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VARIANCE ONLY

CASE NO.: C8-2013-0177.0A

ZAP DATE: October 21, 2014

SUBDIVISION NAME: Tabrizi Subdivision

AREA: 0.56

LOT(S): 2

OWNER/APPLICANT: Ali Tabrizi

AGENT: Bennett Consulting
(Jim Bennett)

ADDRESS OF SUBDIVISION: 4316 Far West Blvd.

GRIDS: MG30

COUNTY: Travis

WATERSHED: Bull Creek

JURISDICTION: Full-Purpose

EXISTING ZONING: SF-3

PROPOSED LAND USE: Single Family, Critical Environmental Feature

VARIANCES:

- (1) LDC 25-8-302(A)(1) – To allow the construction of a building on a slope greater than 25%.
- (2) LDC 25-8-301 – To allow the construction of a driveway on a slope greater than 15%.
- (3) LDC 25-8-281(C)(1)(a) – To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF(Seep) to 75 feet.
- (4) LDC 25-8-423(B)(1) – To allow impervious cover greater than 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres/3,058 square feet).

DEPARTMENT COMMENTS: The request is for approval of the variances for the Tabrizi Subdivision. These variances are being presented to the Environmental Board (EVB) on October 15, 2014. At time of this back-up material preparation – a recommendation for the Environmental Board is not yet available. The EVB recommendation will be forwarded to the Commission as soon as possible. Following this cover sheet are the materials being presented to the EVB by Jim Dymkowski.

STAFF RECOMMENDATION: The staff recommends denial of the variances (see attached for further explanation).

ZONING AND PLATTING ACTION:

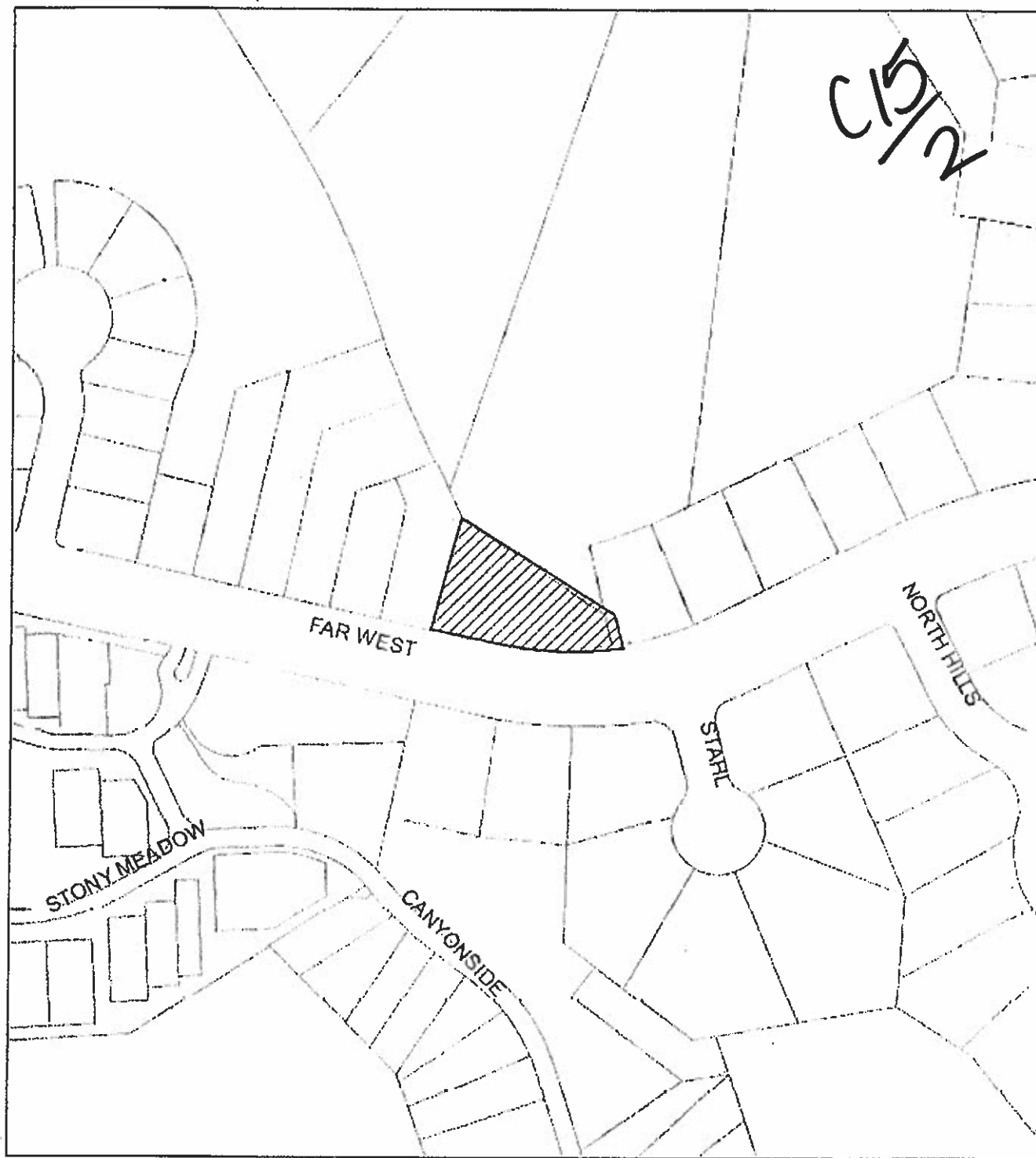
CASE MANAGER: Sylvia Limon
Email Address: Sylvia.Limon@austintexas.gov



PHONE: 512-974-2767

Environmental Reviewer: Jim Dymkowski
Email Address: James.Dymkowski@austintexas.gov

PHONE: 512-974-2707

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-  Subject Tract
-  Base Map

CASE#: C8-2013-0177.DA
LOCATION: 4316 Far West Boulevard



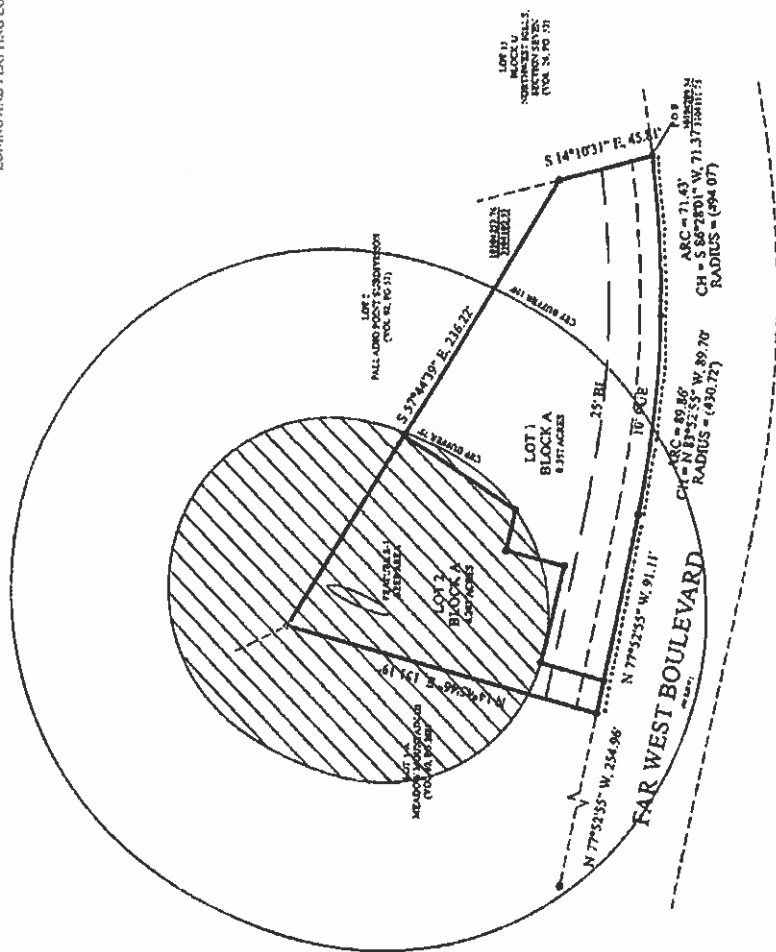
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.

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LEGEND

- ☐ 1/2" IRON PIPE FOUND
☐ 1/2" ROD FOUND
☐ 1/2" ROD SET
☐ RECORD INFORMATION
☐ PUBLIC UTILITY EASEMENT
☒ WATER METER
☐ SIDEWALK





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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: OCTOBER 15, 2014

NAME & NUMBER OF PROJECT: TABRIZI SUBDIVISION
C8-2013-0177.0A

NAME OF APPLICANT OR ORGANIZATION: Bennett Consulting
Jim Bennett - 512-784-4961

LOCATION: 4316 Far West Blvd.

PROJECT FILING DATE: October 10, 2013

WPDR/ENVIRONMENTAL STAFF: Jim Dymkowski, 974-2707
james.dymkowski@austintexas.gov

WPDR/ CASE MANAGER: Sylvia Limon, 974-1225
Sylvia.limon@austintexas.gov

WATERSHED: Bull Creek Watershed (Water Supply Suburban)
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance - (Current Code)

REQUEST: Variance requests are as follows:

1. To allow the construction of a building on a slope greater than 25%. LDC Section 25-8-302 (A) (1).
2. To allow the construction of a driveway on a slope greater than 15%. LDC 25-8-301.
3. To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet. LDC 25-8-281 (C) (1) (a).

Cb/b

4. To allow impervious cover greater than the 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet). LDC 25-8-423(B) (1).

STAFF RECOMMENDATION:

Recommends denial of all variances.

REASONS FOR RECOMMENDATION:

Findings of fact have not been met.



MEMORANDUM

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

FROM: Jim Dymkowski, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: October 15, 2014

SUBJECT: Tabrizi Subdivision – C8-2013-0177.0A

On the October 15, 2014 agenda is a request for the consideration of four variances; To allow the construction of a building on a slope greater than 25% LDC Section 25-8-302 (A) (1). To allow the construction of a driveway on a slope greater than 15% LDC 25-8-301. To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet LDC 25-8-281 (C) (1) (a). To allow impervious cover greater than 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet) LDC 25-8-423(B) (1), all for access to and the construction of one single family home.

Description of Property

The unplatted remnant parcel of land is located in the Bull Creek Watershed, which is classified as the Water Supply Suburban within the Drinking Water Protection Zone. It is within the City of Austin full purpose jurisdiction. It does lie within the City of Austin Edward's Aquifer Recharge Zone. There are no classified waterways on or adjacent to the site. The parcel is approximately 1,000 feet from and drains to a minor classified tributary of Bull Creek. It is bordered to the north by undeveloped open space area and all other sides by single family residential development.

Existing Topography/Soil Characteristics/Vegetation

The parcel is dominated by slopes greater than 35%. There are two small areas of slopes less than 35%; one along far west Blvd. and the other at the back of the lot along the northeast property line as shown on the applicant's slope exhibit. The site grades from Far West Blvd. straight down toward the back of the property. Vegetation generally consists of dense tree cover of Ashe juniper, Cedar elm, Live oak, Hackberry, and Chinaberry. Understory vegetation is sparse at best. According to the Environmental Resource Inventory, geology at this site is characterized by Bracket soils and Rock outcrop. Given the steep slopes on-site, the soils present exhibit moderate to high erosive potential accompanied by the presence of unconsolidated fill material with the potential for sloughing of the rock down the slopes.

Critical Environmental Features/Endangered Species

Watershed Protection Department Environmental Resource Management (ERM) staff confirmed one Critical Environmental Feature (Seep) onsite. The applicant was made aware that the parcel is within the

BCCP permitting area and instructed to contact that representative for further instruction if any on possible permitting. Staff was made aware by the applicant that the BCCP permitting agency has been contacted.

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Description of Project

The proposed development includes the subdivision of land to create Lot 1, a .357 acre single family lot and Lot 2, a .203 acre lot to contain a critical environmental feature. The project is within a water supply suburban watershed and is limited to a net site area allowable impervious cover of 30% or 313 square feet. The proposed impervious cover for the development is 3,058 square feet or 293% of the net site area.

Environmental Code Variance Request

The following variances to the land development code are being requested to allow for the future construction of a driveway access and single family home on Lot 1.

1. To allow the construction of a building on a slope greater than 25% LDC Section 25-8-302 (A) (1)
2. To allow the construction of a driveway on a slope greater than 15%. LDC 25-8-301
3. To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet LDC 25-8-281 (C) (1) (a)
4. To allow impervious cover greater than 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet). LDC 25-8-423(B) (1).

Recommendation

Staff does not recommend approval of any of the four variance requests as the Findings of Fact have not been met (see attached). Staff has serious concerns that this will exceed a minimum departure from the code for three of the four variances, and that the combination of four requests may negatively impact both the nearby critical environmental feature and the water quality of the watershed because of extreme slopes and unconsolidated fill material with sloughing potential. There are also similar unplatted parcels in the area whose owners could make similar variance requests.

Similar Cases

Staff was unable to find a similar case for comparison.



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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-302 (A) (1)
Variance Request:	To allow the construction of a building on a slope greater than 25%.

Findings:

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 variance has not been granted for other similarly situated single family homes or existing homes in the surrounding adjacent subdivisions. See staff's impervious cover on slopes exhibit Pg. 17 that indicates homes on slopes less than 15%.

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 variance is not based on the method chosen by the applicant to develop the property. This property lacks enough slope area less than 15% to allow any building to be placed on it without the need to request a variance.

- 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 not the minimum change necessary as a smaller impervious cover footprint with overall disturbance could be proposed. This variance has not previously been granted for the surrounding subdivisions with existing homes so no privilege is being deprived.

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

No. The applicant has suggested in their backup that a pier and beam home could be constructed to go along with the elevated home above the slope with minimal site disturbance. With slopes greater than 35%, and the erosive potential of the site soils as documented in the applicant's environmental assessments, staff has serious concerns that any vegetation removed for future home construction or that which may later die

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due to the lack of sunlight beneath the suspended home could cause erosion or sloughing of the slope which could potentially harm the watershed or the nearby seep critical environmental feature. Staff also has concerns with the possible future location of any crane that would be needed for this type of construction as the slope of the adjacent roadway is steep and does not allow for a good field of vision for oncoming traffic. If a crane could not be placed in the street it could require additional site disturbance if construction needed to be accomplished from the site instead to the right of way.

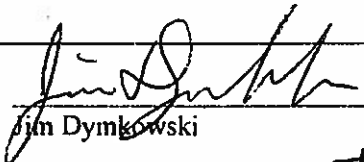
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil and the possibility for impacts to the watershed and the adjacent seep critical environmental feature.


- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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

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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-301
Variance Request:	To allow the construction of a driveway on a slope greater than 15%.

Findings:

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 variance has not been granted for other similarly situated single family lots with existing homes in the surrounding adjacent subdivisions. See staff's impervious cover on slopes exhibit Pg. 17 that indicates homes on slopes less than 15%.

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 variance is not based on the method chosen by the applicant to develop the property. This property lacks enough slope area less than 15% to allow any building to be placed on it without the need to request a variance.

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

Yes. The driveway span can be considered the minimum departure necessary to access the site. But, this variance has not previously been granted for the surrounding subdivisions with existing homes so no privilege is being deprived.

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

No. The applicant has suggested in their backup that a pier and beam driveway could be constructed to the elevated home above the slope with minimal site disturbance. With slopes greater than 35%, and the erosive potential of the site soils as documented in the applicant's environmental assessments, along with the sloughing potential of the unconsolidated fill material onsite staff has serious concerns that any vegetation

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removed for future driveway construction or that which may later die due to the lack of sunlight beneath the suspended driveway could cause erosion of the slope which could potentially harm the watershed or the nearby seep critical environmental feature. Staff also has concerns with the possible future location of any crane that would be needed for this type of construction as the slope of the adjacent roadway is steep and does not allow for a good field of vision for oncoming traffic. If a crane could not be placed in the street it could require additional site disturbance if construction needed to be accomplished from the site instead to the right of way.

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

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil along with the sloughing potential of the unconsolidated fill material onsite the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Susan Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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



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

Project:	Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard:	Land Development Code Section 25-8-281 (C) (1) (a)
Variance Request:	To allow for the reduction of the buffer zone established around a critical environmental feature from the code required 150 feet to the following: CEF (Seep) to 75 feet.

Findings:

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. This type of CEF reduction variance has been granted previously to lot owners in this same type of situation.

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. This reduction even with the proposed protection of placing the critical environmental feature in its own lot has not alleviated staffs concerns to allow staff to agree that this is a greater overall protection. Due to the erosive nature of the soils along with the sloughing potential of the unconsolidated fill material onsite staff and the possible site disturbance for the future construction of any home staff believes there is potential for impacts to the critical environmental feature.

- 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. This is the minimum change necessary to allow for reasonable use of property. This type of CEF reduction variance has been granted previously to lot owners in this same type of situation.

- c) Does not create a significant probability of harmful environmental consequences; and
Staff has serious concerns due to the erosive soils onsite along with the sloughing potential of the unconsolidated fill material the potential for disturbance with the future

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construction of a home and driveway that there is a very high probability of encroachment on the critical environmental feature.

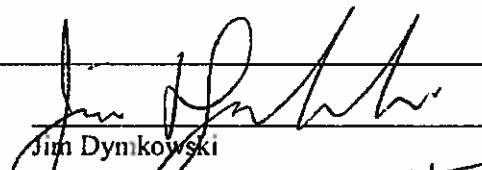
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil along with the sloughing potential of the unconsolidated fill material onsite the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

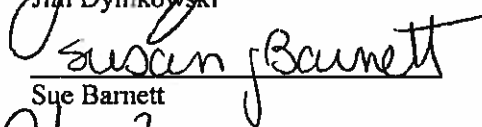
- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), or Article 7, Division I (Critical Water Quality Zone Restrictions):

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

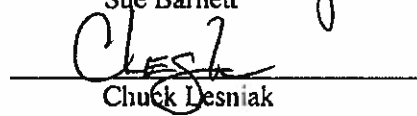
Environmental Reviewer:


Jim Dynkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Desniak

Date: September 29, 2014

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



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

Project: Tabrizi Subdivision – C8-2013-0177.0A
Ordinance Standard: Land Development Code Section 25-8-423(B) (1),
Variance Request: To allow impervious cover greater than the 30% of the net site area (.0072 acres/313 square feet) allowed in a Water Supply Suburban watershed not to exceed 293% (.0702 acres / 3,058 square feet).

Findings:

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. The surrounding properties with homes in the adjacent subdivisions are built and sized according to the space available on slopes less than 15%. This variance has not been granted for other similarly situated single family lots with existing homes in the surrounding adjacent subdivisions. See staff's impervious cover on slopes exhibit Pg. 17 that indicates homes on slopes less than 15%.

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 variance is not based on the method chosen by the applicant to develop the property. This property lacks enough slope area less than 15% to allow any building to be placed on it without the need to request a variance.
- 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 not the minimum change necessary as a smaller impervious cover footprint with overall disturbance could be proposed. This variance has not previously been granted for the surrounding subdivisions with existing homes so no privilege is being deprived.
- c) Does not create a significant probability of harmful environmental consequences; and

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No. The applicant has suggested in their backup that a pier and beam driveway could be constructed to the elevated home above the slope with minimal site disturbance. With slopes greater than 35%, and the erosive potential of the site soils as documented in the applicant's environmental assessments, along with the sloughing potential of the unconsolidated fill material onsite staff has serious concerns that any vegetation removed for future driveway construction or that which may later die due to the lack of sunlight beneath the suspended driveway could cause erosion of the slope which could potentially harm the watershed or the nearby seep critical environmental feature. Staff also has concerns with the possible future location of any crane that would be needed for this type of construction as the slope of the adjacent roadway is steep and does not allow for a good field of vision for oncoming traffic. If a crane could not be placed in the street it could require additional site disturbance if construction needed to be accomplished from the site instead to the right of way.

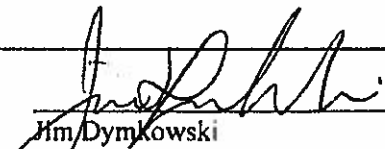
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

No. The proposed impervious cover for this subdivision is less than 8,000 square feet therefore water quality is not required by code. Staff believes that there is a potential for harmful water quality consequences due to the erosive potential of the soil and the possibility for impacts to the watershed and the adjacent seep critical environmental feature.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: September 29, 2014

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

Tabrizi Subdivision – C8-2013-0177.0A
Driving Directions

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Beginning at Austin City Hall 301 W 2nd Street:

Head west on W 2nd St toward Lavaca St 0.1 mi

Turn left onto San Antonio St 358 ft.

Turn right onto W Cesar Chavez St go 1.2 mi

Keep right at the fork; follow signs for TX-1 Loop N and merge onto TX-1 Loop N go 5.4 mi

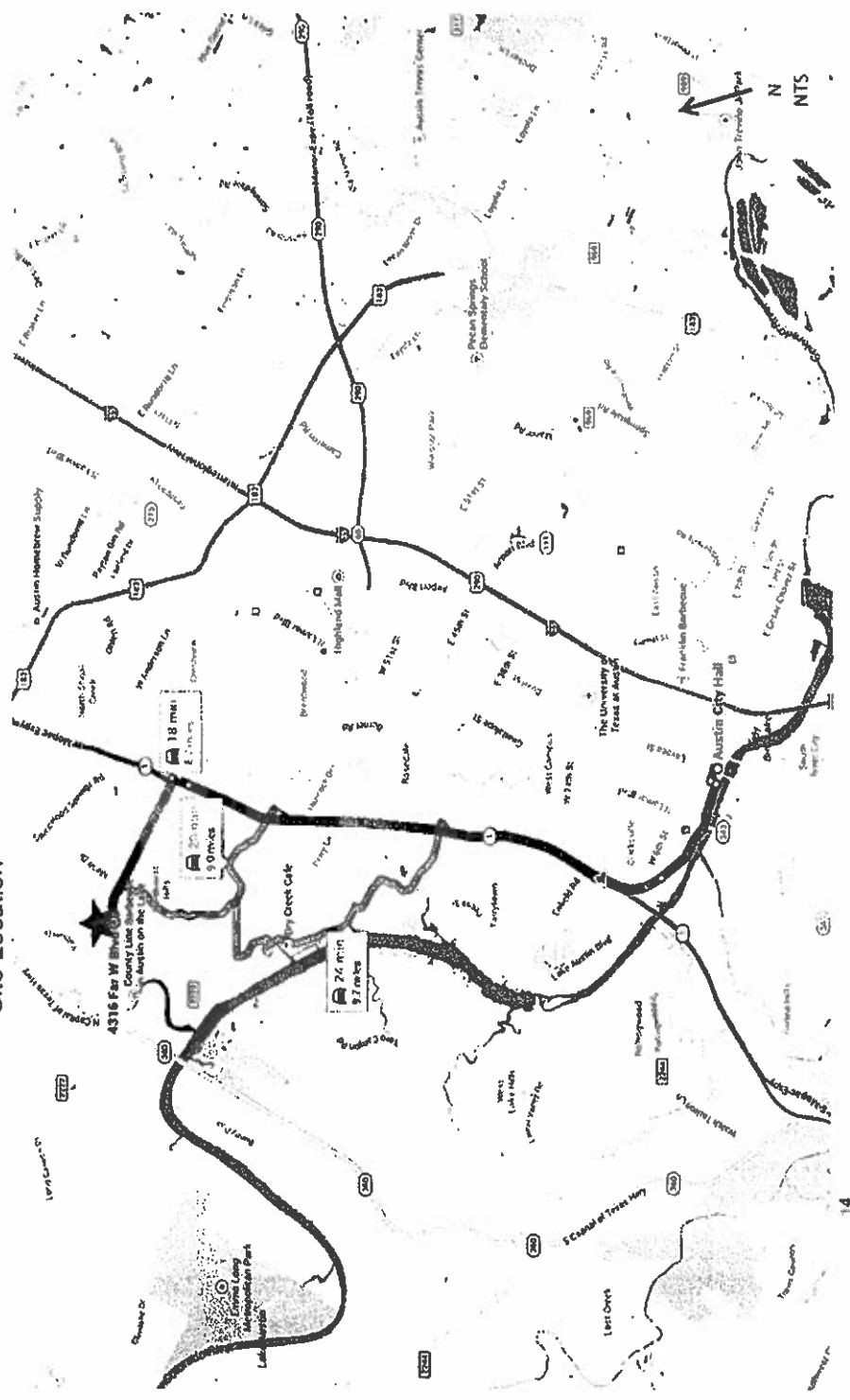
Take the Far West Blvd exit turn left 0.2 mi

Turn left onto Far West Blvd go for 1.7 mi

4316 Far W Blvd Austin, TX 78731 will be on your right

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Tabrizi Subdivision
C8-2013-0177.0A
Site Location



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Tabrizi Subdivision
C8-2013-0177.0A
Surrounding Development and Nearby Waterways



Tabrizi Subdivision
C8-2013-0177.0A
Existing site conditions, topography, and CEF location



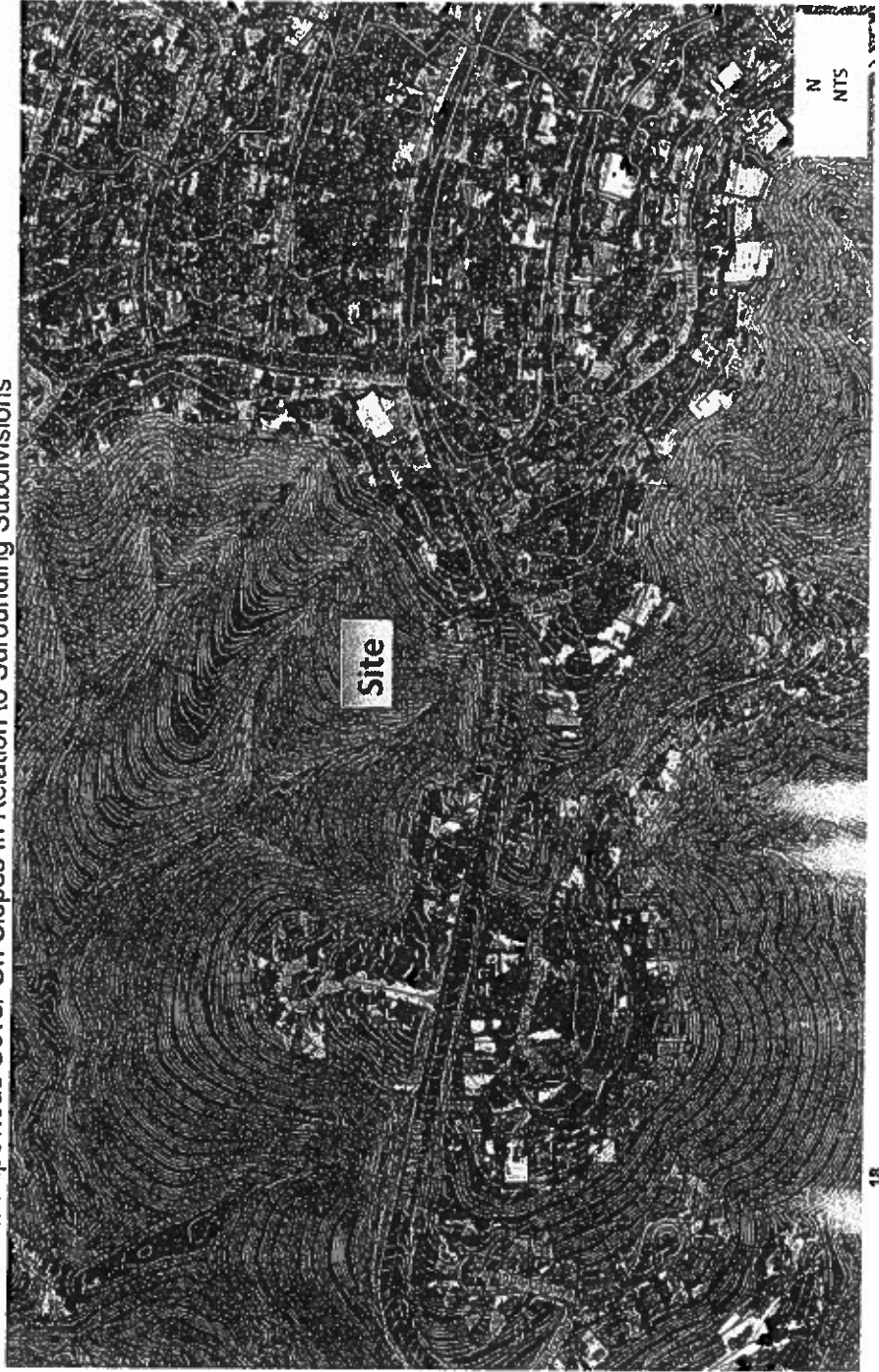
Tabrizi Subdivision
C8-2013-0177.0A

Existing Impevious Cover On Slopes In Relation to Surrounding Subdivisions



Tabrizi Subdivision
C8-2013-0177.0A

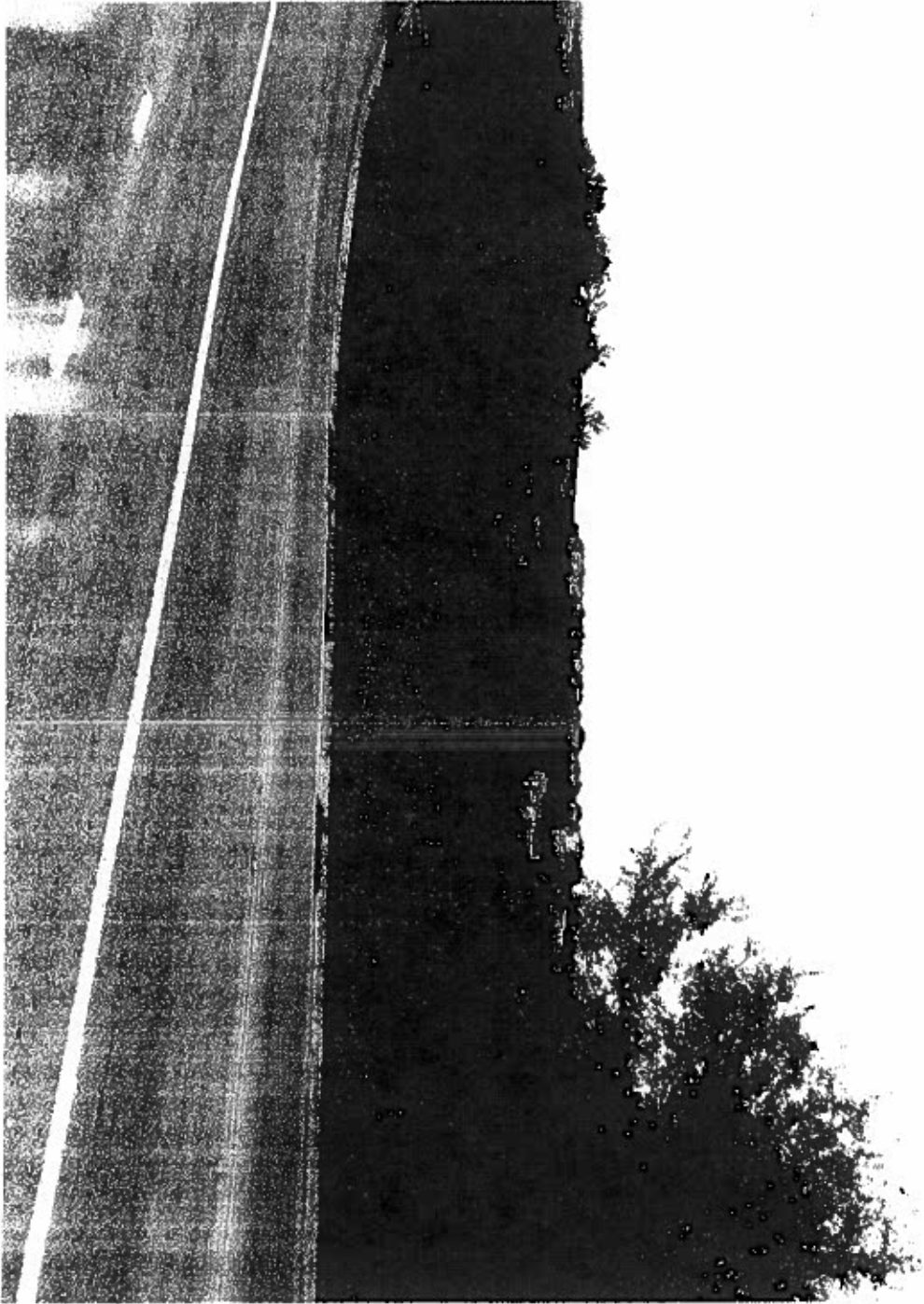
Aerial View Impevious Cover On Slopes In Relation to Surrounding Subdivisions



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Tabrizi Subdivision
C8-2013-0177.0A
Site Photos

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View from Far West Blvd. looking northwest into property

Tabrizi Subdivision
C8-2013-0177 0A
Site Photos

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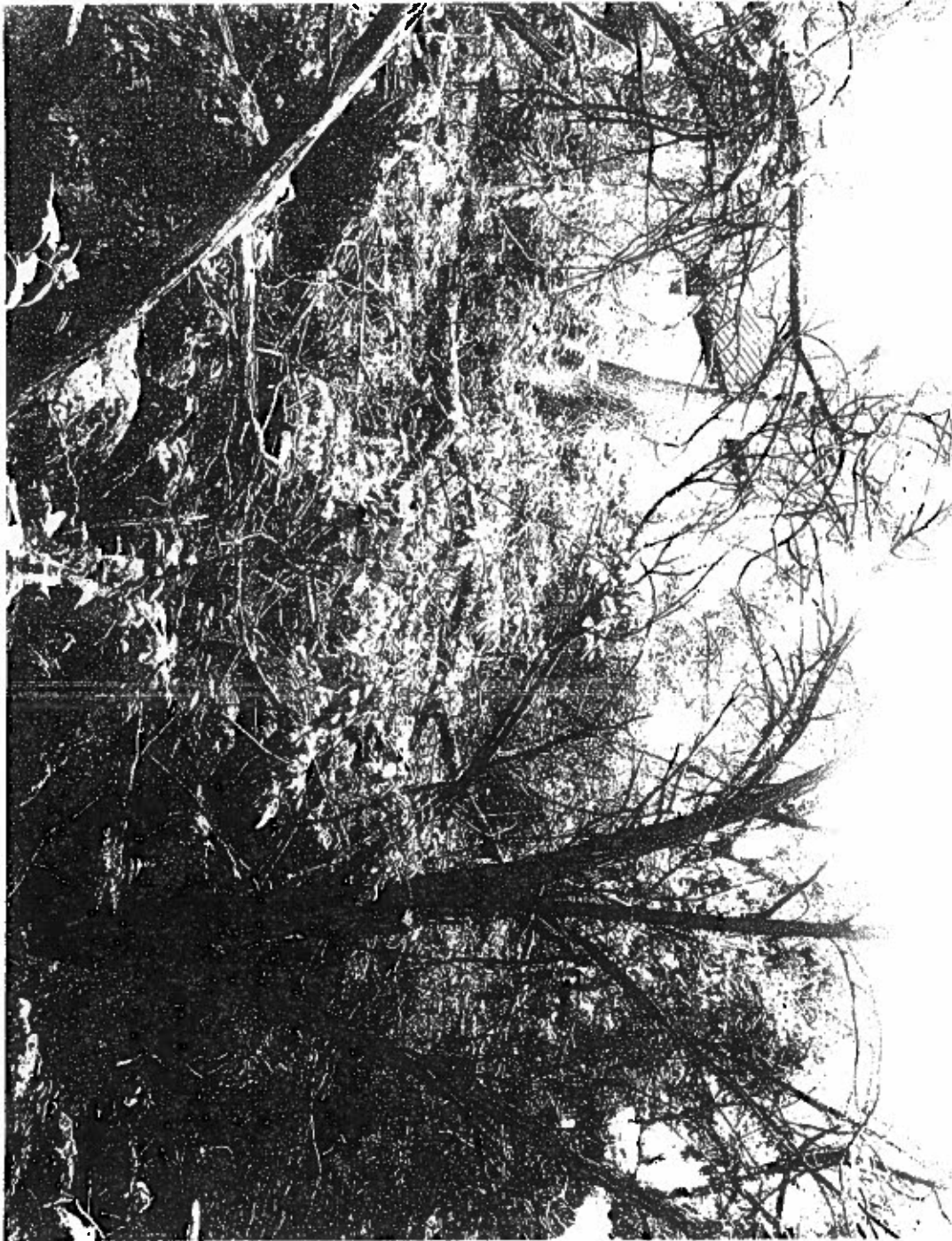
View from Far West Blvd. looking northeast into property

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Example of common lot slopes greater than 35%

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Example of adjacent subdivision existing home built on slope less than 15%

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Steep Critical Environmental Feature Northwest corner of proposed Lot 2

M. TROJAN & ASSOCIATES
Environmental Consultants

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May 2, 2014
Sent Via Email

Mirza Tahir Baig, PE
Professional SfruCIVIL Engineers, Inc.
12710 Research Blvd., Suite 390
Austin, Texas 78759

Subject: Report Attachment to Variance Request No.: 1 - Formal Variance
from LDC 25-8-281(B)
Case Number: C8-2013-0177.0A
0.56-Acre Undeveloped Residential Lot (Tabrizi Subdivision)
4316 Far West Blvd.
Austin, Travis County, Texas 78731

Mirza:

Per your request, this report has been prepared as an attachment to Variance Request No.: 1 for the Tabrizi Subdivision property located at 4316 Far West Blvd. in Austin, Travis County, Texas.

BACKGROUND

During a site reconnaissance conducted on October 23, 2013, a series of seeps was identified on the north-northwestern part of the lot. The seep area [labelled as Critical Environmental Feature (CEF) S-1] was documented in the following report:

Report: Report of City of Austin Environmental Assessment
0.56-Acre Undeveloped Residential Lot (Tabrizi Subdivision)
4316 Far West Blvd.
Austin, Travis County, Texas 78731
Date: October 31, 2013
Prepared for: Professional SfruCIVIL Engineers, Inc.
Prepared by: M. Trojan & Associates

CEF S-1 represents a series of seep conduits along a 20- to 30-foot segment of the onsite ephemeral drainage way (refer to attached Figure 1). The drainage way exhibits high and steep sidewalls and shows characteristics of rapid flow during rain events. The seep area appears to be active following periods of precipitation and inactive during droughts. The seeps were observed active at the time of the site reconnaissance (October, 2013), and the flow/discharge rate was estimated at or less than 0.1 gallons/minute.

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The seep area was further inspected on April 30, 2014, and was observed to be relatively dry (no discharge); however, associated soils and rock surfaces were observed to exhibit adequate moisture levels to support and maintain plant communities in and around the seeps.

PROPOSED DEVELOPMENT

The 0.56-acre lot is proposed for development as a single-family residence, including a house structure and driveway that accesses Far West Blvd. (refer to attached Figure 1). Given the extreme topographic slopes over the entire lot, the house structure is proposed to be built aboveground on steel piers, with the front of the structure base at street level and the back (north side) positioned up to approximately 30 feet above ground surface.

As is evident from the overall dimensions of the lot, construction of a single-family home on the lot is challenging. Moreover, a standard CEF setback of 150 feet would not allow any development on the lot. Hence, in order to enable construction of the house structure, Professional StruCIVIL Engineers, Inc. has proposed reduction of the standard 150-foot setback from CEF S-1 to 75 feet. Per the LDC 25-8-281(B), a formal variance is required to plat a single-family residential lot that contains a CEF.

PROPOSED SETBACK JUSTIFICATION

Per the City of Austin (COA), the variance request must demonstrate that the proposed development will preserve all characteristics of the seep area, including the quality and quantity of flow and the ecological habitat associated with the seep area. Based on review of environmental conditions on the lot, it is assessed that the proposed development on the lot will have no significant impact on the environmental setting of the lot and areas down-gradient of the property. Moreover, it is suggested that the proposed 75-foot protective setback that allows construction of a single-family home on the lot will preserve all characteristics of the seep area, including the quality and quantity of flow and the ecological habitat associated with the seep area. This assessment is based on the following:

- The proposed single-family residence represents a unique development case as the lot will not be significantly altered by this development. That is, lot preparation and construction of the aboveground structure will require very minimal grading and will not result in installation of traditional impervious cover. As such, the physical and ecological conditions on the lot will be preserved.
- Based on the COA GIS and field reconnaissance, the watershed that drains to the onsite ephemeral drainage way and CEF is estimated at approximately 12 acres (Note: This estimate is not based on accurate measurements of the drainage basin). This watershed is developed as single-family residences and roadways. Specifically, the watershed

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generates stormwater runoff from up to 28 residential lots and approximately 2,750 feet of roadway. Although the water quality of this runoff was not researched, it is assumed that the runoff exhibits certain levels of fertilizer/pesticide and general roadway pollutants. As the development lot will not significantly alter environmental conditions on the lot, and the fact that the lot will not exhibit the standard lawn/landscaping for maintaining, current and future runoff from the lot represents discharge of higher quality runoff when compared to the watershed.

- The wastewater service line proposed for the house structure is designed to be installed aboveground beneath the structure. As such, installation (via trenching) of the line will not disturb the ground and the line will always be visible for potential leak detection.
- Given the aboveground nature of the proposed development, flow to the CEF will not be altered. In turn, downstream discharge from the CEF will not be affected.

The exception to the above is the potential for runoff of sediment and/or pollutants during the construction phase. However, proper stormwater runoff controls that are described in the Site Plan will both decrease the runoff velocity and minimize, or altogether eliminate runoff of sediments/pollutants to the onsite drainage way and seep area. In addition to conventional silt fencing, hay bales and composite socks may likely be required to fill spaces between large rock boulders up-gradient from the CEF. Of course, all temporary runoff controls will be frequently inspected and repairs and/or replacements of inadequate controls will be made immediately upon detection.

Report Attachment to Formal Variance from LDC 25-8-281(B)
0.56-Acre Undeveloped Residential Lot
4316 Far West Blvd., Austin, Texas 78731

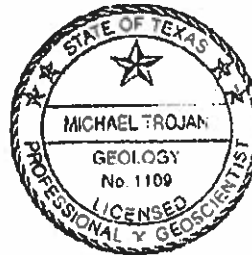
May 2, 2014

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Thank you for your time in receiving and reviewing this correspondence. Should you have any questions or require additional information, please feel free to contact me at 258-6606 or 917-3695 (mobile), or forward an email to mtrojan@austin.rr.com.

Respectfully,

Michael Trojan



Michael Trojan, PG
M. TROJAN & ASSOCIATES

Licensed Professional Geoscientist #1109

Attachments: Figure 1 – Site Development Plan
Figure 2 – Seep Area Watershed

Copy Via Email: MTA Project SE-13-015 File

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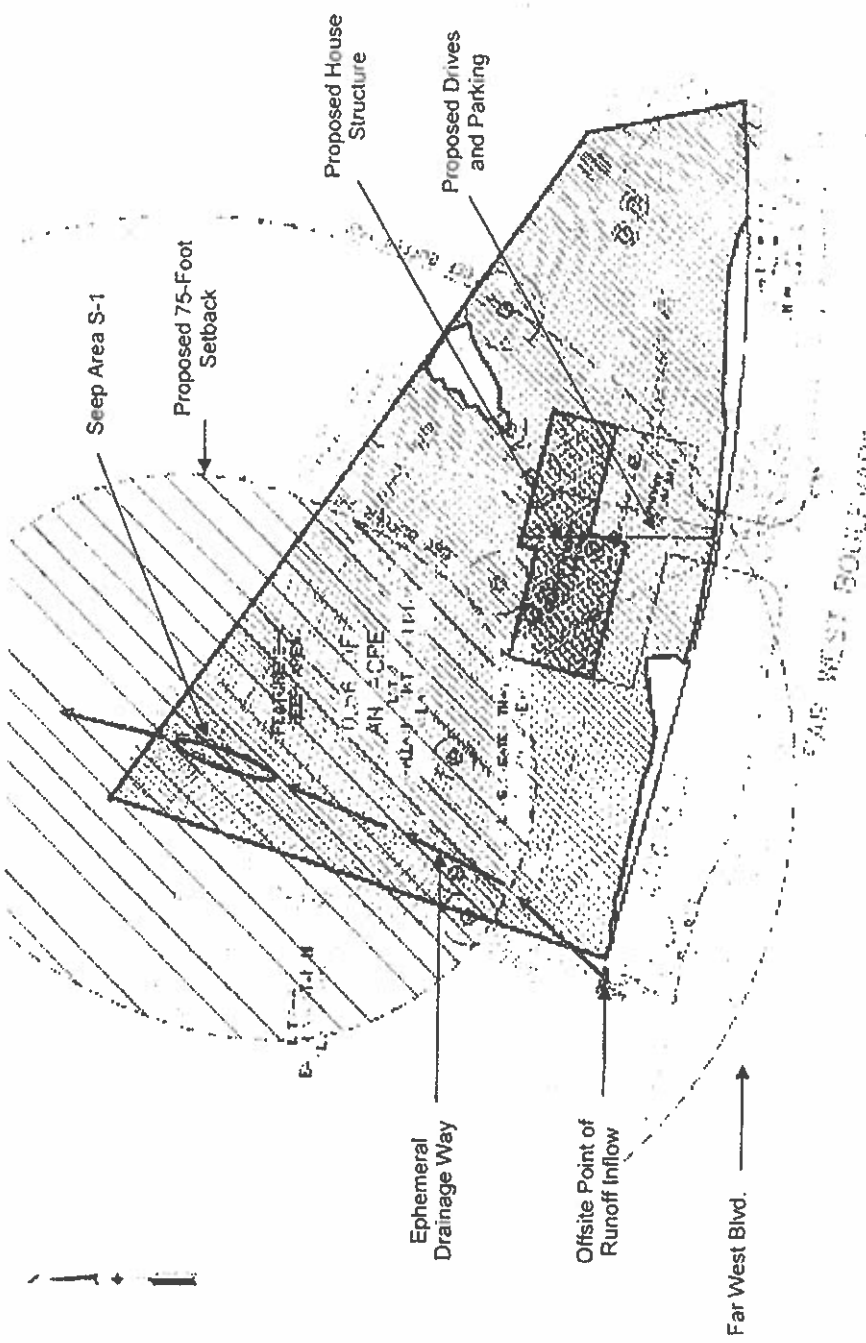
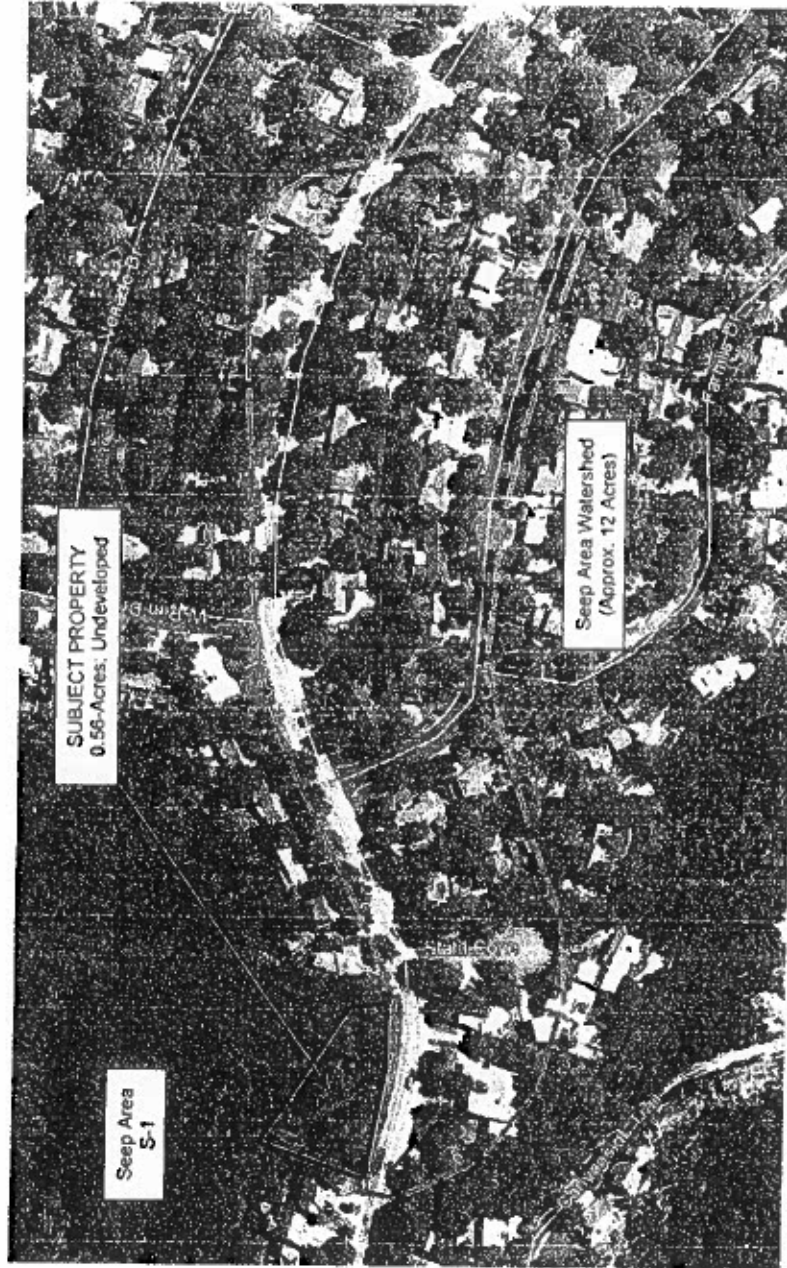


FIGURE 1
SITE DEVELOPMENT PLAN
0.56-ACRE UNDEVELOPED RESIDENTIAL LOT
4316 FAR WEST BLVD.
AUSTIN, TRAVIS COUNTY, TEXAS 78731

Scale: No Scale
Date: May 2, 2014
Project: City of Austin EA
MTA Project: SE-13-015

M. TROJAN & ASSOCIATES
Environmental Consultants
8244 Lime Creek Road
Leander, Texas 78641
(512) 258-6606



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Scale: No Scale
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FIGURE 2
SEEP AREA WATERSHED
 0.56-ACRE UNDEVELOPED RESIDENTIAL LOT
 4316 FAR WEST BLVD.
 AUSTIN, TRAVIS COUNTY, TEXAS 78731

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site:

<http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Castillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Platting Commission

ALAN BERGSMAN
Your Name (please print)

☐ I am in favor
☒ I object

4309 Conynsine Trail Austin, TX 78757
Your address(es) affected by this application

[Signature] 10/16/12
Signature Date

Daytime Telephone: 512 472 6060

Comments:

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept./4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C8-2013-0177.0A

Contact: Sylvia Limon, 512-974-2767 or Cindy Casillas, 512-974-3437
Public Hearing: Oct 21, 2014, Zoning and Platting Commission

Leland & Pamela Snell
Your Name (please print)

☒ I am in favor of this object

4302 Far West Blvd
Your address (if affected by this application)

[Signature] 10/9/14
Signature Date

Daytime Telephone: 512-632-7133 512-568-1717

Comments: Build to existing single
Resident Code.

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept./4th Floor
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810