



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: July 11, 2007

**NAME AND NUMBER
OF PROJECT:** Pier Partners PUD
C814-06-0202

**NAME OF APPLICANT
OR ORGANIZATION:** Clark, Thomas & Winters
John Joseph, Attorney (472-8800)

LOCATION: 1703 River Hills Rd.

PROJECT FILING DATE: October 18, 2006

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

**WPDR/NPZ
CASE MANAGER** Jorge Rousselin, 974-2975
jorge.rousselin@ci.austin.tx.us

WATERSHED: Lake Austin (Water Supply Rural)

ORDINANCE: Planned Unit Development (PUD)

REQUESTS: Request to create a Planned Unit Development with
eight environmental exceptions

**STAFF
RECOMMENDATION:** Not recommended.



MEMORANDUM

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

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

DATE: July 11, 2007

SUBJECT: Pier Partners PUD/C814-06-0202
1703 River Hills Rd.

The applicant is proposing a zoning change of CS-1 and LA to Planned Unit Development for the existing Pier restaurant (closed since October 2005) and adjacent structures on 10.3 acres of land. The existing facility consists of a 2559 sq. ft. of restaurant, 5400 sq. ft. of outdoor uncovered dining, approximately 1000 sq. ft. of covered dining/deck adjacent to Lake Austin, 18 boat stalls and refueling facility, unpaved parking, and a stage with lighting and sound for live music entertainment. Access to the property is via an existing private driveway off River Hills Road.

The applicant's PUD proposal to construct commercial, retail, dry-stacked marina, and restaurant uses requests 8 environmental exceptions. A 10,000 square foot restaurant is proposed along with a 25,000 square foot dry-stacked marina (including fueling) with a capacity for approximately 200 boats. Boat access to Lake Austin is proposed via a fork-lift system by which boats will be lowered onto the lake by way of designated access. Additional information is provided in the attached Zoning Review Sheet.

Description of Property

The proposed PUD is situated in the Lake Austin watershed, which is classified as a Water Supply Rural watershed. The tract lies in the Drinking Water Protection Zone, but it is not located over the Edwards Aquifer Recharge Zone. Floodplain, Critical Water Quality Zone (CWQZ), and steep slopes occur within the property lines.

The western section of the site is undeveloped and steeply sloped, followed by low-density residential development beyond. A raw water intake for Travis County Water Control and Improvement District (WCID) #20 is located downstream of the Pier, and Travis County Municipal Utility District (MUD) #4 has its raw water intake 700' upstream. Low-density residential development occupies the balance of the area south of the site.

Existing Topography/Soil Characteristics/Vegetation

Site topography ranges from 590 to 530 feet above mean sea level. Tracts 1 and 2 are relatively flat and gently slope toward the eastern site boundary of the Colorado River/Lake Austin. Tract 3, the western half of the site, is steeply sloped.

The eastern portion of the site is underlain by Lincoln loamy fine sand (Ln). Hardeman fine sandy loam 2-5% slopes (HaC) underlies the central portion of the site. Brackett soils, rolling (BID) underlies the northwestern portion of the site. Tarrant soils and Rock outcrop steep (TdF) underlies the southwestern corner of the site.

The site is located within the Balcones Canyonlands region of the Edwards Plateau, and the vegetation of the region is classified as juniper-oak savannah dominated by woodland vegetation. These mesic slopes support Texas oak, live oak, Ashe juniper, and Texas ash. In addition, pecan, hackberry, bald cypress, cottonwood, and cedar elm are present. Non-natives include chinaberry, bermudagrass, and an aggressively expanding area of bamboo. Overall canopy cover is 15-20% for the previously developed area. The escarpment area on Tract 3 is densely vegetated with Ashe juniper and a mixture of hardwoods.

Critical Environmental Features/Endangered Species

There are no CEFs, according to City of Austin criteria, located on site or within 150' of the site.

The Environmental Assessment indicated that a mapped Zone 1 designation for golden-cheeked warbler extends slightly into the southwest corner of the site. However, the consultant stated that the site is unlikely to contain habitat and no further investigations were needed at the present. According to COA GIS, the site does not lie in the BCCP area.

Water/Wastewater

The applicant proposes to utilize on-site septic for wastewater. Water will be supplied by a water utility district.

Environmental Exception Requests

The exceptions requested by this project are to LDC Sections:

1. Exception from LDC 25-8-341 (Cut Requirements)

"Cut on a tract of land may not exceed 4' of depth."

The applicant is requesting a modification to allow cuts up to 20'.

2. Exception from LDC 25-8-342 (Fill Requirements)

"Fill on a tract of land may not exceed 4' of depth".

The applicant is requesting a modification to allow fill up to 6'.

3. Exception from LDC 25-8-454(D)(1) (Uplands Zone)

"Impervious cover may not exceed: (a) 20%; or (b) if development intensity is transferred under Section 25-8-455(Transfer of Development Intensity) 25%."

The applicant is requesting a modification to allow impervious cover up to 40% net site area in the Uplands Zone.

4. Exception from LDC 25-8-454(D)(2) (Uplands Zone)

"At least 40% of a site must be retained in or restored to its natural state to serve as a buffer, the buffer must be contiguous to the development, and the buffer must receive overland drainage. Use of the buffer is limited to fences, utilities that cannot be reasonably located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction."

The applicant is requesting a modification to allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer.

5. Exception from LDC 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...(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...(E) A utility line may cross a critical water quality zone. (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."

The applicant is requesting a modification to allow for the construction of permeable pedestrian pavement, a vertical boat launch facility, a paved connection from the vertical lift to the boat storage, boat docks, drainage facilities, gas pump, outside seating areas, and decking within the Critical Water Quality Zone.

6. Exception from LDC 25-8-452 (Critical Water Quality Zone)

"Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1."

See Exception Number 5. This section of the LDC specifically addresses a water supply rural watershed.

7. Exception from LDC 25-8-301 (Construction of a Roadway or Driveway)

"(A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15% unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15% or less; or (2) building sites for at least five residential units. (B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33%, stabilized with a permanent structure. This does not apply to a stable cut."

The applicant is requesting a modification to allow for the construction of a roadway or driveway on a slope with a gradient of more than 15%.

8. Exception from LDC 25-8-302 (Construction of Building or Parking Area)

"(A) A person may not construct: (1) a building or parking structure on a slope with a gradient of more than 25%; or (2) except for a parking structure, a parking area on a slope with a gradient of more than 15%. (B) A person may construct a building or parking structure on a slope with a gradient of more than 15% and not more than 25% if the requirements of this subsection are met. (1) Impervious cover on slopes with a gradient of more than 15% may not exceed 10% of the total area of the slopes. (2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15%. (3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native vegetation. (4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33%, stabilized with a permanent structure. This does not apply to a stable cut."

The applicant is requesting a modification to allow for construction of a building or parking structure on a slope with a gradient of more than 25%.

Recommendations

The Land Development Code (Chapter 25-2, Division 5) outlines the zoning regulations and submittal requirements for a Planned Unit Development. 25-2-411(D) states "The natural topography, soils, critical environmental features, waterways, and vegetation must be incorporated into the design of a PUD district, if practicable. Buffer zones and greenbelt

areas are required. In intensively developed areas, landscaping that exceeds the minimum requirements of this title is required." It is the applicant's burden to provide sufficient information to show whether or not environmental considerations have been incorporated into the design of the PUD.

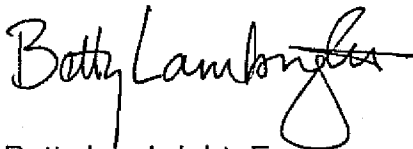
The applicant has worked with staff to address as many concerns as possible since the previous submittal. The applicant has indicated that they would provide the following environmental enhancements:

- Provide rainwater collection for 100,000 gallons which would be used 100% for landscape irrigation
- Achieve a one-star rating in the Green Building program (please be advised that Austin Energy has not been contacted, nor has a Letter of Intent been issued)
- Implement an IPM plan
- Provide a landscape buffer between the development and adjoining properties
- Oil booms around the docks
- Enhanced environmental protection for the new gas storage tank and delivery facility
- Pervious pavement in the CWQZ will be lined, and the water will be recirculated back to the water quality pond for treatment

At this time, City staff cannot recommend approval of the PUD application based on the information submitted by the applicant. The proposed PUD is requesting numerous environmental exceptions, but the proposed mitigation does not provide an appropriate level of compensation for the negative environmental impacts that would occur. At this time Staff offers an alternate recommendation of CR-CO limiting the daily vehicle trips to less than 2,000 trips per day. The recommendation is subject to change based on final Staff analysis.

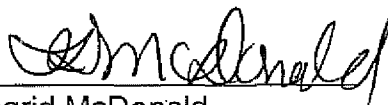
In addition to Environmental, Zoning, and Transportation concerns, the applicant may have outstanding issues with Parks and Fire. There is also opposition from neighborhood groups and the adjacent County landowners.

If you need further details, please contact me at 974-2696.

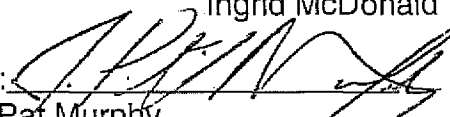


Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Pat Murphy

ZONING REVIEW SHEET**CASE:** C814-06-0202**Z.A.P. DATE:** May 15, 2007
July 17, 2007**ADDRESS:** 1703 River Hills Road**OWNER:** Pier Partners LP, (Eric Moreland)**AGENT:** Clark, Thomas & Winters, PC
(John Joseph)**REZONING FROM:** CS-1 (Commercial Liquor Sales) district and LA (Lake Austin Residence) district**TO:** PUD (Planned Unit Development)**AREA:** 10.315 Acres**ISSUES:**

This case has been scheduled on the Environmental Board agenda for July 11, 2007 as a Staff presentation.

SUMMARY STAFF RECOMMENDATION:

At this time, Staff cannot recommend approval of the PUD application based on the information submitted by the applicant. Furthermore, at this time, Staff offers an alternate recommendation of CR-CO limiting the daily vehicle trips to less than 2,000 per day. The recommendation is subject to change based on final Staff analysis.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 10.315 acre site including the once used Pier restaurant zoned CS-1 and LA divided into 3 tracts as depicted in the land use plan. Access to the property is via an existing private driveway off River Hills Road.

The existing facility, currently not in operation, consists of 2,559 square feet of restaurant for dining and indoor recreation, restroom facilities and kitchen; 5,400 square feet of outdoor uncovered dining; 707 of covered dining and deck adjacent to Lake Austin; 260 square feet of uncovered deck adjacent to Lake Austin; 18 boat stalls and refueling facilities and a stage with lighting and sound for live music entertainment.

The applicant proposes to rezone the property to PUD district to allow for commercial, retail, dry-stacked marina, and restaurant uses along with requested environmental variances. A 10,000 square feet restaurant is proposed along with a 25,000 square feet dry-stacked marina with a capacity for approximately 200 boats. Boat access to Lake Austin is proposed via a fork-lift system by which boats will be lowered onto the lake by way of designated access.

Specifically, the applicant requests the following:

1. Land uses:

Tract 1: All uses permitted and conditional in the GR – Community Commercial district;

Tract 2: All uses permitted and conditional in the GR – Community Commercial district with the addition of Marina and Recreational equipment Maintenance and Storage; and

Tract 3: No uses allowed;

For commercial land uses:

- Area: 4.136 acres;
- Maximum FAR: 0.06:1;
- Minimum lot size: 1 acre;
- Maximum building height: 45 feet;
- Setbacks:
 - Front yard: 25 feet;
 - Side street side: 25 feet;
 - Interior side yard: 8 feet;
- Maximum impervious cover: 50%;

For recreational equipment maintenance & storage and marina land uses:

- Area: 1.526 acres;
- Maximum FAR: 0.40:1;
- Total square footage: 25,000 square feet;
- Minimum lot size: 1 acre;
- Maximum building height: 60 feet;
- Setbacks:
 - Front yard: 25 feet;
 - Side street side: 25 feet;
 - Interior side yard: 20 feet;
 - Rear yard: 15 feet
- Maximum impervious cover: 65%;

2. Water quality requirements would be met through on-site water quality facilities, or other environmental mitigation methods approved by the City and adopted as a part of the PUD ordinance;
3. The project intends to be a Green Builder, provide Rainwater Harvesting and an Integrated Pest Management Plan;
4. Community Benefits.
 - Restaurant
 - (i) Family dining facilities — Indoor and outdoor, attracting patrons by vehicle and watercraft as well as pedestrian visitors;
 - Restroom Facilities — Deter pollution of the lake and reduce the potential for contamination.;
 - Indoor Live Music Venues;
 - Dry Boat Storage and Maintenance;
 - Employment Opportunity;
5. Community Aesthetics — This location has become known in the community and recognized by generations of Austinites as an Austin icon and a required visit by tourists and visitors to Lake Austin. The Pier has become synonymous with lake dining and musical entertainment. Few visits to Austin are complete without a burger and fries on the deck at the Pier;
6. Wastewater — Convert the existing septic drainfield to a system of current design and construction;

7. Fuel Storage — Provide for a fuel storage, containment, and delivery system that meets or exceeds city and state standards and place the storage facility in a location that is not adjacent to the lake;
8. The Proposed PUD results in development superior to conventional development that would be permitted under current zoning and subdivision regulations in the following ways:
 - Maximization of available resources;
 - Homogeneous multi-use facilities;
 - Contributions to storm water facilities;
 - Contributions to water quality facilities;
9. The Proposed PUD Enhances Preservation of the Natural Resources:
 - Rainwater;
 - Green Builder;
 - Herbicide and Pesticide Plan;
 - Landscape buffer between the Pier Development and adjoining properties;
 - Minimizes current runoff into Lake Austin;
 - The new gas storage facility will further protect the environmental quality of Lake Austin;
 - The Proposed PUD Encourages High Quality Development and Innovative Design; and
 - The Proposed PUD Ensures Adequate Public Facilities and Services.

The following is a list of requested variances by the applicant to be included in the Planned Unit Development, in accordance with LDC § 25-2-4 11(A):

1. Section 25-8-341(A) (Cut Requirements) is modified to allow for a cut of more than four feet in depth but not to exceed 20 feet in depth for the construction of a Recreational Equipment Maintenance and Storage Building.
2. Section 25-8-342(A) (Fill Requirements) is modified to allow for a fill of more than four feet in depth but not to exceed six feet in depth for the construction of landscaping berms.
3. Section 25-8-454(D)(1) (Uplands Zone) is modified to allow for impervious cover in excess of 20% but not to exceed 45% of the net site area of the property within the Uplands Zone which excludes one acre that is designated for use as a septic drain field.
4. Section 25-8-454(D)(2) (Uplands Zone) is modified to allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer.
5. Section 25-7-92(B) (Encroachment on Floodplain Prohibited) is modified to allow for the construction of water quality controls, a paved connection from the vertical lift to the boat storage, a portion of the drive and walkway serving the restaurant, boat docks, decking and the reconstruction of the restaurant within the 100-year floodplain.
6. Section 25-8-261 and 25-8-452 (Critical Water Quality Zone Development) is modified to allow for the construction of permeable pedestrian pavement, a vertical boat launch facility, a paved connection from the vertical lift to the boat storage, boat docks, decking and the reconstruction of the restaurant within the Critical Water Quality Zone.

7. Section 25-7-96 (Exceptions in the 25-Year Floodplain) is modified to allow for the construction of boat docks and decking within the 25-year floodplain and the reconstruction of the restaurant within, but raised above, the 25-year floodplain.
8. Section 25-6-Appendix A (Tables of Off-street Parking and Loading Requirements) is modified to require one (1) parking space for every four (4) boat slips within the Recreational Equipment Maintenance and Storage Building.
9. Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) is modified to allow for a reduction in setback and height limitations as shown on the attached Land Use Plan.
10. Section 25-2-1067 (Design Regulations) is modified to allow for a parking area or driveway to be constructed within 25 ft. or less from a lot that is in an SF-S or more restrictive zoning district; or on which a use permitted in an SF-S or more restrictive zoning district is located.
11. Section 25-7-2 (Obstruction of Waterways Prohibited) is modified to allow for an obstruction in a waterway.
12. Section 25-7-152 (Dedication of Easements and Right-Of-Way) is modified to not require the owner to dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.
13. Section 25-8-301 (Construction of a Roadway or Driveway) is modified to allow for the construction of a roadway or driveway on a slope with a gradient more than 15 percent.
14. Section 25-8-302 (Construction of a Building or Parking Area) is modified to allow for the construction of a building or parking structure on a slope with a gradient of more than 25 percent.
15. Section 25-8-361(C) (Wastewater Restrictions) is modified to allow for a wastewater disposal area to be located in the 40 percent buffer zone.
16. Section 25-8-361(F) (Wastewater Restrictions) is modified to allow for a wastewater treatment by land application on a property with a slope with a gradient of more than 15 percent, located in a critical water quality zone, in a 100-year flood plain, and during wet weather conditions.

BACKGROUND

On September 13, 1984, the property was rezoned from "A"—Residence and "Interim LA" 1st height & area to "C-2" 1st height & area imposing conditions that subsequent requests for expansion or changes of the existing land use should be accompanied by a site plan and require approval of the Planning commission and City Council. (Please see Exhibit A).

On December 9, 2005, a rezoning case was filed for the same property under case C14-05-0211 which requested to rezone the property from CS-1 to CR (Community Recreation). The case was heard before the Zoning and Platting Commission on April 4, 2006 and postponed indefinitely at the request of the applicant. The case expired on October 4, 2006.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1/LA	Former Pier Restaurant / Undeveloped land
<i>North</i>	LA	Travis County Water Treatment Plant Expansion
<i>South</i>	LA	Travis County Water Treatment Plant Expansion
<i>East</i>	N/A	Lake Austin
<i>West</i>	LA	Undeveloped land

AREA STUDY: Lake Austin Area**TIA:** Pending recommendation**WATERSHED:** Lake Austin**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

153--Rob Roy Home Owners' Association Inc.

243--River Hills Neighborhood Assn.

434--Lake Austin Business Owners

605--City of Rollingwood

965--Old Spicewood Springs Rd. Neighborhood Assn.

996--Bee Caves Road Alliance

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-83-003.189	"A" & "I-LA" 1 st H&A to "C-2" 1 st H&A.	03/20/84: Recommended granting to "C-2" 1 st H&A noting that subsequent requests for expansion or changes of the existing land use should be accompanied by a site plan and require approval of the Planning commission and City Council and "LA" 1 st H&A on balance. (8-0)	04/12/84: APVD C-2, 1ST H&A & LA ON BALANCE (5-0); 1ST RDG. 09/13/84: APVD LA, 1ST H&A; 3RD RDG.
C14-05-0211	CS-1 to CR	01/31/06: PP TO 3-7-06 BY CONSENT (STAFF); (8-0) 03/07/06: PP TO 4-4-06 (STAFF); (9-0) 04/04/06: PP INDEF (AP) (7-0)	N/A

CASE HISTORIES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	BICYCLE PLAN
River Hills Road	50'	Varies	Collector	No	No
Weston Lane	Varies	Varies	Collector	No	No

CITY COUNCIL DATE:**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

TRAVIS COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 20

9511 Ranch Road 620 North
Austin, Texas 78726

RECEIVED

December 4, 2006

DEC 05 2006

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Neighborhood Planning & Zoning

City of Austin
c/o Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Attention: Jorge Rousselin, Case Manager

Re: The Pier Property; Case No. C814-06-0202

Ladies and Gentlemen:

We are writing you as the Board of Directors of Travis County Water Control and Improvement District No. 20 (the "District"). The District provides potable water service to homes with a total estimated population of 1,100 persons adjacent to the subject property known as the Pier. The District owns the lot adjacent to and downstream of the Pier. The District's lot is the location of the District's water treatment plant. The District's raw water intake structure is located four lots further downstream from the water treatment plant.

The District's Board of Directors has taken action in open session to oppose this application by the Pier for a planned unit development ("PUD") and to oppose the waiver of compatibility standards. The District urges the City of Austin to deny the request for this development.

The District's raw water intake facility is approximately 800 feet downstream of the Pier. At the time the District constructed its facilities and until recently, the Pier provided docking for approximately 19 boats. In 1983, the District's developers applied for and received approval of an exception to allow its facilities within 1,000 feet of gasoline facilities. Based upon the limited use of the Pier's boating activities at that time, the District's engineer and the staff of the Texas Health Department, concluded that the exception was reasonable.

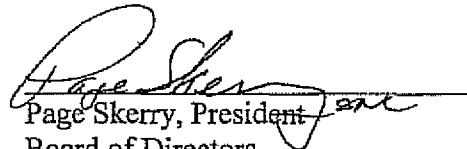
The development proposed by Pier Partners, L.P. includes dry docking of approximately 200 boats, and, the fueling of those boats from a new proposed gasoline storage facility. The

planned development, in the District's opinion, would create a potentially hazardous and substantial source of contamination of the District's public drinking water supply.

For these reasons, the Board of Directors respectfully requests the City's Boards and Commissions and City Council deny this PUD request.

Very truly yours,

By:


Page Skerry, President
Board of Directors

cc: Terry Barnes
1409 N. Weston Lane
Austin, TX 78733

Pier Partners, L.P.
c/o Kelly Cannon
Clark Thomas & Winters
P.O. Box 1148
Austin, TX 78767

Hamp Skelton
P.O. Box 1609
Austin, TX 78767-1609

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

9511 Ranch Road 620 North
Austin, Texas 78726

December 11, 2006

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

City of Austin
c/o Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Attention: Jorge Rousselin, Case Manager

Re: The Pier Property; Case No. C814-06-0202

Ladies and Gentlemen:


We are writing you as the Board of Directors of Travis County Municipal Utility District No. 4 (the "District"). The District serves as the Master District for the seven Travis County Municipal Utility District Nos 3-9 and provides potable water service to homes with a total estimated current population of approximately 2,200 persons. The District will also begin in 2007 providing water service to a new retirement and long-term care facility for the elderly located within the District's service area. The safety of the water supply is of utmost importance. The District's raw water intake structure is located approximately 700 feet upstream from the Pier property.

The District's Board of Directors has taken action in open session to oppose this application by the Pier for a planned unit development ("PUD") and to oppose the waiver of compatibility standards. The District urges the City of Austin to deny the request for this development.

As stated above, the District's raw water intake facility is approximately 700 feet upstream of the Pier. The development proposed by Pier Partners, L.P. includes dry docking of approximately 200 boats, and, the fueling of those boats from a new proposed gasoline storage facility. The planned development, in the District's opinion, would create a potentially hazardous and substantial source of contamination of the District's public drinking water supply. It is not unusual for wind conditions and lack of water release at downstream dams to allow water and debris to travel upstream for limited distances.

For these reasons, the Board of Directors respectfully requests the City's Boards and Commissions and City Council deny this PUD request.

Very truly yours,

By: 
Bill Dukes, President
Board of Directors

cc: Pier Partners, L.P.
c/o Kelly Cannon
Clark Thomas & Winters
P.O. Box 1148
Austin, TX 78767

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4

9511 Ranch Road 620 North
Austin, Texas 78726

December 11, 2006

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

City of Austin
c/o Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Attention: Jorge Rousselin, Case Manager

Re: The Pier Property; Case No. C814-06-0202

Ladies and Gentlemen:

We are writing you as the Board of Directors of Travis County Municipal Utility District No. 4 (the "District"). The District serves as the Master District for the seven Travis County Municipal Utility District Nos 3-9 and provides potable water service to homes with a total estimated current population of approximately 2,200 persons. The District will also begin in 2007 providing water service to a new retirement and long-term care facility for the elderly located within the District's service area. The safety of the water supply is of utmost importance. The District's raw water intake structure is located approximately 700 feet upstream from the Pier property.


The District's Board of Directors has taken action in open session to oppose this application by the Pier for a planned unit development ("PUD") and to oppose the waiver of compatibility standards. The District urges the City of Austin to deny the request for this development.

As stated above, the District's raw water intake facility is approximately 700 feet upstream of the Pier. The development proposed by Pier Partners, L.P. includes dry docking of approximately 200 boats, and, the fueling of those boats from a new proposed gasoline storage facility. The planned development, in the District's opinion, would create a potentially hazardous and substantial source of contamination of the District's public drinking water supply. It is not unusual for wind conditions and lack of water release at downstream dams to allow water and debris to travel upstream for limited distances.

For these reasons, the Board of Directors respectfully requests the City's Boards and Commissions and City Council deny this PUD request.

Very truly yours,

By:


Bill Dukes, President
Board of Directors

cc: Pier Partners, L.P.
c/o Kelly Cannon
Clark Thomas & Winters
P.O. Box 1148
Austin, TX 78767

Terry Barnes
1409 N Weston Ln
Austin, TX 78733

May 10, 2007

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning Dept
P.O. Box 1088
RE: C814-06-0202

Austin, TX 78767

Dear Mr. Rousselin,

The new Pier owners wish to construct a dry dock boat storage building for 185+ boats on Lake Austin at the old Pier restaurant location complete with a marina at the water. City staff during a previous zoning application (C14-05-0211) moved to approve their application before it went before the zoning commission. The Parks and Recreation board wrote a resolution in support of the proposed facility as well. When the application went before the zoning commission April 4, 2006 the applicants moved for a postponement in order to revise their application before it was to be considered by the zoning commission. It is now returning to you under application number C814-06-0202.

It is my understanding that under Title 30 of the Texas Administrative Code "Raw water intakes shall not be located within 1,000 feet of boat launching ramps, marinas, docks, or floating fishing piers which are accessible by the public."¹ Water District #20's raw water intake measures on a city plat map, approximately 780 feet to the South from the gas dock and Stratus Properties raw water intake is approximately 680 feet to the North of the gas dock. Water District #20's board has opposed the redevelopment of the Pier in a letter to the City of Austin Feb 14, 2006.

The marina and fuel sales at the Pier location were in a grand fathered zoning environment that use was non-conforming for its current zoning. I find gas service and marina service unacceptable to continue under variance or waiver since the use of all of the marina type docks and structures have become "abandon" as defined by City of Austin inactivity standard of 90 consecutive days². The restaurant has been closed since Oct of 2005 and a locked gate has been constructed blocking vehicle access by road. Service of all types has ceased. Video of the zoning commissions public hearing shows city staff affirming to the zoning commission that the marina use had become abandon during the public hearing on April 4, 2006. "A person may not resume an abandoned non-conforming use."³

Their desire to build a new restaurant, have boat storage and become a public tourist recreation area will surely fall under the restrictions mandated by State law. I would plea that no further wavier or variance for this type of operation adjacent to two large public water districts be granted or continued. I wish to respectfully request the zoning review department staff move for a disapproval based upon the above facts of law.

Thank you

Terry Barnes

¹ Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Rule 290.41, Subchapter (e)

² City of Austin Land development code 25-2-945 sub (A) (2)

³ City of Austin Land development code 25-2-945 sub(C)

Rousselin, Jorge

From: Terry Barnes [REDACTED]
Sent: Monday, November 06, 2006 2:14 PM
To: Rousselin, Jorge
Subject: Emabarcadero as related to the Pier project.

Mr. Rousselin

The link below will take you to the marketing web site for the Embarcadero project (C81-06-0506) on River Hills road. This tract abuts the Pier property (C814-06-0202). It appears as only a development assessment has been filed but the owners are currently offering the tracts for sale, or it appears that way from their web site. The Embarcadero project is from the Sutton Company of Austin.(<http://www.suttoncompany.com/>) The Sutton Company is also one of the owners of the Pier project, as is Eric Moreland. Mr. Moreland is the real estate firm representing the Embarcadero project.

The two projects are in concert with each other although not at first evident, and marketing strategy and lot price are driven as having Lake Austin access, complete with boat storage stalls for each new homeowner. I would plea that consideration be given to the development of land along Lake Austin not circumvent the zoning process as to how boat docks and marinas are placed only to find out later that the true motives were to inflate the land prices of land that normally does not have waterfront access.

In viewing the Embarcadero web site they have an error in programing, in order to fully view the page it needs to be displayed in a very large window in order for the links to navigate the site to be view able at the bottom of their home page. These links take you to their story line, lot plans and real estate contact.

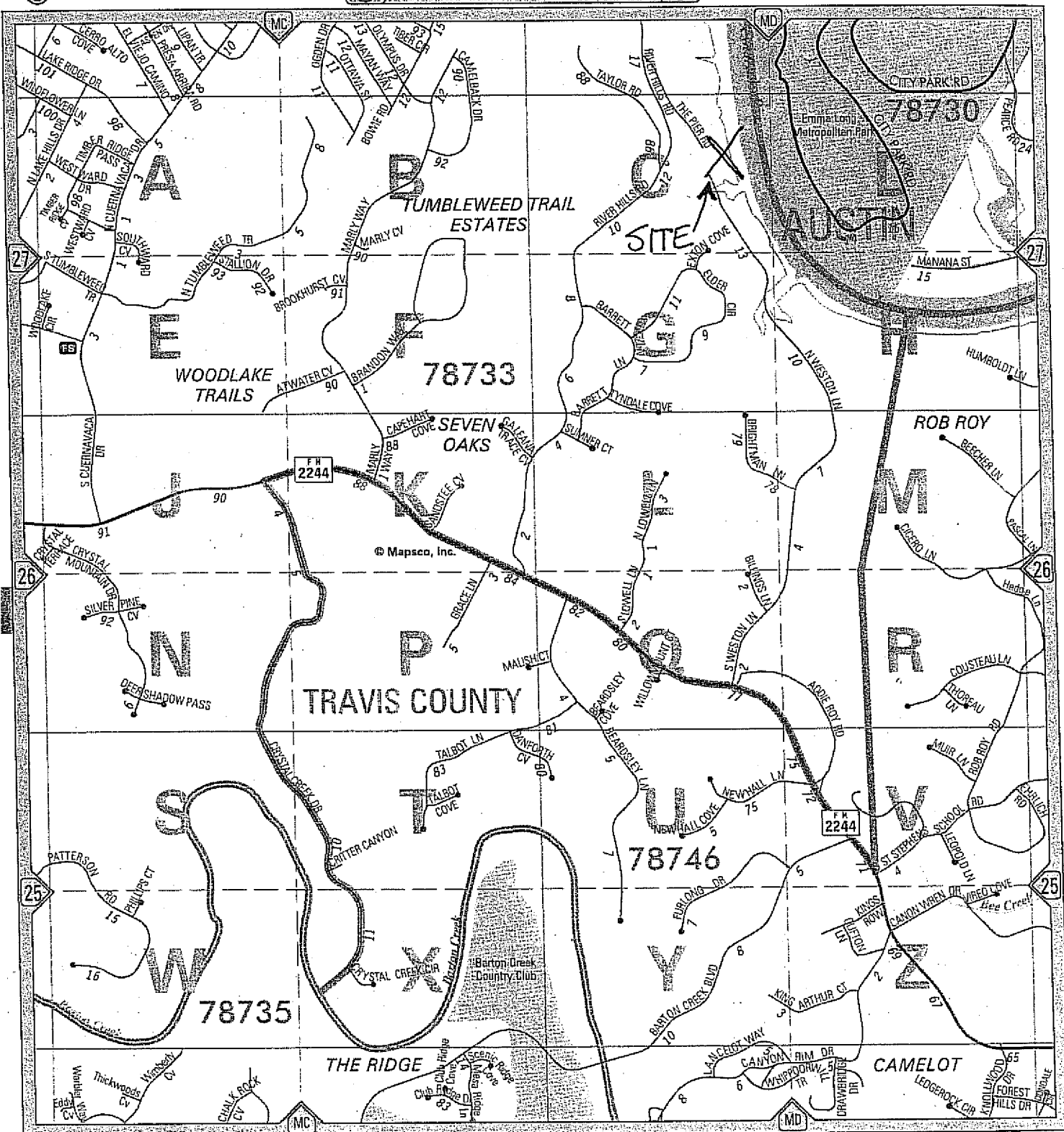
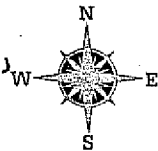
<http://www.embarcaderoaustin.com/>

Terry Barnes

FROM 360, GO WEST ON 2244 (BEE CAVES) TO
 RIVER HILLS RD. GO NORTH ON RIVER HILLS RD,
 AND WATCH FOR AN UNMARKED SHARP RIGHT.

552

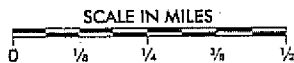
CONTINUED ON MAP 522



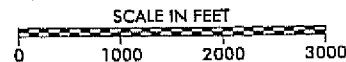
CONTINUED ON MAP 551

CONTINUED ON MAP 582

CONTINUED ON MAP 553



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ENVIRONMENTAL WAIVERS

CURRENT DEVELOPMENT REGULATIONS	PROPOSED DEVELOPMENT REGULATIONS
Section 25-8-341(A) (Cut Requirements) Cuts on a tract of land may not exceed four feet of depth.	Section 25-8-341(A) (Cut Requirements) is modified to allow for a cut of more than four feet in depth, but not to exceed 15 feet in depth.
Section 25-8-342(A) (Fill Requirements) Fill on a tract of land may not exceed four feet of depth.	Section 25-8-342(A) (Fill Requirements) is modified to allow for a fill of more than four feet in depth, but not to exceed six feet in depth.
Section 25-8-454 (D)(1) (Uplands Zone) Impervious cover may not exceed : (a) 20 percent; or (b) if development intensity is transferred under Section 25-8-455 (Transfer of Development Intensity), 25 percent.	Section 25-8-454(D)(1) (Uplands Zone) is modified to allow for impervious cover in excess of 20%, but not to exceed 40% of the net site area of the property within the Uplands Zone.
Section 25-8-454(D)(2) (Uplands Zone) At least 40 percent of a site must be retained in or restored to its natural state to serve as a buffer, the buffer must be contiguous to the development, and the buffer must receive overland drainage. Use of the buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction.	Section 25-8-454(D)(2) (Uplands Zone) is modified to allow for a minimum of 0% of the site to be retained in or restored to its natural state to serve as a buffer.
<p>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</p>	<p>Section 25-8-261 (Critical Water Quality Zone Development) is modified to allow for the construction of permeable pedestrian pavement, a vertical boat launch facility, a paved connection from the vertical lift to the boat storage, boat docks, drainage facilities, gas pump, outside seating areas, and decking.</p> <p>THE RESTAURANT HAS BEEN MOVED COMPLETELY OUT OF THE CWQZ.</p>

<p>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 <u>25-7</u> (<i>Drainage</i>) and the other provisions of this subchapter are met.</p>	
<p>Section 25-8-301 (Construction of a Roadway or Driveway)(A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15 percent or less; or (2) building sites for at least five residential units. (B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.</p>	<p>Section 25-8-301 (Construction of a Roadway or Driveway) is modified to allow for the construction of a roadway or driveway on a slope with a gradient of more than 15 percent.</p>

<p>Section 25-8-302 (Construction of a Building or Parking Area)(A) A person may not construct: (1) a building or parking structure on a slope with a gradient of more than 25 percent; or (2) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent. (B) A person may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the requirements of this subsection are met. (1) Impervious cover on slopes with a gradients of more than 15 percent may not exceed 10 percent of the total area of the slopes. (2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15 percent. (3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native vegetation. (4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.</p>	<p>Section 25-8-302 (Construction of a Building or Parking Area) is modified to allow for the construction of a parking structure on a slope with a gradient of more than 25 percent.</p>
<p>25-8-452 (Critical Water Quality) Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1.</p>	<p>25-8-452 (Critical Water Quality) is modified to allow development in a critical water quality zone.</p>



ENVIRONMENTAL BOARD MOTION 071107-B1

Date: July 11, 2007

Subject: Pier Partners Planned Unit Development C814-06-0202

Motioned By: Mary Gay Maxwell

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommends **disapproval** of a request to create a Planned Unit Development at the Pier site with eight environmental exceptions.

Staff Conditions

Not recommended by staff.

Rationale

1. The applicant is requesting 40% impervious cover in an area that without a PUD would only allow 20%, potentially having dramatic negative water quality impacts.
2. The project is in close proximity to two rural water supply intake structures serving approximately 3,300 people
3. Lake Austin is the drinking water supply for the citizens of Austin and should be protected from excessive pollution.
4. The project's health and safety concerns extend to City Park, which is directly across the lake from the project.
5. The project would increase the number of boats at the park, creating access issues for emergency personnel and the Austin Fire Department.

Vote 0-8-0-0


For:

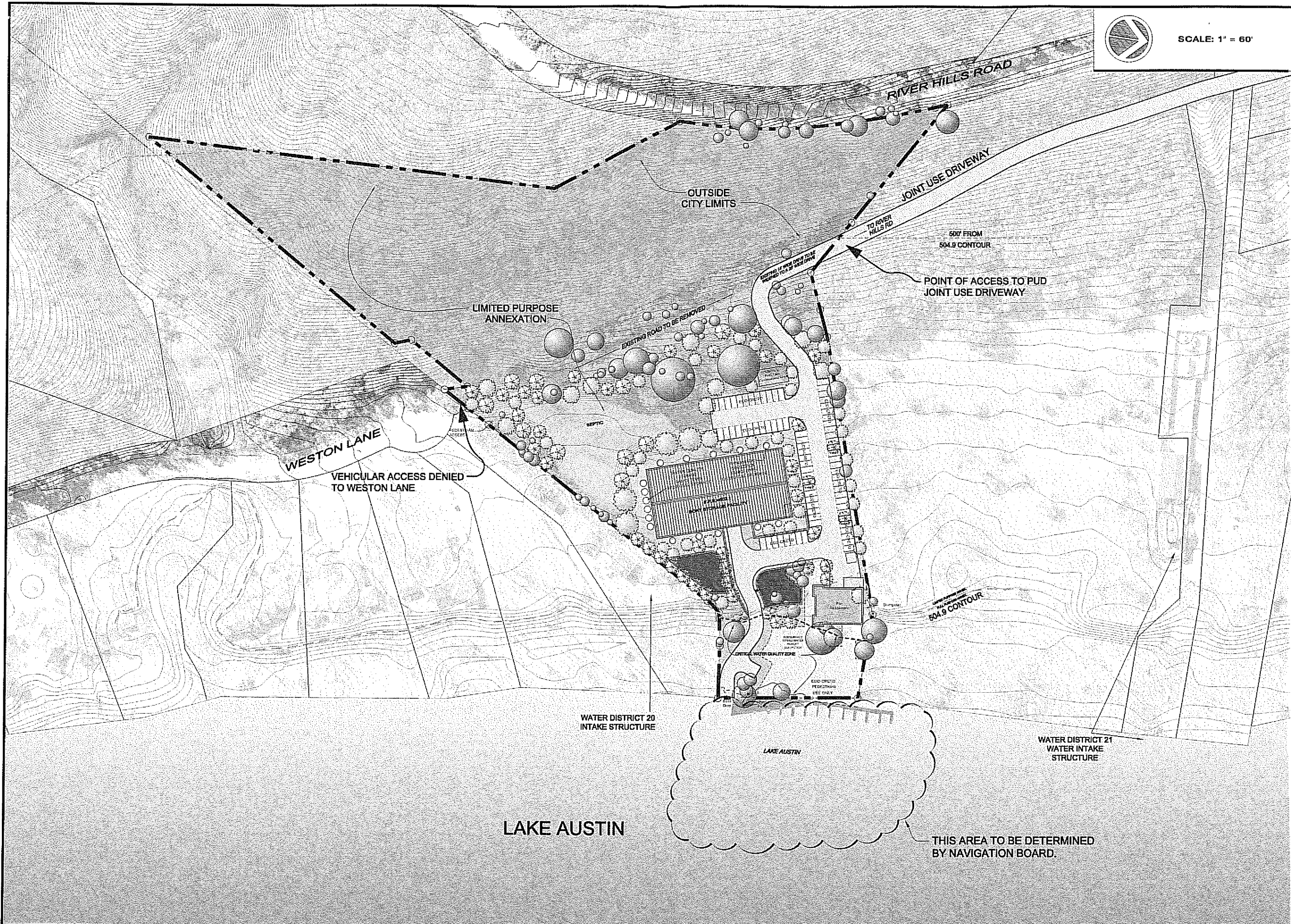
Against: Anderson, Maxwell, Moncada, Curra, Neely, Ahart, Beall and Dupnik.

Abstain:

Absent:

Approved By:


Dave Anderson P.E., CFM
Environmental Board Chair



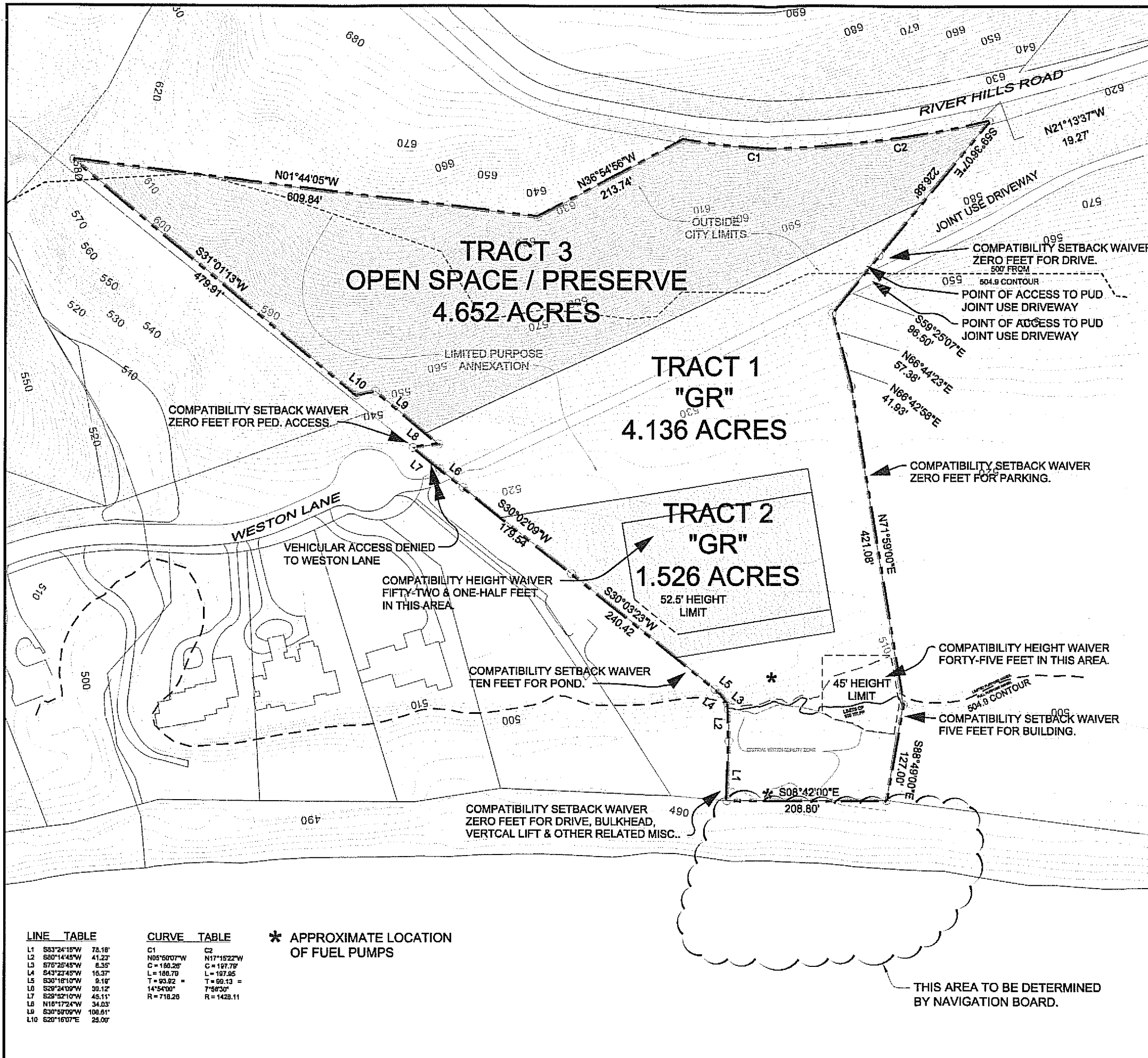
SCALE: 1" = 60'

Thrasher Design
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LAND PLANNERS

THE PIER
PIER ROAD
AUSTIN, TEXAS

PROPOSED
SITE
PLAN

JULY 4, 2007



LINE TABLE

L1	S03°24'18"W	78.18'
L2	S80°14'45"W	41.23'
L3	S76°25'45"W	8.35'
L4	S43°23'45"W	16.37'
L5	S30°18'10"W	9.18'
L6	S29°24'09"W	30.12'
L7	S29°52'10"W	45.11'
L8	N18°17'24"W	34.03'
L9	S30°59'09"W	108.81'
L10	S20°16'07"E	25.00'

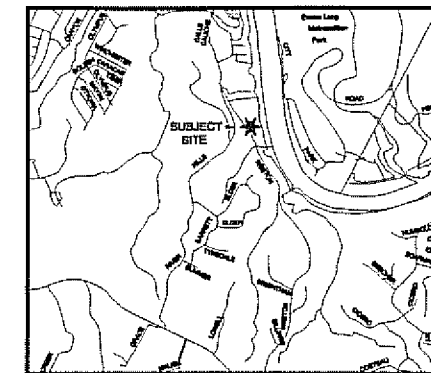
CURVE TABLE

C1	N05°50'07"W	C = 160.28'
C2	N17°15'22"W	C = 197.78'
C3	N17°15'22"W	C = 197.78'
C4	N17°15'22"W	C = 197.78'
C5	N17°15'22"W	C = 197.78'
C6	N17°15'22"W	C = 197.78'
C7	N17°15'22"W	C = 197.78'
C8	N17°15'22"W	C = 197.78'
C9	N17°15'22"W	C = 197.78'
C10	N17°15'22"W	C = 197.78'

* APPROXIMATE LOCATION OF FUEL PUMPS



SCALE: 1" = 60'



LOCATION MAP
N.T.S.

PIER PARTNERS, L.P.
PLANNED UNIT DEVELOPMENT
February 8, 2007

TOTAL AREA OF PUD =	10,315 ACRES
PROPOSED PRIVATE OPEN SPACE =	4,652 ACRES = 45.10%
PROPOSED DEVELOPABLE AREA =	5,663 ACRES = 54.90%
PROPOSED POSSIBLE USES	
RETAIL / COMMERCIAL / MARINA / RESTAURANT =	4,136 ACRES
RECREATIONAL EQUIPMENT MAINTENANCE & STORAGE AND MARINA =	1,526 ACRES
(DRY STAKED BOAT STORAGE FACILITY)	5,662 ACRES

PERMITTED USES

TRACT 1	ALL USES PERMITTED AND CONDITIONAL WITH "GR" COMMUNITY COMMERCIAL
TRACT 2	ALL USES PERMITTED AND CONDITIONAL WITH "GR" COMMUNITY COMMERCIAL PLUS MARINA AND RECREATIONAL EQUIPMENT MAINTENANCE & STORAGE
TRACT 3	NO USES ALLOWED.

COMMERCIAL USES

USE	RETAIL / COMMERCIAL / RESTAURANT / MARINA
AREA	4,136 ACRES
MAXIMUM F.A.R.	0.05 F.A.R.
TOTAL S.F.	10,000 S.F.
MINIMUM LOT SIZE	1 ACRE
BUILDING HEIGHT	45 FT.
SETBACKS	
FRONT YARD	25 FT.
STREET SIDE YARD	25 FT.
INTERIOR SIDE YARD	8 FT.
REAR YARD	15 FT.
MAXIMUM IMPERVIOUS COVER	50%
RESIDENTIAL UNITS PER ACRE	0

USE	RECREATIONAL EQUIPMENT MAINTENANCE & STORAGE AND MARINA
AREA	1,526 ACRES
MAXIMUM F.A.R.	0.30 F.A.R.
TOTAL S.F.	25,000 S.F.
MINIMUM LOT SIZE	1 ACRE
BUILDING HEIGHT	60 FT.
SETBACKS	
FRONT YARD	25 FT.
STREET SIDE YARD	25 FT.
INTERIOR SIDE YARD	20 FT.
REAR YARD	15 FT.
MAXIMUM IMPERVIOUS COVER	65%
RESIDENTIAL UNITS PER ACRE	0

NOTES:

- 100 YEAR FLOOD PLAIN TO BE DEDICATED WITHIN A DRAINAGE EASEMENT AT THE TIME OF SITE DEVELOPMENT PERMIT. THIS DOES NOT PRECLUDE THE LOCATION FOR ANY STRUCTURES WITHIN THE FLOOD PLAIN PROVIDED THAT THE FLOOD STUDY ALLIGNS FOR SAME TO BE PLACED IN THE FLOOD PLAIN. ALL HABITABLE STRUCTURES MUST BE LOCATED OUT OF THE FLOOD PLAIN IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE.
- ALL ACCESS ROADWAYS MUST BE A MINIMUM OF 25' UNOBSTRUCTED WIDTH WITH UNOBSTRUCTED TURNING RADII OF 50' OUTSIDE AND 25' INSIDE FOR ALL TURNS.
- INCLINE ON AN ACCESS ROADWAY MUST NOT EXCEED 13% FOR ASPHALT ROADS AND 15% FOR CONCRETE ROADS. MAXIMUM IMMEDIATE GRADE CHANGE OR GRADE CHANGE WITHIN 20' SHALL NOT EXCEED 10%.
- A HAZARDOUS MATERIALS CONSTRUCTION PLAN AND SPECIFICATIONS IS REQUIRED TO BE SUBMITTED TO THE CITY OF AUSTIN WITH A SITE PLAN SUBMITTAL.
- VEHICULAR ACCESS TO WESTON LANE IS PROHIBITED. AN ACCESS GATE WILL BE PROVIDED TO ALLOW FOR PEDESTRIAN ACCESS FROM WESTON LANE TO THE PIER PARTNERS SITE.

THIS AREA TO BE DETERMINED BY NAVIGATION BOARD.

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LAND PLANNERS

LAND USE PLAN

THE PIER
PIER ROAD
AUSTIN, TEXAS

THE PIER
P.U.D.
PLAN

JULY 4, 2007



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: July 11, 2007

NAME & NUMBER OF PROJECT: EL MILAGRO SUBDIVISION
C8-05-0249.0A

NAME OF APPLICANT OR ORGANIZATION: Clifford Martinez
(Juan P. Martinez, E.I.T. - 447-7400)

LOCATION: 10115 Dobbin Drive

PROJECT FILING DATE: December 9, 2005

WPDR/ENVIRONMENTAL STAFF: Teresa Alvelo, 974-7105
teresa.alvelo@ci.austin.tx.us

WPDR/ CASE MANAGER: Don Perryman, 974-2786
DON.perryman@ci.austin.tx.us

WATERSHED: Slaughter Creek (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)
✱

REQUEST: Clarification of the variance approved April 5, 2006 for development within the water quality transition zone (LDC Section 25-8-483).

STAFF RECOMMENDATION: Not applicable

REASONS FOR RECOMMENDATION: Not applicable.



MEMORANDUM

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

FROM: Teresa Alvelo, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: April 5, 2006

SUBJECT: El Milagro Subdivision
El Milagro / C8-05-0249.0A

The referenced property is currently unplatted. The applicant, Mr. Clifford Martinez, wishes to purchase the property from the current owners and move forward to construct a 3180 sf home within the Water Quality Transition Zone present on the western side of the site. There are two other unplatted lots adjacent to this lot. These two lots are owned by others.

Description of Project Area

The 0.96 acre property is located on Dobbin Drive, south of Slaughter Lane and east of Brodie Lane. This property is currently owned by Jan R. and Kay M. Shinol. Mr. and Mrs. Shinol also own the adjacent lot located opposite the creek from the subject property (3303 Graybuck Drive). Mr. Martinez has the permission of the current owners to move forward with the subdivision application for this proposed tract. The property is situated in the Slaughter Creek watershed, and is classified as Barton Springs Zone. The subject property was previously platted in 1968, but vacated in 1972, and remains so today. The current owners purchased this property along with the adjoining lot at 3303 Graybuck Drive in 1992. The subject property has essentially functioned as an extension to the homeowners lot, and has also served as a buffer to surrounding development.

A dry, intermediate waterway runs along the eastern perimeter of the property. A 200-foot Critical Water Quality Zone setback extends from the creek centerline, and the remaining portion of the property falls within the Water Quality Transition Zone. The property lies within the Drinking Water Protection Zone, and is located over the Edwards

Aquifer Recharge Zone. There is floodplain, Critical Water Quality Zone (CWQZ), and Water Quality Transition Zone (WQTZ) associated with this site.

Hydrogeologic Report

Topography is gently-sloping eastward with no slopes exceeding 15%. The site consists of Edwards Limestone, part of the Fredericksburg Group. Edwards Limestone is characterized as limestone, dolomite, and chert. This feature is typically located in a zone of considerable weathering, is "honeycombed" and cavernous forming an aquifer. Edwards limestone was identified within the dry creek bed area. Upon inspection, no karst topography, depressions, or recharge features were found on the site or in the adjacent creek.

Vegetation

Dominant vegetation consists of oak trees, juniper, hackberry, cedar elm, and yaupon trees with overgrown grasses, dewberry and scattered brush.

Critical Environmental Features

An Environmental Assessment provided by the applicant, as well as site visits conducted by staff, determined that there are no critical environmental features (CEF's) within 300 feet of this site.

Water/Wastewater Report

COA water and wastewater services are currently available to provide services to this property.

Zoning and Platting Commission Variance Request(s)

The following variance is being requested:

1. To allow development within the Water Quality Transition Zone LDC Section 25-8-483.

1. Variance from Land Development Code Section 25-8-483 -- Water Quality Transition Zone

Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone.

Applicant desires to be granted a variance for this property in order to make the tract eligible to proceed with the subdivision process, and ultimately ready the site for residential development. The applicant maintains that many similarly-situated surrounding lots are built out with homes, and denial of the variance deprives the property owner of privileges granted to other similarly-situated property owners.

Recommendations:

Staff cannot recommend approval of the variance request because the findings-of-fact are not met. The property is currently unplatted and a "similar" comparison to legally-platted lots is not possible. Legally-platted lots are due development entitlements not granted to



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

Application Name:	<i>El Milagro</i>
Application Case No:	<i>C8-05-0249.0A</i>
Code Reference:	<i>LDC 25-8-483</i>
Variance Request:	<i>To allow development within a water quality transition zone.</i>

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.

No. This lot is unlike others including the other two neighboring unplatted lots. The subject property was purchased, unplatted, in 1992 along with the adjacent 3303 Graybuck lot by the current owners. The two remaining unplatted lots were purchased and are owned by separate owners with no association to adjacent lots. There are no similarly-situated properties with which to make an accurate comparison.

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;

No. The variance is based on a condition caused by the method chosen by the applicant to develop the property as the property is unplatted and not eligible for development entitlements granted to platted lots.

- 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;

No This is a unique situation where the subject property is unplatted and, therefore an accurate, fair comparison between similarly-situated property owners is not possible.

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

Yes Significant harmful environmental consequences would not be likely if the applicant is agreeable to providing additional mitigative measures such as providing for a low total

impervious cover limit within the WQTZ, using green building standards, water quality improvements including construction of a rainwater collection system, xeriscape landscaping, and restricting turf area. Restrictive covenants may be considered that requires an IPM plan, and prohibits any further disturbances within the critical and water quality zones. These measures can be effective particularly since no seeps, springs, or recharge features exist near this property.

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

Yes Compliance with the SOS ordinance, along with the additional mitigative measures identified previously should provide equivalent water quality protection.

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;

No The applicant is not proposing any development within the CWQZ for this property. The variance requested for this property is not addressed by this finding. The above criteria are not met.

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

N/A Reasonable, economic use of the property is not being deprived.

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

N/A

Reviewer Name: Teresa Alvelo

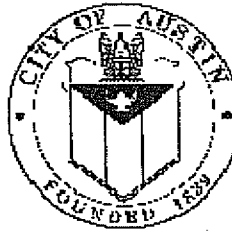
Reviewer Signature:

Teresa Alvelo

Date:

April 5, 2006

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



MEMORANDUM

TO: Chair and Members of the Environmental Board

FROM: Patrick Murphy, Environmental Officer
Watershed Protection and Development Review Department

DATE: June 28, 2007

SUBJECT: El Milagro Subdivision
10115 Dobbins Drive / Case # C8-05-0249.0A

Request: Clarification of April 5, 2006 Environmental Board Recommendation for a
Variance to Develop a Single-Family Residence in the Water Quality
Transition Zone in the Barton Springs Zone

The Watershed Protection and Development Review Department is requesting that the Environmental Board clarify its recommendation to the Zoning and Platting Commission for the above-referenced variance.

On April 5, 2006, the Environmental Board recommended approval of a variance for the El Milagro subdivision to construct a single-family residence in the Water Quality Transition Zone within the Barton Springs Zone. The Zoning and Platting Commission subsequently approved the variance subject to the Environmental Board recommendations.

The board motion included certain conditions, but it did not specifically address the amount of impervious cover that could be constructed in the Water Quality Transition Zone.

The staff presentation and backup materials identified that the variance request was to construct 3,180 square feet of impervious cover in the Water Quality Transition Zone. The impervious cover was based on the amount requested by the applicant in the variance request letter. No information was presented by the applicant or his representative during the hearing that contradicted the amount of impervious cover being requested. The 3,180 square feet of impervious cover is also consistent with the request and approval of

Regional Stormwater Management Program (RSMP) participation. Watershed Protection and Development Review (WPDR) did not recommend the variance request and therefore did not recommend any conditions for the board's consideration.

WPDR development review staff required a restriction to be placed on the subdivision plat limiting the impervious cover to 3,180 square feet after the Zoning and Platting Commission approved the variance request. It is standard practice to restrict impervious cover to the amount approved for variances and RSMP participation to facilitate long-term enforcement. The applicant's representatives did not question the restriction at that time.

The applicant contends that the plat restriction is inappropriate because the variance approval that is based on the Environmental Board's recommendation did not specifically limit the impervious cover. WPDR contends that the note was appropriate because it was the amount requested for the variance and the amount that was requested and approved for participation in RSMP.

If the board determines that it did not intend to limit the impervious cover for the variance, the applicant can vacate the recorded subdivision to remove the restriction.

If the board determines that it did intend to limit the impervious cover for the variance, the applicant can either develop the property under the current restriction of 3,180 square feet in the Water Quality Transition Zone, or the applicant can vacate the recorded subdivision and file a new subdivision for the property along with a new variance request.

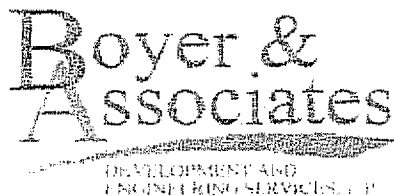
I have attached the original variance packet, the RSMP approval letter and additional information from the applicant regarding this request for your consideration. Please let me know if you have any questions or need additional information.



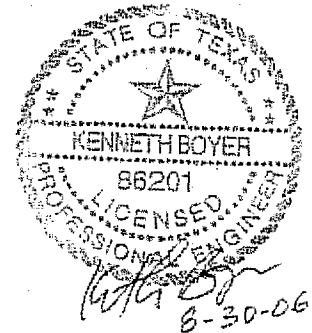
J. Pat Murphy, Environmental Officer
Watershed Protection and Development Review Department

Attachments:

APPLICANT'S BACKUP MATERIALS



APPENDIX Q-2 IMPERVIOUS COVER COMPUTATIONS



ALLOWABLE IMPERVIOUS COVER:

TOTAL GROSS SITE AREA =	0.950	ACRES		
TOTAL NET SITE AREA (FROM APPENDIX Q1) =	0.000	ACRES		
TOTAL AREA IN WQTZ (FROM APPENDIX Q1) =	0.300	ACRES		
IMPERVIOUS COVER ALLOWED AT	24.33	% X WQTZ =	0.073	ACRES
IMPERVIOUS COVER ALLOWED AT	20.00	% X NSA =	0.000	ACRES
DEDUCTIONS FOR PERIMETER ROADWAY =	0.000	ACRES		
TOTAL IMPERVIOUS COVER ALLOWED =	0.073	ACRES		

ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY:

TOTAL ACREAGE 15-25% =	0.000	ACRES X 10% =	0.000	ACRES
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PROPOSED TOTAL IMPERVIOUS COVER:

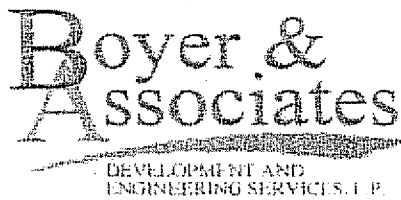
IMPERVIOUS COVER IN WQTZ =	0.073	ACRES =	24.33	%
IMPERVIOUS COVER IN UPLANDS ZONE =	0.000	ACRES =	0.00	%
TOTAL PROPOSED IMPERVIOUS COVER =	0.073	ACRES		

PROPOSED IMPERVIOUS COVER ON SLOPES:

SLOPE CATEGORIES	IMPERVIOUS COVER		% OF CATEG.	TOTAL ACRES
	OTHER IMPERVIOUS COVER	DRIVEWAYS AND ROADWAYS		
	ACRES	ACRES		
0-15%	0.058	0.015	100.0%	0.073
15-25%	0.000	0.000	0.0%	0.000
25-35%	0.000	0.000	0.0%	0.000
OVER 35%	0.000	0.000	0.0%	0.000
TOTAL SITE AREA =	0.950			

Notes:

1. This tract has no area within the Uplands Zone as defined by City Ordinance. A variance request allowing development in the WQTZ was approved by the City of Austin Environmental Board on April 5, 2006.



APPENDIX Q-1 NET SITE AREA COMPUTATIONS

TOTAL GROSS SITE AREA = 0.950 ACRES

SITE DEDUCTIONS:

CRITICAL WATER QUALITY ZONE (CWQZ) = 0.650 ACRES

WATER QUALITY TRANSITION ZONE (WQTZ) = 0.300 ACRES

WASTEWATER IRRIGATION AREAS = 0.000 ACRES

DEDUCTION SUBTOTAL = 0.000 ACRES

UPLAND AREA (GROSS AREA MINUS TOTAL DEDUCTIONS) = 0.000 ACRES

NET SITE AREA CALCULATIONS:

AREA OF UPLANDS WITH SLOPES 0-15% = 0.000 X 100% = 0.000 ACRES

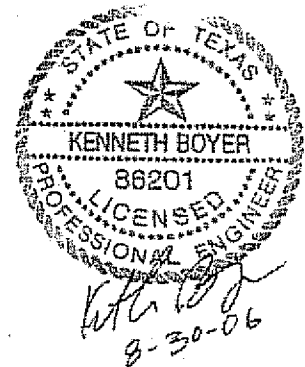
AREA OF UPLANDS WITH SLOPES 15-25% = 0.000 X 40% = 0.000 ACRES

AREA OF UPLANDS WITH SLOPES 25-35% = 0.000 X 20% = 0.000 ACRES

NET SITE AREA (SUBTOTAL) = 0.000 ACRES

Notes:

1. This tract has no area within the Uplands Zone as defined by City Ordinance. A variance request allowing development in the WQTZ was approved by the City of Austin Environmental Board on April 5, 2006.



IT GONZALEZ ENGINEERS

January 18, 2006

Chris Dolan
Watershed Protection & Development Review Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78704

Re: C8-05-0249.0A
Variance Request, for Mr. Cliff Martinez's Tract on Dobbin Drive near
Slaughter Ln. at Brodie Ln.-Austin, Texas

Dear Mr. Dolan:

Mr. Cliff Martinez is hoping to build his house on a 0.955 acre tract of land, located on Dobbin Dr., which is south of Slaughter Ln. and just east of Brodie Ln. This Tract of land is currently owned by Jan R. and Kay M. Shinol. Mr. Martinez with the approval of the current owners is processing the Subdivision Application for said tract.

The tract is situated in the Slaughter Watershed, it is classified as Barton Spring Zone, and it is located within the Edwards Aquifer Recharge Zone. There is a creek that runs along the rear property line and it is classified as an intermediate waterway. Based on City of Austin development standards, the limits of the Critical Water Quality Zone (CWQZ) extend 200 feet from the center line of the creek. Also, the limits of the Water Quality Transition Zone (WQTZ) extend an additional 200 feet. Together, these offsets fully encompass the said Tract in its entirety.

The subdivision application requests a variance in order to build the proposed home in the Water Quality Transition Zone. Mr. Martinez, Jan and Kay Shinol, and our firm's staff are aware that building in the Water Quality Transition Zone is not permitted; hence the request for variance to build on the WQTZ.

The Critical Water Quality Zone encompasses approximately 2/3 of the Tract. This area would be totally undisturbed. If the requested variance would be granted, then there would be approximately 1/3 of developable area. In addition, street, water and wastewater infrastructure already exist to service this Tract for residential purposes.

Findings of fact

The current code is depriving the owner a privilege given to owners of other similarly situated properties, being that most of the neighboring lots are built out with homes.

Also, the variance is not based on a condition caused by the applicant. That is, the existing conditions, topography and location of the Tract have not been altered in any way by the applicant or the owners.

In addition, a variance is the minimum change necessary to avoid the deprivation of the privileges given to owners of the neighboring homes and to allow a reasonable use of the property.

Furthermore, the proposed development will not create a significant probability of harmful environmental consequences, as full environmental protection measures (temporary and permanent) will be carefully addressed. A water quality filtration-recirculation system will be used to eliminate any potential pollutants in the event the development takes place, provided a variance is granted and all other subdivision review issues are met.

Moreover, the requirement for which the variance is requested prevents a reasonable, economic, and fair use of the Tract. A variance is the minimum change necessary to obtain these uses.

In conclusion, without a favorable response for the variance request to build in the Water Quality Transition Zone, Mr. Martinez will be denied the privilege of building his home as others have in the same general neighborhood with similar existing land conditions.

Sincerely,

A handwritten signature in cursive script that reads "Juan P. Martinez".

Juan P. Martinez, E.I.T.
I T GONZALEZ ENGINEERS
3501 Manor Rd.
Austin, Texas 78723
512-447-7400 Ext. 11

IT GONZALEZ ENGINEERS

July 26, 2005

José Guerrero
City of Austin – Watershed Protection Department
Regional Stormwater Management Program
Watershed Engineering Division
Austin, Texas
Fax: 974-3390

**Re: Request for Regional Stormwater Management Participation, for Cliff
Martinez's Tract on Dobbin Drive near Slaughter Ln. at Brodie Ln.**

Dear Mr. Guerrero:

We are requesting permission to participate in the Regional Stormwater Management Program (RSMP) for the proposed residential site development of a 0.96 acre tract of land located at the end of Dobbin Drive. The project site is located in the Slaughter watershed.

Mr. Cliff Martinez, our client, is proposing to build a home on said 0.96 acre tract as shown on the enclosed site plan, Sheet C1. The total proposed impervious cover is 3,180 SF. The enclosed site plan shows the proposed residential development and the corresponding existing and proposed hydrologic calculations results. In essence, the results show an increase of less than one cubic foot per second of storm runoff with the proposed construction of the home on the property.

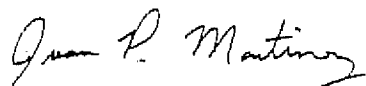
Accompanying this request you will also find a hydrology report of the entire basin contributing to the creek at the rear of the referenced tract. The hydrology report shows the amount of stormwater flow it conveys assuming maximum possible development.

With the information submitted herein, it was concluded that compared to the amount of flow in the creek (2,240.5 cfs), the additional runoff created by the construction of the home (0.61 cfs) is insignificant and will not cause an increased water elevation at the creek.

As mentioned in the enclosed hydrology report, there is no part of the tract that can be developed under the current City of Austin land development code because of the intermediate waterway at the rear. Therefore, the intention of I.T. Gonzalez Engineers and the owner of the property is to apply for a variance to build on the Water Quality Transition Zone.

If, any further information is needed or if you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Juan P. Martinez". The signature is written in dark ink and is positioned above the typed name and address.

Juan P. Martinez, E.I.T.
I T GONZALEZ ENGINEERS
3501 Manor Rd.
Austin, Texas 78723
512-447-7400 Ext. 11

IT GONZALEZ ENGINEERS

December 6, 2005

Watershed Protection & Development Review Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78704

Re: Engineer's Report, for Subdivision Submittal Application of Mr. Cliff Martinez's Tract on Dobbin Drive near Slaughter Ln. at Brodie Ln. Austin, Texas

Mr. Cliff Martinez, our client, is proposing to build a home on a 0.96 acre tract as shown on the enclosed site plan, Sheet 1. The proposed development will consist of approximately 3,180 square foot of impervious cover. Our intent is to subdivide and make the said tract of land a legal lot.

A. Drainage Study:

- a. The entire site is located in the Slaughter Watershed, and is classified as Barton Spring Zone. The site is also on the Edwards Aquifer Recharge Zone.
- b. The site has a tributary creek to Slaughter Creek that runs through the rear. A drainage study (enclosed in this packet) has been done on this creek at the site. The study reveals a 100-year stormwater flow, assuming maximum possible development, of 2,240.50 cfs.
- c. Our stormwater analysis on the site shows that the proposed development on the site will increase flows by 0.61 cfs on the 100-year storm (without detention-see d.).
- d. We are requesting permission to participate in the Regional Stormwater Management Program (RSMP) to address detention. This request has been submitted to the Watershed Engineering Division.

B. Vegetative Description:

- a. All permeable areas, regraded and/or disturbed, will be revegetated with native plants and grasses so as to minimize the alteration of existing conditions as part of the environmental quality plan.

C. Exemption:

- b. The site is non-exempt.

D. Floodplain:

- a. The enclosed drainage study and Siteplan, Sheet 1, show the limits of the 100-year floodplain which is the same as the Critical Water Quality Zone.

F. Wastewater and Storm Drain Extensions:

- a. There will be no wastewater or storm drain extensions for this project.

G. Critical Environmental Features:

- a. The site is on the Edwards Aquifer Recharge Zone.
- b. The site is within the Critical and Transition Water Quality Zones as per city code.
- c. An environmental assessment performed by Hill Country Environmental, Inc. is enclosed.

H. Variances:

A variance request letter is enclosed in this subdivision submittal package.

I. Cuts & Fill:

The proposed development will mostly generate fill in order to accommodate for the enhanced soil discussed in (M.)-Water Quality. The only anticipated cut will be in order to accommodate the storage tank as discussed in (M.)-Water Quality.

J. Drainage Patterns:

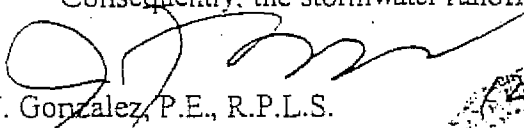
The stormwater flows for the existing and proposed conditions are directed toward the creek located at the rear of the property. This creek is a tributary to Slaughter Creek, which is the main stormwater conveyance vehicle of the Slaughter Watershed. We are requesting to participate in the Regional Stormwater Management Program in lieu of providing detention.

K. Spoil Disposal Locations:

All waste material will be hauled to an approved landfill area.

L. Water Quality:

To address water quality, the plan is to install a practical and feasible filtration system in place of a water quality pond. The filtration system will consist of a tank that will collect stormwater runoff from the site. The collected stormwater is to be pumped and distributed to an enhanced soil area on the site by the means of a low-dosage distribution and recirculation system. The enhanced soil will be a sand based mixture designed to hold the required volume of water for 72 hours. Consequently, the stormwater runoff will be filtered before leaving the site.


I.T. Gonzalez, P.E., R.P.L.S.
I T Gonzalez Engineers
3501 Manor Rd
Austin, Texas 78723
512-447-7400 ex.11





ENVIRONMENTAL BOARD MOTION 040506 B-5

Date: April 05, 2006

Subject: El Milagro Subdivision

Motioned By: Phil Moncada

Seconded By: Julie Jenkins

Recommendation: The Environmental Board recommends **approval with conditions** to a variance LDC 25-8-483 -To allow development within the Water Quality Transition Zone.

Conditions:

1. Compliance with SOS Ordinance.
2. Compliance of Green Building Standards with at least a one star rating
3. Rainwater collection system.
4. Xeriscape Landscaping
5. Restricting turf areas in 100 year flood plain.

Rationale:

1. Single Family construction to other surrounding lots would deny this property owner of these privileges.
2. Existing roadway and utilities.

Vote: 7-0-0-2

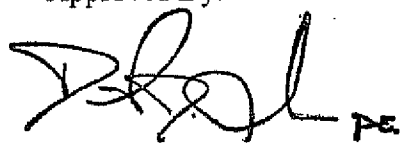
For: Anderson, Moncada, Curra, Maxwell, Ahart, Jenkins, and Dupnik

Against: None

Abstain: None

Absent: Ascot and Gilani

Approved By:

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

Dave Anderson, PE, CFM
Chair

MEMORANDUM

To: Environmental Board Members

From: Cliff Martinez & Janice Brewster Martinez

Date: June 28, 2007

Re: Request regarding El Milagro Subdivision

We respectfully ask for a review of the information regarding the El Milagro, (one lot), Subdivision variance approval and final decision. We feel that the limitations added by City Staff are not in keeping with the official discussions and final documented decision of the Environmental Board on April 5, 2006. We feel it is essential to note that during that meeting City Staff clearly and officially stated that they could not recommend or take a stand on our request. The decision was then between EVB and the applicant for the proposed subdivision. EVB unanimously voted to approve the variance request with conditions. The conditions discussed in the approval process, and later documented in the EVB Motion, did not at any time speak to impervious cover limitations, however, an impervious cover condition has since been added to the subdivision plat. It is our contention that it was not one of the conditions set forth by the EVB, and therefore should not stand.

If you have any questions or require additional information, we may be contacted as noted below.

- Cliff Martinez c: 762-4429 w: 447-4188
- Janice Brewster Martinez c: 619-1518 w: 467-3556
- E-mail mbm280@mindspring.com

MEMORANDUM

To: Environmental Board Members

**From: Cliff Martinez
Janice Brewster Martinez**

Date: June 27, 2007

**Re: El Milagro Subdivision
C8-05-0249.0A**

PROJECT HISTORY/COMMENTS:

- In June of 2004, we, along with our consultant, Jim Wittliff, met with Sheila Rainosek and Forest Nikorak. We wanted to build a home on an acre lot located in the Edwards Aquifer recharge zone. Since it was not a legal lot, they advised us that we had to go through the subdivision process. It was stated during this initial meeting that we would be allowed up to 5,000sf of impervious cover.
- In September of 2004, our attorney was in contact with Pat Murphy with Watershed Protection. During that meeting an amount of 4,800sf impervious cover was discussed. It was determined that we would be building in the Water Quality Transition Zone (WQTZ) and would have to seek a variance from the Environmental Board (EVB). During these discussions it was noted that there is no established formula for determining the amount of impervious cover in the transition zone.
- In January of 2005, we proceeded by directing our first engineer, I.T. Gonzalez, to run the water drainage calculations. At that time our engineer had us do a preliminary sketch for the proposed placement of the house. In addition, our engineer noted our intention of having a 2680sf home. He also noted additional square footage for a driveway. Total square footage noted was 3180sf. This preliminary document and square footage calculation were prepared strictly to be submitted to Jose Guerrero in the Regional Storm water Management Program (RSMP), for their consideration. The intent when this calculation was rendered was to establish whether or not we could participate in the said program, as there would not have been room on the buildable area for the home and a detention/retention pond.
- In March of 2005, our attorney, Jeff Howard asked us for a more accurate idea of the size of home we were looking for. He was involved in discussions with city staff and the environmental board on our behalf, as we attempted to work through this project. Our architect, Tom Hatch, drew up a plan that listed total impervious cover at 4,284sf. In that total, the square footage for the "home" was noted at 2700sf, a rounded-off number based on the original request of 2680sf in January 2005. It also noted a detailed account of the additional square feet for supporting structures, i.e. garage, deck, driveway, sidewalk, concrete pads. A final floor plan had yet to be determined, as we had yet to receive enough information regarding what would be allowed on the lot. Thus, it remained a preliminary design. Based on the initial discussions with city staff, we were under the understanding that we were working under a 4800-5000sf impervious cover limit. At no time during discussions with staff

was a minimum/maximum square footage amount mentioned. Unknown to us, the staff had continued to work with the preliminary RSMP sketch of 3180sf, as a total impervious cover figure. As the engineer was compiling the information and presenting it directly to city staff on our behalf, we were not aware that the square footage numbers intended for RSMP, continued to be used, rather than the updated numbers/documents.

- In April of 2006, we went before the Environmental Board to seek a variance to build in the WQTZ. The Environmental Board packet, prepared by City Staff, contained the preliminary total impervious cover amount originally submitted to the RSMP of 3180sf. Since the packet was not available for our review prior to distribution to the EVB, we were not able to verify the information being considered, and could only assume that what was presented was correct/updated, i.e. documents/calculation of 4284sf. Had we had the opportunity to review the packet, we would have noted that the figures being presented to EVB were not correct.
- On April 5, 2006, during a regularly scheduled EVB meeting, our request for the variance to build on the lot in question was discussed. At no time during that meeting were impervious cover minimum/maximum square footage figures discussed. Our request for a variance was granted unanimously with only these conditions:
 - Compliance with SOS Ordinance
 - Use of Green Building Standards
 - Rainwater collection system
 - Xeriscape Landscaping
 - Restricting turf area in 100 year flood plain

It is important to note that this was not a request for a final plat. Due to the unique nature of the request, for which there was no precedent to follow, we were allowed to go before the EVB before presenting a final plat. What was being requested was the opportunity to build in an otherwise non-buildable lot.

- After April 5, 2006, our original engineer chose not to finish-up this project. We contracted with a second engineer, Ken Boyer to finish up the project for us. Since we were not aware that the 3180sf figure was being used, and the second engineer was only "pushing the project along", he did not know to question the lesser amount.
- On September 19, 2006, at a regularly scheduled meeting the Zoning and Platting Commission (ZAP) discussed our request for approval on our final plat. Once again, city staff prepared the packet that was being considered. That packet of documentation/figures was not made available to us for review prior to the ZAP meeting, or we feel that we would have noted the discrepancies in the figures and would have made corrections to the information before it was presented to the ZAP Commission. During that meeting ZAP approved our request for a final plat.
- After the ZAP approval we proceeded to meet with our architect to develop a floor plan for our project. It was at that time that we first noted the discrepancies in the figures noted on the plat.

From the very beginning, it was acknowledged that there was no precedent for what we were attempting to do. With that knowledge, we anticipated having to work through consultants, engineering professionals and attorneys, in order to navigate what we understood to be a very complex undertaking. Although city staff made attempts to facilitate the process, the uniqueness

of it required that the "process" develop itself as we went along. That drove the typically standardized process to be set-aside for a volleying of documents, meetings, discussions and information. Along that newly defined direction, we were not privy to packets of information as they were being constructed for EVB and ZAP to consider. Had we had that opportunity, we would have certainly noted the discrepancy in the noted figures.

We feel it is important to note that our original desire for a home of approx. 2680sf has not changed, we merely rounded off the figure to 2700sf for ease of calculations.

In addition, it is important to note that there was a memorandum dated March 1, 2006 to Betty Baker and ZAP from Teresa Alvelo, of Watershed Protection, regarding our subdivision project. In that correspondence, Ms. Alvelo refers to our request to construct a 3180sf "home". We did not question that as our intentions were for a 2700sf "home". That communication utilizes the same term of "home" as we did in our original documentation. Yet in correspondence dated December 21, 2006, Ms. Alvelo refers to 3180sf "impervious cover". The two terms are clearly not communicating the same information.

REQUEST:

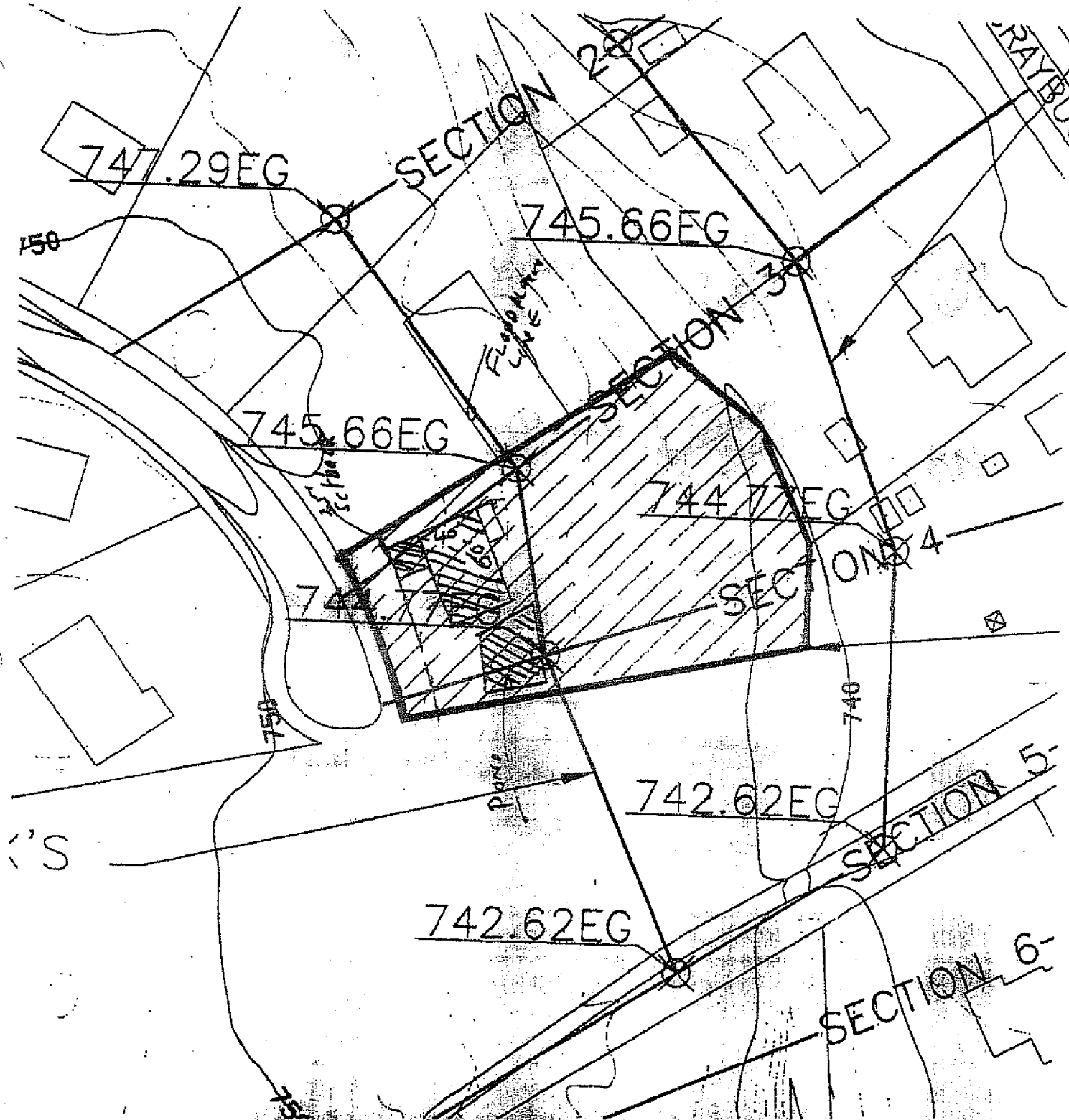
We respectfully request that the impervious cover limitation noted on the plat be increased to reflect our original intentions of 4884sf impervious cover, as discussed with staff in June 2004.

SUPPORTING ARGUMENTS:

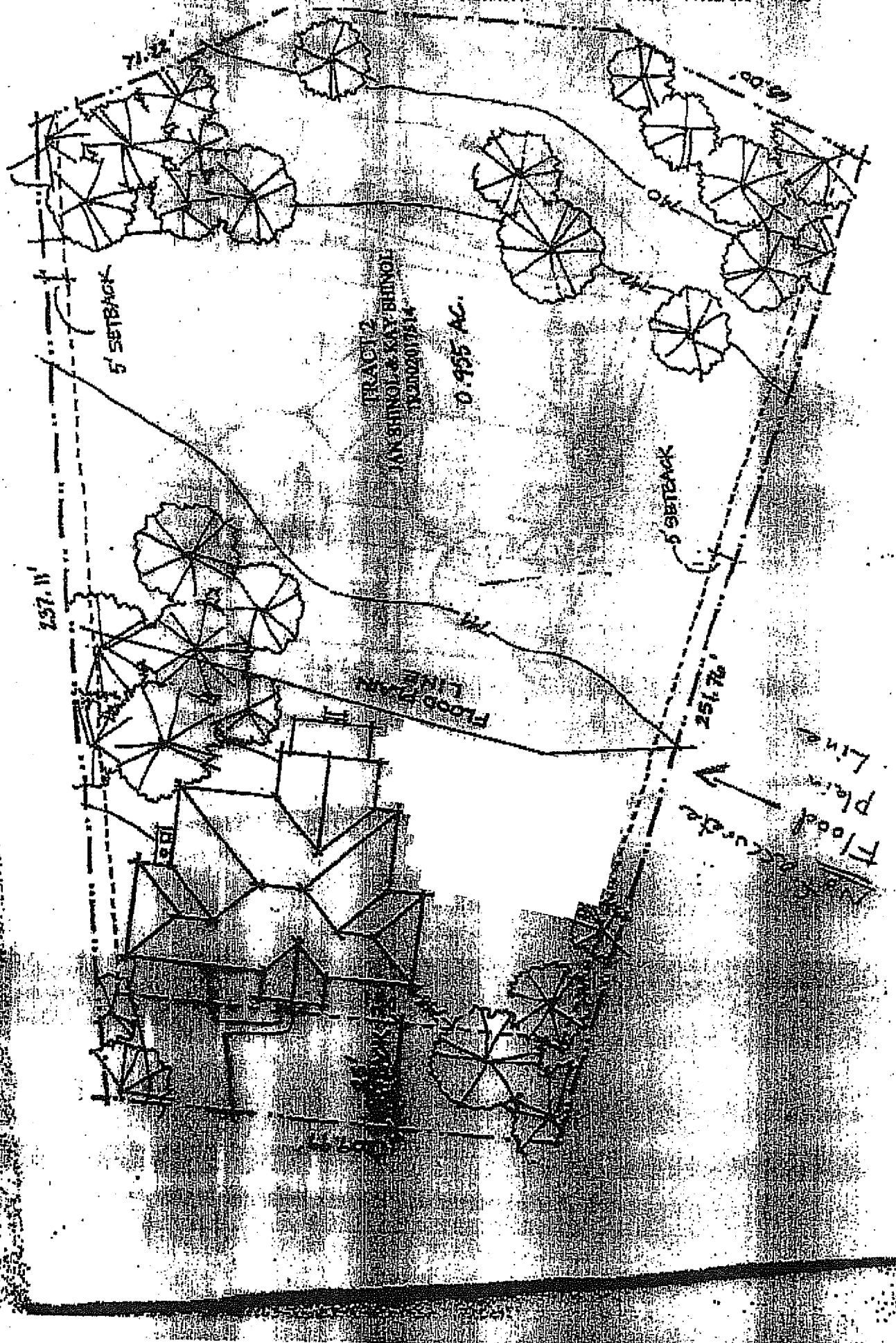
We feel that our request is reasonable and fair for the following reasons:

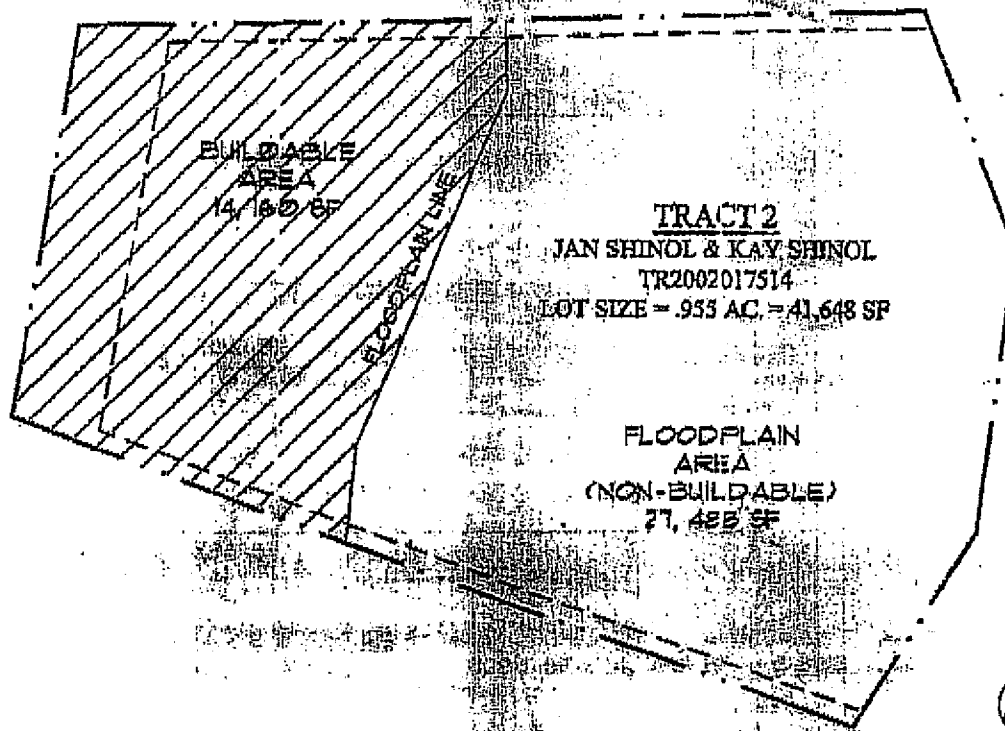
- Since 2004 when we began the subdivision process, our original intention for total impervious cover was 4800+ s.f. This is well documented in numerous items, including e-mail correspondence to city staff.
- Other homes in the subdivision average 5,360sf impervious cover.
- When we went before the Environmental Board (E.V.B.) to seek a variance to build in the Water Quality Transition Zone (WQTZ):
 1. We never requested a variance for 3,180, we only requested a variance to build in the Water Quality Transition Zone (WQTZ).
 2. In the findings of fact letter from the staff to the EVB, staff did not recommend the variance and could not therefore make any concrete recommendations for allowing any development, especially those based on impervious cover.
 3. Whether standard protocol or not, the EVB voted unanimously for the variance we requested. At no time during the EVB meeting, or in the EVB Motion 040506 B-5, was impervious cover discussed or noted. The conditions set forth during that meeting set only 5 conditions, none of which addressed impervious cover.
- Even though the EVB packet contained the diagram with 3,180sf total impervious cover, this was not a final plat. We were allowed to go to the EVB before presenting a final plat. What we were presenting was merely a conceptual idea if we received the variance. Staff allowed us to proceed in this manner.
- In a memo from Theresa Alvelo to Betty Baker, chairperson Zoning and Platting Commission (Z.A.P.) the letter states "move forward to construct a 3,180sf "home", not "total impervious cover".

- Since the amount of total impervious cover was never a condition for the EVB, it should not have been a condition for ZAP because we were only looking to establish legal lot status.
- Since we were seeking a variance to build in the transition zone, there is no set way to determine total impervious cover allowed for that area. By definition, the WQTZ is not allowed any development. In all correspondence, staff never mentioned a set limit on impervious cover, only “low” impervious cover.
- The 3,180sf total impervious cover figure was initially provided for the RSMP for conceptual purposes only. It was a figure that was presented in order to determine whether or not we could even qualify for the RSMP. It was not what was intended for EVB or ZAP approval.
- Mr. Jose Guerrero, (head of the RSMP) states that an increase in total impervious coverage “is acceptable” as long as we pay the difference in the fees.
- The second architectural drawing (March of 2005) was a better representation of what we were looking for. It was submitted to our attorney for the purposes of demonstrating to city staff and the EVB what we desired.
- The last Master Review Update from August 2006 mentions nothing about listing the 3,180sf impervious cover amount on the plat (#27).
- Condition 27 on the plat states “This lot was granted a variance to allow 3,180 square feet of impervious cover within the WQTZ”. This is not true. The amount of total impervious cover was not a condition for allowing the variance.
- Ms. Alvelo’s mixed use of terminology confused an already complex and unique project. When she referred to 3180sf of “home” and later referred to it as “impervious cover”, we feel that she was not clear on what was being conveyed to all parties. It is our understanding that at that time, Ms. Alvelo was fairly new in handling this type of unique scenario, and may not have understood the negative impact that mixing terms can cause. With all due respect, the miscommunication has contributed negatively to the outcome of our project.
- In a memo dated December 21, 2006, from Theresa Alvelo to Don Perryman, Ms. Alvelo states that staff is “in agreement that a plat note limiting impervious cover to 3,180sf can be required for this subdivision”. We are not disputing that an amount be required on the plat. We are disputing the amount. The “documentation provided” in the application and variance package i.e. the 3,180sf impervious cover, is an incorrect amount. Had we had the opportunity to review what was being presented in the packets to EVB and ZAP, prior to the meetings, we could have corrected the square footage figure.



TO: JEFF HOWARD
fax 328-2409 (V) 328-2008
From: I.T. Gonzalez



IMPERVIOUS COVERAGE SUMMARY:

LOT SIZE = 0.933 ACRES = 41,648 SF

BUILDABLE AREA = 14,160 SF

PROPOSED IMPERVIOUS COVER

HOUSE = 3314 SF

GARAGE = 273 SF

DECK = 200 SF

DRIVEWAY = 640 SF

SIDEWALK = 60 SF

PROPANE TANK PAD = 5 SF

A/C PAD = 20 SF

TOTAL = 4884 SFTOTAL AS A PERCENTAGE OF BUILDABLE AREA:4884 SF / 14,160 SF = 0.3449 = **34.4%**TOTAL AS A PERCENTAGE OF ENTIRE LOT:4884 SF / 41,648 SF = 0.1172 = **11.7%**4884 SF
→

HATCH PARTNERSHIP, LLP ARCHITECTS	Martinez Residence	Date: 03/10/08	Drawing: SITE PLAN
Title (See 4/1/08)	Project	Rev: 1.0	Rev: 1.0
Fax: (See 4/1/08)	From Hatch	From Hatch	Page: 1 of 1



ENVIRONMENTAL BOARD MOTION 040506 B-5

Date: April 05, 2006

Subject: El Milagro Subdivision

Motioned By: Phil Moncada

Seconded By: Julie Jenkins

Recommendation: The Environmental Board recommends **approval with conditions** to variance request LDC 25-8-483 To allow development within the Water Quality Transition Zone.

Conditions:

1. Compliance with SOS Ordinance.
2. Use of Green Building Standards.
3. Rainwater collection system.
4. Xeriscape Landscaping
5. Restricting turf areas in 100 year flood plain.

DRAFT

Rationale:

1. Single Family consturcion to other surrounding lots would deny this property owner of these privilidges.
2. Existing roadway and utilities.

Vote: 7-0-0-2

For: Andreson, Moncada, Curra, Maxwell, Ahart, Jenkins, Dupnik

Against: None

Abstain: None

Absent: Ascot, and Gilani

Approved By:

Dave Anderson, PE, CFM
Chair

***Board Member Anderson recused himself from the discussion due to a conflict of interest.**

DRAFT

FINISHED FLOOR ELEVATION IS SET FOR THE LOT:

LOT	BLOCK	F.F. ELEV. (TO THE NEAREST TENTH)
1	NA	746.5

25) THIS LOT LIES IN THE BARTON CREEK WATERSHED, BARTON SPRINGS ZONE AND BEING IN THE EDWARDS AQUIFER RECHARGE ZONE.

26) NO CONSTRUCTION OR PLACEMENT OF STRUCTURES INCLUDING BUILDINGS, SHEDS, POOLS, LANDSCAPING OR GARDENS ARE ALLOWED WITHIN A CRITICAL ENVIRONMENTAL BUFFER ZONE PER SECTION 25-8-281 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

27) A VARIANCE REQUEST TO THE WATER QUALITY TRANSITION ZONE (WQTZ) REQUIREMENTS OF SECTION 25-8-483(A) OF THE LAND DEVELOPMENT CODE WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON 9-19-06 (DATE). THIS LOT WAS GRANTED A VARIANCE TO ALLOW 3,180 SQUARE FEET OF IMPERVIOUS COVER WITHIN THE W.Q.T.Z.

28) EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION, PURSUANT TO LDC SECTION 25-8-181, AND THE ENVIRONMENTAL CRITERIA MANUAL.

29) THIS LOT MUST UTILIZE ZERISCAPE LANDSCAPE TECHNIQUES.

THE CITY
2006

OF AUSTIN

5 CONNECTED TO THE CITY

QUALITY CONTROL AND
AND ACCEPTED BY THE

IN WILL BE MAINTAINED BY
IE PLAN AGREED TO BY THE

FENCES, LANDSCAPING OR OTHER
EPT AS APPROVED BY THE CITY

MOVE TREES, SHRUBBERY AND
THE EASEMENTS CLEAR. AUSTIN
4 CHAPTER 25-8, SUBCHAPTER

PROVIDE AUSTIN ENERGY WITH
THOSE INDICATED, FOR THE
UNDERGROUND ELECTRIC
D TO PROVIDE ELECTRIC
TO CAUSE THE SITE TO BE
USTIN LAND DEVELOPMENT

TEMPORARY EROSION
THE OWNER SHALL BE
IVAL THAT IS WITHIN TEN FEET
FACILITIES DESIGNED TO
ALL INCLUDE AUSTIN ENERGY'S

SORS AND ASSIGNS,
UBDIVISION IMPROVEMENTS
THE CITY OF AUSTIN. THE
IN OR REPLATTING MAY BE
STRUCT THIS SUBDIVISION DO

JOB. NO.06-0166
DATE: 7/3/06
REVISED _____

PG 2 OF 2

CASE NO.C8-05-0249.OA

COOKSTON & ASSOCIATES
SURVEYING & MAPPING

A.E.C., Inc.

P.O. BOX 684594
Austin, TX 78768

Phone: (512) 474-7377 Cell: (512) 627-8815

January 24, 2007

Mr. George Zapalac, Case Manager
Subdivision Review
505 Barton Springs Road 4th Floor
Austin, TX 78767

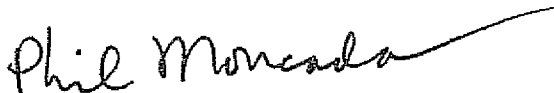
REF: El Milagro Subdivision / Dobbins Drive

Dear George,

I am writing with the hope that this clears up the issue associated with the proposed single-family house at the above referenced location. I do not recall the Environmental Board restricting this lot to 3,180 square feet of improvements. Our variance was specifically to allow development to occur in the transition zone. I reviewed the file and have spoken to Mr. Cliff Martinez, Owner and Teresa Avelo, COA reviewer about this issue. In addition, Hector Avila, formerly with the City of Austin is intimately involved with trying to come to resolution on this matter. It seems that a scrivener's error occurred and this minor correction to the plat would clear up this matter. I hope this clears up this issue so the Martinez's can complete the processing of their single-family building plans and permitting in a timely manner.

If you have any questions or need additional information, please contact me at your earliest opportunity. My cell phone is 627-8815.

Respectfully Submitted,

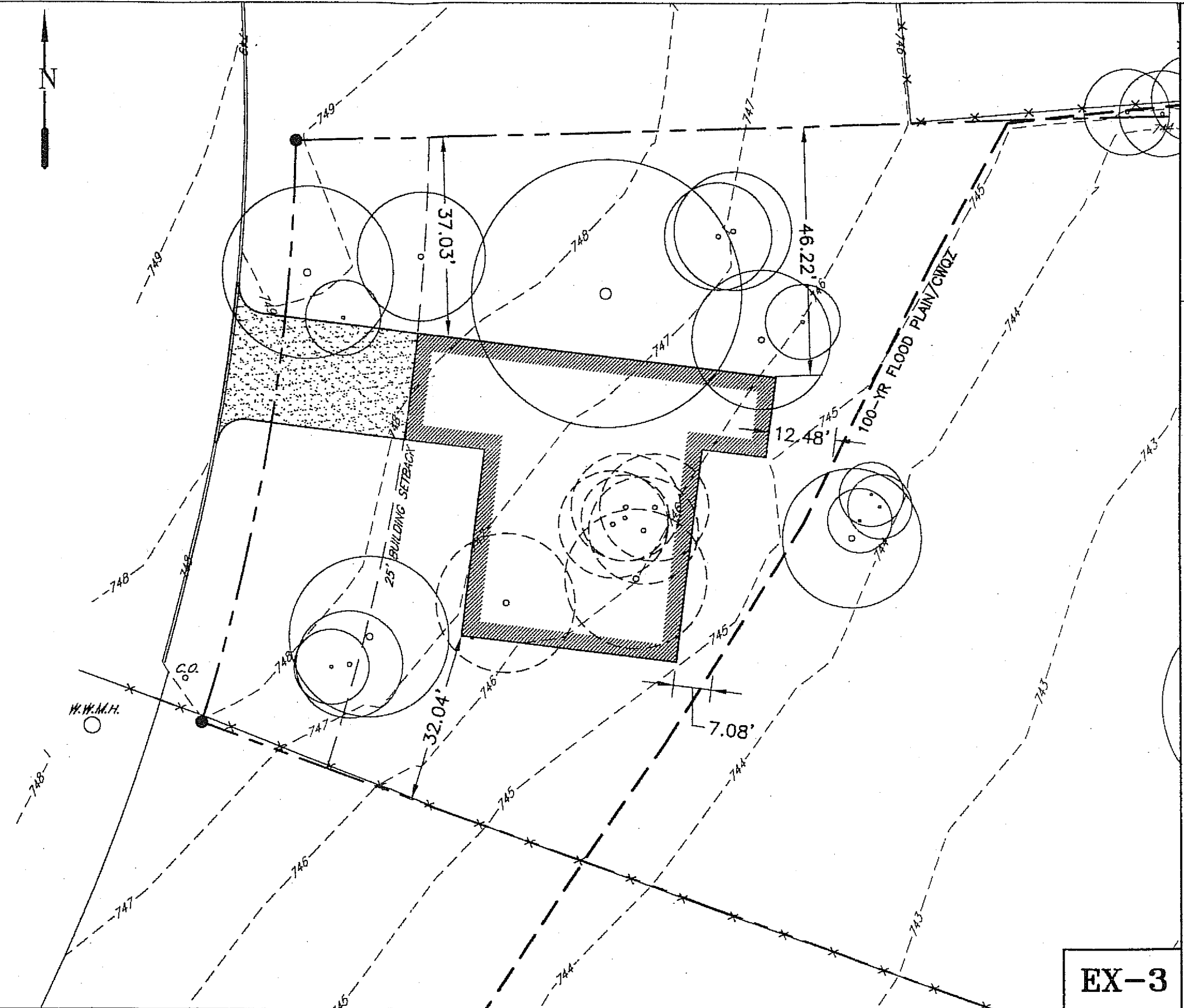


Phil Moncada
Principal

cc: file
cc: Martinez
cc: Avila

LEGEND

- PROPERTY LINE
- EXISTING CONTOUR LINE
- EXISTING FENCE
- PROPOSED HOME FOOTPRINT
- PROPOSED CONCRETE
- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING WASTEWATER MANHOLE
- EXISTING CLEAN OUT
- CRITICAL WATER QUALITY ZONE



Proposed Impervious Cover:

Home footprint	2,680 sq.ft.
Driveway	500 sq.ft.
Total	3,180 sq.ft.

SCALE: 1" = 20'

EX-3

IT GONZALEZ ENGINEERS
 3501 MANOR RD.
 AUSTIN, TX 78723
 (512) 447-7400 FAX: (512) 447-6389

DATE: FEB 2006

PROPOSED HOME ON "EL MILAGRO"

DOBBIN DRIVE
AUSTIN, TX



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: July 11, 2007

NAME & NUMBER OF PROJECT: Pleasant Valley Bike Route Retaining Wall
SP-07-0130DS.SH

NAME OF APPLICANT OR ORGANIZATION: City of Austin
(Diane Rice, Public Works Project Mgr-- Phone 974-7081)

LOCATION: 3100 block of S. Pleasant Valley Road

PROJECT FILING DATE: April 2, 2007

WPDR/ENVIRONMENTAL STAFF: Javier V. Delgado, 974-7648
javier.delgado@ci.austin.tx.us

WPDR/ CASE MANAGER: Javier V. Delgado, 974-7648
javier.delgado@ci.austin.tx.us

WATERSHED: Country Club Creek (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance requests are as follows:
1. To exceed the 4' cut limit (LDC Section 25-8-341), and,
2. To exceed the 4' fill limit (LDC Section 25-8-342).

STAFF RECOMMENDATION: Recommended with conditions

REASONS FOR RECOMMENDATION: Findings of fact have been met.

COPY

Original



MEMORANDUM

TO: Dave Sullivan, Chairperson
Members of the Planning Commission

FROM: Javier V. Delgado,
Watershed Protection and Development Review Dept.

DATE: July 11, 2007

SUBJECT: Pleasant Valley Bike Route Retaining Wall: SP-07-0130DS.SH

Description of Property

This project is located along the West side of the 3100 block of S. Pleasant Valley Road (this portion of Pleasant Valley terminates at a cul de sac- See Exhibit A). The project lies in the Country club Watershed, classified as a Suburban watershed, and is not located over the Edwards Aquifer Recharge Zone. There is no floodplain on the within the project .

The proposed site plan application is for the construction of a retaining wall that will be located along the 3100 block of S. Pleasant Valley Drive. The portion of the retaining wall necessitating the cut/fill greater than four foot outside the ROW is approximately 70 feet. The existing cut is some 15 feet in depth and has been exposed for the last four years. The existing cut was excavated during the extension of the roadway.

Existing Topography and Soil Characteristics

The project is located between an existing multi-family development and S. Pleasant Valley Dr. This portion of S. Pleasant Valley Dr. terminates in a cul-de-sac. In order to meet the City of Austin's Street Design standards several cuts were made greater than four foot within the ROW.

Vegetation

Currently there some live oaks, cedars, cedar elms in the vicinity along with a few trees that were planted as part of the landscape for the neighboring multi-family development.

Variance Requests

1. From LDC Section 25-8-341/342: To exceed the 4' cut/ fill limit

Due to the depth of cut that was needed to construct this portion of S. Pleasant Valley, the cut should be structural contained. The location of the cut and the size of the retaining wall will require the applicant to request variances to exceed both the 4' cut limit and 4' fill limit as defined in the LDC Sections 25-8-341/342. The existing cut is approximately 15 foot at it's greatest depth. The maximum proposed cut/fill would be 18 foot to fit the proposed retaining wall and then to back fill behind the wall (See Exhibit B).

Staff recommends these variances with conditions.

Conditions:

1. Tree #1679 to be retained. Applicant should edit plans to preserve tree. Tree should be fertilized during construction phase to reduce the stress on the tree.

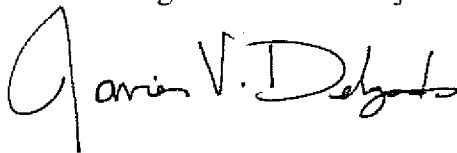
Similar cases

1. Case: Home Depot – Grandview Hills
Variance: LDC Section 25-8-341; to exceed the 4' cut limit
- All cuts to be structurally contained
2. Case: Plaza Volente (HEB)
Variance: Lake Austin Ordinance 13-3-651; to exceed the 4' cut/fill limit

The variance was granted on November 5, 2003 with the following conditions (summarized):

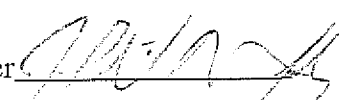
- All cuts to be structurally contained

If you have any questions or need additional information, please contact;
Javier V. Delgado - 974-7648 / javier.delgado@ci.austin.tx.us



Javier V. Delgado, Development Services Process Coordinator
Watershed Protection and Development Review Department

EV Lead 

EV Officer 



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

Application Name: PLEASANT VALLEY BIKE ROUTE RETAINING WALL
Application Case No: SP-07-0130DS.SH
Code Reference: LDC Section 25-8-341/342 Cut/Fill Requirements
Variance Request: To exceed the 4' cut/fill limit

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 LDC allows for unlimited cut/fill within the Right-of-Way. There have been variances granted for cut/fill for roadways outside the ROW for different roadways throughout the Austin area.

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 cut/fill for the retaining wall was to be contained in the Right of Way. The exposed cut for the construction of the street and hike/bike trail has remained exposed for the past four years. The result is that the cut has migrated toward the ROW boundary and needs to be stabilized. Construction of the retaining wall will necessitate cut/fills greater than 4 foot outside the ROW. The applicant has worked with the adjacent property owner to secure permission to work on their property to build the retaining wall.

- 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 – There are multi-family dwellings that are located adjacent near the existing cut.
Approval for the cut/fill for the retaining wall will protect the adjacent property owner from erosion problems.*

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

Yes - The proposed retaining wall will armor an exposed cut. Over time, if the cut is left exposed, erosion will occur and the cut would migrate further into the neighboring property

resulting in the loss of property and creating an unsafe situation for the adjacent property owner and the general public driving on this portion of Pleasant Valley Drive.

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

Yes - All runoff from the proposed development will be captured and treated in accordance with current city regulations.

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;

n/a

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

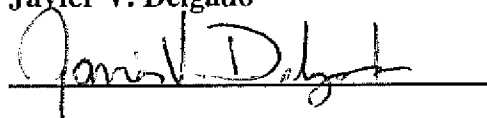
n/a

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

n/a

Reviewer Name: Javier V. Delgado

Reviewer Signature:



Date:

July 11, 2007

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



Date: May 4, 2007

Project: Pleasant Valley Retaining Walls
ADA, Sidewalk, Ramp, and Bikeway Improvements
CIP No. 8780-607-2465

Subject: Request for Variance from City of Austin Land Development Code Chapter 25, Sections 25-8-341 and 25-8-342, Limit Cut and Fill to Four Feet in Watersheds other than Urban

Background:

The Public Works Department (PW) has developed an ADA, Sidewalk, Ramp, and Bikeway Improvements Program for the City of Austin. A segment of these improvements includes a bike route along Pleasant Valley Road that would be located between East Oltorf Street and the cul-de-sac at the terminus of South Pleasant Valley Road. When this trail project was originally planned, the City was trying to enter into a Community Facilities Agreement with the same Developer that was building the Pleasant Valley Villas (Villas) to construct the hike and bike trail, so they could be constructed simultaneously. The same Consultant was designing the Pleasant Valley Villas and the hike and bike trail. The Consultant included a large retaining wall under the hike and bike trail documents. The Developer bid the project and the bids came in over the engineers construction estimate and the project had to be re-designed and re-bid. While the project was being re-designed, the Developer decided not to move forward with the Agreement. Therefore, PW has assigned URS Corporation to design and construct the retaining walls as a separate project.

Objective:

The City of Austin Public Works Department proposes to construct retaining walls for the bike route segment along Pleasant Valley Road located between E. Oltorf Street and the cul-de-sac of S. Pleasant Valley Road. The project is located in the Country Club Creek Watershed which is classified as a Suburban Watershed. The total acreage for the proposed limits of construction is approximately 2.0 acres.

The retaining walls are urgently needed to stabilize the slopes at two locations adjacent to the Pleasant Valley Villas subdivision. The collapsing condition of the slope at the cul-de-sac poses a safety hazard and has already resulted in utility outages for residents of the subdivision.


The scope of this project includes design of the retaining walls and design of the necessary utility relocations. Design plans have been completed for two mechanically stabilized earth (MSE) retaining walls on either side of Collins Creek Drive at the intersection with S. Pleasant Valley Road. In addition, the design for the taller counterfort retaining wall on the west side of the cul-de-sac is almost complete. However, it has been determined that the construction of the foundation for the counterfort retaining wall will require encroachment on private property and will necessitate cuts into the slope of depths greater than four (4) feet. URS has acquired Right of Entry and Possession easements from Villas (attached) for those sections of the foundation that will be constructed on private property.

Request for Variance:

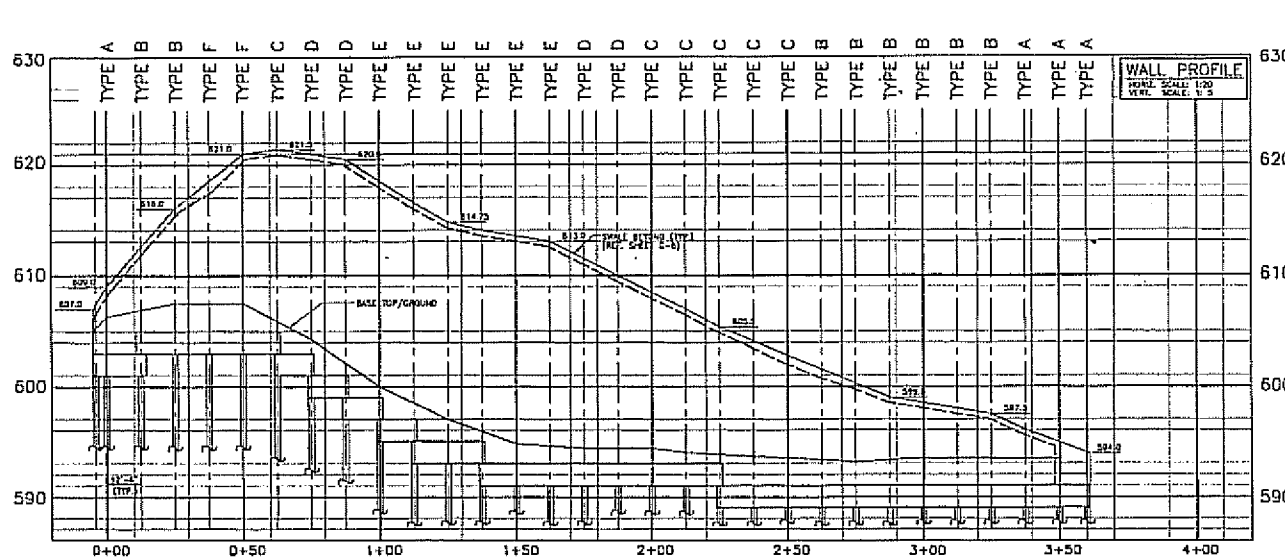
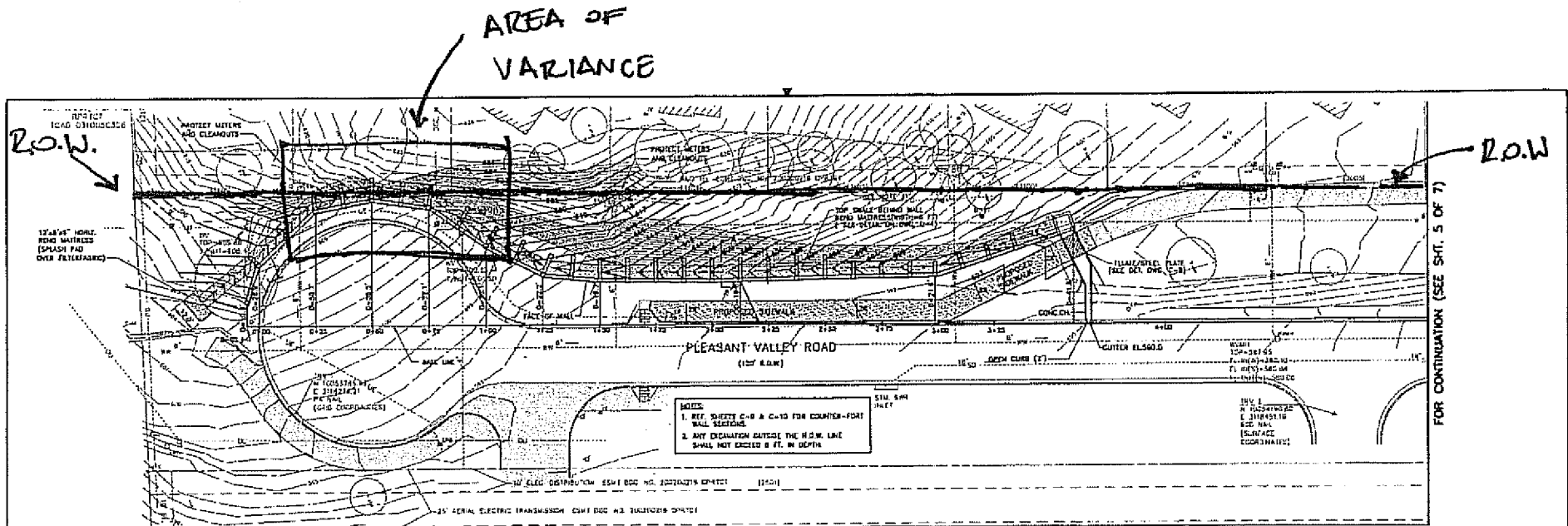
This variance is being requested because the height of the unstable slope at the cul-de-sac (approximately 22 feet from ground level) will require a counterfort retaining wall of equal height with a pier and beam foundation that will encroach on private property. Given the soils in this

area, cuts of over 15 feet will be required to stabilize the slope at a 1:1 incline. Upon completion of the construction of the retaining wall, select fill will be used to bring the slope back to its existing height. Without this requested variance, PW will not be able to construct this wall to stabilize the failing slope, remove this safety hazard and prevent future utility outages in this area.

We believe that approving this cut and fill variance for the construction of the counterfort retaining wall will result in minimal departure from minimum standards. This variance request has been coordinated with WPDRD staff in order to remove a safety hazard that poses a liability for the City of Austin.



Reynaldo Cantu, P.E.
Senior Project Manager
URS Austin Water / Infrastructure
P.O. Box 201088
Austin, TX 78720-1088
512.419.5426



LEGEND

TTT NEW SIDEWALK
TTT ROAD MATTERIES
— NEW EMBANKMENT
— EXISTING EMBANKMENT

NOTE
1. SEE SHEET C-6 FOR SECTIONS A-A AND E-E

REVIEWED BY: _____ DATE: _____

FOR SUBMITTAL TO THE CITY OF AUSTIN, TEXAS
FOR THE CITY ENGINEER'S REVIEW AND APPROVAL

FILE NUMBER: _____ EXPIRATION DATE: _____
CASE NUMBER: _____ APPLICATION DATE: _____
APPROVED BY PLANNING COMMISSION ON: _____
APPROVED BY CITY COUNCIL ON: _____
DATE OF RELEASE: _____

FOR THE CITY ENGINEER'S REVIEW AND APPROVAL
DATE OF RELEASE: _____

REFERENCE DRAWINGS SHEET NO. _____ SHEET TITLE _____ SHEET DATE _____		REVISIONS NO. _____ DATE _____ DESCRIPTION _____		DESIGNED BY: K. JAMES CHECKED BY: J. EDGAR REVIEWED BY: F. S. H. S. APPROVED BY: J. J. LUKE	URS URS Corporation 9400 Amburgen Blvd. Austin, Texas 78758	URS J. DUEY, INC. 1100 South 11th Street Austin, Texas 78704 512-444-4444 512-444-4444	PRELIMINARY THIS DRAWING IS COMPLETE AND IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE NOTED. ENGINEER OF RECORD: JAMES J. DUEY, P.E. DATE: 02-18-07	CITY OF AUSTIN, TEXAS PLEASANT VALLEY RETAINING WALLS	RETAINING WALL PLAN & PROFILE PROJECT NO. 41008183 DATE: FEBRUARY 23, 2007 SHEET: 1 OF 16
---	--	--	--	--	---	---	--	--	--

EXHIBIT "A"

15'-0"

SEED OVER 4" TOPSOIL (BLACK CLAY TYPE)

4" (OR FLATTER) TO MEET EXISTING GRADE

EXISTING GRADE

621.00'

EXCAVATION SLOPE PER CONTRACTOR

ENSURE LOW POINT SPEC. SELECTED GRANULAR BACKFILL

6" x 8'-0" SECTION RENO MATTRESS

6'-0"

1'-0"

12" WIDE CONC. COUNTERFORT

9'-0"

6"

15'-0"

15'-0"

15'-0"

1'-4"

2'-0"

8'-5"

8'-0"

T.O. PIER

REF. C-6

R.O.W. LINE SEE NOTE 3

S. Pleasant Valley

TOP OF WALL 621.00'

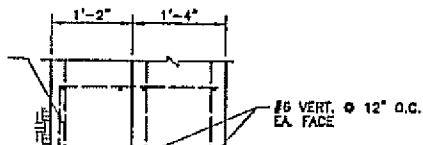
NOTES:

1. NOTES: SAFETY OF ALL EXCAVATIONS FOR RETAINING WALL CONSTRUCTION SHALL BE CONTRACTOR'S RESPONSIBILITY
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONSULT WITH A GEOTECHNICAL ENGINEER TO ASSURE CONSTRUCTION SAFETY IF NECESSARY.
3. ITEM ON ENVIRONMENTAL BOARD AGENDA REQUESTING WAIVER OF CUT/FILL DEPTH LIMITATION. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A TRENCH SAFETY PLAN DESIGNED BY AN ENGINEER LICENSED IN TEXAS. THE PLAN SHALL BE SUBMITTED FOR REVIEW BY THE ENGINEER OF RECORD.

1. NOTES: SAFETY OF ALL EXCAVATIONS FOR RETAINING WALL CONSTRUCTION SHALL BE CONTRACTOR'S RESPONSIBILITY
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONSULT WITH A GEOTECHNICAL ENGINEER TO ASSURE CONSTRUCTION SAFETY IF NECESSARY.
3. ITEM ON ENVIRONMENTAL BOARD AGENDA REQUESTING WAYER OF CUT/FILL DEPTH LIMITATION, CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A TRENCH DESIGN PLAN DESIGNED BY AN ENGINEER LICENSED IN TEXAS. THE PLAN SHALL BE SUBMITTED FOR REVIEW BY THE ENGINEER OF RECORD.

EXHIBIT "B"

2 WALL SECTION AT STA. 0+50
SCALE: 1/2" = 1'-0"





ENVIRONMENTAL BOARD MOTION 071107-B3

Date: July 11, 2007

Subject: Pleasant Valley Bike Route Retaining Wall
SP-07-0130DS.SH

Motioned By: John Dupnik

Seconded by: Phil Moncada

Recommendation

The Environmental Board recommends **approval with conditions** of a variance to: 1) Land Development Code Section 25-8-341 – To exceed the 4' cut limit, and 2) Land Development Code Section 25-8-342 – To exceed the 4' fill limit, for the Pleasant Valley Bike Route Retaining Wall project.

Staff Conditions

Tree #1679 to be retained. The applicant should edit plans to preserve tree and the tree should be fertilized during construction phase to reduce the stress on tree.

Board Conditions

None.

Rationale

Findings of Fact have been met.

Vote 6-0-0-2

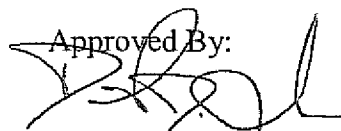
For: Maxwell, Moncada, Curra, Neely, Beall and Dupnik

Against:

Abstain:

Absent: Anderson* and Ahart**

Approved By:


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

* Dave Anderson recused himself on this item and is considered absent for this vote.



MEMORANDUM

To: David Anderson, P.E., Chair, and
Members of the Environmental Board

From: Javier Delgado, Development Services Process Coordinator
Watershed Protection and Development Review Department

Date: July 5, 2007

Subject: Agenda Item B.4
222 and 300 East Riverside Drive
SPC-06-0715C and SPC-06-0716C.SH

This item was placed on the Environmental Board at the request of the Parks Board. In its meeting of June 26, the Parks Board asked that the Environmental Board review the site plan to determine any environmental impact that the parking garage may have because of its proximity to Town Lake.

The applicant is requesting several variances from the Waterfront Overlay provisions of the City Code but is not requesting any environmental variances. The Land Use Commission may grant variances if certain criteria are met. The Parks Board has requested that the Environmental Board review the plan to determine environmental impact, if any, prior to making a recommendation to the Land Use Commission.

Background information on the cases is attached for your reference. Please contact me at 974-7648 if you have any questions.

for Javier Delgado
Watershed Protection and Development Review Department

JD:GZ

Attachment(s)

**SITE PLAN REVIEW SHEET
WATERFRONT OVERLAY SITE PLAN APPLICATION**

CASE NUMBER: SPC-06-0715C
PROJECT NAME: 222 E. Riverside Dr.
ADDRESS: 222 E. Riverside Dr.
AREA: 2.99 acres
APPLICANT: CWS Capital Partners LLC (Greg Miller)
9606 N. MoPac Expressway, Suite 500
Austin, TX 78759
(512) 837-3028

AGENT: Armbrust & Brown, LLP
Richard Suttle- 435-2394
100 Congress Ave., Suite 1300
Austin, TX 78701

EXISTING ZONING: Lake Commercial District-Neighborhood Plan (L-NP). The tract is also subject to the Waterfront Overlay South Shore Central Sub-district.

PROPOSED DEVELOPMENT:

The proposed development consists of 480 units of multi-family residential, parking garage, water quality system and other associated improvements. The applicant is requesting approval of a site plan with variances from the South Shore Central Sub-district of the Waterfront Overlay.

NEIGHBORHOOD ORGANIZATION:

South River City Citizens Association
Terrell Lane Interceptor Association
Barton Springs/Edwards Aquifer Conservation District.
South Central Coalition
Austin Neighborhoods Council
Austin Independent School District
Home Builders Association of Greater Austin

AREA STUDY: Greater South River City Combined Neighborhood Plan

WATERSHED: Town Lake (Urban)

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive Watershed Ordinance

CAPITOL VIEW: N/A

T.I.A.: Comment under review.

SUMMARY STAFF RECOMMENDATION:

Pending

PARKS AND RECREATION BOARD ACTION: Tentatively scheduled for July 24, 2007

PLANNING COMMISSION ACTION: Pending

CASE MANAGER: Javier V. Delgado
javier.delgado@ci.austin.tx.us

Telephone: 974-7648

PARD STAFF: Ricardo Soliz

Telephone: 974-6765

PROJECT INFORMATION:

ZONING: L-NP

MAX. BLDG. CVRG: 50%

MAX. HEIGHT: 200'

MAX. IMP. CVRG: 50%

EXIST. USE: Multi-family Res.

PROP. BLDG. CVRG: 39%

PROP. HEIGHT: Varies with a max of 200'

PROP. IMPERV. CVRG.: 47.7%

PROPOSED USE: Multi-family residential, other pedestrian oriented uses

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The proposed site is located at 222 E. Riverside Drive and is zoned Lake Commercial- Neighborhood Plan (L-NP). The site is also subject to the Waterfront Overlay (WO), in the South Shore Central Sub-District. The total site consists of 2.99 acres.

Currently, the site has an existing a 100-unit multi-family development called Riverside Square Apartments. The development was constructed in 1963.

The applicant is proposing a 480 multi-family residential unit development with pedestrian oriented uses such as a museum and police substation. The project proposes an impervious coverage of 1.43 acres (47.7%). The development also includes an on-site parking facility and associated water quality facilities. The site will have varying heights with a maximum height of 200 feet.

The applicant is requesting approval of a site plan with variances to the South Shore Central sub-district of the WO :

1. Variance to Section 25-2-742 (C1):

to reduce the secondary setback line of 50-feet from the primary setback line parallel to Town Lake shoreline to 0 feet; and

2. Variance to Section 25-2-721 (B1): to construct a driveway and sidewalk in the primary setback. The section prohibits parking areas and structures within the primary setback.
3. Variance to Section 25-2-721 (C1): to construct the building and parking structure within the secondary setback. This section only allows fountains, patios and other associated open space structures/uses.
4. Variance to Section 25-2-721 (C2): to exceed the 30% impervious limit in the secondary setback.

Transportation: A traffic impact analysis was not required. Proposed driveway access will be from a private street. Also, there is access to a driveway through the 300 E. Riverside property that connects to Riverside further east. The plans include a parking garage with 482 parking spaces.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Town Lake watershed of the Colorado River Basin, which is classified as urban. The existing impervious cover for the site is approximately 1.8 acres or 59% of the site. The existing site was developed in 1963, prior to our current water quality regulations. Currently, there is no water quality facility or treatment for the runoff from the site.

The proposed development plans to reduce the impervious coverage from 1.8 acres (59%) to 1.43 acres (47.7%). The site will comply with all current water quality requirements. There are no critical water quality zones affected by this project due to the redevelopment ordinance.

SURROUNDING CONDITIONS:

Zoning/ Land use:

North: Office (Austin-Amer. Statesman, TxDoT) (L-NP)

East: Town Lake

South: Multi-family (300 E. Riverside) & Office (L-NP)

West: Office (L-NP)

**SITE PLAN REVIEW SHEET
WATERFRONT OVERLAY SITE PLAN APPLICATION**

CASE NUMBER: SPC-06-0716C.SH
PROJECT NAME: 300 E. Riverside Dr.
ADDRESS: 300 E. Riverside Dr.
AREA: 3.89 acres
APPLICANT: CWS Capital Partners LLC (Greg Miller)
9606 N. MoPac Expressway, Suite 500
Austin, TX 78759
(512) 837-3028

AGENT: Armbrust & Brown, LLP
Richard Suttle- 435-2394
100 Congress Ave., Suite 1300
Austin, TX 78701

EXISTING ZONING: Lake Commercial District-Neighborhood Plan (L-NP). The tract is also subject to the Waterfront Overlay South Shore Central Sub-district.

PROPOSED DEVELOPMENT:

The proposed development consists of 502 units of multi-family residential, parking garage, water quality system and other associated improvements. This project is a certified SMART Housing project. The applicant is requesting approval of a site plan variances from the South Shore Central Sub-district of the Waterfront Overlay.

NEIGHBORHOOD ORGANIZATION:

South River City Citizens Association
Terrell Lane Interceptor Association
Barton Springs/Edwards Aquifer Conservation District.
South Central Coalition
Austin Neighborhoods Council
Austin Independent School District
Home Builders Association of Greater Austin

AREA STUDY: Greater South River City Combined Neighborhood Plan

WATERSHED: Town Lake and East Bouldin (Urban)

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive Watershed Ordinance

CAPITOL VIEW: N/A

T.I.A.: Comment under review

SUMMARY STAFF RECOMMENDATION:

Pending

PARKS AND RECREATION BOARD ACTION: Tentatively scheduled for July 24, 2007

PLANNING COMMISSION ACTION: Pending

CASE MANAGER: Javier V. Delgado
javier.delgado@ci.austin.tx.us

Telephone: 974-7648

PARD STAFF: Ricardo Soliz

Telephone: 974-6765

PROJECT INFORMATION:

ZONING: L-NP

MAX. BLDG. CVRG: 50%

PROP. BLDG. CVRG: 40%

MAX. HEIGHT: 200'

PROP. HEIGHT: Varies with a max of 200'

MAX. IMP. CVRG: 50%

PROP. IMPERV. CVRG.: 49.3%

EXIST. USE: Multi-family Res.

PROPOSED USE: Multi-family residential

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The proposed site is located at 300 E. Riverside Drive and is zoned Lake Commercial- Neighborhood Plan (L-NP). The site is also subject to the Waterfront Overlay (WO), in the South Shore Central Sub-District. The total site consists of 3.89 acres. The development plans propose an impervious coverage of 1.92 acres (49.3%).

Currently, the site has an existing a 45-unit multi-family development called Riverside Place Apartments.

The applicant is proposing a 502 multi-family unit development. The development also includes an on-site parking facility and associated water quality facilities. The site will have varying heights with a maximum proposed 200 foot high tower.

The applicant is requesting approval of a site plan with variances to the South Shore Central sub-district of the WO :

1. Variance to Section 25-2-742 (C1) (C2):

to reduce the secondary setback line of 50-feet from the primary setback line parallel to Town Lake shoreline to 0 feet; and

to reduce the secondary setback line of 130 feet from the centerline of East Bouldin Creek to 0 feet.

2. Variance to Section 25-2-721 (B1): to construct a driveway and sidewalks in the primary setback. The section prohibits parking areas and structures within the primary setback.
3. Variance to Section 25-2-721 (C1): to construct the building and parking structure (multi-family residential/ pedestrian uses) within the secondary setback. This section only allows fountains, patios and other associated open space structure/uses.
4. Variance to Section 25-2-721 (C2): to exceed the 30% impervious limit in the secondary setback

Transportation: A traffic impact analysis is required. Proposed driveway access will be from Riverside Drive. Also, there is access to a driveway through the 222 E. Riverside property to a private street that connects to Riverside further west. The plans include a parking garage with 758 parking spaces.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Town Lake and East Bouldin Creek watershed of the Colorado River Basin, which is classified as urban. The existing impervious cover for the site is approximately 2.6 acres (67%) of the site. The existing site was developed in 1973, prior to our current water quality regulations. Currently, there is no water quality facility or treatment for the runoff from the site.

The proposed development plans to reduce the impervious coverage from 2.6 acres (67%) to 1.92 acres (49.3%). The site will comply with all current water quality requirements. There are no critical water quality zones affected by this project due to the redevelopment ordinance.

SURROUNDING CONDITIONS:

Zoning/ Land use:

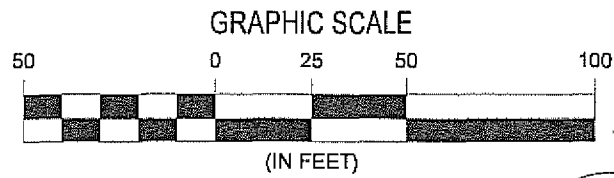
North: Town Lake and proposed multi-family (L-NP)

East: Bouldin Creek, Town Lake, and apartments (L-NP)

South: Riverside Drive and apartments (L-NP)

West: Riverside Drive an office (L-NP)

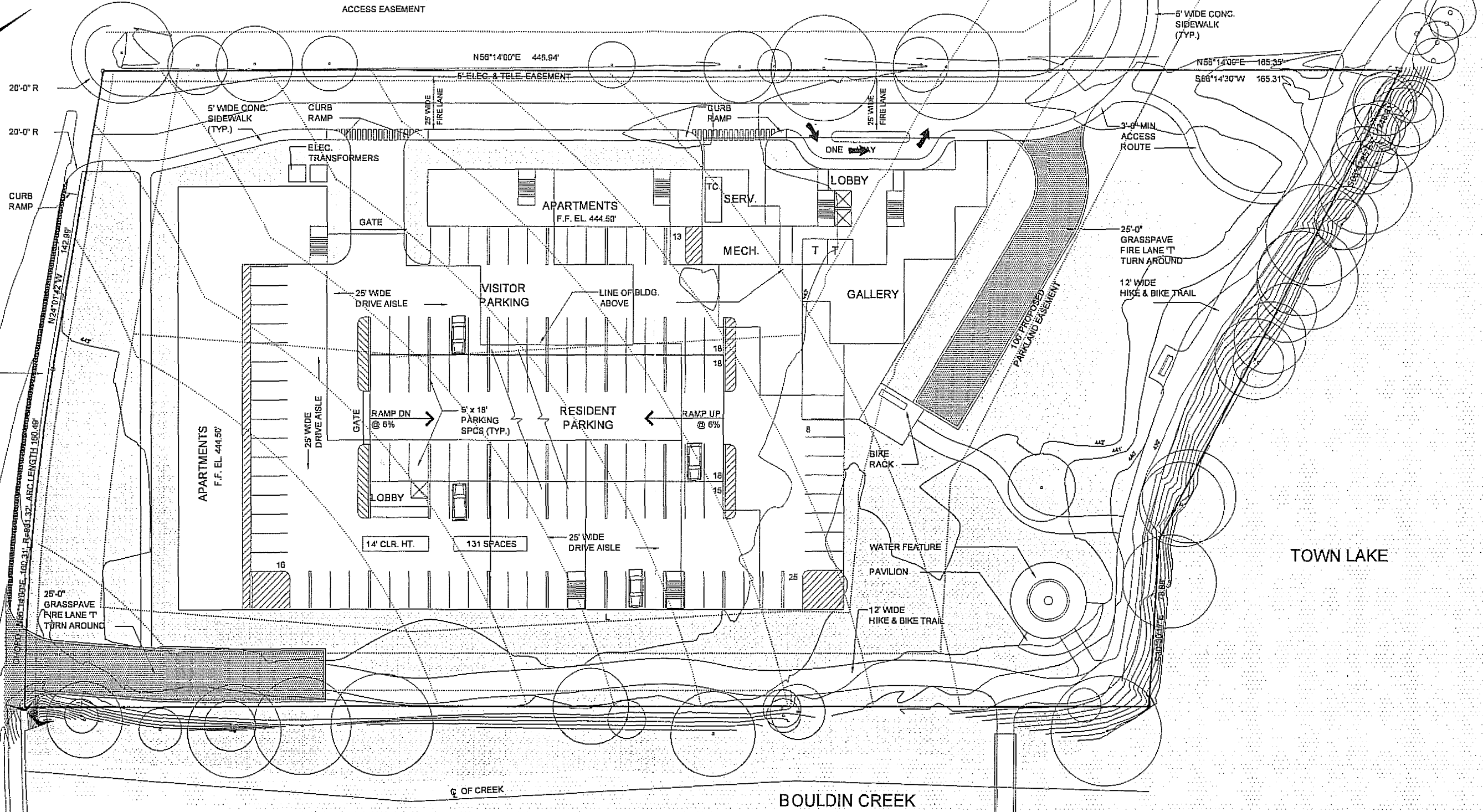
<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Riverside Drive	85'	60'	Major Arterial



COMMERCIAL
(ZONING-L1)

EAST RIVERSIDE DRIVE
VARIABLE ROW

6' WIDE CONC.
SIDEWALK (TYP.)



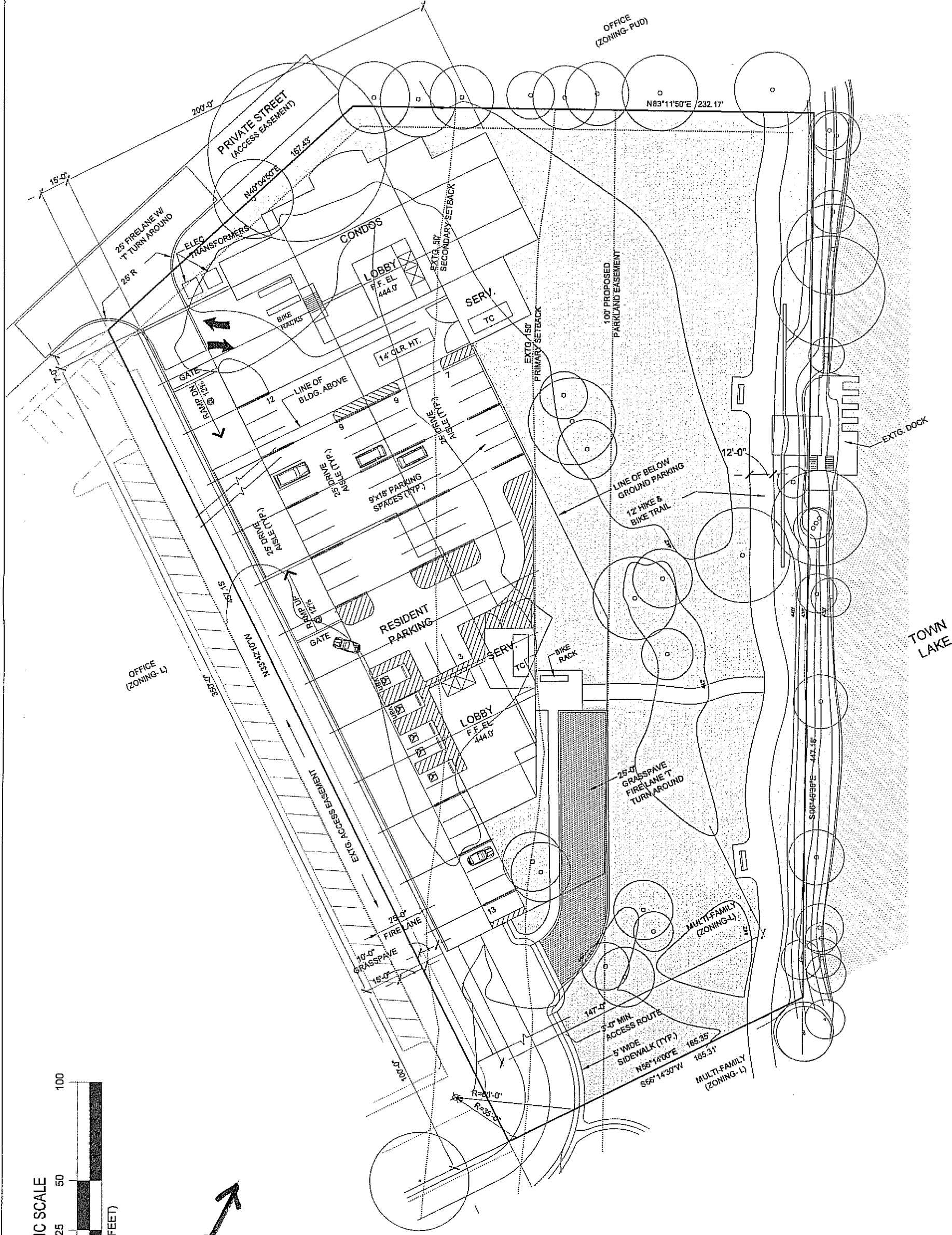
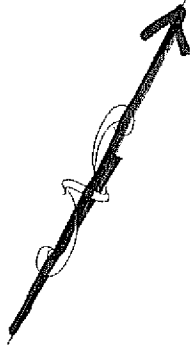
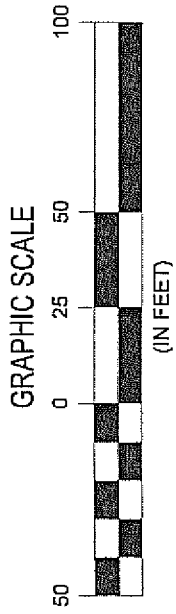
MULTI-FAMILY
(ZONING-L)

TOWN LAKE

BOULDIN CREEK

MULTI-FAMILY
(ZONING-L)

300 EAST RIVERSIDE

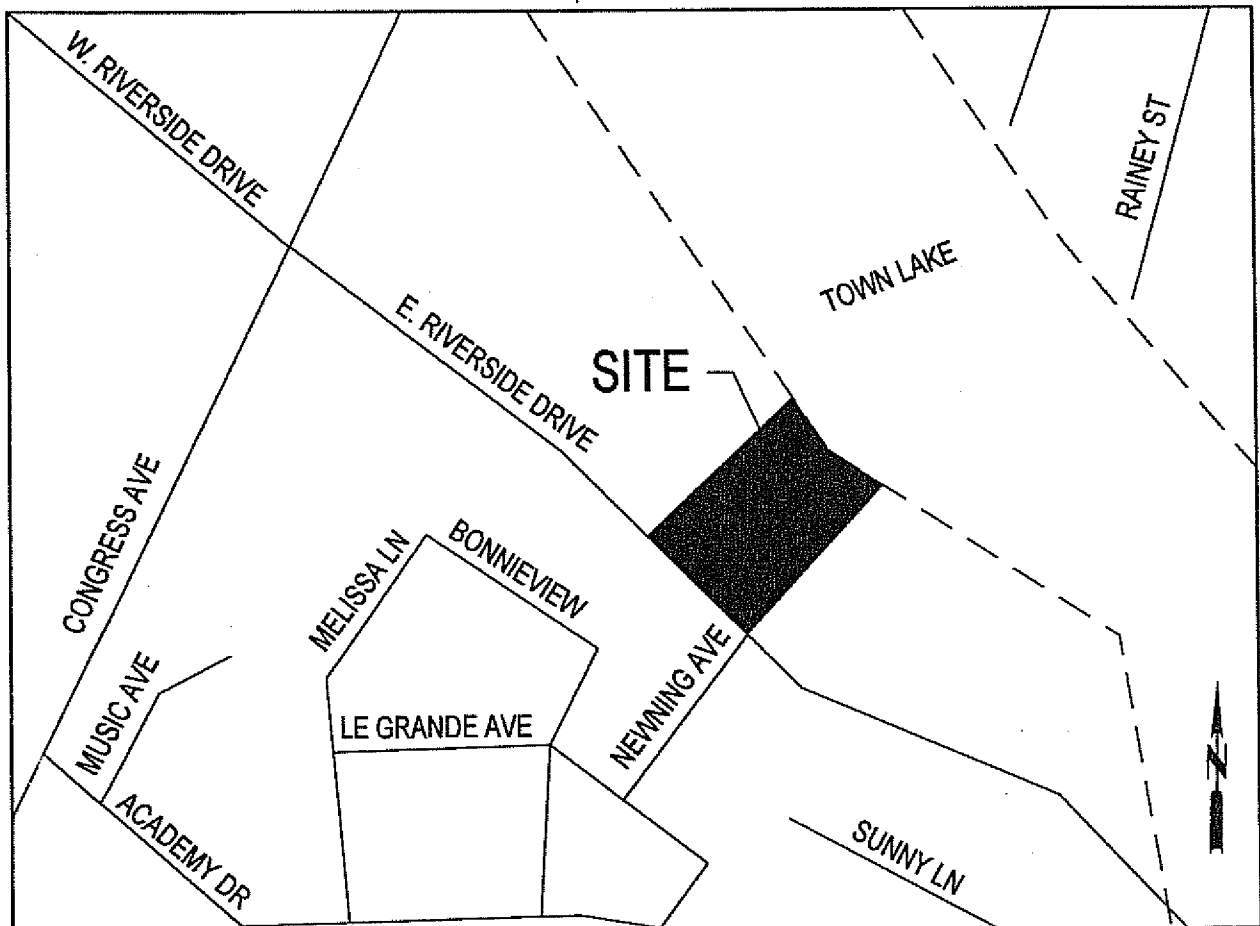


SITE PLAN FOR 300 EAST RIVERSIDE

300 EAST RIVERSIDE DRIVE
AUSTIN, TEXAS 78705

VICINITY MAP (NTS)

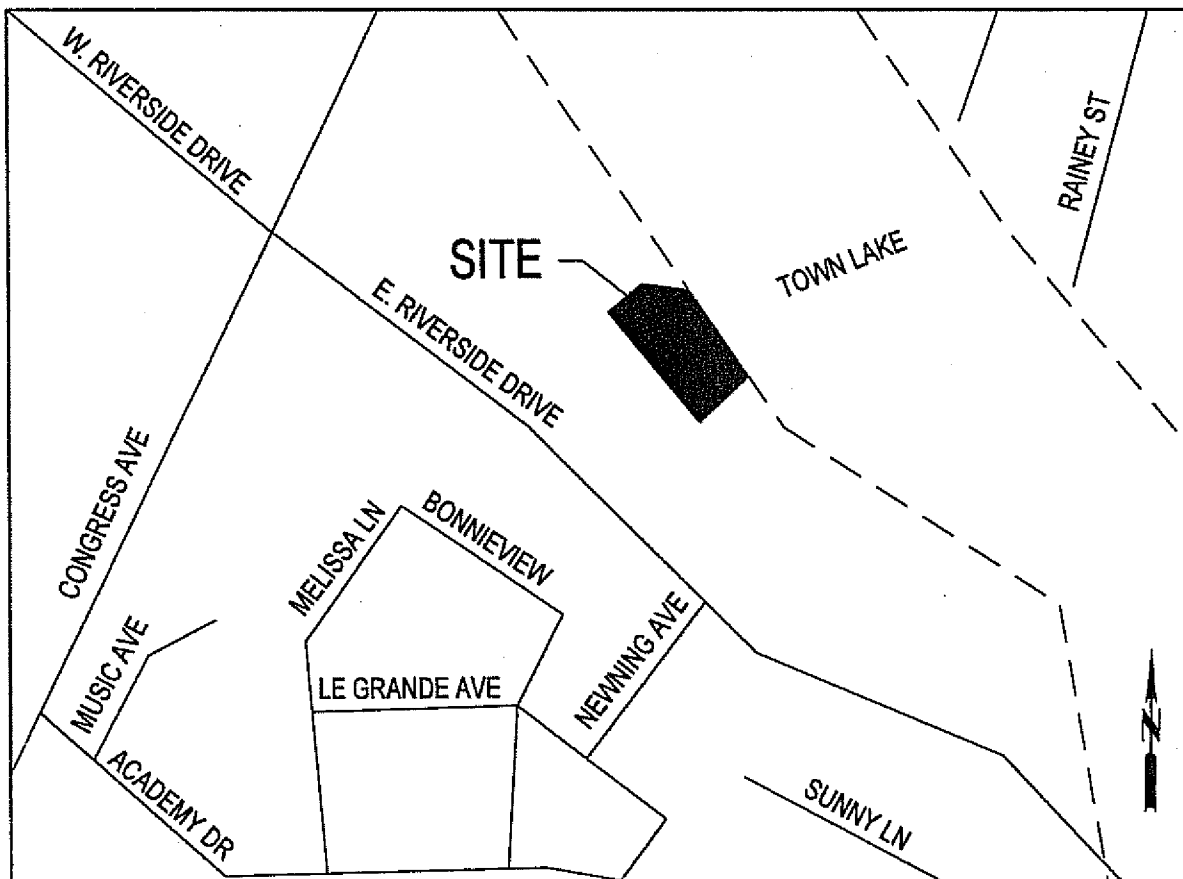
GRID J-21, MAPSCO PAGE 615



SITE PLAN FOR 222 EAST RIVERSIDE

222 EAST RIVERSIDE DRIVE
AUSTIN, TEXAS 78705

VICINITY MAP (NTS)



TOWN LAKEWATERSHED
URBAN WATERSHED

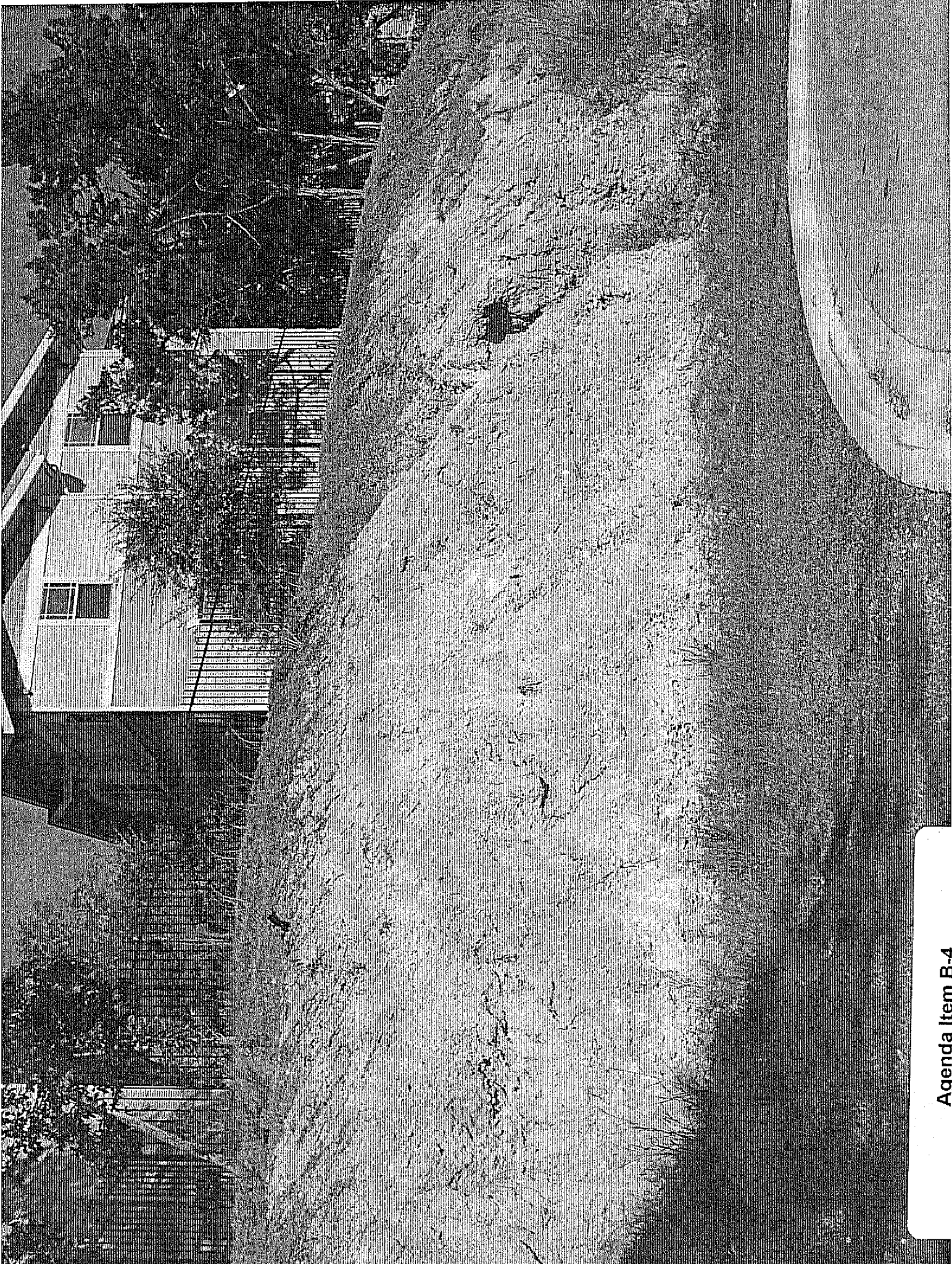


TOWN LAKE

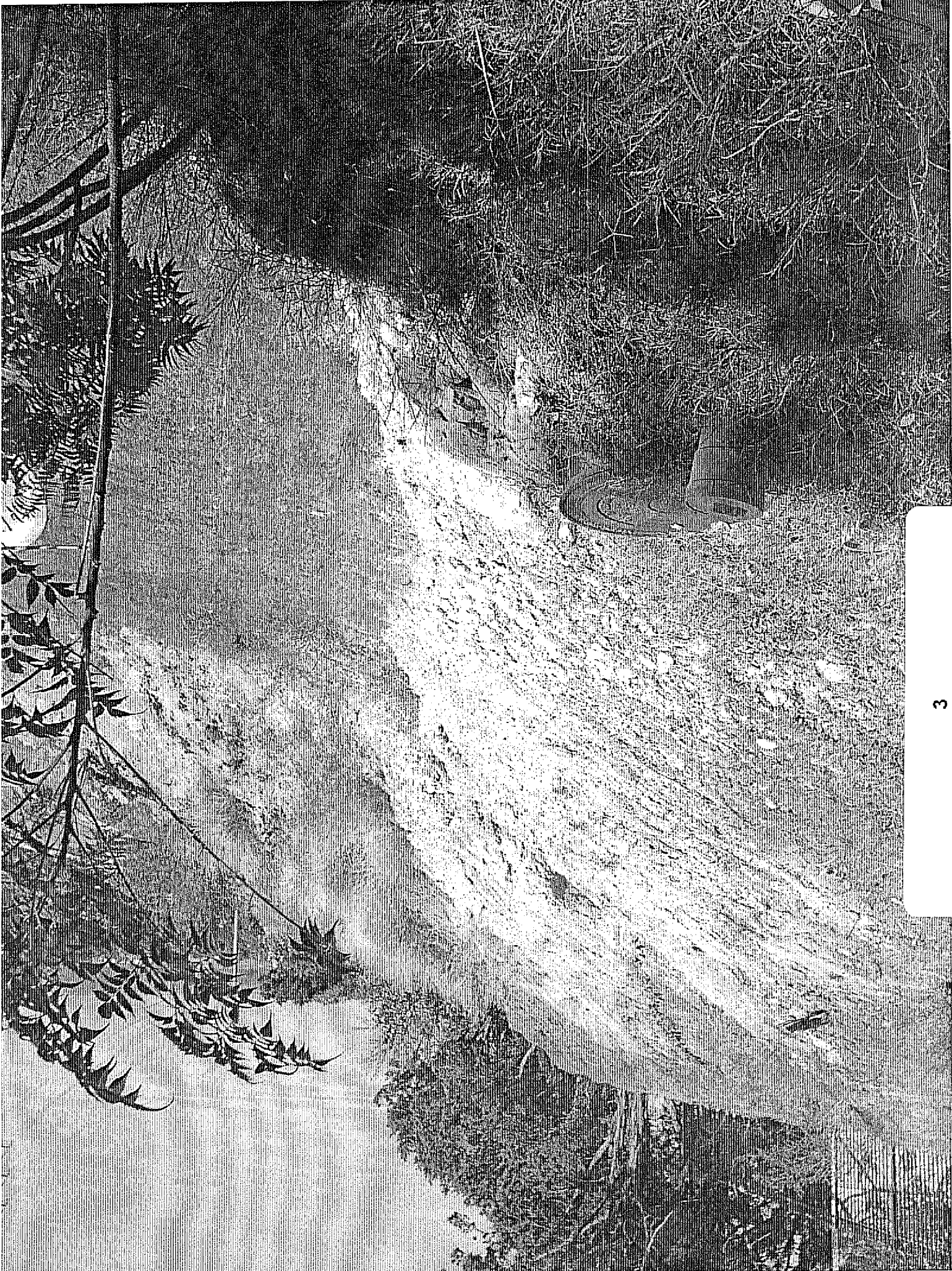
CONDOMINIUMS
RICHMOND & CENTRE
1777 17th Ave S
1985

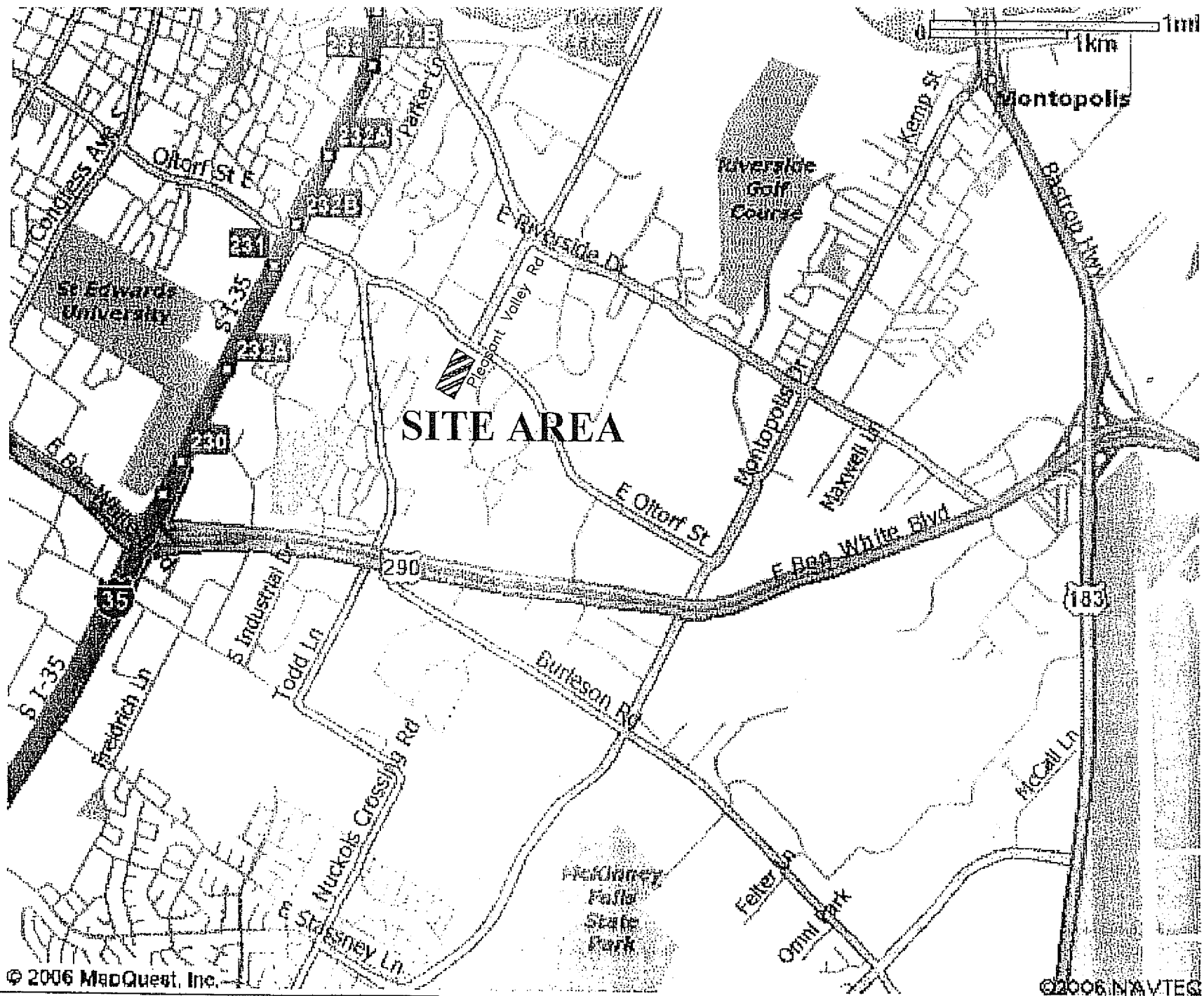
1507-1511
RICHMOND UNIVERSITY
1984

UNITED
TRUSTEES











MEMORANDUM

TO: Mayor and Council Members
Board and Commission Chairs

FROM: Toby Hammett Futrell, City Manager

DATE: June 29, 2007

SUBJECT: Summary of Board & Commission Retreats

Over twenty Board and Commission retreats occurred from October 2006 through March 2007. As a result of the retreats, detailed reports summarizing accomplishments, roles and responsibilities, and development needs were identified by each Board and Commission, and submitted to my office for review.

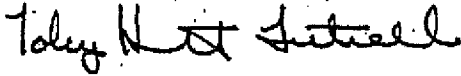
After careful review the following common themes and issues were identified as a result of the discussions:

- The need to confirm board purpose & scope
- The need to define eligibility to serve on Boards & Commissions (including training for existing board members and orienting new Board and Commission members)
- The need to clarify size and quorum requirements
- The need to clarify meeting and attendance requirements

A group of City staff, led by Assistant City Manager Bert Lumbreras, including Human Resources, Law, Communications and Public Information, the City Clerk's Office, and Communications & Technology Management are currently developing a training module for use by all Boards and Commissions related to the Texas Open Meetings Act and Robert's Rules of Order. City staff is also drafting standardized bylaws for the City's boards and commissions to adopt.

Staff continues to review the findings in the reports closely to identify and develop a list of recommendations and draft ordinance revisions for Council's consideration. A formal report with a recommended implementation plan and revised ordinance will be shared with Council on July 26th.

Attached is an overview of items specific to each Board and Commission that were identified as key issues along with preliminary next steps.



Toby Hammett Futrell
Austin City Manager

xc: Assistant City Manager's
Chief of Staff
Department Directors

Attachments: Board and Commission Retreat Summary.doc

Summary of Board and Commission Retreats

AIRPORT ADVISORY COMMISSION

- ❖ Better understanding of airport operations

Next Steps:

- Staff will provide additional briefings on the emerging airport strategic issues as needed. It is understood by the Commission that these briefings may require additional time on the agenda or additional meetings.

- ❖ Improve Council relations

Next Steps:

- Commission and staff will develop a plan for education of, or communication to, Council for any upcoming major issues or issues where staff and Commission are divided.

ANIMAL ADVISORY COMMISSION (AAC)

- ❖ Significant discussion needed for clarification of the AAC mission and priorities

Next Steps:

- The Commission will consider whether a change to the ordinance that established the Commission is necessary, and establish an action plan that will include a timeline and assignments on commission priorities.

- ❖ Strengthen dangerous dog laws (avoid pit bull ban)

Next Steps:

- City staff is working with Law to draft changes to the existing dangerous dog ordinance. A revised draft of the ordinance will be distributed to the Commission for review in June 2007. Final comments will be taken from the Commission in July 2007. City staff expects to take this item forward to Council in fall of 2007.

ARTS COMMISSION

- ❖ Re-establish and/or re-engage in sub-committees; define their purposes; identify goals and issues to be addressed

Next Steps:

- The Commission will appoint sub-committee chairs and members, and develop a standardized structure for each group consisting of 3-4 components. At the next Commission meeting, definitions of each sub-committee will be presented for adoption.

- ❖ Develop new funding programs

Next Steps:

- At the next meeting, the Executive Committee will outline discussion to determine timing for a brainstorm session regarding new programs we would create and initiate as part of funding programs already in place. A list of possible funding programs will be collected for feedback.

BOARD OF ADJUSTMENT

- ❖ Need additional training to keep board members abreast of ordinance changes

Next Steps:

- City staff and the Board will set up a committee to address the Board of Adjustment by-laws.

- ❖ Need to limit cases and/or postponements

Next Steps:

- The committee will meet on July 11 to discuss a policy regarding an applicant's timely filing and postponements for Board of Adjustment cases.

BUILDING AND FIRE CODE BOARD OF APPEALS

- ❖ Need new member orientation

Next Steps:

- The number of Board members will be reconciled within 30 days. Staff will then provide new member orientation for Board members, as needed.

- ❖ Need to be kept abreast of information

Next Steps:

- City staff will create a centralized email distribution list for the Building and Fire Code Board of Appeals, Solar Board, Plumbing Board and Electrical Board within 30 days for Board use.

COMMUNITY DEVELOPMENT COMMISSION (CDC)

- ❖ Review of program status and action plan on a monthly basis

Next Steps:

- City staff will provide in-depth quarterly reports at meetings that will include program data, production and dollars spent regarding Housing, Social Services and Economic Development.

- ❖ Need to receive agenda well in advance

Next Steps:

- City staff will create an in-house request log format for Commission inquiries. In addition, City staff will rework CDC agenda process so that setting and communicating the agendas happens earlier.

DESIGN COMMISSION

- ❖ Issues with process for selecting projects and making recommendations

Next Steps:

- City staff will provide the Commission with an updated Emerging Project list for Downtown. Staff will set a regular schedule for project review and taskforce meetings and help maintain protocol for public involvement.

- ❖ The Commission would like to have the city staff compile and manage meeting notes to document the actions of the Commission

Next Steps:

- City staff will take meeting notes for the Regular, Special Called, and Density Bonus Taskforce meetings. Meeting notes will be maintained in a centralized location.

DOWNTOWN COMMISSION

- ❖ Create mechanism to effectively communicate with the public. Clarify Channel 6 presence.

Next Steps:

- Channel 6 is currently televising every scheduled meeting for the Downtown Commission.

- ❖ Downtown Plan Participation

Next Steps:

- The Downtown Commission agreed to enhance Commission involvement with the downtown plan, and will consider selecting a Commissioner to be a spokesperson on behalf of the Downtown Commission in regard to the downtown plan.

ELECTRIC BOARD

- ❖ Need to improve communication among Board and stakeholders

Next Steps:

- City staff created a distribution list for the use of the Electric Board and participating stakeholders.

- ❖ Create a flowchart of the decision-making process and how an appeal is made.

Next Steps:

- City staff created an Electric Board appeals process flow chart. The updated flow chart will be shared with the Electric Board in June for review.

EMS ADVISORY BOARD

- ❖ The Board would like to receive a presentation from staff on what data is readily available and how the data is captured, collected and reported to help the Board understand the staff cost of data requests

Next Steps:

- A-TCEMS developed a new fractile response report specific for the EMS Advisory Board. A-TCEMS is developing a new function that will be responsible for creating advanced data collection, research, and reporting. City staff is adding an item to the July agenda which will allow additional board input on future reports.

- ❖ Fractile response time data from ESD's would be especially helpful, using A/TCEMS Department format or some type of standard format if possible

Next Steps:

- The Austin Fire Department is responsible for dispatching most of the ESD first responder agencies. EMS staff will contact them before the next board meeting to be held in June so they can report on the process for developing fractile response time reports for the ESD first responder agencies at the June meeting. Their ability to do so may be affected by agreements between ESD agencies and the Austin Fire Department.

ELECTRIC UTILITY COMMISSION (EUC)

- ❖ Need a more in-depth review of the utility's budget before making a final recommendation to City Council

Next Steps:

- The Commission will revive the practice of a separate, special annual budget meeting prior to taking any action on the proposed budget.
- ❖ Keep citizens well-informed of utility and Commission issues through televised meetings

Next Steps:

- Austin Energy and Channel 6 City staff are reviewing coverage opportunities for future EUC meetings.

ENVIRONMENTAL BOARD

- ❖ Explore lessons learned from Water Treatment Plant #4

Next Steps:

- Dave Anderson, Chair of the Environmental Board and Assistant City Manager, Laura Huffman had two meetings to discuss lessons learned from Water Treatment Plant #4.

- ❖ Need for a tracking mechanism/spreadsheet

Next Steps:

- City staff created a case report and submitted a draft copy to the Environmental Board for review. The spreadsheet will be distributed annually.

HISTORIC LANDMARK COMMISSION

- ❖ Commissioner packets not received in enough time for adequate review

Next Steps:

- City staff will upload all agendas and backup on the City website, and in addition, Commissioner's packets will be sent no later than the Thursday prior to the meeting for review.

- ❖ Sign-in sheet process for public to address Commission is cumbersome

Next Steps:

- City staff has developed a new sign-in sheet system for each case. The sheets are collected at the end of the sign-in process and provided to the Chair to conduct the meeting.

HIV PLANNING COUNCIL

- ❖ Need regular monitoring and evaluation on progress of goals and objectives in Comprehensive Plan

Next Steps:

- City staff will monitor routine progress on / and deliverables of the Comprehensive Plan every six months beginning in June 2007.

- ❖ Establish periodic data training sessions

Next Steps:

- City staff will establish periodic technical assistance data training sessions throughout the grant cycle from March 2007 through February 2008.

RESOURCE MANAGEMENT COMMISSION (RMC)

- ❖ Need new Commission Member Orientation and Robert's Rules of Order as part of the orientation

Next Steps:

- Commission members will develop an Orientation in June 2007 for new Commissioners
- ❖ Attend monthly Green Building Seminars and have Austin Energy do a presentation on the Green Energy Code 101

Next Steps:

- City staff conducted the Green Energy Code 101 presentation and are sending notices of Green Building Seminars to RMC members on an ongoing basis

SOLID WASTE ADVISORY COMMISSION (SWAC)

- ❖ Bring Keep Austin Beautiful (KAB) staff to SWAC meetings

Next Steps:

- SWAC Chairperson and City Staff Liaison will invite KAB staff to meetings in Fall 2007 to discuss budget
- ❖ Need more open communication between Commission and staff

Next Steps:

- Solid Waste Services designated a staff liaison to serve as a single point of contact with SWAC and provide information

URBAN FORESTRY BOARD (UFB)

- ❖ Commission identified the need for a meeting to discuss future direction of UFB efforts

Next Steps:

- In an upcoming meeting, the Board will discuss future direction/efforts including the establishment of an annual retreat and refresher training on Robert's Rules of Order and Open Meetings.
- ❖ Complete the Urban Forestry Management Plan

Next Steps:

- City staff and the Urban Forestry Board will complete the Urban Forestry Management Plan within six months.

URBAN TRANSPORTATION COMMISSION (UTC)

- ❖ Request for information and training

Next Steps:

- City staff will provide Commission information on warrants for increased effectiveness. Staff will also provide the Commission with informational seminars from staff regarding New Urbanism, Traffic Signals, and Bike & Pedestrian Program by summer 2007.
- ❖ Develop a method for distribution of recommendations

Next Steps:

- City staff will provide a monthly memo along with recommendations to the Commission, Mayor and Council, City Manager and select City staff, and Council Aides.

WATER AND WASTEWATER COMMISSION

- ❖ Information and training needed to function at the Commission's best and ensure all new Commissioners receive an orientation

Next Steps:

- The Commissioners agreed to schedule ethics training by the City's Ethics Officer each September.
- ❖ Revisit goals set at the retreat

Next Steps:

- The Commission agreed to revisit all goals established at the retreat in August 2007.

ZONING AND PLATTING COMMISSION

- ❖ Improvements to exhibits in the packets – size and clarity

Next Steps:

- City staff is submitting better quality color maps for increased clarity.
- ❖ Need department organizational charts for Neighborhood Planning and Zoning Department & Watershed Protection and Development Review

Next Steps:

- City staff provided the Commission with both departmental organizational charts.

MECHANICAL, PLUMBING AND SOLAR BOARD

- ❖ Need a refresher on Robert's Rules of Order

Next Steps:

- City staff will e-mail the Board and additional staff a link to Robert's Rules of Order for their review.

- ❖ New member orientation needed

Next Steps:

- Staff will be responsible for the coordination of New Member Orientation as needed and will present a presentation on the Open Meetings Act at the next available meeting.

AUSTIN MUSIC COMMISSION (AMC)

- ❖ Need to define the AMC message, and determine who and how to send it out.

Next Steps:

- The Commission is still evaluating the AMC purpose statement. No changes have been finalized. City staff is also helping develop press releases and other marketing related materials to support the Commission.

- ❖ Promotion of Austin music and Austin musicians

Next Steps:

- City staff is helping to promote cultural diversity by supporting African-American Quality of Life initiatives, Latin Music Month and other activities/events.

PARKS AND RECREATION BOARD

- ❖ Request for increased legal representation at meetings

Next Steps:

- A legal representative will be available at Parks and Recreation Board meetings on an as needed basis.

- ❖ Email board agenda as early as possible

Next Steps:

- City staff will streamline the distribution of meeting agendas.

PLANNING COMMISSION

- ❖ Commissioners requested a list of upcoming cases at least two weeks in advance.

Next Steps:

- City staff will send Commissioners a comprehensive list of cases that have been sent a mailed notice (though some cases may be pulled or postponed) to gain familiarity with the case in the event a citizen calls in.

- ❖ Opportunities for ongoing training and education sessions

Next Steps:

- The Planning Commission decided to meet on the 5th Tuesday of May for further education and training. Future meetings on the 5th Tuesday of the month will be utilized as needed.

LIBRARY COMMISSION

- ❖ Improvements on Communication System

Next Steps:

- City staff is currently researching options for creating a central posting point for minutes. The issue will be discussed further at the next meeting in late May.
- ❖ Host public forums and provide opportunities for discussion around design of Central Library

Next Steps:

- Once an architect for the new Central Library is assigned to this project, the Commission members will participate in public involvement process.

MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES

- ❖ Better communication with Mayor/CMO Offices through routinely scheduled annual or quarterly meetings

Next Steps:

- Committee Chair will schedule annual meetings with the Mayor and City Manager; Commission members will meet individually with Council members to introduce Committee Goals and address disability issues.
- ❖ Need training on the City's budget process

Next Steps:

- On an ongoing basis Committee members continue to improve communication with City departments during the business planning and budget process related to services and needs for citizens with disabilities; Committee members will invite department representatives to make regular presentations on disability program issues

MBE/WBE AND SMALL BUSINESS ENTERPRISE ADVISORY COMMITTEE

- ❖ Need to recruit new members

Next Steps:

- The Committee will be requesting assistance from the MBE/WBE and Small Business Council Subcommittee on recruitment issues.
- ❖ Need to receive updates on recommendations and resolutions that have been recommended to the MBE/WBE and Small Business Council Subcommittee

Next Steps:

- City staff developed a tracking sheet of the resolutions that were passed. Staff is in the process of scheduling briefings for the Council Subcommittee on each resolution. The Council Subcommittee will then decide if action on a resolution is warranted and if the item should be sent to the full Council.

THIS SECTION DOES NOT GET POSTED

Request Date	Request	Requester	Staff	Agency	Status
6/7/06	Briefing on Zoning Cases and Impervious Cover	Phil Moncada	Jerry Rusthoven	NPZD	pending
4/5/07	Legislation Activity and Impacts on WPDR	John Dupnik	Staff	WPDR	9/19/07
7/5/07	West 71 Office Park PUD	Dave Anderson	Robert Heil	NPZD	7/18/07
6/6/07	Air Quality	Dave Anderson	Fred Blood	AE	7/18/07
1/24/07	The Village of Western Oaks – Wet Ponds and Deeding	Julie Jenkins	Staff	WPDR	pending
5/2/07	Q4 Environmental Commissioning WTP#4	Dave Anderson	Charles Lesniak	WPDR	10/3/07
5/2/07	Q1 Environmental Commissioning WTP#4	Dave Anderson	Charles Lesniak	WPDR	1/16/08
5/2/07	Q3 Environmental Commissioning WTP#4	Dave Anderson	Charles Lesniak	WPDR	8/1/07



WATER TREATMENT PLANT 4 PROJECT

Status Report

May 2007

This report summarizes key issues and activities recently completed for the Water Treatment Plant 4 (WTP 4) Project Environmental Commissioning and presents upcoming tasks to be completed.

This Month's Highlights

The following list highlights WTP4 Environmental Commissioning (EC) activities for this month. Note: Technical Memoranda are short technical reports produced by the design consultants on a variety of technical issues.

Activity or Issue	Status
Depth of excavation – Below grade structures have the potential to cut off or modify groundwater flow.	WPDRD staff and plant design consultants are evaluating boring logs and dye tracing data to try to determine impact potential. Analysis is underway to determine optimum depth to minimize impacts to groundwater hydrological profile and maintain needed gradient through the water treatment system.
Permanent and/or temporary stormwater controls are required to prevent sediment discharge during construction and provide best management approach during operation.	Design work continues with WPDRD Review and Water Quality Engineering staff collaborating with design consultants. A "treatment train" approach utilizing several traditional treatment methods is being developed. A briefing on the design will be provided to the Board in the near future.
Selection of Environmental Commissioning (EC) agent.	Statements of Qualification were evaluated in May, short listed firms were interviewed and a firm was selected for recommendation to Council. That recommendation will be placed on a June Council agenda for authorization to commence contract negotiation.
Evaluation of Lime Residuals Technical Memorandum (draft).	WPDRD staff met with Carollo staff to discuss comments on draft TM. Final TM is pending.
Upflow Clarifiers Environmental Checklist review.	WPDRD staff met with Carollo staff to discuss WPDRD comments.
Toxicological impact threshold analysis.	RMT was given approval to begin work on toxicological impact thresholds for the species of concern (Jollyville Plateau salamander, Tooth Cave beetle, Golden Cheeked Warbler, and Black Capped Vireo) in mid-May. This is an interim measure to provide needed impacts analysis until

	the EC agent is under contract.
WTP4 project cost estimates.	Staff is working with design engineers to update cost estimates to include engineering and environmental information developed since summer 2006. New estimates will be ready in June 2007.

Schedule

- No changes have been made to the overall project schedule. The project is currently in preliminary design. This phase is scheduled to be completed in December 2007.
- The EC consultant recommendation is scheduled to go to Council June 7, 2007; with a backup date of June 21, 2007. Assuming Council approves the recommendation on that date, the consultant should be able to begin work by mid-July, possibly sooner.
- An Environmental Board briefing will be held on July 11, 2007 on the permanent stormwater controls currently being reviewed by WPDRD. The briefing will focus on the control methods and how the system will function.
- A Conditional Use Permit is required for the stormwater controls site plan application due to the size of the area of disturbance on property zoned Public and a public hearing at ZAP is required for that permit and tentatively scheduled for July 17, 2007.

Environmental Commissioning

Surface Water Monitoring

- Four sediment sampling reaches were benchmarked and habitat data was collected at three primary biological study reaches. In addition, sediment was collected for the full chemical analysis suite and submitted to LCRA laboratory. Sediment samples were also collected for mineralogy analyses, and are preserved for future analysis when the appropriate techniques and staff are identified.

Jollyville Plateau Salamander Monitoring

- Marked 139 and recaptured 92 salamanders at the three Bull Creek mark-recapture sites, with recapture rates as high as 70% on the third day of the mark-recapture surveys (May 14-16). The third day (May 16) was preceded by heavy rains the night before, which resulted in lower salamander numbers. Because of the high flows, surface counts were not conducted on May 17. At the control site on the LCRA Wheless tract, 206 salamanders were marked and 201 were recaptured during the May 21-23 sampling days, with daily recapture rates ranging between 40-60%. City staff also conducted habitat assessments (pebble counts) at three Bull Creek sites on May 24 but were discontinued due to heavy rains. The remaining habitat assessments will be conducted in June.

Stormwater Monitoring

- Two monitoring stations were operational during April. Rainfall during May was 7.72 and 8.00 inches at the downstream and upstream stations respectively. There were three significant runoff events during the month; May 2-3, May 16 and May 28. Samples were collected at both sites on the May 2-3 and the May 16 events. Samples were not collected on the 28th due to the Memorial Day Holiday by prior agreement with the laboratory.

Groundwater Monitoring

- Completed second phase dye injections in 3 bore holes and the existing windmill well. Monitoring will continue at least into July depending on results. Reviewed down hole videos of shallow geotechnical boring and significant karst voids (1-2 ft.) are present in most holes. Developed initial recommendations for artificial recharge to mitigate groundwater impacts from plant construction and operation.

Balcones Canyonlands Preserve (BCP)

- BCP staff began annual monitoring for golden-cheeked warblers, black capped vireos and other bird species in March 2007. They are intensively monitoring the plant site area and adjacent preserve land. Field work concludes in mid-June. Preliminary data will be available to WTP4 project staff in August or September. Final monitoring results for all BCP lands will be published in the Balcones

Canyonlands Preserves annual report in January 2008. Additionally, BCP staff is developing habitat restoration plans for WTP4 land that is not included in the plant site itself. These restoration plans include riparian forest enhancement and conversion of grassland meadow areas to woodland communities that will eventually be suitable golden-cheeked warbler habitat. Initial restoration activities are expected to begin in late 2007. While habitat loss in the immediate plant site area is already permitted and mitigated under the BCP joint federal permit, these efforts are intended to further minimize impacts to protected species from plant construction and operations.

EC Consultant

- EC Agent not yet under contract so no activities to date. Agent is expected to begin work in July 2007.
- RMT, Inc. was hired from the City's environmental services rotation list to provide biological impacts analysis until the EC agent is under contract. RMT has begun analysis on the toxicological impacts of chlorine, ammonia, ferric sulfate, and lime.

EC Review Activities

- See table in highlights section above.

Upcoming Activities

- A final draft of the lime softening Technical Memorandum will be reviewed upon completion.
- Twenty seven Technical Memoranda on various plant aspects are scheduled to be developed during the Preliminary Design phase in December 2007. Twenty two of the twenty seven are expected to require some level of Environmental Commissioning input and review. To date 2 of the 27 have been submitted to WPDRD for review.
- Continue work on establishing stage/discharge relationships for the stormwater monitoring program.
- RMT to continue work on toxicological analysis.

Engineering

Recent Activities

- All geotechnical field work has been completed.
- WTP layouts are being revised at the Bull Creek site.
- Conservation site Plan meeting held on April 17th
- Draft Technical Memorandums on Lime Residuals and Chlorine Feed Systems have been submitted to management for review
- Submitted Storm Water Facilities on Bull Creek Site for Site Development Permit.

Upcoming Activities

- Preliminary engineering work continuing
- Continue to work with Site Development Plan Reviewers on proposed plans to begin construction of the Storm water facilities in October 2007.
- Preliminary concepts are being developed for the administration building, and potential LEED credits

Communications

Recent Activities

- Presented project update to the Westlake Hilltop HOA upon request by neighborhood
- Updated WTP 4 website to include all the April 23 Open House materials
- Provided responses to questions submitted on comment cards by Open House attendees

Upcoming Activities

- The fourth newsletter, "News to Neighbors", is in review by AWU and will be distributed by mail to Environmental Board members, Water and Wastewater Commission members and other stakeholders by the end of the month.
- Presentation to Lakeway Men's Breakfast Club at Lakeway Activity Center scheduled on Wednesday June 27 at 7:30AM.

File Rec'd
handout

7/11/07

Chuck
Lesurf

Water Treatment Plant No. 4

Contract No. 1 – Stormwater Facilities

July 11, 2007

WTP4 Permanent Stormwater Facilities

- Innovative combination of multiple treatment methodologies into a "treatment train".
- Significantly exceed minimum regulatory requirements.
- Meets or exceeds Barton Springs Zone non-degradation standard.
- Preserves recharge of significant stormwater volumes (2-year storm).
- Minimizes site disturbance and excavation depth.

Background

- 240 acre site in the Bull Creek headwaters.
 - 138 acres have been dedicated to the BCP.
 - A 300-mgd Water Treatment Plant to be built on the remaining 102 acres.
- Phase I (50 mgd) to be completed and operational by 2013:
 - Stormwater facilities
 - Raw water supply facilities
 - Treatment plant facilities
 - Finished water distribution facilities

Background (cont.)

- Stormwater facilities to be built prior to plant construction to treat construction runoff.
- In the WTP4 area applicable regulations require;
 - Sites > 20% impervious cover must have sedimentation/filtration water quality controls per 25-8-213.
 - For sites < 20% impervious cover, no water quality controls are required.
 - Any increase in impervious cover requires detention.
 - 40% impervious cover allowed
 - 18% impervious cover allowed in WQ Transition Zone

City of Austin Goals

- Meet Barton Springs Zone non-degradation standards for water quality treatment.
- Balance water quality treatment and stormwater capture needs with maintenance of surface water and groundwater hydrology.
- Maintain & protect ecological integrity and aquatic habitat.
- Minimize site disturbance.
- Have permanent controls in place to capture and treat plant construction runoff.

Design Basis

- *Mitigation, Best Management Practices, Monitoring and Environmental Commissioning Report (October 2005).*
- City of Austin documents:
 - Land Development Code (LDC)
 - Environmental Criteria Manual (ECM)
 - Drainage Criteria Manual (DCM)
- Technical expertise provided by design consultants with input from WPDRD staff.

Proposed Facilities

Three drainage areas, each with a "treatment train".

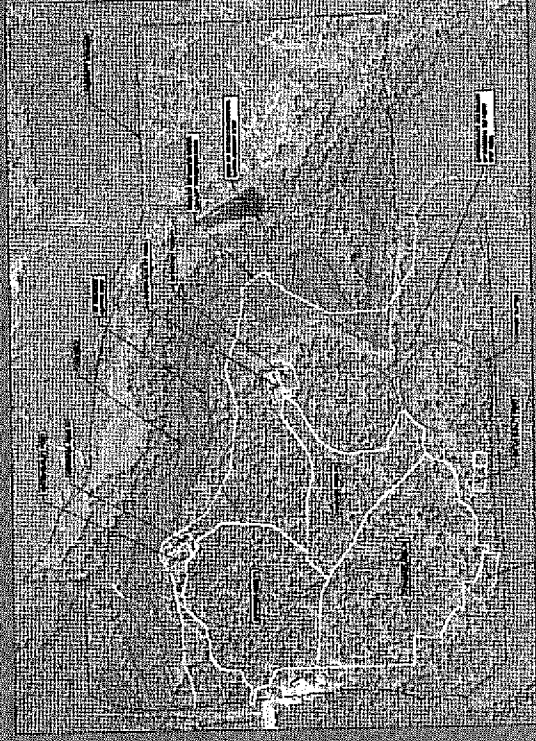
Water Quality (SOS type, 2-year storm volume)

- Sedimentation/retention ponds.
- Followed by filtration pond.
- Followed by irrigation.

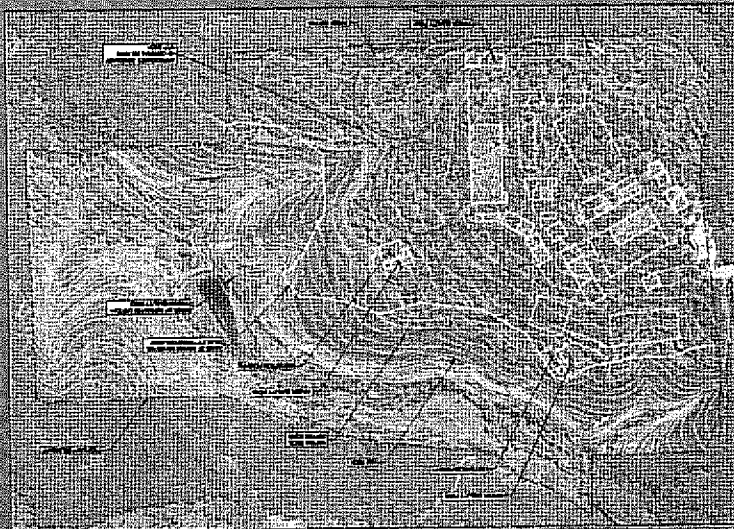
Detention

- Detention ponds for volumes > 2-year storm.

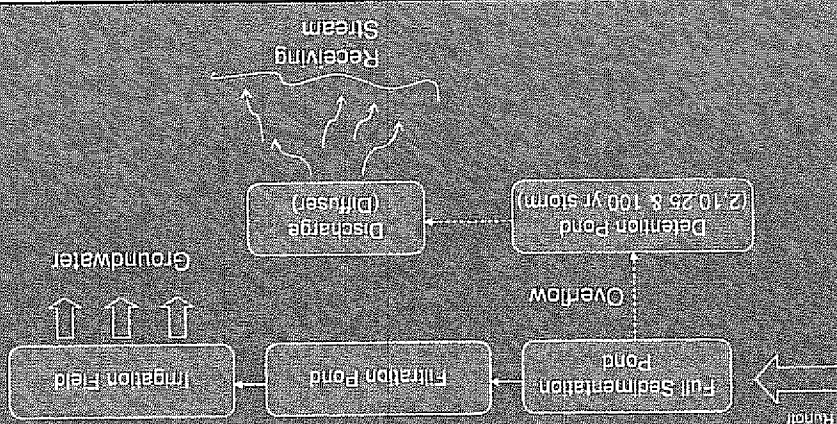
Proposed Facilities



Proposed Facilities



Proposed Stormwater Management Facilities



Stormwater Conveyance

- Development area will be graded to capture all runoff from construction and development areas.
- Stormwater conveyed via combined road/swale system to limit disturbed area.

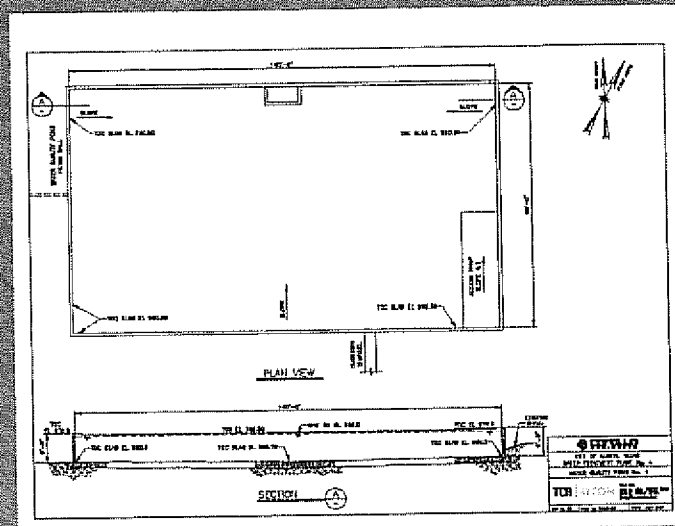
Water Quality

- Full sedimentation/filtration to capture 2-year WQV and discharge over 72 hours.
- Irrigation area sized to meet SCS pollutant removal standards.
- Area adjusted for site soil depths < 12".
- Ponds located to provide for expansion to handle increased run-off from future WTP4 expansions.

Stormwater Detention

- Detention pond sized to capture the 2-100 year storms.
- Outlet sized to release storm flow at 20% reduced peak flow rate vs. pre-development rate.
- Diffuse discharge using a level spreader berm to minimize discharge flow velocity to prevent erosion.

Detention Pond



Meeting the Goals

- Water quality treatment meets non-degradation goal and exceeds site minimum requirements.
- Irrigation and diffused discharge maintain existing hydrologic regimes to extent possible.
- 300' buffers around CEFs are left undisturbed.
- Vertical wall pond construction to minimize excavation for ponds.
- Pond location chosen to minimize excavation.

Meeting the Goals (cont.)

- Road/swale construction to match existing contours to minimize cut/fill.
- Facility location optimized to minimize disturbance and tree removal.
- Tree removal minimized by placement of irrigation and swale systems around existing trees to extent possible.
- Tree mitigation funds may be directed to the BCCP Bull Creek Habitat Restoration project.
- Dedicated on-site Environmental Inspector.

Next Steps

- Complete permit approval process for stormwater facilities.
- ZAP hearing for Conditional Use Permit July 17:
 - Disturbed area is more than 1 acre.
 - Property is zoned P with a conditional overlay.
- Construction project scheduled for bid advertising in July 2007.
- Site clearing for stormwater controls to occur before next bird nesting season begins in March 2008.