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**COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2011-0327C **PLANNING COMMISSION:** 07/10/12
WATERFRONT BOARD: 06/11/12

PROJECT NAME: Boardwalk Trail at Lady Bird Lake

ADDRESS: 1820 S. Lakeshore Blvd.

AREA: 7,000 feet of trail/boardwalk (approximately 7.3 acres for the limits of construction all within easements, COA property, or ROW)

EXISTING ZONING: P-NP, Public

NEIGHBORHOOD PLANNING AREAS: South River City and Riverside

PROPOSED USE: Public, Parks and Recreation Services

APPLICANT: City of Austin – Public Works (David Taylor)
P.O. Box 1088
Austin, TX 78767 (512) 974-7132

AGENT: Eclipse Environmental & Engineering, Inc. (Bill McCurley)
8705 Shoal Creek Blvd., Ste. 200
Austin, TX 78757 (512) 323-6350

ENGINEER: Jacobs Engineering Group, Inc. (Adam Koransky)
2705 Bee Caves Road, Ste. 300
Austin, TX 78746 (512) 314-3100

CASE MANAGER: Sue Welch Telephone: 974-3294
Sue.Welch@austintexas.gov

EXISTING ZONING: P-NP (Public) Because it is zoned "P"-Public and is greater than one acre in size, a Conditional Use Permit is required, according to the Land Development Code section 25-2-625.

PROPOSED DEVELOPMENT/REQUEST: The proposed Capital Improvement Project consists of approximately 7000 feet of hike and bike trail and associated amenities. The project passes through many separate properties consisting of private land (with easements) and City-owned property, including the river bed and right-of-way. The plan includes construction of one restroom and multiple shade structures. The applicant is requesting the following: Approval of a Conditional Use Permit for hike/bike trail improvements on property zoned P-Public and greater than one acre.

In accordance with the Land Development Code, § 25-2-721, (A) (3) & (4): The Land Use Commission shall request a recommendation from the Waterfront Planning Advisory Board and the Environmental Board before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board.

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SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit with a condition. The condition that prior to the City issuing a letter of final acceptance of the project, a memorandum of understanding regarding: debris management responsibility; and trail and infrastructure maintenance shall be mutually agreed upon by Public Works Department, Parks and Recreation Department, and Watershed Protection Department. The site plan will comply with all requirements of the Land Development Code prior to its release.

DESIGN COMMISSION ACTION:

12/19/11: The Design Commission received a presentation and voted 5-0 to support the project as submitted with Alternative Equivalent Compliance for Building Placement and Building Design.

PARKS BOARD ACTION:

05/22/12: Parks Board recommended approval of the Shoreline Modification by consent (7-0)

05/14/12 Navigation Committee - approved

12/06/11: Voted to approve the design of the Boardwalk at Lady Bird Lake.

The Parks Board approved a request for grading and modifications to the shoreline area in order to construct the abutments for the boardwalk to come onshore and to level the trail. The limits of construction are approximately 305,600 square feet. Parks Board approval was required in order to place fill in Lady Bird Lake, as per 25-8-652, but the ultimate decision regarding modification of the shoreline, LDC 25-8-651, falls under the purview of the City Council.

ENVIRONMENTAL BOARD ACTION:

06/06/2012: Recommended approval of the shoreline modification and floodplain variances (5-0) (2009) Joint presentation to Parks Board and Environmental sub-committee

WATERFRONT PLANNING ADVISORY BOARD:

06/11/2012: Recommended approval of the site plan with concerns that the Boardwalk's design has no connectivity to future redevelopment; therefore it takes away negotiating power to require that redevelopment provide green space and a trail along Lady Bird Lake along its path. Also, that the wishes of a few residents in that area, who probably won't be there in 10-20 years, pushed the Boardwalk 50-70 feet away from the shore, further isolating the trail is problematic. (4-0)

11/14/2011: Briefing/presentation.

CITY COUNCIL:

06/28/12: City Council approved a resolution authorizing the relocation of portions of the Lady Bird Lake shoreline between Tom Miller Dam and Longhorn Dam in order to complete abutments and level trails for the Boardwalk Trail at Lady Bird Lake project (SPC-2011-0327C) per 25-8-651/652. Also per 25-7, Council approved floodplain variances with the conditions. The applicant is complying with all conditions of the variances.

PROJECT INFORMATION: 7,000 feet of trail/boardwalk **ZONING:** P, Public

PROPOSED USE: Parks and Recreational Services

LIMITS OF CONSTRUCTION: 10.24 Acres

PROPOSED BLDG. CVR: 425 sf (.29 FAR)

EXISTING PARKING: 200 on street (Lakeshore) **PROPOSED PARKING:** 2

WATERFRONT OVERLAY

PRIMARY SETBACK: Impervious Cover allowed: 15% Proposed: 0%

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<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Lakeshore Blvd.	120'	35'	Collector

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting approval of a Conditional Use Permit for the Boardwalk Trail. Because it is zoned "P"-Public, and is greater than one acre in size, a Conditional Use Permit is required, according to the Land Development Code section 25-2-625. The proposed 7000 foot trail consists of a 14' wide boardwalk, and a connector trail will be 8' wide. The project includes signage, restroom facility, shade shelters, landscaping and other associated improvements.

The applicant received approval from City Council under section 25-8-651 (Relocation of the Shoreline between Tom Miller Dam and Longhorn Dam) of the Land Development Code, in order to complete nine abutments and level trails in eight areas for the Boardwalk Trail at Lady Bird Lake project. City Council approval is required to modify the shoreline and relocate existing earth material in the Lady Bird Lake floodplain. The proposed relocations will all be within City property or easements.

The majority of the trail is located on City of Austin park property or lake, and is surrounded by the greenbelt area. The remaining sections of the trail will be located on Texas Department of Transportation (TxDOT) right-of-way (ROW) or within easements acquired for the project. TxDOT has reviewed and approved this use on their property. Reviews and approvals were obtained from multiple agencies and other City of Austin Departments and City Boards/Commissions. These included the Bicycle Advisory Committee (10/15/09 – Briefing; traffic control concerns), Art in Public Places (9/13/10 - Panel Briefing; Artist contract approved by Council 3/22/12), Urban Transportation Commission (12/13/2011 – Briefing, no action taken, some questions regarding safety), and the Mayor's Committee for People with Disabilities.

Transportation: The trail was designed to meet the American Association of State Highway and Transportation Officials (AASHTO) mixed use guidelines. It was also designed to meet Texas Accessibility Guidelines. The bicycle coordinator with Public Works has reviewed and approved this project. Right-of-Way Management has also approved the plans. The plan has been also reviewed and approved by Texas Department of Transportation. Parking will be available along S. Lakeshore Boulevard. Two new handicap spaces will be constructed. All transportation comments are cleared.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone and is located in the Desired Development Zone. The site drains to Lady Bird Lake watershed (which is classified as Urban). The proposed alignment was walked numerous times by staff from City of Austin Public Works, Parks and Recreation Department and Planning & Development Review to determine the best route to avoid significant trees, riparian areas, and critical environmental features. There will be nine bridge abutments. The development around Critical Environmental Features (CEFs) along the trail layout have been reviewed and approved by the Environmental Resource Management staff.

NEIGHBORHOOD ORGANIZATIONS:

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhood Council
- City of Austin Downtown Commission
- Cristo Rey Neighborhood Association

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Crossing Garden Home Association
Del Valle Community Coalition
Downtown Austin Neighborhood Association
Downtown Austin Neighborhood Coalition
East Cesar Chavez Neighborhood Association
East Cesar Chavez Neighborhood Plan Team
East Riverside/Oltorf Neighborhood Plan Team
El Concilio Coalition of Mexican American Neigh. Assn.
East Town Lake Citizens Neighborhood Association
Greater East Austin Neighborhood Association
Greater South River City Combined Neighborhood Team
Guadalupe Neighborhood Association
Holly Neighborhood Coalition
Homeless Neighborhood Association
Home Builders Association of Greater Austin
League of Bicycling Voters
PODER
Real Estate Council of Austin
Riverwalk Condo Association
Save Town Lake Organization
Sierra Club, Austin Regional Group
South Central Coalition
South River City Citizens
Southeast Austin Neighborhood Alliance
Super Duper Neighborhood Objectors and Appeals Organization
United East Austin Coalition
Waterfront Condos HOA
Waterfront Planning Advisory Board

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states:

A. "The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A Conditional Use Site Plan must:

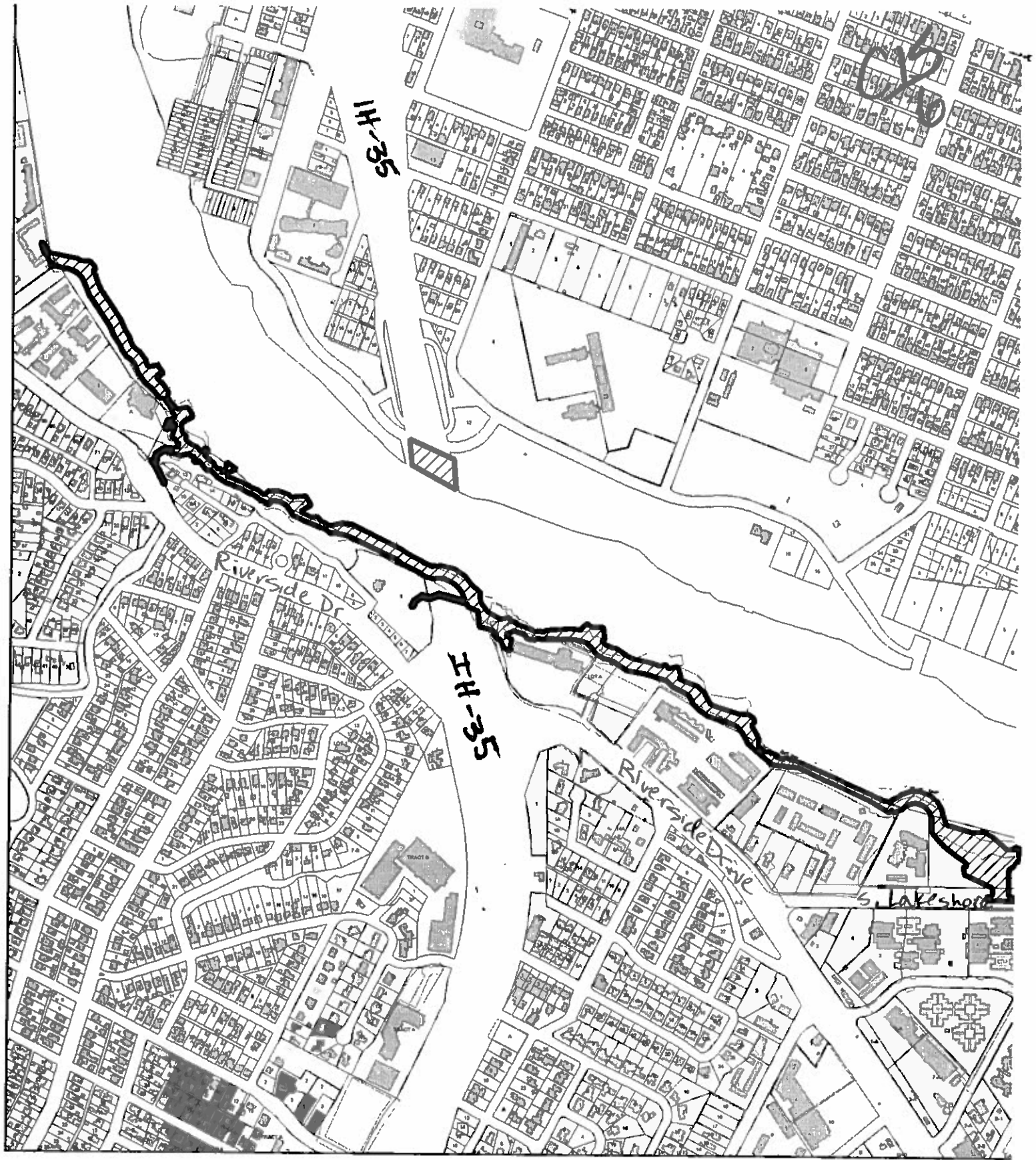
1. **Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
2. **Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district. Public (P) district is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located.

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3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: This application is compatible with the abutting sites in all of these cases.
 4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: Approximately 200+ parking spaces will be available along S. Lakeshore Boulevard. Two new handicap spaces will be constructed.
 5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of these adverse effects. There is minimal adverse flooding on other properties.
 6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: Not in the East Austin Overlay district, but Riverside and South River City plans. It meets to goals for additional park amenities.
- C. A Conditional Use Site Plan May Not:**
1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform to all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
 2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The site plan is not anticipated to have any detriment of safety or convenience. The site plan does not adversely affect the safety and convenience or vehicular and pedestrian circulation.
 3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control. Compatibility notes are required on the plans to regulate lighting to shield the adjacent property from adverse effects.
- D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.**

Section 25-5-146 (Conditions of Approval) states:

- (A) To make a determination required for approval under Section 25-5-145 (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:
- (1) a special yard, open space, buffer, fence, wall, or screen;
 - (2) landscaping or erosion;
 - (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
 - (4) signs;
 - (5) characteristics of operation, including hours;
 - (6) a development schedule; or
 - (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



SITE PLAN



SUBJECT TRACT

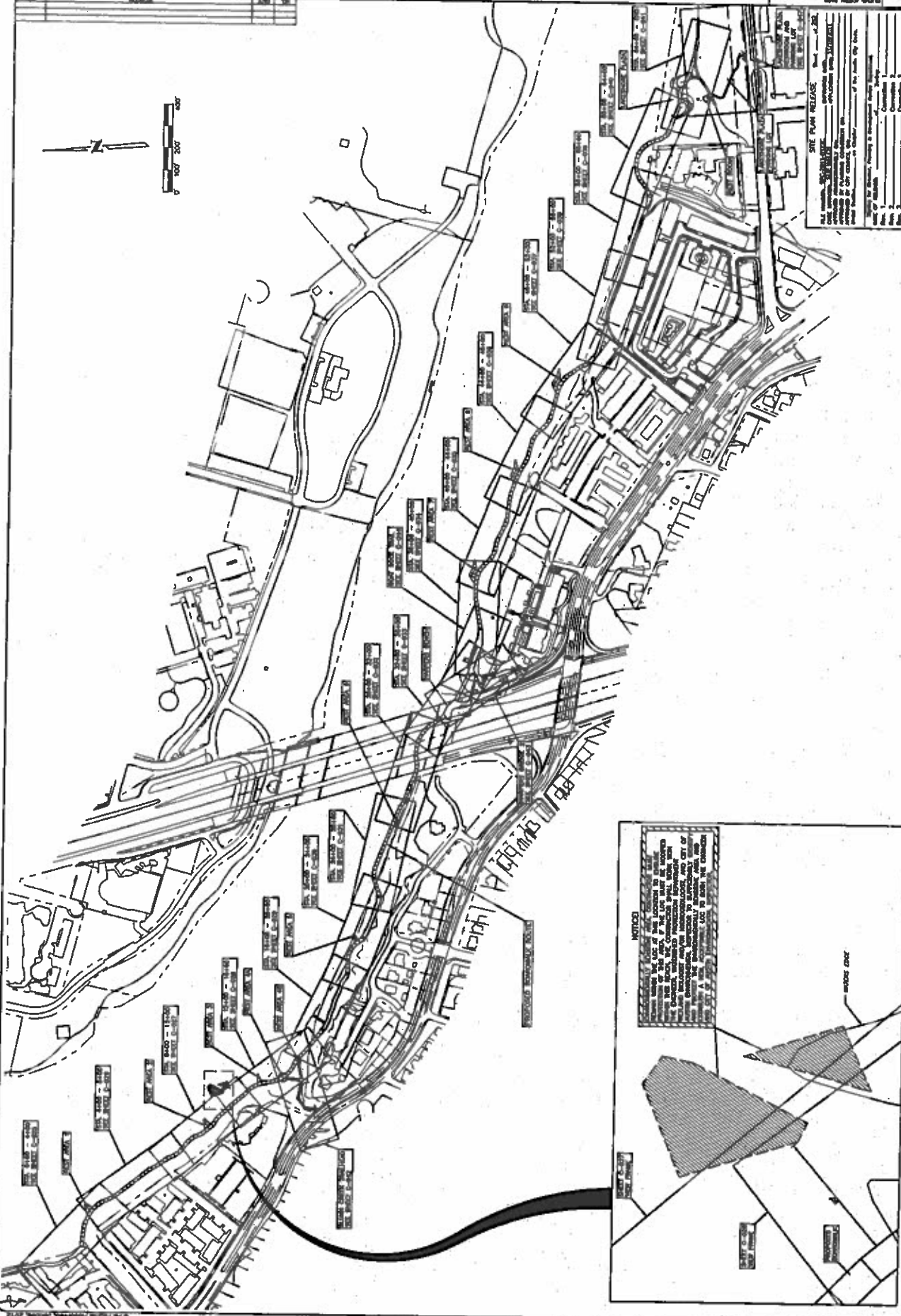


ZONING BOUNDARY

CASE#: SPC-2011-0327C
ADDRESS: 1820 S. Lakeshore
GRID:
MANAGER: Sue Welch

OPERATOR:

This map has been produced by site plan review for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.



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ENVIRONMENTAL BOARD MOTION 060612-5b

Date: June 6, 2012

Subject: Boardwalk Trail at Lady Bird Lake SPC-2011-0327C

Motioned By: James Schissler

Seconded By: Bob Anderson

The Environmental Board recommended approval of the floodplain variance and shore line modifications for the Boardwalk project.

RATIONALE

The variances will allow the construction of the Boardwalk as an amenity that all Austenite's will have the opportunity to enjoy.

Vote 5-0-0-2

For: Anderson, Gary, Maxwell, Schissler and Walker

Against:

Abstain:

Absent: Perales and Neely

Approved By:

Dr. Mary Gay Maxwell, Chair

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Boardwalk Trail at Lady Bird Lake
Frequently Asked Questions - Environmental

1. Isn't this project in the floodplain? Are you allowed to build in the floodplain?

Yes, this project is located in the 100-year floodplain. While most development is prohibited and/or restricted in these areas, City of Austin regulations allow for Parkland improvements (such as hike and bike trails) within floodplains of the Lady Bird Lake watershed.

2. Will the Boardwalk bridges cause more flooding at the creek outlets (East Bouldin, Blunn, Harper's and the unnamed drainage west of 1818 Lakeshore)?

No, the Boardwalk Trail is being designed so that there will be minimal impact to the floodplain footprint and elevations. The elevation of the boardwalk over these tributaries may be slightly higher to ensure that storm water flow will not be restricted from entering Lady Bird Lake.

3. Won't the Boardwalk piers and handrail catch debris and impact flooding?

The Boardwalk Trail, including the piers and railing, is being designed to withstand significant flood events. The piers for the elevated portions of the trail have been designed to deflect flood debris and are typically spaced 20' apart to minimize the opportunity for flood debris to become trapped. The handrails will be made of galvanized steel arranged horizontally and designed to survive water forces from the larger flood events required to reach this elevation. Handrail sections are designed to be easily replaced if damaged.

4. Is an Environmental study required for this project?

Yes, multiple environmental studies have been completed for the Boardwalk Trail project. These include a hydrogeologic setting review, a threatened and endangered species and general wildlife habitat survey, cultural and historical reviews, vegetation assessments, various tree surveys, a Critical Environmental Features survey, an Ordinary High Water Mark survey and wetlands delineations. These studies are required as part of the various permitting processes.

5. Numerous fish and wildlife live along the edge of the lake; won't the Boardwalk Trail affect this sensitive river bank environment?

The preliminary alignment of the Boardwalk Trail has been adjusted to minimize the impacts along the river bank (riparian) zone. The shoreline that will be impacted is limited to the land-to-water transition points. An environmental protection and restoration plan is part of the permit.

6. Will this project disturb the waterfowl in the lake?

Disturbance to waterfowl should be temporary and limited to the construction phase of the Boardwalk Trail. Surveys for nests will be conducted prior to construction to avoid interference with waterfowl nesting cycles. In the open water, boardwalk construction will be moderately paced and birds will have ample opportunity to seek refuge or alternative feeding locations.

7. Will you be removing trees or plants that migrating birds use for nesting?

We don't think so, but surveys for nests will be conducted prior to construction to avoid interference with waterfowl (and other birds) reproductive cycles. If nesting sites must be removed or disturbed, construction schedules will be restricted accordingly. The project will include a tree and ground vegetation restoration plan generated as a collaborative effort among the various review agencies.

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8. Are there any threatened or endangered species affected by the proposed trail?

No; extensive field surveys have been conducted as a part of the design effort. To our knowledge there are no threatened or endangered species nor their suitable preferred habitat, within the project limits.

9. The Blunn Creek outlet includes wetlands; are these areas protected?

Yes, wetlands adjacent to water bodies are Waters of the United States (WOTUS) and protected by Section 404 of the Clean Water Act through the jurisdictional authority of the United States Army Corps of Engineers (USACE). Outside of the Central Business District (CBD) the City of Austin considers wetlands to be Critical Environmental Features (CEF) and has additional municipal regulation in place to protect these features from development.

10. How can you build in wetlands without causing permanent damage?

Generally, construction activities that change the function of a wetland or alter water flow regimes within and around wetlands are prohibited. The Boardwalk Trail will be elevated well above the water and the wetland areas with handrails to discourage foot traffic in these sensitive areas. Extensive protection and special construction efforts will be made so that the general functions of the wetland areas near the Boardwalk Trail will be retained and enhanced. Restorative efforts for wetlands will commence immediately following the boardwalk construction in these areas.

11. Are you cutting down any trees?

Yes, however, the trail is being designed to avoid tree removal as much as practicable in coordination with City Arborist and Urban Forestry staff; no Heritage trees are being removed. Size, species, condition and other criteria were evaluated in the alignment selection process giving preference to those larger, older and more valuable trees. Trees will be replaced according to specifications set by the City's Tree Ordinance, the Parks Department's Urban Forestry Program Manager and the USACE vegetation restoration plan comments.

12. How are the trees in the Woodland Trail segment (below Edgecliff Terrace) going to be protected?

The City of Austin has standard tree-protection procedures and specifications to guard trees and their root systems during construction. In addition, the design and construction specifications have been enhanced for construction in this sensitive area. The trail may change from decomposed granite (DG) surface to an elevated surface at key tree locations to further protect these root zone areas. During construction large wooden mats will be placed as a temporary road surface to distribute the vehicle loads and minimize compaction of the root zone areas.

13. Will there be any landscaping improvements?

Yes, modest planting is planned at bridgeheads and in the Lakeshore Park entry area. Restorative planting are a required part of the Boardwalk Trail plans. Riparian rehabilitation will include vegetative replacement and enhancement to repair and improve the habitat in and along the shoreline of Lady Bird Lake within the project limits. In all cases native or adapted plants, mostly from Austin's Grow Green Plant Guide, will be used.

14. Won't dredging and construction pollute Lady Bird Lake?

No, the current boardwalk design does not call for dredging of Lady Bird Lake. Boardwalk construction over the water will take place from a barge and will be limited to the drilling of shafts and filling forms with concrete to create support piers. Spoils from shaft drilling will be captured and properly disposed or reused in accordance with existing State regulations which also call for

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strict pollution control methods such as silt curtains. The remainder of construction activities over the water will be constructed upon the support piers.

15. What permits are required for this project?

The project will be coordinated with the United States Army Corps of Engineers who is the key permitting authority. Additional coordination efforts include the United States Fish and Wildlife Service, Texas Parks and Wildlife Department, Texas Historical Commission, Texas Department of Transportation, Texas Commission on Environmental Quality, State of Texas General Land Office, and the City of Austin Watershed Protection and Development Review Departments for permits and related clearances.

16. Are there public hearings for the Federal permits?

In all cases the project will require a review (permit) from the United States Army Corps of Engineers. The construction funding is not federally sponsored and a Nationwide Permit will be used that does not require public hearings.

17. Will you need to build water quality and stormwater management facilities?

No, typically these regulated stormwater requirements are triggered by a change in impervious cover that increases run-off within a watershed. Park trails are not considered impervious cover so no significant water quality or detention facilities are required.

18. Are sustainable materials planned for the Boardwalk?

Yes, the recommended materials were chosen based upon their sustainability, construction cost and long term maintainability. Materials that are locally sourced (concrete, local limestone, DG) or have a recycled content (steel, possibly fly ash) make up the bulk of the design. The final selections will reflect considerations of aesthetics, environment and safety.

19. Will there be lights on the Trail? Will they be energy efficient?

Yes, but trail lighting will be limited to areas where it is needed for safety and/or security. Typically the elevated portions of the trail will have low levels of illumination on the trail surface; there will not be "street" lights on poles. Energy efficient LED lights will be used instead incandescent bulbs.

20. What is being done to help with water conservation?

The vegetation used on the project will be native species which have minimal watering requirements. The first two years after project completion will require temporary irrigation along the trail. We are planning on use of temporary water from Lady Bird Lake in lieu of potable water for these efforts.

THE BUTLER TRAIL AT LADY BIRD LAKE



PROJECT SUMMARY

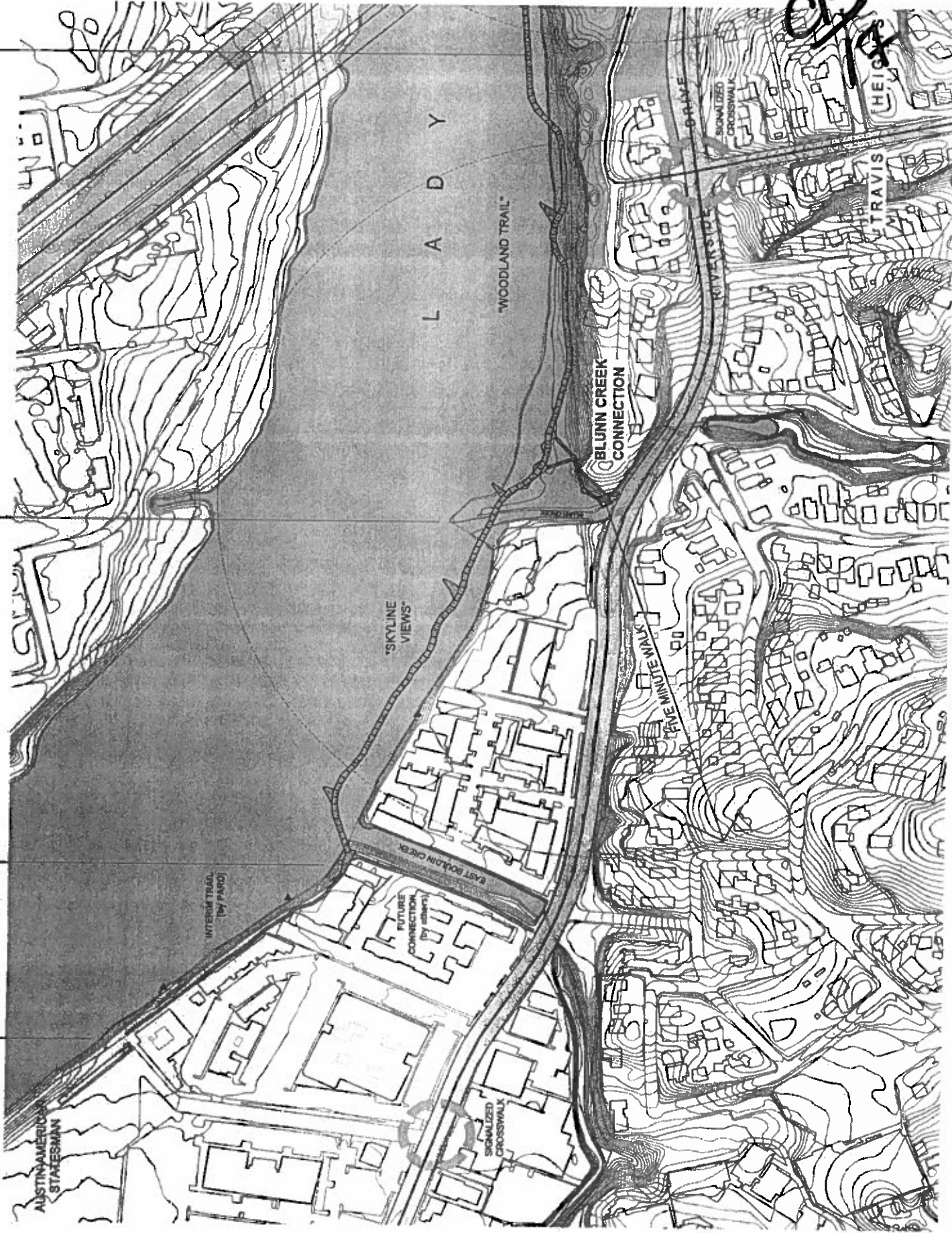
- Objective – Safe, attractive, multi-use trail link
- Timeline
 - City design began 8/08 w/public input
 - Preliminary alignment approved by Council 3/09
 - Construction funding from 2010 Mobility Bond and The Trail Foundation
 - Final permitting currently underway
 - Bid approval expected 6/28/12
 - Construction to begin in 2012; complete 1/2014
- Seeking Recommendation for Approval of Site Plan

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EAST RIVERSIDE
750 ft.

SKYLINE SEGMENT
1,030 ft.

WOODED CORRIDOR
1,370 ft.

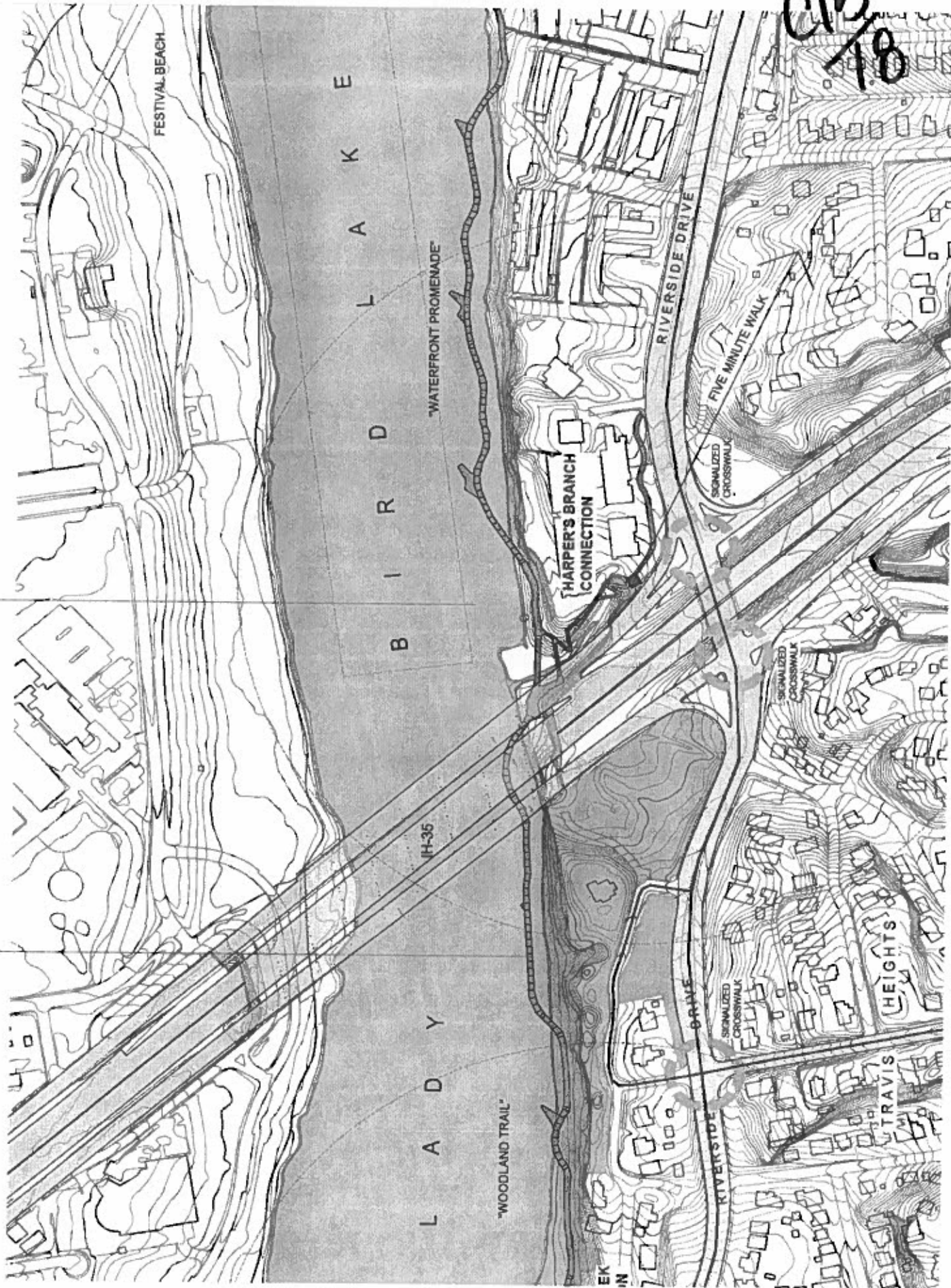


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WOODED CORRIDOR
1,370 ft.

IH-35 SEGMENT
980 ft.

WATERFRONT PROMENADE
1,650 ft.



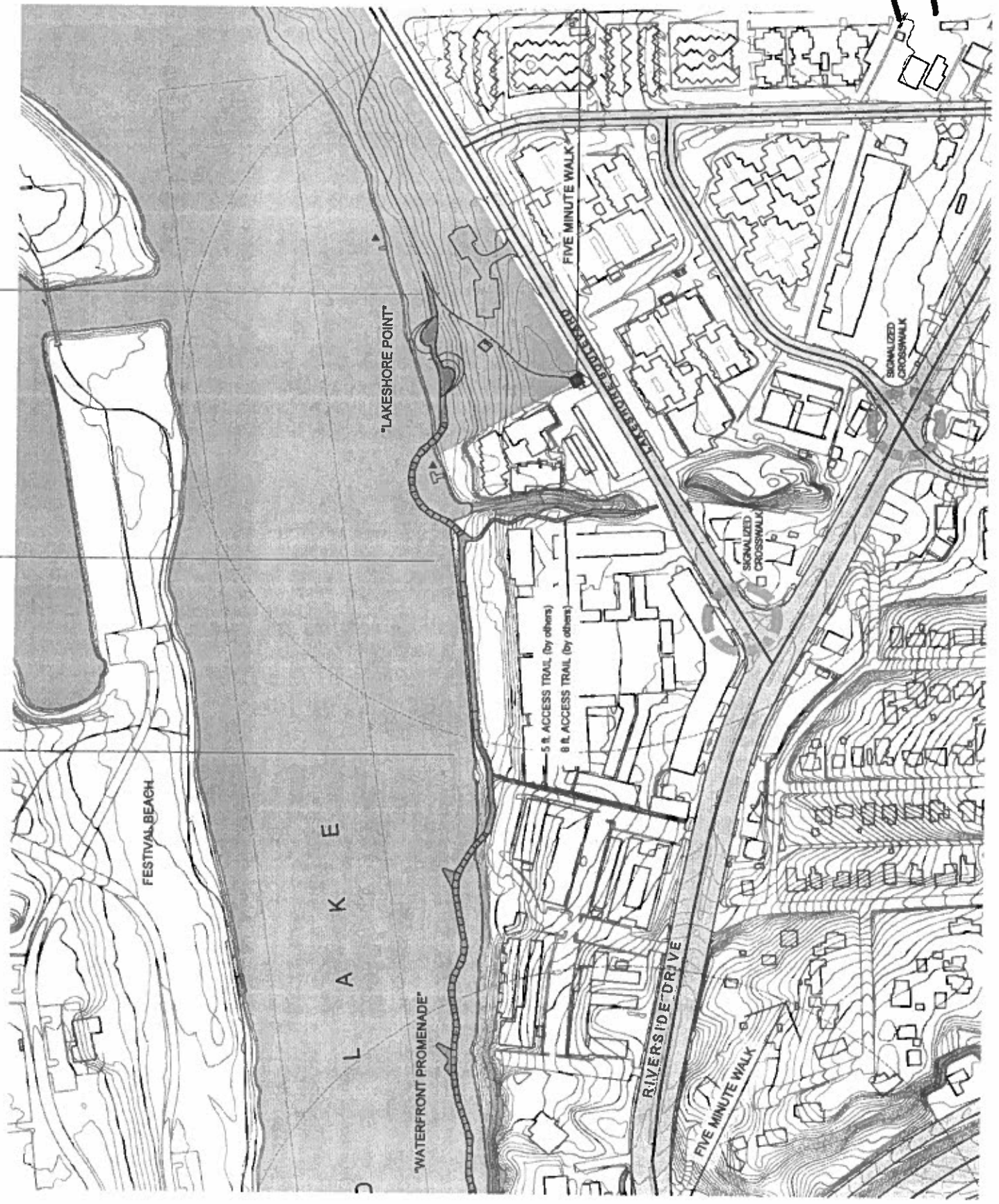
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WATERFRONT PROMENADE
1,650 ft.

AML1 SEGMENT
530 ft.

LAKESHORE POINT
710 ft.



ENVIRONMENTAL

- **Trail Fill in the Floodplain and Wetlands**
 - Seeking floodplain variance
 - Designed for minimal impact
- **Multiple Environmental Studies**
 - Hydrogeological setting review
 - Habitat surveys
 - Rare species protection
- **Collaborative Forestry Planning**
 - Extensive surveys and field route review
 - No Heritage Tree removal
 - Special construction procedures
- **Other Permitting entities**
 - USACE – Nationwide Permits
 - State and Local Agencies

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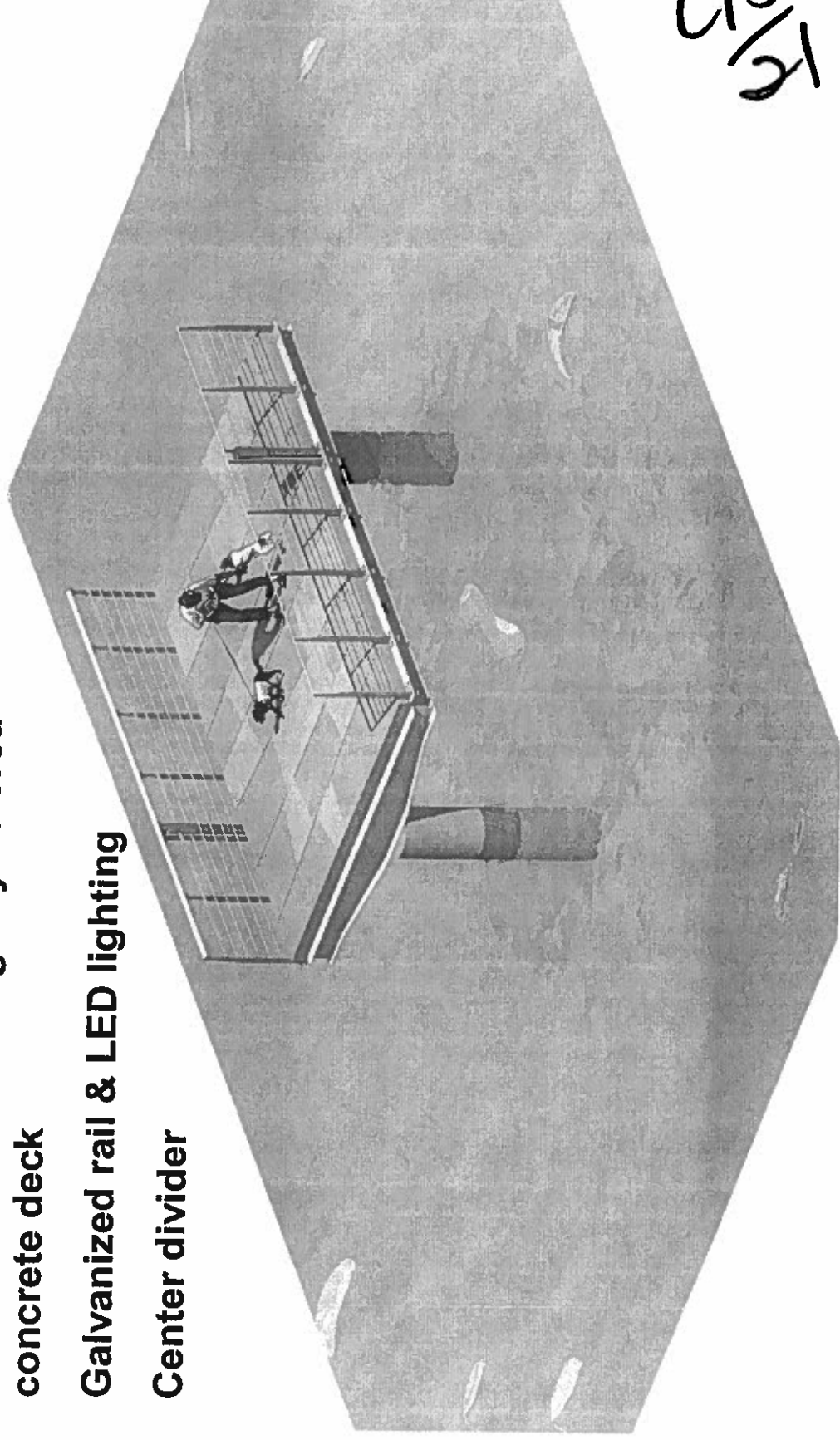
KIT OF PARTS

Typically 20' long x 14' wide deck section
on 24" dia. concrete piers & steel structure

With textured and integrally colored
concrete deck

Galvanized rail & LED lighting

Center divider



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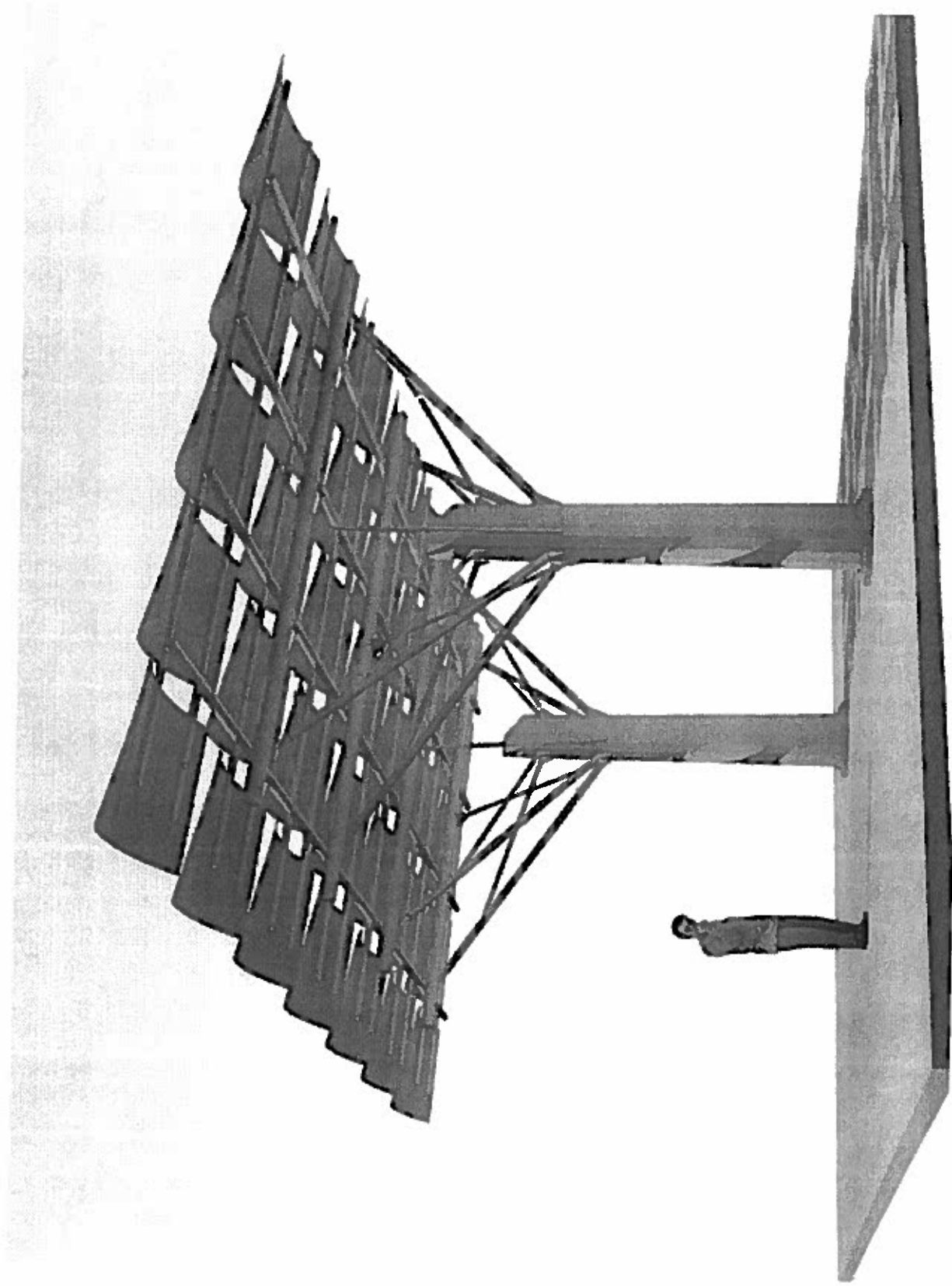
WATERFRONT IMPACT

- **COA Code allows Trail in Setbacks**
- **Boardwalk Structure**
 - Typical deck 4-6' above water
 - Transparent handrail design
 - LED lighting in handrail
 - Shade structures
- **Land Segments**
 - Decomposed granite with pervious base
 - Stone block retaining walls with cross drainage
- **Restroom and Accessible Parking**
 - In International Shores Park out of the setback
 - Above the floodplain
 - Out of the Capitol View Corridor
 - Approved by Design Commission

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SHADE STRUCTURE

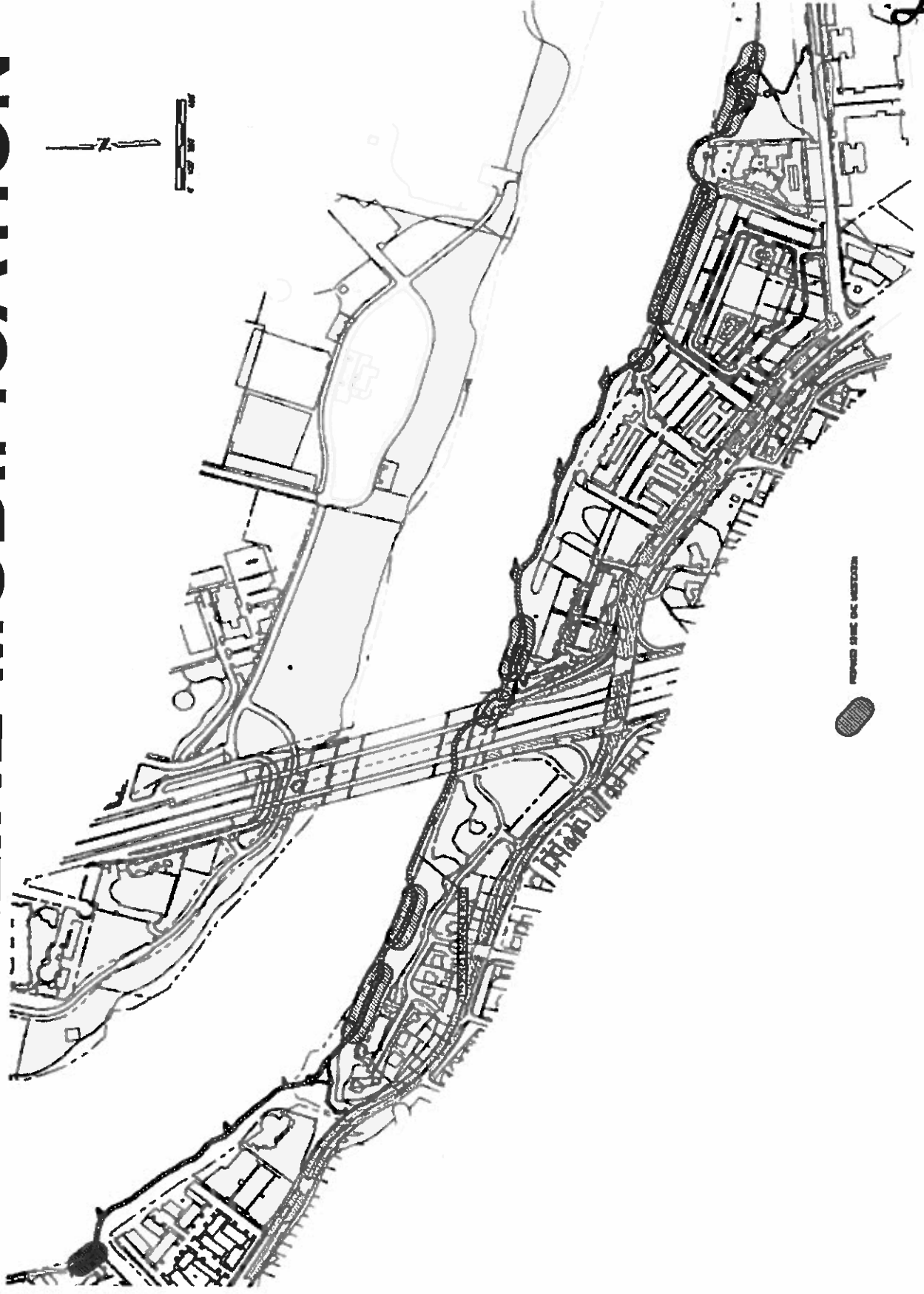


SUSTAINABLE CONSTRUCTION

- **In the Water**
 - Silt curtains for drilling and concrete placement
 - Removal and restoration of docking areas
- **Wetland Precautions**
 - Limited footprint with Protective Mats
 - Restoration planting
 - Rare plant protection
- **Floodway Precautions**
- **COA Construction Waste Management**
- **COA Environmental Protection systems**

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SHORELINE MODIFICATION



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SKYLINE SEGMENT

