



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: April 03, 2013

**NAME & NUMBER
OF PROJECT:** ThinkEAST PUD
C814-2012-0128.SH

**NAME OF APPLICANT
OR ORGANIZATION:** ThinkEAST Austin Mgmt, LLC.
(Richard deVarga, 300-4011)

LOCATION: 1141 Shady Lane

PROJECT FILING DATE: October 15, 2012

**WPDR/ENVIRONMENTAL
STAFF:** Liz Johnston, 974-1218
liz.johnston@austintexas.gov

**WPDR/
CASE MANAGER:** Sherri Sirwaitis, 974-3057
sherri.sirwaitis@austintexas.gov

WATERSHED: Boggy Creek and Tannehill Creek (Urban),
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Review and consider for recommendation rezoning the
subject property from LO-MU-CO-NP, SF-3-NP to PUD-
NP. The following code exception is requested:
1. To allow removal of a Heritage Tree; [LDC Section
25-8-641]

STAFF RECOMMENDATION: Recommend

REASONS FOR RECOMMENDATION: The proposed PUD meets environmental
superiority requirements.



MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Liz Johnston, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: March 25, 2013

SUBJECT: thinkEAST PUD, C814-2012-0128.SH

On the April 3, 2013 agenda is a request for the consideration of and comment on the environmental aspects of the proposed thinkEAST PUD. Outlined below is a description of the environmental aspects of the proposed project that have been addressed during the PUD's review, including proposed environmental enhancements and one proposed exception to the environmental code requirements requested by the applicant. Staff recommends approval of the project based on our finding that the proposed project is environmentally superior to what could be built under existing regulatory entitlements.

Description of Property

The property is located in the Boggy Creek and Tannehill Creek Watershed, which are classified as Urban watersheds located within the Desired Development Zone. The PUD property includes an area previously known as the "Tank Farm", referring to the petroleum storage tanks that had been located on the site, in addition to parcels that were used as single family lots. Portions of this property were under enforcement by the Texas Commission on Environmental Quality (TCEQ) due to leaking petroleum storage tanks, and the remediation efforts were approved and released by the TCEQ in 2007.

The property is bisected by a tributary to Boggy Creek and contains 100-year Floodplain as well as Critical Water Quality Zone (CWQZ). The northern tip of the property is adjacent to Tannehill Creek and its associated floodplain and CWQZ. The property abuts Southern Pacific railway to the north and the City of Austin's Govalle Neighborhood Park to the south. Single family parcels abut the eastern property boundary.

Existing Topography/Soil Characteristics/Vegetation

The site is generally flat, and ranges in elevation between 450 to 458 feet above mean sea level. Because this property is located in an urban watershed, there are no restrictions for construction on slopes. However, there are no slopes greater than 15% outside of the critical water quality zones within the property boundary.

The majority of the site drains to the tributary to Boggy Creek that bisects the property, except for the area to the north that drains into Tannehill Creek. Both the Boggy Creek tributary and Tannehill Creek drain into Boggy Creek, which follows the East Boggy Creek Greenbelt that connects to the Govalle Neighborhood Park.

According to the Soil Survey of Travis County, as described in the Environmental Assessment prepared by the applicant, the site contains Bergstrom soils and Urban Land (Bh) and Houston Black soils and urban soils (HsD). Both soils have high shrink-swell potential and low percolation rates. The geology at this site is characterized by deep clay soils over sand and then sandy gravel. The site vegetation mostly consists of grassland and thick groves of trees to sparsely spaced trees. Tree species include numerous protected and heritage-sized pecans in varying states of relative health, along with elm, live oak, chinquapin oak, sycamore and hackberry. Smaller trees that were not surveyed largely include non-native invasive species, including ligustrum, chinaberry and Chinese tallows and box elder.

Critical Environmental Features/Endangered Species

No Critical Environmental Features on or within 150 feet of the property were identified.

Description of Project

The thinkEAST PUD proposes a mixed use development of multi-family residential and commercial uses on 24.29 acres of land in the City's Full Purpose jurisdiction. The project is located at the intersection of Jain Lane and Shady Lane. The proposed impervious cover is based on proposed uses, with the multifamily and commercial land use areas allowed up to 80% impervious cover and the neighborhood commercial tracts proposing 70% impervious cover. Overall impervious cover is proposed to be approximately 65% of the gross site area.

The project also proposes to realign the Jain Lane/Shady Lane and to dedicate additional right-of-way to bring the roadway up to current standards. The applicant does propose parkland dedication connecting Govalle Park to the proposed Shady Lane.

Environmental Code Exception Request

Due to the proposed realignment of Shady Lane, the applicant is requesting that a heritage tree variance be granted for the removal of a 30" pecan. The applicant provided staff with alternative roadway alignments that showed greater impacts to heritage trees than the alignment currently proposed. Arborist staff assessed the tree and noted that the tree is in declining health and therefore supports the requested variance. Mitigation in the form of street trees that meet Core Transit Corridor standards is proposed as a condition of support.

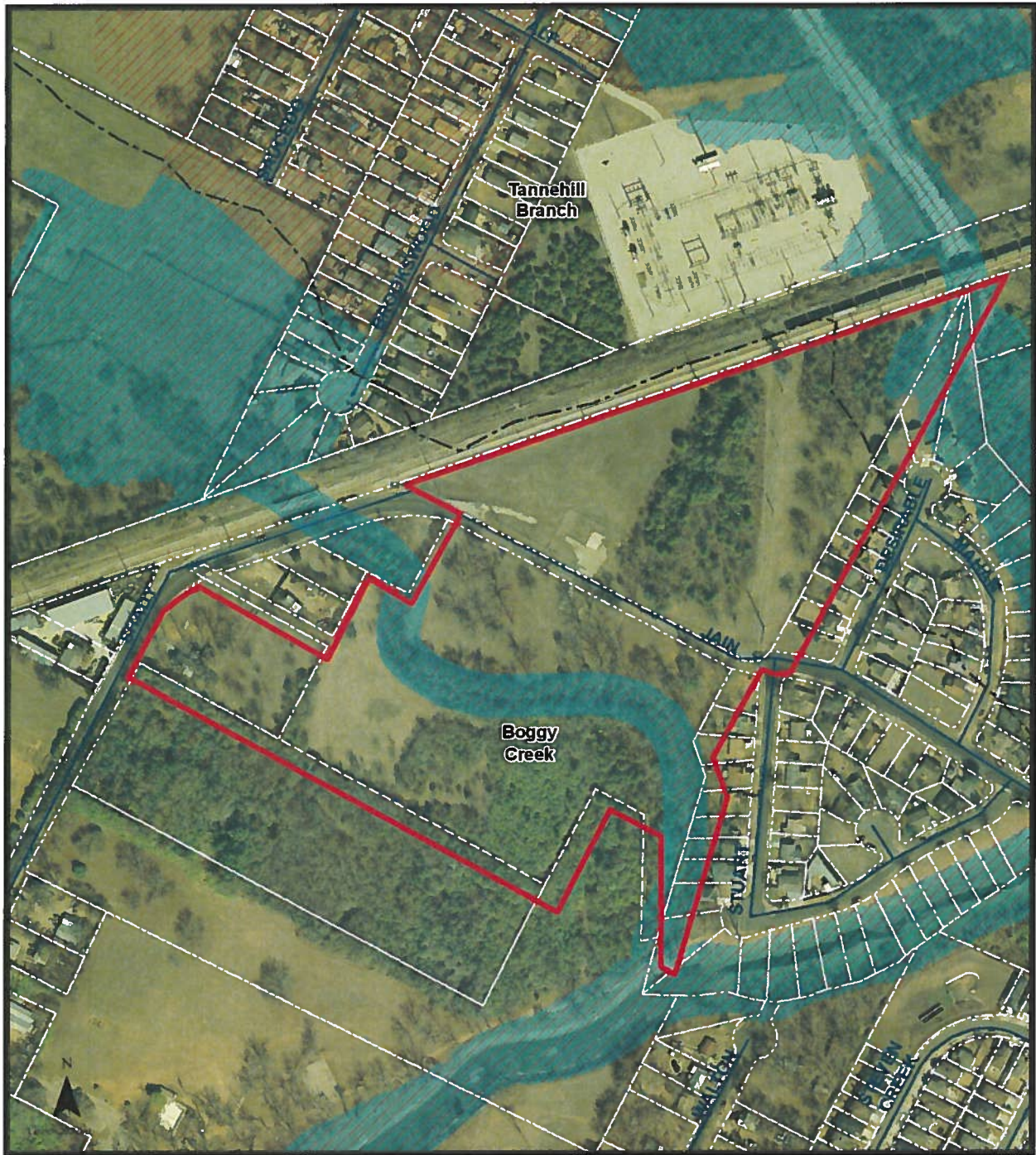
No additional environmental code exceptions are requested with this proposed PUD.

PUD Conditions for Environmental Superiority

- Provide a Health and Safety Plan for construction contractors to address the potential for encountering residual hydrocarbons that may remain in the soils or groundwater from historical releases in the area,
- Removal of trash and non-native, invasive woody species within the riparian corridor of the tributary to Boggy Creek,
- Use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality control,
- Restore all disturbed areas within the Critical Water Quality Zones and priority woodlands with native species, as per City of Austin standards 609.S,
- Street trees will be planted along Shady Lane meeting Core Transit Corridor spacing and species requirements (50 4" trees are proposed).

Recommendation

Staff has determined that the applicant has demonstrated environmental superiority over what would be allowed under conventional zoning and subdivision regulations and recommends approval of this PUD.



Mar 26, 2013

thinKEAST PUD Location Map

CITY OF AUSTIN
FULL-PURPOSE ZONING JURISDICTION

200 100 0 200 400
Feet

- Watershed Boundaries
- COA 100-year floodplain
- Critical Water Quality Zone



PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

Map: © Docuware and SellingsJohnson/My Documents/Variances and PUDS/ThinKEAST/Bounds

BRIEFING SUMMARY SHEET

ZONING CASE NUMBER: C814-2012-0128.SH

PROJECT NAME: thinkEAST Austin Planned Unit Development (PUD)

LOCATION: 1141 Shady Lane

WATERSHED: Boggy Creek & Tannehill Branch Watersheds

CLASSIFICATION: Urban

DEPARTMENT COMMENTS:

thinkEAST Austin Planned Unit Development (PUD) is a proposed 24.30 acre mixed used development project. The PUD proposes a mixed of commercial, office, residential, civic, parkland, and other land uses. Notably, the applicant is working with the City to provide affordable housing options, a high priority for both neighborhood representatives and the City. The PUD is located east of Airport Boulevard, along both sides of Shady Lane. A zoning map is attached for your review. Capital Metro right-of-way (ROW) to the north is planned as the future light rail Green Line. Within the subject tract is an unconstructed Capital Improvement Project (CIP) from 1986, which, if completed, would provide a transition from Shady Lane to Jain Lane.

The subject tract is currently zoned limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, family residence- neighborhood plan (SF-3-NP) combining district, and family residence (SF-3) district. The Growth Concept Map of the Imagine Austin plan does not specify a land use recommendation for the site, but it is adjacent to a High Capacity Transit Corridor to the north and an Activity Corridor to the west. The subject tract is partially located in the Govalle-Johnston Terrace Combined Neighborhood Plan Area, and the Future Land Use Map of the Neighborhood Plan currently identifies the property for single family and mixed use land uses. The Govalle-Johnston Terrace Neighborhood Planning Team has written a letter of support for the proposed PUD rezoning and related FLUM change to mixed use land use, with conditions.

A tributary to Boggy Creek crosses the subject tract, and the property is historically known as the former East Austin Tank Farm. Extensive remediation has been completed on the property, and the applicant has presented documentation from state and federal agencies regarding remediation efforts.

The applicant has stated that the project will comply with all Tier One PUD development standards, as well as several Tier Two standards. The project proposes a minimum of 34.7% open space, and 2.37 acres of parkland dedication. The project also proposes connections with the East Boggy Creek hike and bike trail and Govalle Park. The project will achieve Three-Star Green Building requirements, and will incorporate other environmental features. These environmental enhancements will be outlined further by environmental staff.

STAFF RECOMMENDATION:

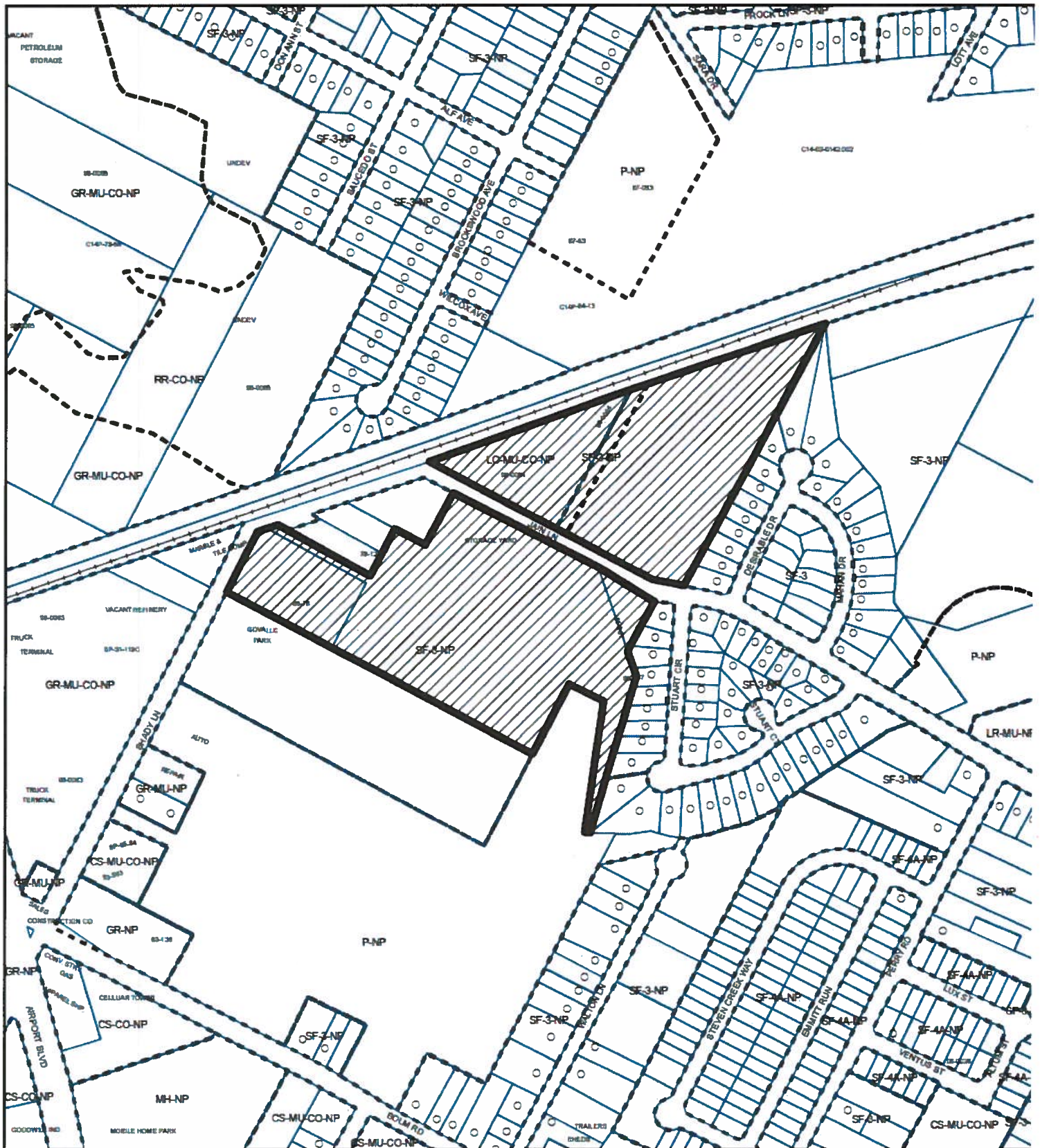
Staff recommends PUD-NP zoning, subject to conditions.

OWNERS/APPLICANTS: ThinkEAST Austin Management, LLC (Richard deVarga)

CITY COUNCIL BRIEFING DATE: October 11, 2012

ENVIRONMENTAL BOARD BRIEFING: April 3, 2013

ASSIGNED STAFF: Heather Chaffin Email: heather.chaffin@austintexas.gov
Phone: 974-2122



ZONING

ZONING CASE#: C814-2012-0128.SH



1" = 400'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

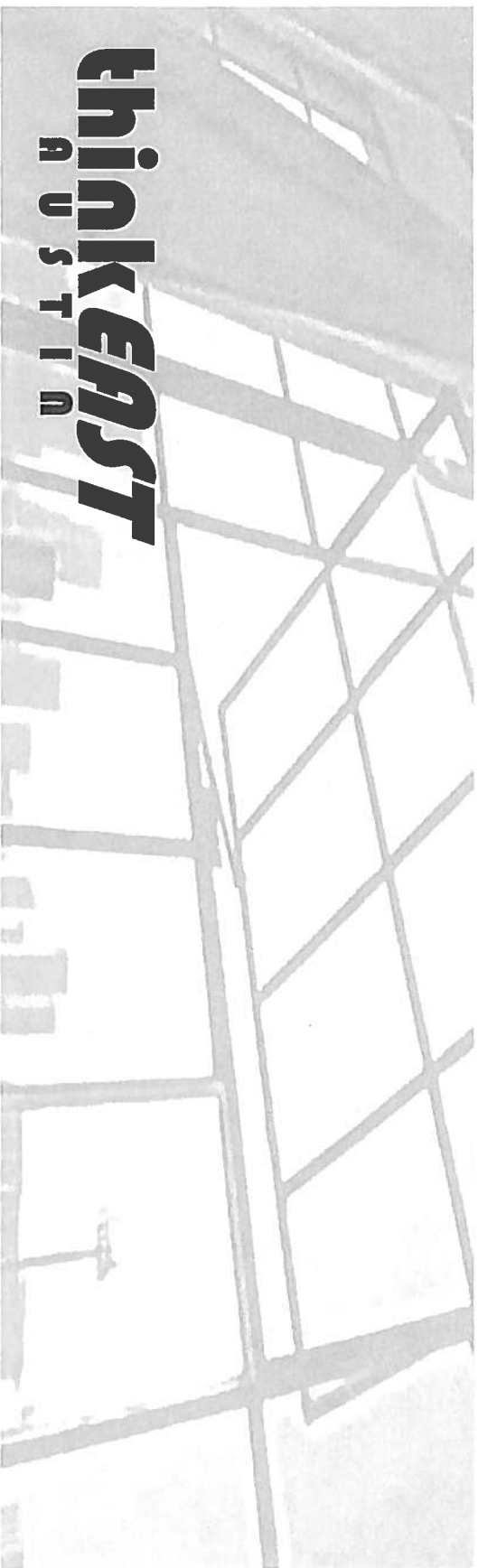
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

thinkEAST **AUSTIN**

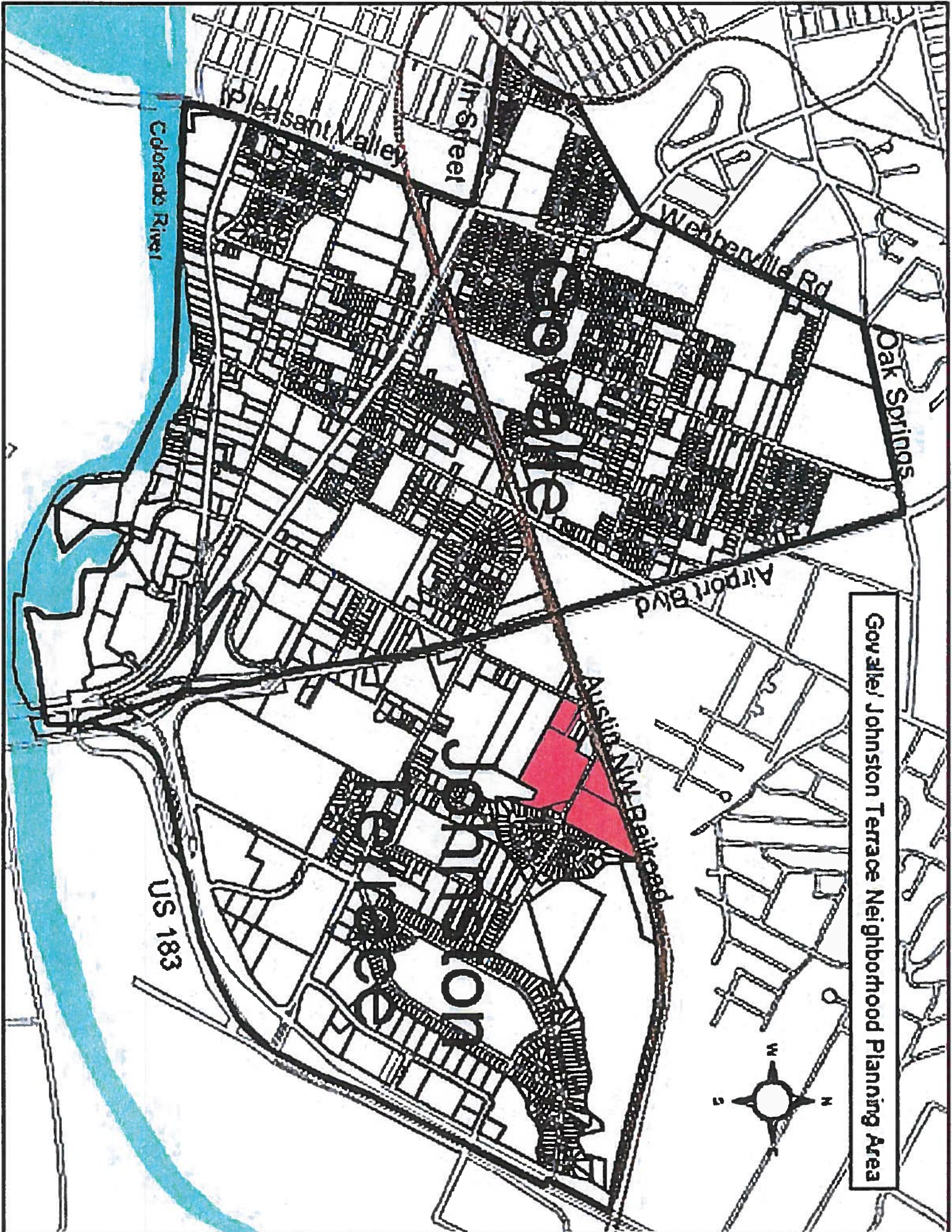
Environmental Board Presentation

April 3, 2013

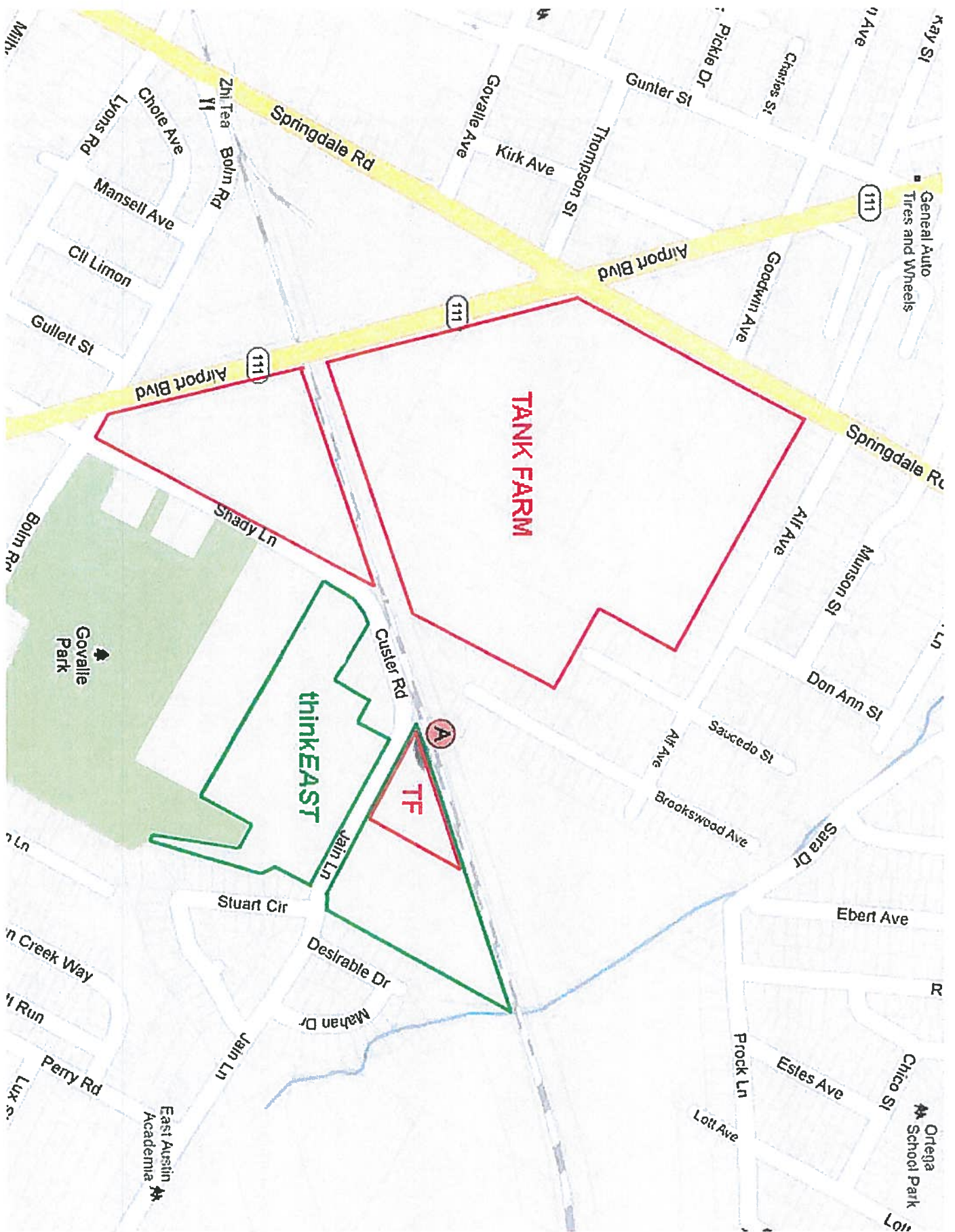


Introduction

think*EAST* Austin is a 25-acre mixed-use district for Austin's creative community. think*EAST* Austin will offer affordable working, living and flexible spaces for a wide range of Austin's creative industries, including technology, design, music, film, fashion, gaming and visual arts. Located in a park-like setting near the city's new East 7th Gateway Corridor, think*EAST* Austin connects directly to Boggy Creek Priority Woodlands, Govalle Park, the Southern Walnut Creek Hike and Bike Trail and the planned "Green Line" Metro Rail. think*EAST* Austin will use modern and sustainable architecture to stimulate job growth and diversity in East Austin's economy, culture and community.



Govalle Johnston Terrace Neighborhood Planning Area



Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 27, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7004 1350 0002 7556 4263

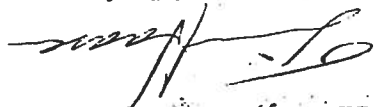
Mr. John Thomas, Environmental Supervisor
El Paso Merchant Energy-Petroleum Company (EPMBPC)
1001 Louisiana, Room W519A
Houston, Texas 77002

Re: Notice of Compliance With Agreed Order Issued April 22, 1992
EPMBPC/Former Coastal States Crude Gathering Terminal
5300 Jaine Lane, Austin, Travis County, Texas
SWR No. 36466

Dear Mr. Thomas:

This letter is to inform you that a review of Texas Commission on Environmental Quality (TCEQ) records concerning the above-referenced enforcement matter indicates that EPMBPC/Former Coastal States Crude Gathering Terminal has fulfilled the requirements of the Agreed Order effective on April 22, 1992. Specifically, EPMBPC/Former Coastal States Crude Gathering Terminal has fulfilled the technical requirements of the Agreed Order. Based upon this, we conclude that your response has been satisfactory and no further action is necessary with respect to this enforcement matter at this time. Effective upon the date of this letter, the subject Agreed Order is hereby terminated.

We appreciate your cooperation, and if we can be of any further assistance, please contact Ms. Rebecca Royett at (512) 239-2503.

Sincerely,

Tim Hayes, Work Leader
Enforcement Division

cc: Mr. Barry Kalda, Manager, Waste Section, Austin Regional Office, TCEQ

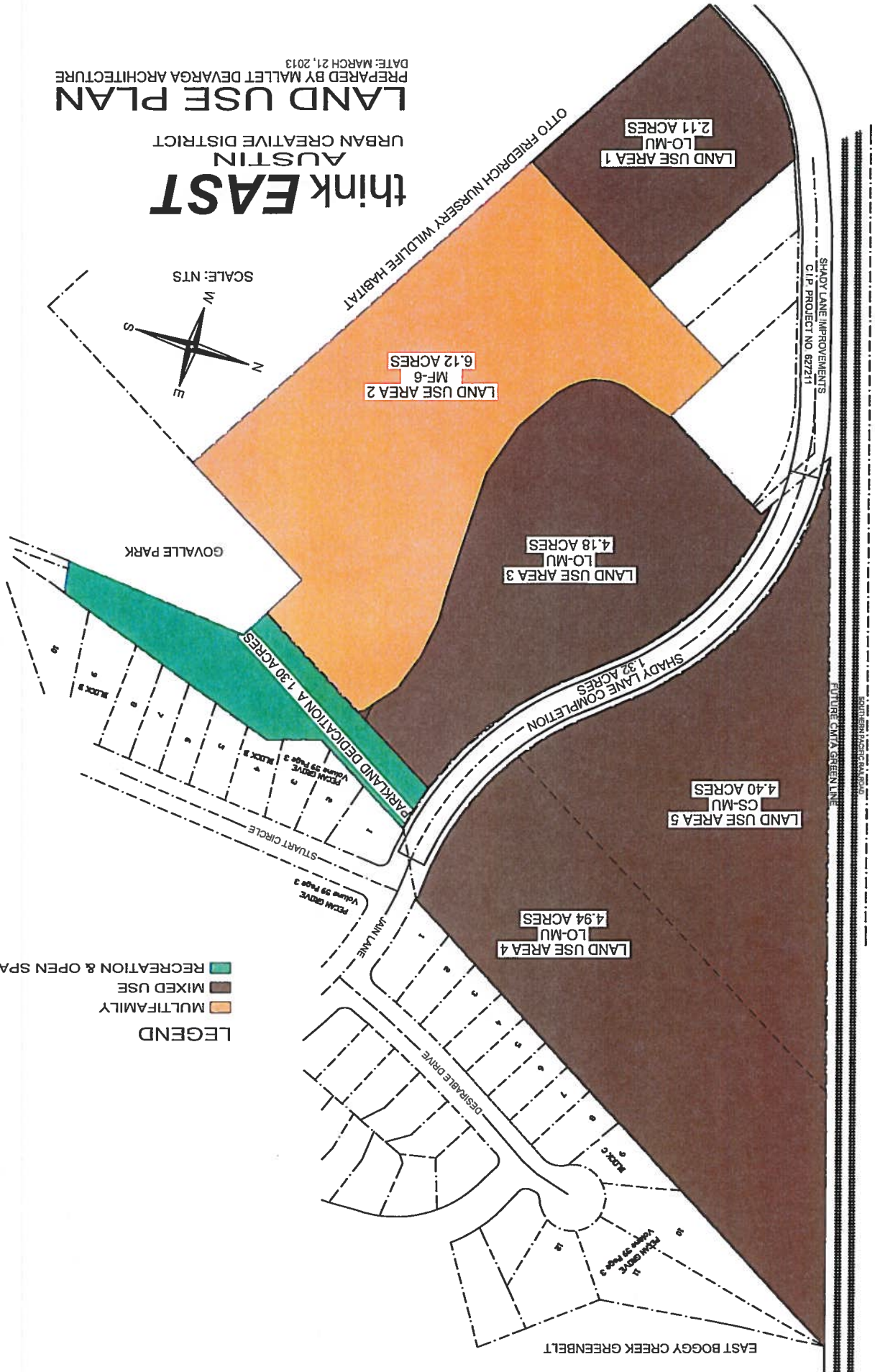
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think EAST
 AUSTIN
 URBAN CREATIVE DISTRICT

SCALE: NTS



LEGEND
 ■ MULTIFAMILY
 ■ MIXED USE
 ■ RECREATION & OPEN SPACE



thinkEAST an u s t i n

PROJECT:
thinkEAST Conceptual Master Plan

PREPARED BY:
Bullitt & Young Architects
1010 Bayshore Road
Berlin, Texas 78703
Cell: 512-500-4011
email: idem@bullitt.com

DATE:
07.31.18



- Creative Studios
- Retail - Office
- Apartment
- Live - Work
- Community Event
- Community Office

ENVIRONMENTAL

1. The site is located in both the Boggy Creek Watershed and the Tannehill Branch Watershed, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. This site is located within the Desired Development Zone. The site is not located over the Edwards Aquifer Recharge Zone.
2. A tree survey of all trees 8" or greater within or adjacent to the limits of construction will be required. Please reference Environmental Criteria Manual 3.3 for tree survey requirements and ECM 3.5 for tree preservation criteria.
3. Landscaping requirements for creek banks, grasslands and Priority Woodlands will be restored with native plants, as per Standard Specification 609S.
4. All new street trees along Shady Lane shall be minimum 4" diameter and will use varied native species (at least 4 different types).
5. Erosion / sedimentation control is required in accordance with the City of Austin Environmental Criteria Manual [ECM 1.4.5].
6. Fiscal surety will be required for erosion / sedimentation control, in accordance with LDC 25-7-65 and ECM Appendix S-1.
7. Invasive woody species including: mandarin, ligustrum, Chinese tallow, chinaberry and similar species listed on the Grow Green Guide as invasive species to avoid and large trash will be removed from all Critical Water Quality Zones. Any disturbances within Critical Water Quality Zones will be restored with native plants, as per Standard Specification 609S.
8. Water quality controls will be required for developments that have impervious cover in excess of 20% of the net site area. Use innovative stormwater management methods (e.g. bio-filtration, vegetative filter strips, rain gardens, etc.) for at least 50% of the required water quality controls.
9. This development will be required to control runoff to pre-developed flows Per DCM 1.2.2D.

