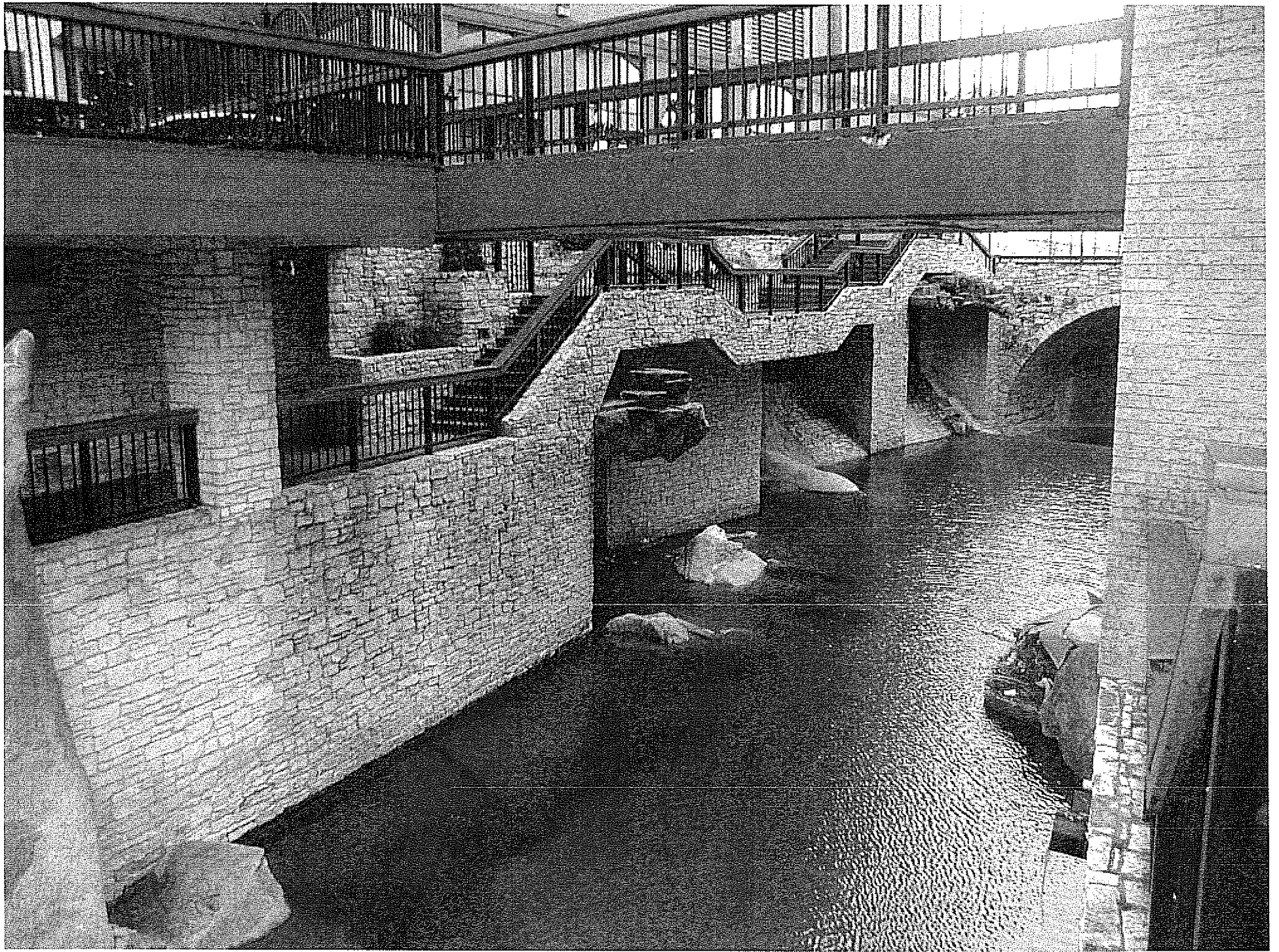
WEST ELEVATION



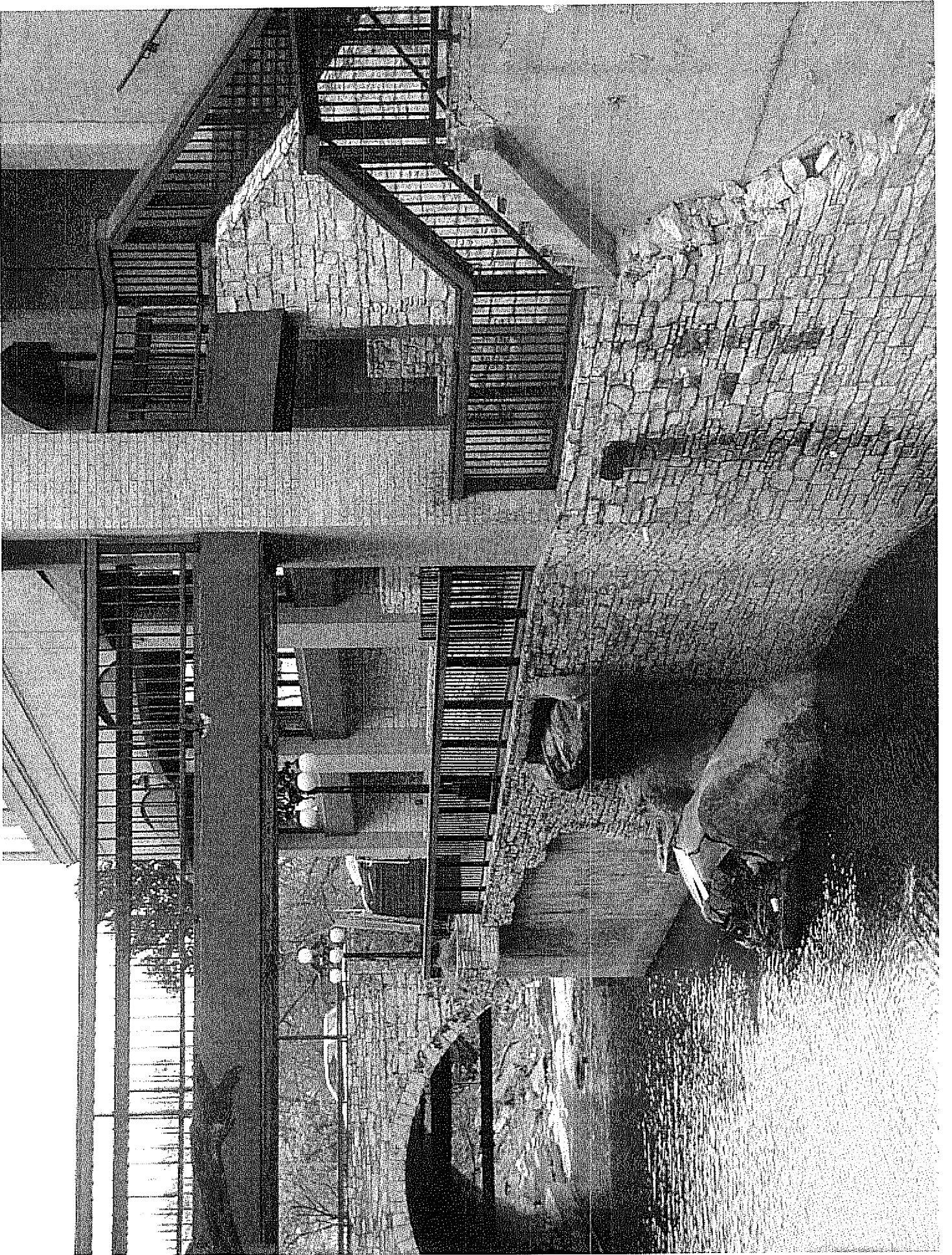












# City of Austin's Development Process

## ***General Overview***

***2/07/2007***

# Hierarchal

- ↓ Zoning
- ↓ Subdivision
- ↓ Site Plan
- ↓ Building Plan
- ↓ Permits
- ↑ Inspections

# Development Assistance Center

- Consulting
  - Zoning, Subdivision, Site Plan
    - Land Status Determinations (Legal Lot/Tract)
    - Site Plan Determinations (Exemptions)
    - Site Plan Corrections
    - Development Assessments (Formal/Informal)
  - One Stop Shop Services
- Files Research/Document Management



# Zoning Review

- Appropriate Use of Land (NPZD)
  - Neighborhood Plans
  - Annexation
  - Rezoning
  - Basic Development Standards
  - Urban Design Standards
- City Limits & Limited Purpose
- Process (Rezoning)
  - Notice
  - Staff Review & Recommendation
  - PC/ZAP Hearing & Recommendation
  - City Council Hearing & Action

# Subdivision Review

- Layout Streets, Lots, Blocks, Infrastructure
  - Preliminary Plans
  - Final Plats
  - Construction Plans
  - Development Permits
- City Limits, Limited Purpose & ETJ
  - Joint Office with Travis County in ETJ
- Process
  - Notice
  - Staff Review & Recommendation (Some staff approved)
  - PC/ZAP Hearing & Action



# Site Plan Review

- Site Design
  - Layout building & parking
  - Utility
  - Site work
  - Site Development Permit
- City Limits, Limited Purpose & ETJ
  - ETJ – Drainage & Water Quality only
- Process
  - Notice
  - Staff Review & Approval
  - PC/ZAP Hearing & Approval (Hill Country Roadway & Conditional Use)

# Building Plan Review

- Residential (SF, Duplex)
    - Zoning, Subdivision, Flood & McMansion review
  - Building Construction (MF, Commercial, Industrial, Civic)
    - Building Code, Zoning, Site plan review
  - City Limits, Limited Purpose, some MUDs
- Process
- Staff Review & Approval

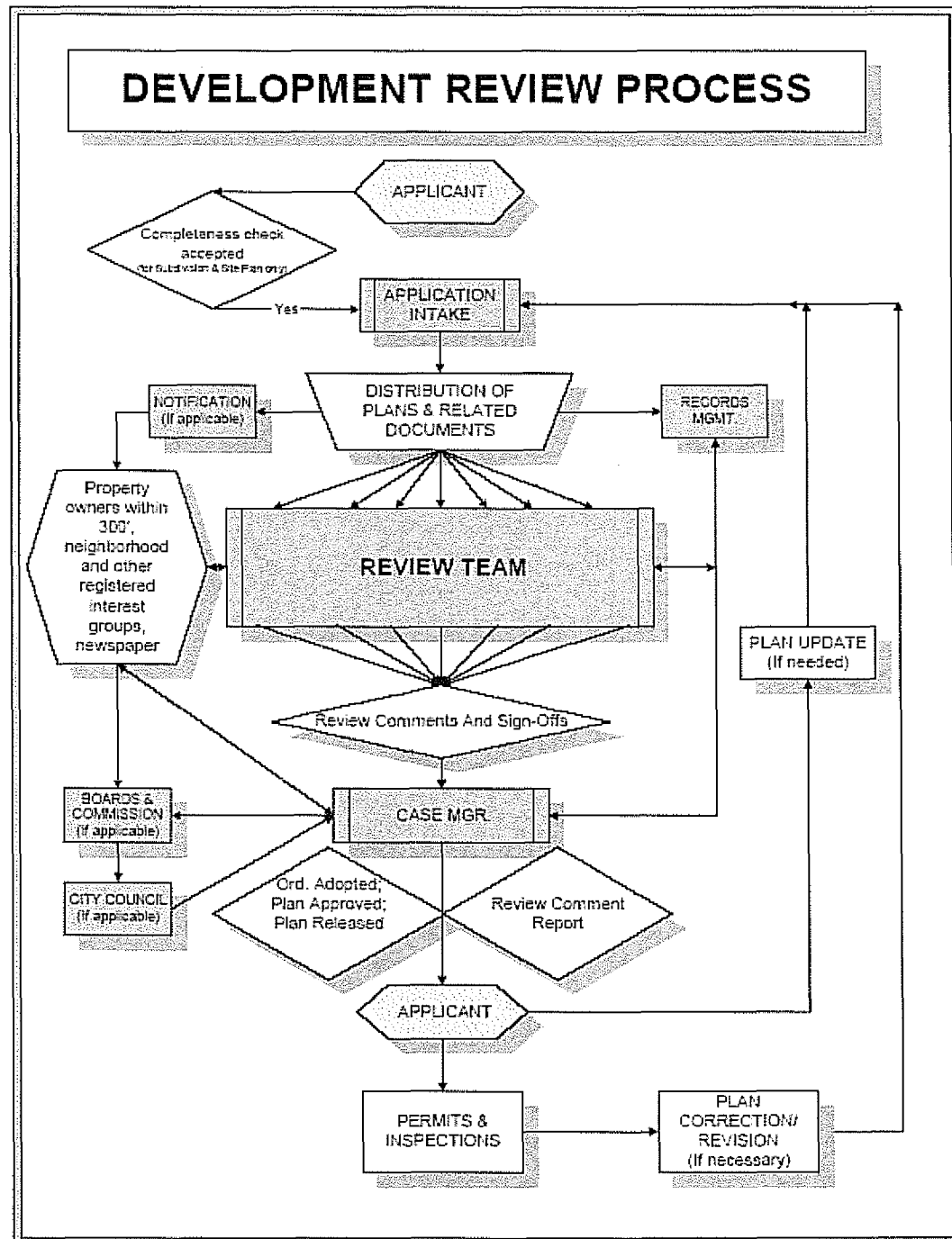
# Permits

- Building
- Trade
  - Mechanical
  - Electrical
  - Plumbing
- Trade Registration
- Sign/Banner
- AWU Taps
- Escrow Management

# Inspections

- **Site** (Environmental – WPDR)
  - Preconstruction
  - Construction
  - Investigation
- **Subdivision** (Infrastructure, Environmental – WPDR)
  - Preconstruction
  - As needed (Coordinate with GC)
- **Building** (Residential & Commercial Bldg. Codes - WPDR)
  - Call -in
- **Code Enforcement** (Substandard Bldg., Zoning – Solid Waste Services)
  - Complaint
  - Sweeps
  - Investigation

# Work Flow



## **Proposed Belterra Wastewater Discharge in Bear Creek**

### **Background:**

- The Hays County Water Control and Improvement District No. 1 (HCWCID1) asked TCEQ for a permit to discharge 800,000 gallons per day of treated wastewater from Hwy 290 developments (Belterra and Ledge Stone) into the headwaters of Bear Creek.
- The discharge is 8 miles from the Barton Springs Edwards Aquifer Recharge Zone.

### **COA concerns:**

- Algae blooms and degraded water quality in Bear Creek and Barton Springs.
- Degraded water quality in public water supply wells drawing from the aquifers in the discharge route.
- Higher risk of upsets and spills with a discharge vs. irrigation-only permit.
- Net increase in pollutants released to receiving waters is inconsistent with non-degradation goals for the Barton Springs Zone.
- Both the discharge and the associated development plans are not what was represented to the U.S. Fish and Wildlife Service for Belterra in 2002 consultation.

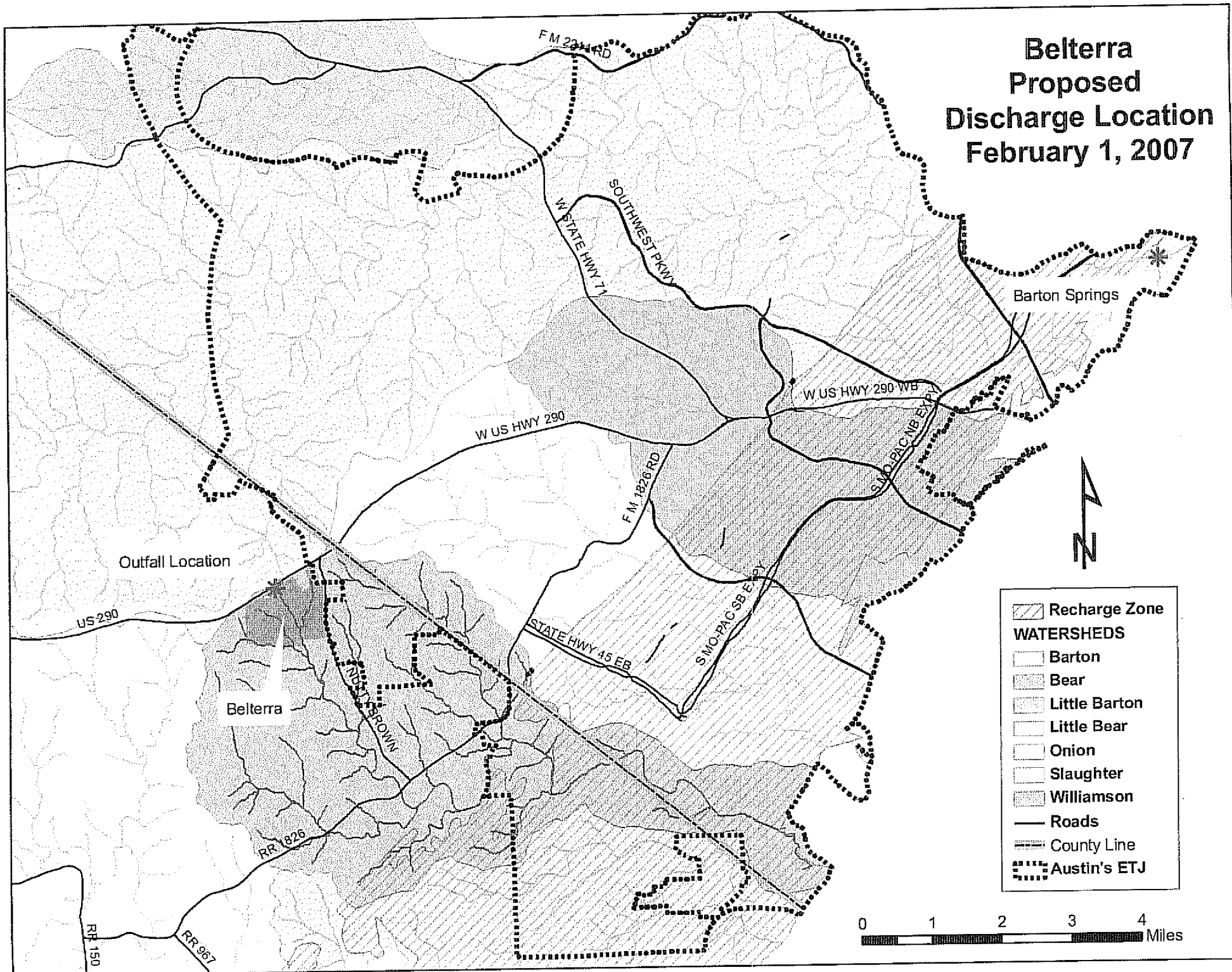
### **What has been done:**

- COA along with a number of other parties sent concerns and request for public meeting to TCEQ upon notice of application in February 2006.
- Parties with water quality concerns have been meeting regularly to share technical information and public awareness material. TCEQ staff met with parties and applicant in October 2006 to discuss concerns.
- COA staff have completed a modeling study and algal nutrient limitation study and provided reports to TCEQ staff. The results indicate that total phosphorous limits would need to be below common laboratory detection limits to avoid downstream algae impacts.
- **The permitted HCWCID1 discharge will increase pollutant loads substantially. At the USGS gage just upstream of the recharge zone total nitrogen load will increase 9 times, BOD will increase 1.7 times, total phosphorus load will increase 4.8 times, and TSS will increase 2%. This would put the flowing portions of the stream in the eutrophic (nutrient enriched) category and the pools in a hypereutrophic (algae dominated) category. Currently both are in the oligotrophic (pristine) or mesotrophic (moderate enrichment) categories.**
- **At low flows the HCWCID1 discharge is estimated to contribute about 94% of the phosphorus load and 85% of the nitrogen load to the aquifer. At high flows 32% of the phosphorus load and 12% of the nitrogen load would be estimated to originate from HCWCID1. Under low flow, Barton Springs Pool impacts could include more severe and frequent algae problems and lower dissolved oxygen levels which would affect aquatic life.**
- Data analysis and water quality modeling studies performed by BS/EACD and HTGWD consultants support the need for exceptional levels of treatment or no-discharge.
- HCWCID1 consultants have completed an irrigation reuse potential study (water balance); however, the results have not been released.

### **Permit Status:**

- The TCEQ Water Quality Standards Team has recently drafted permit recommendations that are being considered by TCEQ management; however, the substance of these recommendations has not been released.
- A draft permit is expected within the next two months, and requests for public comment will be requested for 30 days leading either to adoption of the permit or more likely, a contested permit hearing.
- The optimum outcome would be for HCWCID1 to design a land application system that will work with their desired development, and submit a no-discharge permit application in place of the discharge permit application.

# Belterra Proposed Discharge Location February 1, 2007







## ENVIRONMENTAL BOARD MOTION 020707-B3

Date: February 07, 2007

Subject: Four Points Centre Lot 2 Block B

Motioned By: Phil Moncada

Seconded by: Julie Jenkins

### Recommendation

The Environmental Board recommends **approval with conditions** to the variance to Lake Austin Ordinance Section: 1) 9-10-409 (Cut and Fill), and Lake Austin Ordinance 9-10-384 (Construction on Slopes).

### Staff Conditions

1. All fill to be structurally contained.
2. All revegetation will be with native species.
3. Applicant will have an individual knowledgeable in erosion control and tree protection to conduct daily inspections of the site during site development. This person will be responsible for maintaining a daily log to be kept on site and accessible to the city environmental inspector. Applicant will utilize redundant erosion controls, including multiple layers of silt fencing and mulch berms (from on-site tree removal).
4. The applicant will implement an IPM plan.
5. The applicant has submitted and been accepted into the LEED CERTIFICATION process for this project.

### Rationale

1. This project has staff support.
2. The pond size is 10% over required volume.
3. City of Austin Environmental Officer, Pat Murphy stated that this area would be inspected more frequently by Environmental Inspector with City of Austin.

Vote: 8-0-0-1

For: Anderson, Ascot, Moncada, Curra, Ahart, Jenkins, Dupnik and Beall

Against:

Abstain:

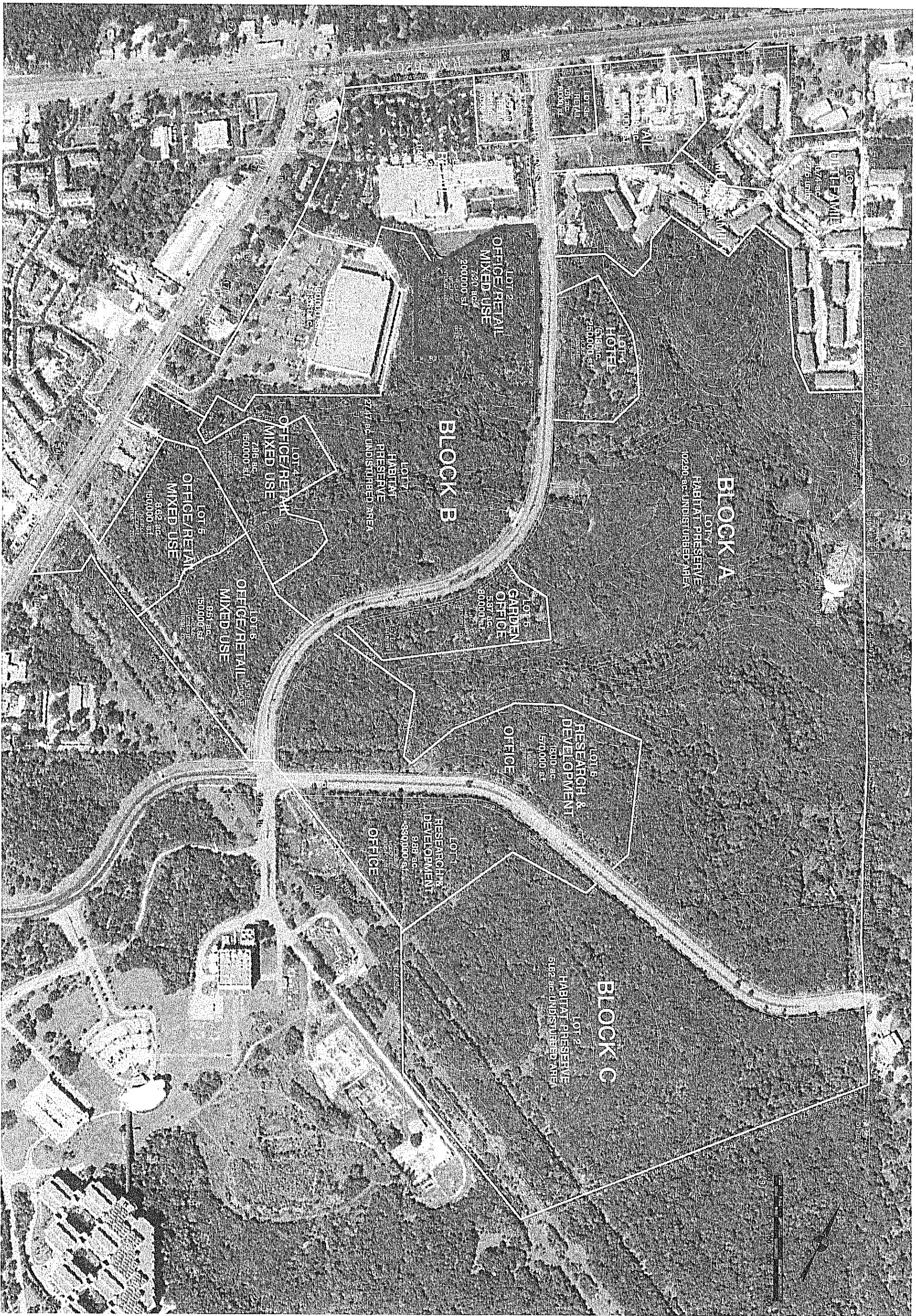
Absent: Maxwell

Approved By:

A handwritten signature in black ink, appearing to read "D Anderson", followed by the letters "pe" in a smaller font.

Dave Anderson P.E., CFM  
Environmental Board Chair





EXH

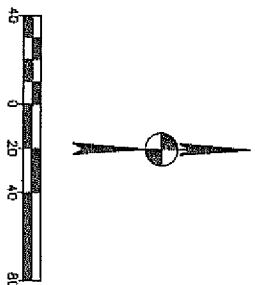
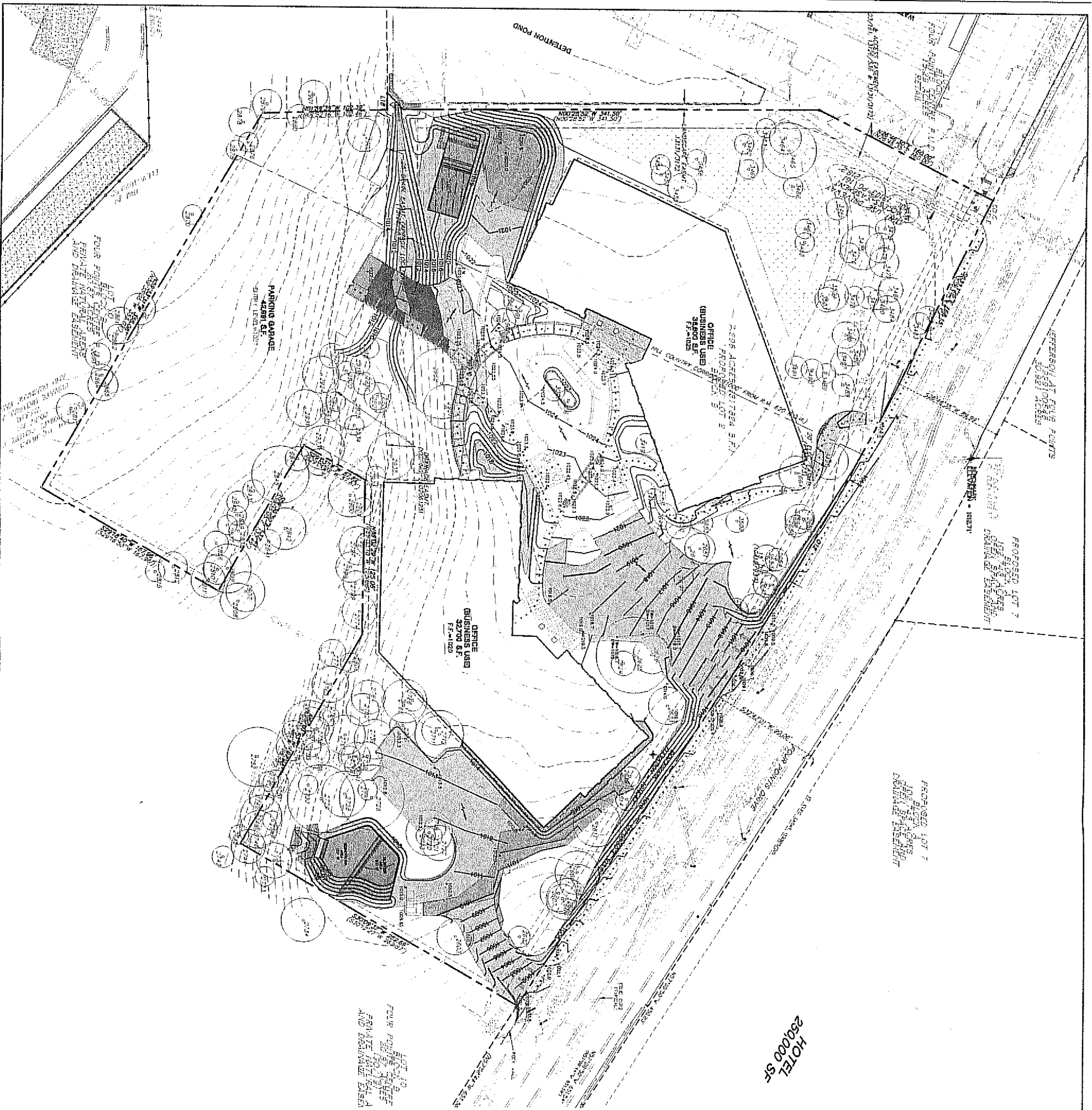
PLOTTING SCALE: 1" = 1'  
DATE PLOTTED: 04/10/06  
FILE: C:\1373\05\137305EXH14  
DRAWN BY: CAH  
DESIGNED BY: JRN  
REVIEWED BY: JRN  
PROJECT NO.: 1373-05.00

FOUR POINTS CENTRE  
LOT 2, BLOCK "B"  
AUSTIN, TRAVIS COUNTY, TEXAS  
THOMAS PROPERTIES, LLC

AERIAL P.U.D. EXHIBIT

**Bury+Partners**  
ENGINEERING SOLUTIONS  
3315 Lee Caves Road, Suite 200  
Austin, Texas 78748  
Tel. (512)320-3911 Fax (512)328-0125  
Bury+Partners, Inc. ©Copyright 2005





	AREA (AC)	± TOTAL AREA
-5' - -4' CUT	0.30	13.6
-4' - 0' CUT	0.98	44.3
0' - 4' FILL	0.76	34.4
4' - 8' FILL	0.10	4.5
8' - 12' FILL	0.03	1.4
12' - 16' FILL	0.02	0.9
16' - 18' FILL	0.02	0.9

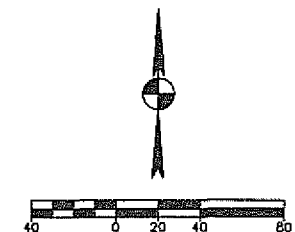
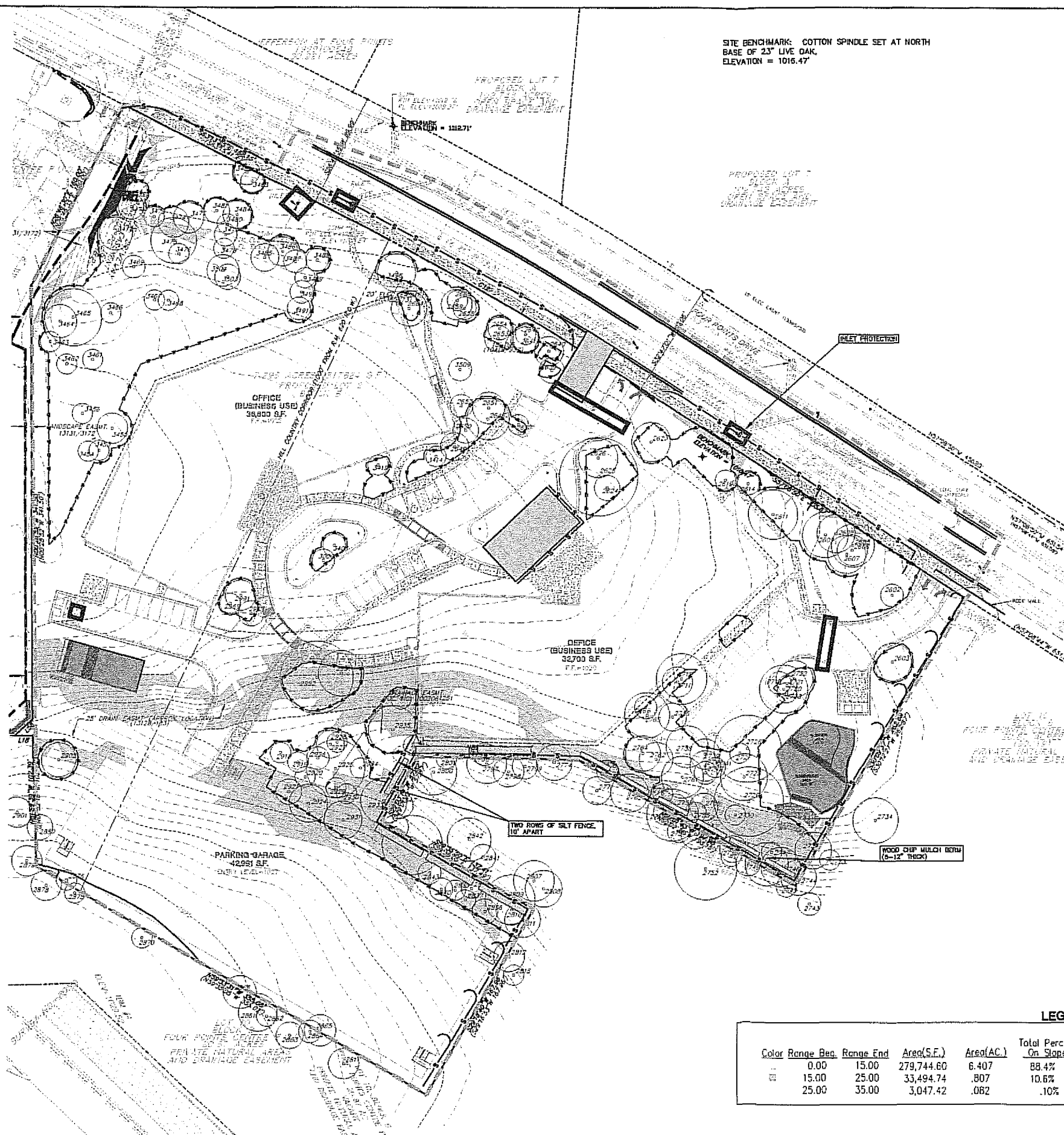
EXH

PLOTTING SCALE: 1" = 1'  
DATE PLOTTED: 12/22/06  
FILE: G:\1373\05\CHIBITS\137305CH130.DWG  
DRAWN BY: RWM, BVR  
DESIGNED BY: DHW  
REVIEWED BY: JRN  
PROJECT NO.: 1373-05

FOUR POINTS CENTRE LOT 2, BLOCK "B"  
11305 FOUR POINTS DRIVE  
AUSTIN, TRAVIS COUNTY, TEXAS  
THOMAS PROPERTIES GROUP, LLC

### CUT AND FILL EXHIBIT

**Bury+Partners**  
ENGINEERING SOLUTIONS  
3316 Dee Cates Road, Suite 200  
Austin, Texas 78746  
Tel. (512)320-0011 Fax (512)320-0325  
Bury+Partners, Inc. ©Copyright 2006



**SLOPE LEGEND**

	SLOPE 0% TO 15%
	SLOPE 15% TO 25%
	SLOPE 25% TO 35%

**LEGEND**

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ✦ FIRE HYDRANT
- WATER VALVE
- POWER POLE
- GUY WIRE
- ▲ STREET SIGN
- ⊕ TELEPHONE UTILITY
- ⊕ GAS UTILITY
- ⊕ ELEC. MANHOLE
- PVC
- ⊕ WATER METER
- ⊕ CABLE UTILITY
- ⊕ WASTEWATER MANHOLE
- ⊕ STORMSEWER MANHOLE
- OVERHEAD POWER LINE
- GUARD RAIL

**NOTES:**

1. THE ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND/OR MODIFY EROSION/SEDIMENTATION CONTROL MEASURES ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF AUSTIN'S REGULATIONS.
2. CONTRACTOR MUST INSPECT THE REGIONAL WATER QUALITY STRUCTURE NORTH OF THE SITE (SP-00-20120) WEEKLY DURING CONSTRUCTION AND CLEAN OUT IF SEDIMENT RELEASED FROM THE SITE ACCUMULATES IN THE STRUCTURE PRIOR TO FINAL ACCEPTANCE OF THIS PROJECT. THE STRUCTURE SHOULD BE INSPECTED AND CLEANED OUT IF NECESSARY.
3. CONTRACTOR SHALL UTILIZE DUST CONTROL MEASURES DURING SITE CONSTRUCTION SUCH AS IRRIGATION TRUCKS AND MULCHING AS PER ECM 1.4.5(D), OR AS DIRECTED BY THE ENVIRONMENTAL INSPECTOR.
4. AS A CONDITION OF THE VARIANCE TO SECTION 25-8-341, 342 OF THE COA LAND DEVELOPMENT CODE, CONTRACTOR IS RESPONSIBLE FOR PROVIDING A THIRD PARTY, ON-SITE ENVIRONMENTAL INSPECTOR TO MONITOR INSTALLATION AND MAINTENANCE OF EROSION CONTROLS.

**LEGEND**

Color	Range Beg.	Range End	Area(S.F.)	Area(AC.)	Total Percent On Slope	Allowable Impervious Cover	Allowable Max. Impervious Cover With Transfer	Provided Impervious Cover(AC.)	Provided Impervious Cover(%)
0.00	0.00	15.00	279,744.60	6.407	88.4%	65%	70%	3.45	54%
15.00	15.00	25.00	33,494.74	.807	10.6%	15%	10%	0.17	22%
25.00	25.00	35.00	3,047.42	.082	1.0%	5%	5%	.005	10%

**Bury+Partners**  
ENGINEERING SOLUTIONS  
2315 The Core Road, Suite 200  
Austin, Texas 78716  
Tel. (512) 325-0011 Fax (512) 325-0335  
Bury+Partners, Inc. copyright 2006

**SLOPE MAP / EROSION  
AND SEDIMENTATION  
CONTROL EXHIBIT**

**FOUR POINTS CENTRE LOT 2, BLOCK 'B'  
11305 FOUR POINTS DRIVE  
AUSTIN, TRAVIS COUNTY, TEXAS**  
**THOMAS PROPERTIES GROUP, LLC**

PLOTTING SCALE: 1" = 1'  
DATE PLOTTED: 2/1/07  
FILE: G:\1373\05\EXHIBITS\137305E\CH41.dwg modified by dwang on Feb 01, 2007 - 2:55pm  
DRAWN BY: RYM, BVR  
DESIGNED BY: DHW  
REVIEWED BY: JRN  
PROJECT NO.: 1373-05

**SHEET  
EXH**





# City of Austin

---

**Will Wynn, Mayor**

P. O. Box 1088, Austin, TX 78767

(512) 974-2250, Fax (512) 974-2337

[willwynn@ci.austin.tx.us](mailto:willwynn@ci.austin.tx.us)

January 31, 2007

Dear Friends,

Over the past few days we've heard concern that Item 5 on this week's Council agenda would allow Austin Energy to charge forward and build a coal plant. This is not the case, so I want to take this opportunity to set the record straight. What we're doing with this item is allowing the utility to go to Matagorda County to see if they can secure some very unique land.

We're looking to the future and realizing that one of our best long-term energy options *may* be clean coal with carbon capture. Clean coal and carbon capture technologies show potential for reducing ozone-forming pollutants and global warming gases by some 80-90% compared to new coal-fired plants using traditional technologies.

The land in Matagorda is important because it's one of the few places that has both salt domes and depleted oil fields. These features could allow for carbon capture and sequestration – a process that has not been perfected yet, but which holds great promise for the future as we battle the growing crisis of climate change.

The fact of the matter is, because this land is so unique, groups from around the country -- and even around the world -- are already in Matagorda seeking purchase options. If we want to preserve this choice for Austin, we need to give our staff the authority to go down there and do the same. Delaying this action would put us at a serious competitive disadvantage and could ultimately shortchange our goals for clean energy and climate protection. So, I believe it is imperative that we move forward.

Coming back to the question of coal plants, I have said this repeatedly and I'll keep saying it: We absolutely are not going to build or partner in building a traditional coal plant. If we do invest in a coal plant -- and this is a big "if" that is still subject to great deal of public discussion and debate -- it will only be a clean-coal plant using the most protective technologies available, reducing emissions to the maximum extent possible, and involving comprehensive carbon capture and sequestration.

In my conversations with other Councilmembers, the City Manager and officials at Austin Energy, I have not heard a word of disagreement about this. Furthermore, I plan to add language to the Council resolution on this agenda item spelling out in no uncertain terms the City's policy regarding any possible future coal plant. The language I'm adding will state that:

*The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*



# City of Austin

**Will Wynn, Mayor**

P. O. Box 1088, Austin, TX 78767

(512) 974-2250, Fax (512) 974-2337

[will.wynn@ci.austin.tx.us](mailto:will.wynn@ci.austin.tx.us)

1. Neither the City nor Austin Energy will build or operate, or partner in building or operating, any future power plant whatsoever unless it uses clean-coal technologies.
  2. That by "clean-coal technologies," we mean the cleanest technologies available, reducing emissions to the maximum extent possible.
  3. And that we will not operate any such coal-fired power plant unless and until we have a means for capturing the associated carbon emissions.
- Note: Currently, it is generally agreed that the cleanest technology available is Integrated Gasification Combined Cycle. An additional benefit of IGCC is that it lends itself to carbon capture. But we are using the term "clean coal" instead of IGCC because we don't want to preclude ourselves from a better, cleaner technology, should one become available if and when we consider a coal-fired power plant.

I trust this language, by firmly establishing City policy, will provide citizens the assurance necessary to understand that neither the City Council, the City Manager nor Austin Energy have even the remotest intention of building a traditional coal-fired power plant.

I want to also reiterate my personal commitment to maximizing our use of energy efficiency and renewable resources as our highest priority for meeting future demand. I know this priority is shared by my fellow Councilmembers, by City Management and by Austin Energy. For a generation now, we have been national leaders on efficiency, renewables and technological innovation. As we plan for our future, we will always look to these options first.

I recognize, however, that the City and utility can do a better job of providing citizens the information they need to understand the variables affecting our energy future. That's why I plan to host a Town Hall meeting in the near future to discuss our options for meeting future energy demand.

In Austin, we take pride in the fact that we have an active citizenry, deeply engaged in the public process. And I look forward to a great community dialogue – one that will help shape our future and ensure that we stay on a path that reflects our values. I hope you will join me for this conversation.

Regards,

Will Wynn  
Mayor