

SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY

CASE: SP-2014-0144D

ZAP COMMISSION DATE: 04/21/2015

PROJECT NAME: 70 Pascal Lane

APPLICANT: Chris and Debbie Pacitti

AGENT: Armbrust & Brown, L.L.P.,
(Amanda Morrow)

ADDRESS OF SITE: 70 Pascal Lane

COUNTY: Travis

AREA: 1.926 ac

WATERSHED: Lake Austin (Water Supply Suburban) JURISDICTION: Full Purpose

EXISTING ZONING: LA

PROPOSED DEVELOPMENT:

The proposed project consists of a two-slip residential boat dock with tram shoreline access.

DESCRIPTION OF VARIANCE:

To allow the construction of a tram within a 150 foot Critical Environmental Feature buffer (Canyon Rimrock/ Bluff) to provide a single point of shoreline access to a proposed boat dock that is outside the buffer. 25-8-281(C)(2)(B).

STAFF RECOMMENDATION:

The findings of fact have been met and staff recommends approval with conditions.

ENVIRONMENTAL BOARD ACTION:

April 1, 2015: The Environmental Board recommended approval of the variance to allow construction of the tram within a canyon rimrock/ bluff critical environmental feature buffer, 25-8-281(C)(2)(b).
VOTE: 5-1-0-1

ZONING AND PLATTING COMMISSION ACTION:

April 21, 2015

ENVIRONMENTAL REVIEW STAFF: Jim Dymkowski

James.dymkowski@austintexas.gov

PHONE: 512-974-2707

CASE MANAGER: Rosemary Avila

Rosemary.avila@austintexas.gov

PHONE: 512-974-2784



CPH

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: April 1, 2015

Name & Number
OF PROJECT: 70 PASCAL LANE
SP-2014-0144D

NAME OF APPLICANT
OR ORGANIZATION: Armbrust & Brown, LLP.
Amanda Morrow, (512) 435-2368

LOCATION: 70 Pascal Lane

PROJECT FILING DATE: April 17, 2014

WPD/ERM
STAFF: SCOTT HIERS, 974-1916
scotthiers@austintexas.gov

PDRD/Environmental
STAFF: JIM DYMKOWSKI, 974-2707
james.dymkowski@austintexas.gov

PDRD/
CASE MANAGER: Michael Simmons-Smith, 974-1225
michael.simmons-smith@austintexas.gov

WATERSHED: Lake Austin (Water Supply Suburban),
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance

REQUEST: 1) To allow the construction of a tram within a 150 foot Critical
Environmental Feature buffer (Canyon Rimrock/Bluff) to provide a single
point of shoreline access to a proposed boat dock that is outside of the
buffer. 25-8-281 (C) (2) (B).

STAFF RECOMMENDATION: Approve with condition.

REASONS FOR RECOMMENDATION: The findings of fact have been met if implemented with
conditions.



MEMORANDUM

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

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

DATE: April 1, 2015

SUBJECT: 70 Pascal Lane – SP-2014-0144D

On your April 1, 2015 agenda is a request for consideration and possible recommendation for one variance to allow the construction of a tram within a 150 foot Critical Environmental Feature (Canyon Rimrock/Bluff) buffer to provide a single point of shoreline access to a proposed boat dock that is outside of the buffer. 25-8-281 (C) (2) (B).

Description of Property

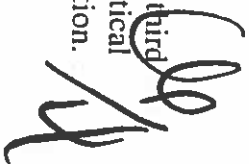
The subject property is a 1.926 acre platted lot located in the Lake Austin Watershed, is classified as Water Supply Rural, and is located in the Drinking Water Protection Zone. According to City of Austin GIS, the site is not located over the Edwards Aquifer Recharge Zone. The subdivision, Rob Roy Phase 2, was recorded in 1979. The property is located within the Full Purpose Planning Jurisdiction and the lot is zoned LA. According to Travis County Appraisal District records, the existing residence was constructed in 1989. The site does not have any existing dock or structural shoreline access from the home. All work proposed is new construction. This lot, as well as the others along the shoreline in this subdivision, is subject to a restrictive covenant limiting construction to the shoreline below the bluff and prohibiting construction on the bluff itself. During a recent variance request on a property close to this one, the City and the homeowners association both determined that they would not be enforcing this restriction in this covenant.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the lot elevation ranges from the Lake Austin shoreline at 492.8 feet mean sea level (msl), to approximately 780 feet msl at the back of the house (three hundred and six foot rise). The type of soils located on this site were identified in the Environmental Resource Inventory as Speck-Tarrant association which consists of shallow, stony, loamy soils and very shallow, stony clay soils overlying limestone. The slope vegetation contains many existing native trees, (Live oak, Ashe juniper, Shin oak) and an understory of elbowbush and greenbier vine. The site does contain a Canyon Rimrock/Bluff Critical Environmental Feature approximately a third of the way down the slope.

Critical Environmental Features/CWOZ

There is a Canyon Rimrock/Bluff Critical Environmental Feature (CEF) located approximately a third of the way down the slope away from the existing residence. The project is located within the Critical Water Quality Zone of Lake Austin, which is a 75 foot buffer from the 492.8 feet shoreline elevation. The proposed dock and access are allowed by code within the Critical Water Quality Zone. No endangered species were identified in the Environmental Resource Inventory.



Project Background

The site plan under review was submitted on April 17, 2014 and proposes the construction of a new shoreline access by tram with landing directly onto the footprint of a new two slip boat dock. Because of the LA zoning the applicant also has requested a Board of Adjustment variance which was denied, but the applicant has requested reconsideration of that request after action by the Environmental Board on the CEF variance.

Environmental Code Variance Request

According to 25-8-281 (C) (2) (B), construction is prohibited within the 150 CEF buffer. The requested variance is to allow the construction of a tram within a 150 foot Critical Environmental Feature buffer (Canyon Rimrock/Bluff) to provide a single point of shoreline access to a proposed boat dock that is outside of the buffer. The Canyon Rimrock/Bluff CEF will not be disturbed by tram construction and the buffer width will be maintained.

Conditions for Staff Approval

1. No tram support will be placed into the Canyon Rimrock/Bluff and shall not have contact with the Canyon Rimrock/Bluff within 5' of the crest and 1' of the toe of the Canyon Rimrock/Bluff. Prior to site plan approval the applicant will provide a letter from a structural engineer certifying that the tram can be constructed as shown on the plans spanning the bluff with a 5' setback from the crest and a 1' setback from the toe.

Recommendation

Staff recommends approval of the environmental variance because the Findings of Fact (enclosed herein) have been met.

U/S



ENVIRONMENTAL BOARD MOTION 040115 005a

Date: April 1, 2015

Subject: 70 Pascal Lane SP-2014-014D

Motion By: Robert Deegan

Second By: Jim Schisler

RATIONALE:

Whereas, the applicant has met the Findings of Fact,

Therefore, the Environmental Board recommends approval of the request with staff conditions.

Staff Conditions:

- No tram support will be placed into the Canyon Rimrock/Bluff and shall not have contact with the Canyon Rimrock/Bluff within 5' of the crest and 1' of the toe of the Canyon Rimrock/Bluff. Prior to site plan approval the applicant will provide a letter from a structural engineer certifying that the tram can be constructed as shown on the plans spanning the bluff with a 5' setback from the crest and a 1' setback from the toe.

VOTE 5-1-0-1

For: Maxwell, Schisler, Deegan, Redmond, Smith

Against: None

Abstain: Perales

Absent: Neely

Approved By:

Mary Gay Maxwell, Environmental Board Chair



Ug

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

Project: 70 Pascal Lane- SP-2014-014DS

Ordinance Standard: Land Development Code Section 25-8-281(C) (2) (b)

Variance Request: To allow construction of a tram within a canyon rimrock/bluff Critical Environmental Feature (CEF) buffer in order to have access to the shoreline.

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. There are other properties with frontage along Lake Austin that possess extreme slopes. These frequently contain stairs or trams to access a boat dock along the shoreline.

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. Property owners are allowed one access to the shoreline as a necessary access. The Canyon Rimrock/Bluff critical environmental feature spans the entire width of the property. Therefore, any proposed access would have to go through the buffer and across the feature itself. The construction of the tram uses minimal impervious cover and disturbance and City code requires revegetation of all disturbed areas and that the tram design include screening with the use of existing vegetation and painting of the tram to the surrounding environment.

- 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 construction of tram for shoreline access is currently the method that uses the least amount of impervious cover and site disturbance. The tram structure is a minimal increase in impervious cover to provide the property owner access to the shoreline and the proposed boat dock.



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

Yes. The construction of a tram is a typical means of access to the shoreline for properties along the lake with steep slopes. For this site, the construction of the tram will have less impervious cover and less environmental impact compared to the construction of stairs or a permanent path. The appropriate sedimentation and erosion controls are proposed and all disturbed area will be revegetated with native plants that are similar to current vegetation growing on steep slopes.

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

Yes. The construction of the tram uses minimal impervious cover and site disturbance. The Land Development Code requires revegetation of all disturbed areas. The appropriate sedimentation and erosion controls are proposed and revegetation of all disturbed areas after construction will be completed. The water quality should be at least equal to the current water quality condition.

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.

Environmental Reviewer:

Hydrogeologist Reviewer:

Environmental Program Coordinator:

Environmental Officer:

Date: March 26, 2015

Yes

Jim Dymkowski

Scott Hiers

Sue Barnett

Chuck Lesniak

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

70 Pascal Lane-SP-2014-0144DS
Driving Directions

CE/d

Beginning at Austin City Hall 301 W 2nd Street:

Turn right onto W Cesar Chavez St/Water Ave

Continue to follow W Cesar Chavez St 1.2 mi

Keep left at the fork, follow signs for TX-1 Loop S and merge onto TX-1 Loop S
0.7 mi

Follow TX-1 Loop S and TX-360 Loop N to Pascal Ln
9 min (7.5 mi)

Merge onto TX-1 Loop S
2.0 mi

Take the exit toward Texas 360 Loop N/Capital of Tx Hwy
0.1 mi

Turn right onto TX-360 Loop N
4.9 mi

Turn left onto Pascal Ln

Destination will be on the left

70 Pascal Ln
Austin, TX 78746

U/D

March 11, 2015

Leane Heldenfels
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78703

70 Pascal Lane; C15-2015-0013

Dear Leane:

I own property located at 84 Pascal, in the Rob Roy Subdivision. My neighbors, Chris and Debbie Pacitti, have filed a variance request with the City of Austin for the construction of a tram in order to provide access to a boat dock. We understand that the tram will be built in accordance with city code and screened using natural vegetation. We support the variances required to construct the tram.

Thank you.

Sincerely,

Frank Sabile

16/11

March 11, 2015

Leane Heldenfels
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78703

70 Pascal Lane; C15-2015-0013

Dear Leane:

I own property located at 74 Pascal Lane, in the Rob Roy Subdivision. My neighbors, Chris and Debbie Paciti, have filed a variance request with the City of Austin for the construction of a tram in order to provide access to a boat dock. We understand that the tram will be built in accordance with city code and screened using natural vegetation. We support the variances required to construct the tram.

Thank you.

Sincerely,



Manoj K. Saxena
74 Pascal Lane
Austin TX 78746

1 of 2

17 MAR 15

MS. AMANDA MORROW,

ATTACHED IS A LETTER OF ASSENT / SUPPORT

FOR THE PACITIS REQUEST FOR A VARIANCE TO

ALLOW CONSTRUCTION OF A TRAM FOR ACCESS

TO LAKE AUSTIN.

CY/9

THANK YOU,

John J. Ding
Steven M. Tracy

1 HUMPHREY LN

CS123 327-1653



moreland
PROPERTIES

3825 Lake Austin Blvd
Suite #501
Austin, Texas 78703
512 480 0848 ph
512 480 9761 fax
888 740 0848 toll free

04/13

March 11, 2015


Leane Heldenfels
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78703

RE: 70 Pascal Lane
C15-2015-0013

Hello Leane;

I live in Rob Roy, at 65 Pascal Lane. My neighbors, Chris and Debbie Pacitti, have filed a variance request with the City of Austin to construct a tram which would provide access to a boat dock. My wife and I understand that the tram will be built in accordance with city code and will be screened using natural vegetation. I'm writing to say that we support the variances required to construct the tram.

Sincerely,



Cord Shiflet

CE/IX

March 11, 2015

Leane Heldenfels
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78703

70 Pascal Lane; C15-2015-0013

Dear Leane:

I own property located at 72 Pascal Lane, in the Rob Roy Subdivision. My neighbors, Chris and Debbie Pacitti, have filed a variance request with the City of Austin for the construction of a tram in order to provide access to a boat dock. We understand that the tram will be built in accordance with city code and screened using natural vegetation. We support the variances required to construct the tram.

Thank you.

Sincerely,



Manoj K. Saxena
74 Pascal Lane
Austin TX 78746

Cy/10

March 11, 2015

Leane Heldenfels
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78703

70 Pascal Lane; C15-2015-0013

Dear Leane:

I own property located at 1 Humberg, in the Rob Roy Subdivision. My neighbors, Chris and Debbie Pacitti, have filed a variance request with the City of Austin for the construction of a tram in order to provide access to a boat dock. We understand that the tram will be built in accordance with city code and screened using natural vegetation. We support the variances required to construct the tram.

Thank you.

Sincerely,

John & Jane
John M. Jones

Amanda Morrow

CE/110

From: Donna Pigg <donna1p@austin.rr.com>
Sent: Tuesday, March 17, 2015 2:08 PM
To: Amanda Morrow
Cc: Debbie Pacitti
Subject: Chris and Debbie Pacitti

Sent from my iPad

Dear Leane

We own property at 9 Muir Lane in the Rob Roy subdivision. Chris and Debbie Pacitti have filed a variance with the city for the construction of a tram to connect to the lake. This is needed to access a boat dock on Lake Austin. The proposed tram will be built following all city codes. In addition natural vegetation will be used for screening.

We support the variances required for this construction.

Sincerely

John and Donna Piggs

70 Pascal Lane
SP-2014-0144DS
Site Photos

CJL/1X



Tram landing near home above lake

70 Pascal Lane
SP-2014-0144DS
Site Photos

CV/A



View of tram route from landing above lake

70 Pascal Lane
SP-2014-0144DS
Site Photos

U/g



View of tram landing at boat dock location in shoreline

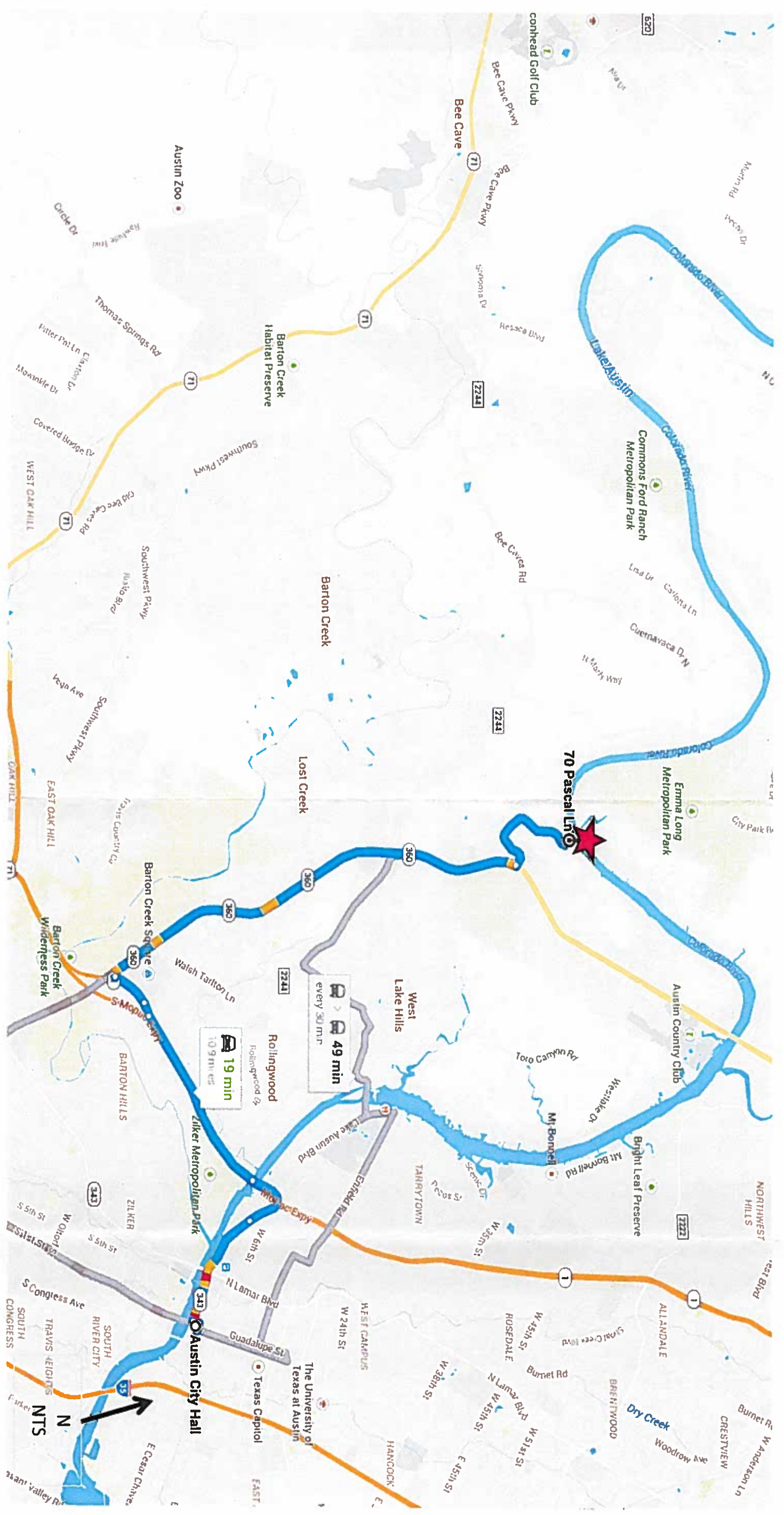
CV/AD



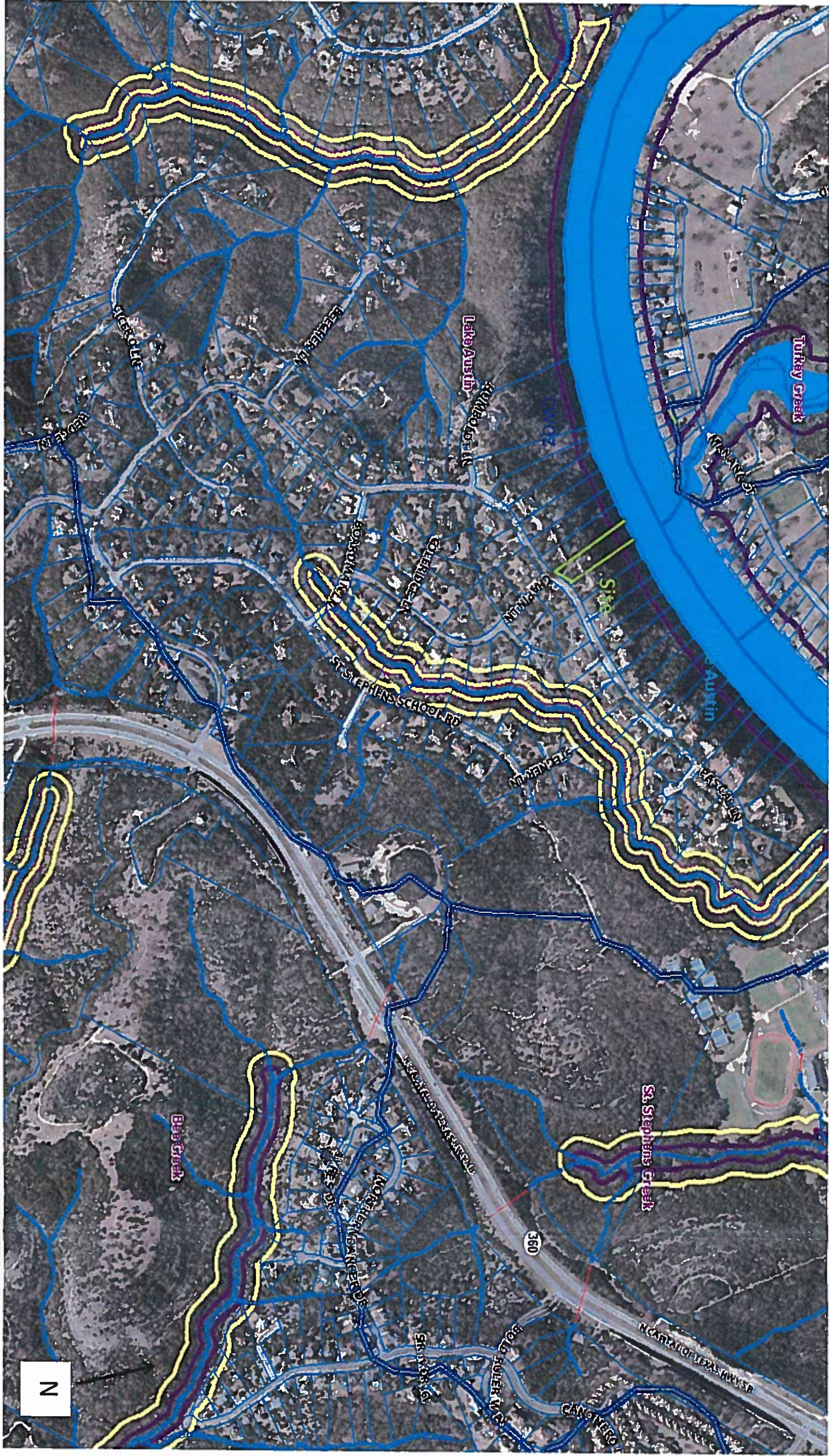
View of the canyon rimrock critical environmental feature

70 Pascal Lane
SP-2014-0144DS
Site Location

08/10



70 Pascal Lane
SP-2014-0144DS
Surrounding Development and Nearby Waterways



CV/AV

70 Pascal Lane
SP-2014-0144DS
Existing site conditions and topography

CH/AB

