

#### ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING** 

DATE REQUESTED: SEPTEMBER 7, 2016

NAME & NUMBER

OVERLOOK AT SPICEWOOD SPRINGS

OF PROJECT:

SPC-2015-0317C

NAME OF APPLICANT

Lawrence Hanrahan, PE

OR ORGANIZATION:

512-402-6878

LOCATION:

4920 Spicewood Springs Rd

**PROJECT FILING DATE:** 

July 14, 2015

WPD/ENVIRONMENTAL

Sylvia R. Pope, P.G., 512-974-3429

STAFF:

Sylvia.pope@austintexas.gov

PDR/

Christine Barton-Holmes, 512-974-2788 Christine.barton-holmes@austintexas.gov

CASE MANAGER:

Bull Creek Watershed Water Supply Suburban

**Drinking Water Protection Zone** 

**ORDINANCE:** 

WATERSHED:

Watershed Protection Ordinance (current Code)

REQUEST:

Variance request is as follows:

To reduce the Critical Environmental Feature (CEF) buffers of 2 canyon rimrocks (RR-1 and RR-2) from the standard 150-foot distance; the proposed buffer width for RR-1 is 50

feet and for RR-2 is 106 feet.

LDC 25-8-281(C)(1)(a)

**STAFF RECOMMENDATION:** Recommend approval with conditions.

REASONS FOR

**RECOMMENDATION:** Findings of fact have been met.



### **ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM**

# PROJECT DESCRIPTION Applicant Contact Information

Name of Applicant	Scott Taylor
Street Address	8917 Old Lampasas Trial #28
City State ZIP Code	Austin, Texas 78750
Work Phone	512-619-1846
E-Mail Address	taylor@tierra-concepts.com

#### **Variance Case Information**

Case Name	Overlook at Spicewood Springs						
Case Number	SP-2015-0317C						
Address or Location	4920 Spicewood Springs, Austin, Texas 78759						
Environmental Reviewer Name	Mike McDougal						
Applicable Ordinance	Current code						
Watershed Name	Bull Creek						
Watershed Classification	□Urban □ Suburban <b>X</b> Water Supply Suburban □ Water Supply Rural □ Barton Springs Zone						
Edwards Aquifer Recharge Zone	<ul> <li>□ Barton Springs Segment</li> <li>■ Not in Edwards Aquifer Zones</li> </ul>						
Edwards Aquifer Contributing Zone	☐ Yes X No						

Distance to Nearest Classified Waterway	365' (from building to minor waterway)
Water and Waste Water service to be provided by	City of Austin
Request	Variance from LDC Sec. 25-8-281(C)(1)(a) to reduce the standard 150' buffers for Critical Environmental Features canyon rimrock RR-1 to 50 feet and canyon rimrock RR-2 to 106 feet.  Please refer to the slope map: The area upslope of RR-2 does not meet ECM 1.10.4.A.1 criteria for which an administrative variance could be granted (slopes exceed 15%)

Impervious cover	Existing	Proposed
square footage:		21,362
acreage:		<u>.49</u>
percentage:		<u>_11.2%</u>
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	15%, but these areas are difficult steep slopes. The site is within the Tributary 2.1.2 to Bull Creek bise the subject site ranges from approached above mean sea level. Tributary on the site, with accompanying Covegetation species include Plates greenbrier, Virginia creeper, and heritage trees on the area proposition the Fredericksburg Group, Limestone. The site contains set	od Springs Road and which opes less than 15%. The considerate as of slopes less than to access due to intervening the Bull Creek watershed, with ecting the site. The elevation of roximately 694 feet to 825 feet 2.1.2 becomes a minor waterway CWQZ and WQTZ. Dominant au live oak, Ashe juniper, Saw native grasses. There are no seed for development. The site lies Upper Glen Rose and Edwards

Clearly indicate in what way the proposed project does not comply with current Code (include maps and

Variance to reduce CEF buffer zone for Canyon Rimrock RR-1 and RR-2.

exhibits)	

#### **FINDINGS OF FACT**

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Overlook at Spicewood Springs

#### Ordinance: Current Code (Section 25-8-281(C)(1)(a))

- A. Land Use Commission variance determinations from Chapter 25-8-41 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

It is common for property located in the Bull Creek Watershed with steep topography to have geological conditions that contain critical environmental features ("CEF") such as rimrock. It is also common for properties with limited buildable area because of topographic conditions which have known CEFs to receive a variance to reduce the required 150 foot buffer zone from the CEF. In this case there are two canyon rimrock features (RR-1 & RR-2) located downslope of the proposed development: (i) a 52 foot long rimrock (RR-1) located approximately 60 feet downslope of the building, and (ii) an 81 foot long rimrock (RR-2) located approximately 117 feet downslope of the nearest proposed structure. The building is located within the 150 foot buffer zone of both CEFs.

Without the requested variance, the property is unbuildable.

#### 2. The variance:

 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 property has a single readily-accessible area of about an acre that contains slopes less than 15% that are suitable for development; however this is also the area where the canyon rimrock is located downslope. Other site constraints that affect the placement of the building are (i) a requirement for safe sight distance at the access point to the site and (ii) the remainder of the site consisting of floodplain, CWQZ, WQTZ, CEFs, and steep slopes. Because of

Yes

the site constraints, a portion of the building is located within 60 feet of RR-1 and 117 feet of RR-2.

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 Given the site's limited buildable area due to its steep topography and other site constraints (see (a) above), the placement of the building cannot be altered without creating a greater environmental impact.

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

In the case of canyon rimrocks, the preservation method consists of minimizing concentrated flows from the development across the feature. For this development the applicant proposes that during construction, water filled traffic barriers will be placed along the limits of construction ("LOC") to divert the majority of the storm water runoff away from the CEFs. In addition, a filter sock will be placed on the downstream side of the water filled traffic barriers in the event small amounts of runoff percolate through the barriers. Any final disturbed slopes steeper than 4:1 upstream of the CEFs will be overlain with erosion control matting to assist in the revegetation process to minimize erosion. Any disturbed areas that drain to the CEFs will be revegetated with native plants and grasses in accordance with City of Austin Specification 609S (Native Grasslands Seeding and Planting).

After construction is complete the drainage areas to the CEF will consist of a small non-impervious sheet flow area due to the fact the entire developed area will be captured by the roof drains and inlets which will then be diverted to the water quality facility. Discharge from the water quality facility will be at a location that is not upstream of the CEFs.

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

Runoff from impervious surfaces will be captured and routed to the water quality pond. Runoff from Spicewood Springs Road, currently uncontrolled sheet flow, will be routed around RR-1 but, due to the length and location of RR-2, flow from Spicewood Springs Road (conveyed via storm sewer) will be flowing over RR-2. Discharge from the storm system will be spread prior to release over the site. Discharge from all developed portions of the site will be diverted around RR-1 and RR-2, and will be directed to the water quality pond.

T: 512.402.6878

F: 512.402.6947



May 4, 2016 CE 15002

Commissioners City of Austin Environmental Commission 505 Barton Springs Road Austin, TX 78704

RE: Overlook at Spicewood Springs

SP-2015-0317C

Request for Variance [LDC Sec. 25-8-281(C)(1)(a)]

#### Dear Commissioners:

Please consider this request for a variance from the City of Austin Land Development Code Sec. 25-8-281(C)(1)(a), which prescribes a 150-foot buffer from the edge of a critical environmental feature (CEF). Attached is a Variance Application Form and exhibits which describe in more detail the reasons for our request.

#### Background

The Overlook at Spicewood Springs is a proposed 12,000 square foot office building with associated parking and utilities. Parking is in a two-level garage to minimize impervious cover and to limit development to areas of relatively flat slopes. Total impervious cover on the 24.39-acre site is 21,362 square feet, proposed on approximately one acre of contiguous area containing relatively flat slopes. The area proposed for development is the only area that is suitable for development, given the topography of the remainder of the site, the presence of CEFs, and a tributary to Bull Creek which bisects the property.

There are two CEFs (canyon rimrock, labeled RR-1 and RR-2) less than 150 feet downslope of the area proposed for development. The request is to reduce the setbacks to 50 feet and 106 feet, respectively, measured from the CEF to the nearest area within the limits of construction.

#### Reasons for Request

The area proposed for the office is the single readily-accessible, flat portion of the site that abuts Spicewood Springs Road. The remainder of the site consists of floodplain, CWQZ, WQTZ, CEFs, and steep slopes, and/or presents access challenges from Spicewood Springs Road.

The building footprint was designed to maximize the CEF setbacks to the greatest extent feasible. A 150-foot setback for RR-1 would extend to the right of way of Spicewood Springs Road, rendering the site undevelopable.



Attached is an exhibit showing the proposed CEF setbacks for RR-1 and RR-2, reduced to 50 feet for RR-1 and 106 feet for RR-2. Also attached is an exhibit showing 150-foot setbacks for both, indicating that the site is rendered undevelopable without the requested setbacks.

Thank you for your consideration of this request, and please let us know if you have any questions.

Marlu, P.E.

Sincerely,

Lawrence M. Hanrahan, P.E.

Project Manager CIVILE, LLC
TPBE # F-15581

#### Attachments

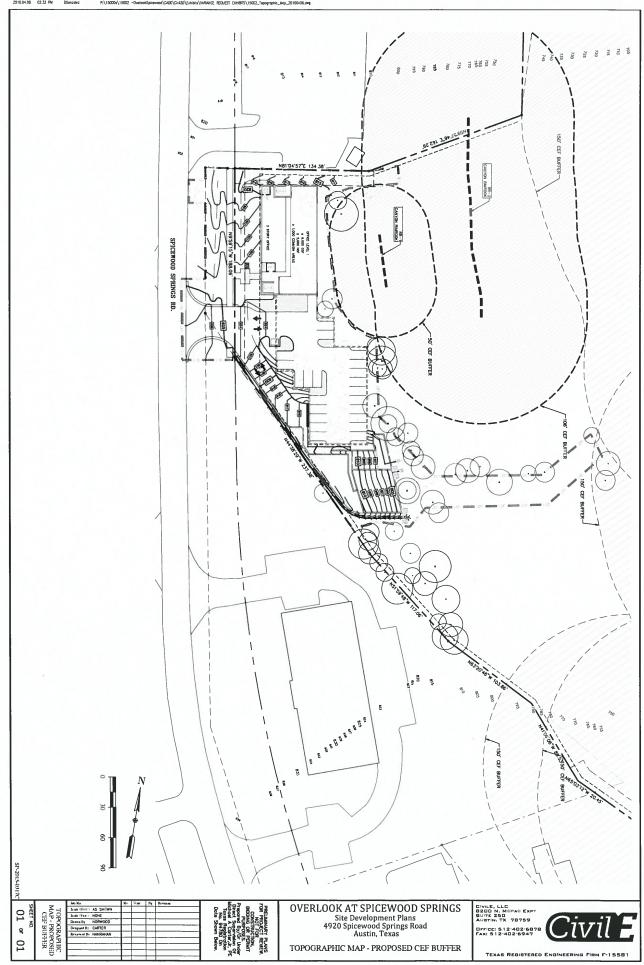
Existing CEF Setbacks Exhibit Proposed CEF Setbacks Exhibit

# OVERLOOK AT SPICEWOOD SPRINGS Site Development Plans 4920 Spicewood Springs Road Austin, Texas

TOPOGRAPHIC MAP - EXISTING CEF BUFFER

CIVILE, LACE
GEORG N. MOPAG EMPY
GUINE SAG
AUSTIN, TA 789759

OFFICES \$13-402-0947





#### **MEMORANDUM**

**TO:** Members of the Environmental Commission

**FROM:** Sylvia R. Pope, P.G., Hydrogeologist

Watershed Protection Department

**DATE:** September 7, 2016

**SUBJECT:** Overlook at Spicewood Springs

Case No. SPC-2015-0317C

On the September 7<sup>th</sup> agenda is a request for the consideration of a variance to reduce the standard 150-foot Critical Environmental Feature (CEF) buffer width to 50-feet for one canyon rimrock, RR-1, and 106-feet for a second canyon rimrock, RR-2 [LDC 25-8-281(C)(1)(a)].

#### **Property Location**

The property is located at 4920 Spicewood Springs Road (Exhibit 1 – Aerial Photographs). Adjacent uses include single family, multi-family, office, medical, and retail uses.

#### **Watershed Data**

The approximately 24.4 acre property is located within the Bull Creek Watershed, which is classified as a Water Supply Suburban Watershed. Portions of the property are located within the Edwards Aquifer Recharge Zone (Exhibit 2 – Recharge Zone Map). Surface water generally drains from: from the west side of the property easterly toward the center of the property; from the east of the property westerly toward the center of the property; and from the center of the property northward (Exhibit 3 – Contour Map). A Critical Water Quality Zone and a Water Quality Transition Zone are located along a tributary of Bull Creek within the property (Exhibit 4 – Waterway Map). No construction is proposed within the Critical Water Quality Zone nor within the Water Quality Transition Zone. In addition, the applicant proposes to tie-in to an existing City of Austin wastewater utility main where the main is: located within the uplands zone; located outside a Critical Environmental Feature buffer; and to minimize impacts to tree critical root zones (Exhibit 5 – Proposed Construction Overall View).

#### **Jurisdictional Data**

The property is within the City of Austin full purpose jurisdiction.

#### **Trees / CEFs**

The subject site consists of heavy woodlands with a thick understory. The dominant tree species include: Ashe juniper; Shin oak; Plateau live oak; Saw greenbrier; and Virginia creeper. There

are fourteen (14) Critical Environmental Features (CEFs) onsite and two (2) offsite, as listed in Exhibit 6 – CEF Worksheet and as shown in Exhibit 7 – CEF Map. Site photos are provided in Exhibit 8 – Site Photos.

Two of the sixteen CEFs are the subject of this variance request. Canyon rimrock RR-1 is 5 feet in height and 52 feet in length. This outcrop is at the base of the Dolomitic member of the Edwards Group and is considered the edge of the Recharge Zone, at this location. Canyon rimrock RR-2 is 8 to 10 feet in height and 200 feet in length and is within the Walnut Formation.

#### **Proposed Development**

The proposed development consists of a two story office with associated improvements including an access drive to the right-of-way and a parking garage. The proposed construction is limited to approximately 1.15 acres. The proposed impervious cover is 0.5 acres, the total allowable impervious cover is 3.03 acres.

#### Variance Request from the Requirement of LDC 25-8-281(C)(1)(a)

LDC 25-8-281(C)(1)(a) establishes the standard CEF buffer width as 150 feet from the edge of the critical environmental feature. The applicant is requesting a variance:

- To reduce the buffer for canyon rimrock number RR-1 to 50 feet; and
- To reduce the buffer for canyon rimrock number RR-2 to 106 feet.

(Exhibit 5 – Proposed Construction Overall View and Exhibit 7 – CEF Map)

## Environmental Criteria Manual (ECM) Requirements for Bluff or Canyon Rimrock Buffer Reduction, Section 1.10.4.A.1

This section of the ECM establishes the requirement that upgradient slopes do not exceed 15% and the average slope does not exceed 10%, when evaluating a request to reduce the standard 150 feet CEF buffer width. The site characteristics associated with canyon rimrock RR-1 meet the criteria to be eligible for an administrative variance to reduce the CEF buffer to 50 feet. However, canyon rimrock RR-2 does not meet the criteria due to slopes that are greater than 15% that are located downslope of canyon rimrock RR-1 and upgradient of RR-2. The applicant chose to combine the variance request to reduce the CEF buffer of RR-1 with the Land Use Commission variance request to reduce the CEF buffer of RR-2 rather than request an administrative review. For this reason, the Environmental Commission and the Zoning and Platting Commission are evaluating this combined variance request.

#### **Conditions for Staff Approval**

The applicant will provide "Jersey" barriers in addition to silt fence along the downslope portion of the Limit of Construction. This will offer structural reinforcement to silt fence; silt fence will reduce transport of sediment beyond the Limit of Construction. Also, mulch logs will be placed downslope of the "Jersey" barrier in the area upslope of canyon rimrock RR-1 as an additional measure to capture sediment.

#### Recommendation

The Findings of Fact have been met. Staff recommends approval of the variance with the above conditions.



# Watershed Protection Department Staff Recommendations Concerning Required Findings Water Quality Variances

Project: Overlook at Spicewood Springs

4920 Spicewood Springs Rd. - SPC-2015-0317C

Ordinance Standard: Land Development Code Section 25-8-281(C)(1)(a)

Variance Request: To reduce the standard 150-foot width Critical Environmental Feature buffers to 50

feet (canyon rimrock RR-1) and 106 feet (canyon rimrock RR-2).

#### Justification:

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 similarly situated properties on Spicewood Springs Road that have constructed buildings at a distance less than 150 feet from a similar rock outcrop and one recent variance to reduce a Critical Environmental Feature (CEF) buffer for a canyon rimrock. The recent variance was for the Spicewood Office Plaza, Case No. SP-2013-0018C.

#### 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. Other site constraints limit the area suitable for construction to approximately 1 acre out of 24.4 acres. These constraints include: steep slopes, 12 other onsite CEFs, floodplain, Critical Water Quality Zone, Water Quality Transition Zone, building setbacks, location of water quality controls, utility easements and driveway placement to access Spicewood Springs Road. Therefore, the 12,000 square foot office building with associated parking and utilities are proposed in the relatively flat area located immediately upslope of the canyon rimrock CEF RR-1.

According to Section 1.10.4.A.1 of the Environmental Criteria Manual (ECM), the site characteristics associated with canyon rimrock RR-1 meet the criteria to be eligible for an administrative variance to reduce the CEF buffer to 50 feet. However, canyon rimrock RR-2 does not meet the criteria due to slopes that are greater than 15% that are located downslope of canyon rimrock RR-1 and upgradient of RR-2.

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 existing conditions, such as other 14 onsite Critical Environmental Features and steep slopes, constrain site development such that the proposed site design is limited to the area upslope of canyon rimrock CEF RR-1. Approximately 1 acre of the 24.4-acre tract has gentle to moderate slopes where an office building and associated infrastructure may be placed. Adjacent tracts are similarly developed on this ridge and parallel to the north side of Spicewood Springs Road. The variance to reduce the CEF buffers for RR-1 and RR-2 is the minimum change necessary to allow reasonable use of the property.

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

Yes. The proposed buffers will preserve the native vegetation in the areas upslope of canyon rimrock CEFs RR-1 and RR-2; thus, reducing erosion and preserving the characteristics of the CEFs. Temporary erosion and sedimentation controls will be used to minimize concentrated flows that may occur during construction. Runoff from impervious cover, such as the roof and paved surfaces, will be directed to storm water control measures.

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

Yes. Protection of canyon rimrock CEFs was initiated with the Comprehensive Watersheds Ordinance (1986) as a means of reducing erosion and preventing transport of sediment into creeks, rivers and lakes. Establishing CEF buffers reduces the potential for erosion and provides a land area where sediment may settle out of runoff. The only runoff that will occur in the area upslope of RR-1 and RR-2 will be rainfall generated within the CEF buffers. Roof and pavement runoff will be directed to stormwater control measures. Existing offsite runoff from pavement will be directed away from RR-1. Therefore, the water quality achievable with the variance is at least equal to the existing conditions.

- 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.

Staff Conditions associated with this Variance. (Please note that these are reflected on the most recent update of the site plan.)

1. Install additional temporary erosion and sedimentation control measures at the upslope perimeter of a 50-foot CEF buffer for canyon rimrock CEF RR-1. These measures include "Jersey" barriers and mulch socks placed downslope of the "Jersey" barriers.

Hydrogeologist Reviewer:

**Environmental Officer:** 

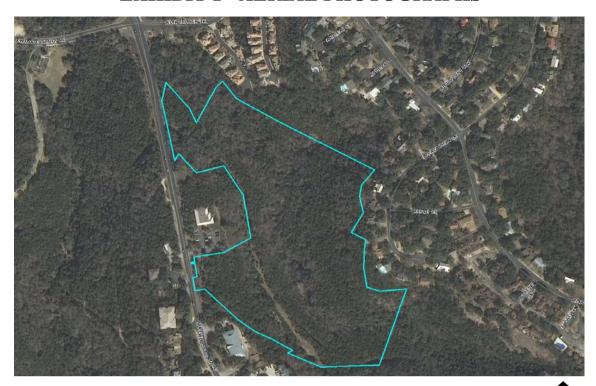
Date: 8/31/2016

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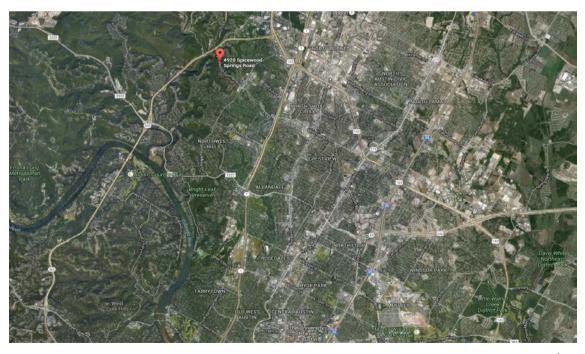
- Creek Centerlines Creek Buffers Overlook at Spicewood Springs \*\*\* Rock Outcrops --Overlook at Spicewood Springs, Case No. SPC-2015-0317C Critical Environmental Features near proposed building Wetlands Springs OverlookRR-2 106ft buffer OverlookRR-1 50ft buffer **Legend** RR-1 200 ∐ Feet \* WATERSHED SPICEWOOD SPRINGS 100 20

### **EXHIBIT 1 - AERIAL PHOTOGRAPHS**



Overlook at Spicewood Springs SPC-2015-0317C 4920 Spicewood Spring Road

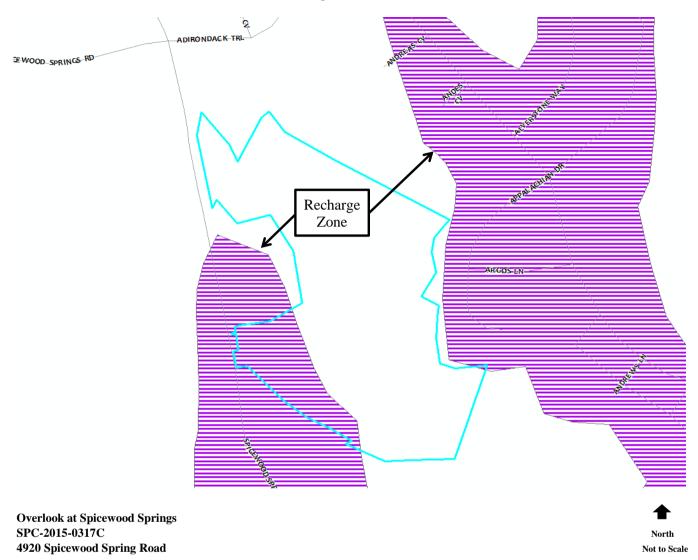
North



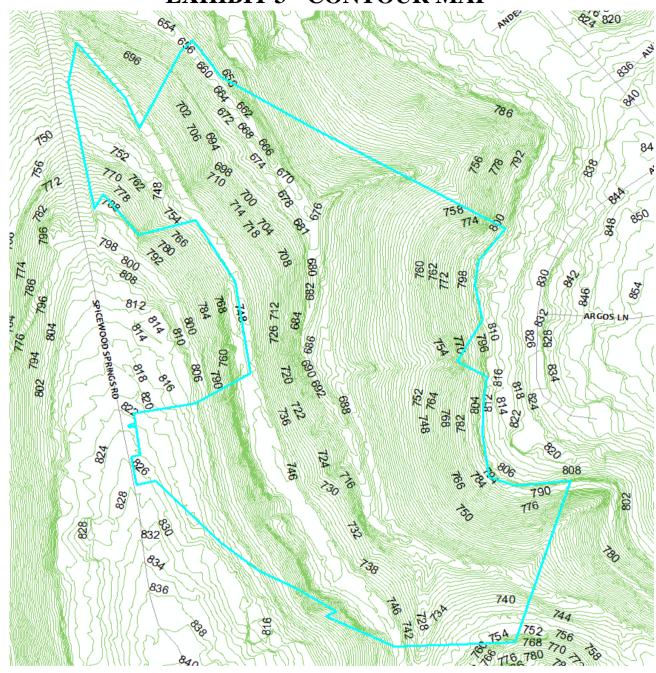
Vicinity Map



## EXHIBIT 2 - EDWARDS AQUIFER RECHARGE ZONE MAP



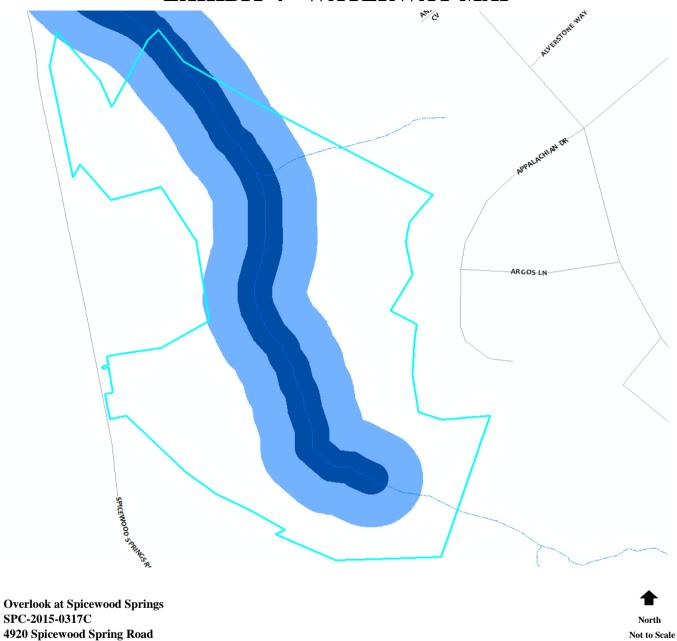
### **EXHIBIT 3 - CONTOUR MAP**

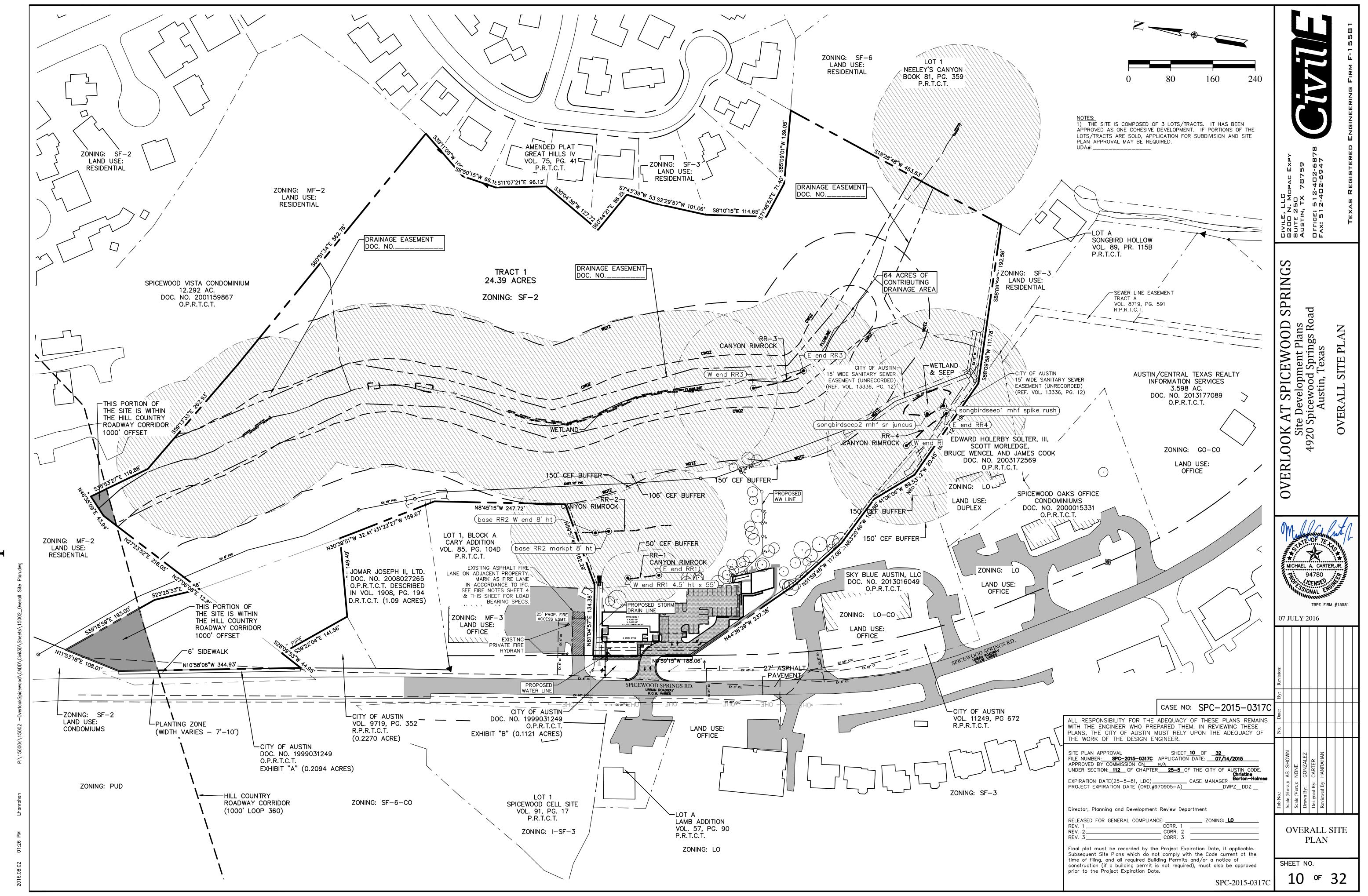


Overlook at Spicewood Springs SPC-2015-0317C 4920 Spicewood Spring Road

North
Not to Scale

**EXHIBIT 4 - WATERWAY MAP** 





## **EXHIBIT 6 - CEF Worksheet**

#### City of Austin Environmental Resource Inventory - Critical Environmental Feature Worksheet

1	Project Name:	Approximately 24-Acre Tract
2	Project Address:	4900 Spicewood Springs Road
3	Site Visit Date:	8 July 2014
4	Environmental Resource Inventory Date:	

5	Primary Contact Name:	Shannon Dorsey
6	Phone Number:	512.328.2430
7	Prepared By:	Rachel McCarter
8	Email Address:	rachel_mccarter@horizon-esi.com

Γ.	FEATURE TYPE	FEATURE ID	FEATURE LONGITUDE (WGS 1984 in Meters)		FEATURE LATITUDE (WGS 1984 in Meters)		WETLAND DIMENSIONS (ft)		RIMROCK/BLUFF DIMENSIONS (ft)		RI	ECHA		Springs Est.	
9	{Wetland,Rimrock, Bluffs,Recharge Feature,Spring}	(eg S-1)	coordinate notation		coordinate notation		X Y		Length Avg Height		X Y Z			Trend	Discharge cfs
	Rimrock RR-1	CEF 1	618,711.529	m	3,361,475.841	m			52	5					
	Rimrock RR-2	CEF 2	618,735.798	m	3,361,493.299	m			200	10	Г				
	Rimrock	CEF 3	618,821.787	m	3,361,328.794	m			98	4.5	Г				
	Seep	CEF 4	618,835.149	m	3,361,322.576	m									>1
	Seep	CEF 5	618,830.254	m	3,361,328.662	m									>1
	Wetland	CEF 6	618,837.729	m	3,361,328.529	m	38	98							
	Seep	CEF 7	618,737.530	m	3,361,740.980	m									>1
	Wetland	CEF 8	618,760.772	m	3,361,710.526	m	5	62							
	Spring	CEF 9	618,767.853	m	3,361,702.481	m									>1
	Wetland	CEF 10	618,795.573	m	3,361,646.534	m	11	21							
	Wetland	CEF 11	618,799.325	m	3,361,617.780	m	13	33							
	Spring	CEF 12	618,798.953	m	3,361,599.701	m									>1
	Wetland	CEF 13	618,799.760	m	3,361,516.515	m	4	375							
	Rimrock	CEF 14	618,835.721	m	3,361,414.779	m			100	8					
	Wetland	CEF 15	618,996.237	m	3,361,338.165	m	5	25							
	Spring	CEF 16	618,999.461	m	3,361,336.559	m									>1

## **EXHIBIT 7 - CEF Map**

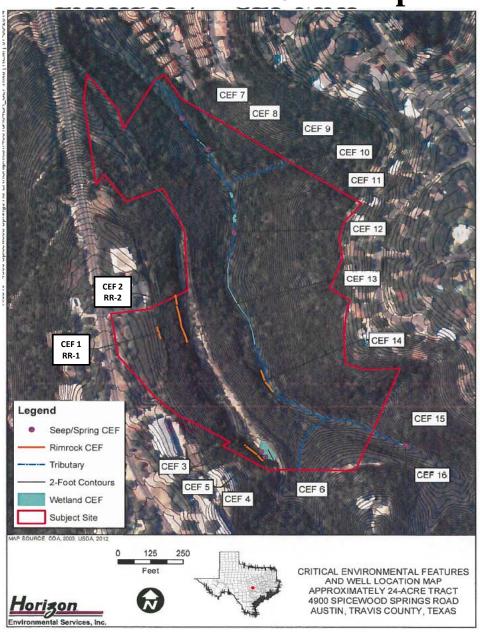




PHOTO 1
Typical view of the subject site



PHOTO 3
View of the on-site tributary of Bull Creek





PHOTO 2
View of the western portion of the subject site, along Spicewood Springs Road



PHOTO 4 View along Rimrock CEF 1 (RR-1)



PHOTO 5 View along Rimrock CEF 2 (RR-2)



PHOTO 7 View of Seep CEF 4



PHOTO 6
View of the start of Rimrock CEF 3



PHOTO 8 View of Seep CEF 5





PHOTO 9 View of Wetland CEF 6



PHOTO 11 View of Wetland CEF 8



PHOTO 10 View of Seep CEF 7



PHOTO 12
View of one discharge point at Spring CEF 9





PHOTO 13 View of Wetland CEF 10



PHOTO 15 View of Wetland CEF 13



PHOTO 14 View of Seep CEF 12



PHOTO 16 View of lower Rimrock CEF 14





PHOTO 17
View of upper Rimrock CEF 14 (discharge feature located in upper left corner of photo)



PHOTO 19 View of Wetland CEF 15



PHOTO 18
View of discharge feature located in Rimrock CEF 14



PHOTO 20 View of Spring CEF 16

