



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING

DATE REQUESTED: JANUARY 18, 2017

NAME & NUMBER OF PROJECT: JUNIOR LEAGUE OF AUSTIN COMMUNITY IMPACT CENTER
SPC-2016-0055C

NAME OF APPLICANT OR ORGANIZATION: Dave Anderson
512-807-2908

LOCATION: 5330 Bluffstone Lane

Council District: District 10

PROJECT FILING DATE: February 5, 2016

DSD/ENVIRONMENTAL STAFF: Atha Phillips, 512-974-6330
Atha.Phillips@austintexas.gov

**DSD/
CASE MANAGER:** Lynda Courtney, 512-974-2810
Lynda.Courtney@austintexas.gov

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

ORDINANCE: Comprehensive Watershed Ordinance

REQUEST: Variance request is as follows:
1. Cut above 4' to 5.57' [13-15-235]
2. Fill above 4' to 5.3' [13-15-235]
3. Construction on Slopes [13-15-237(a)]

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

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



MEMORANDUM

TO: Chair Marisa Perales and Members of the Environmental Commission

FROM: Atha Phillips, Environmental Review Specialist Senior
Development Services Department

DATE: January 11, 2017

SUBJECT: Junior League of Austin Community Impact Center
Case No. SPC-2016-0055C

On the January 18th agenda is a request for the consideration of a variance to allow:

1. Cut above 4' to 5.57' [13-15-235]
2. Fill above 4' to 5.3' [13-15-235]
3. Construction on Slopes [13-15-237(a)]

Property Location and Existing Condition

The property is located at 5330 Bluffstone Lane. Adjacent uses include office space, single family and multi-family. The property consists of one platted tract. According to the Texas Central Appraisal District, there are no existing improvements on the land, although retaining walls and a concrete slab exist from a previous homestead.

Bull Creek runs along the eastern portion of the lot and the lot which slopes from 654 at Bluffstone Lane to 614 at the creek, an elevation change of 40'.

Watershed Data

The property has a gross site area of 10.283 acres. A Critical Water Quality Zone (CWQZ) and Water Quality Transition Zone associated with Bull Creek extend onto the property. The property is located within the Bull Creek Watershed, which is classified as Water Supply Suburban Watershed within the Drinking Water Protection Zone, and the property is not located within the Edwards Aquifer Recharge Zone.

Jurisdictional Data

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

CEFs

The site has four (4) critical environmental features (CEFs); two occurrences of canyon rimrock (CEF1 and CEF4), a bluff (CEF2), and a small wetland (CEF 3) were observed on the property. See Environmental Resource Inventory for map of CEFs.

Proposed Development

The applicant is proposing a three story office building and a five story parking garage, three access drives totaling 66,174 square feet (1.52 acres) of impervious cover and two re-irrigation ponds. The project is zoned GR-CO which allows for the office building and club/lodge zoning that is intended. The club/lodge use is a Conditional Use that will require approval by the Planning Commission.

The proposed development is subject to a settlement agreement with the City of Austin which entitles the property to be developed under the Land Development Code of May 25, 1988. For environmental considerations this means:

1. CWQZ is delineated by the 100 year floodplain
2. 1988 Comprehensive Watershed Ordinance applies
3. Impervious cover is limited to a maximum of 77,902 square feet (1.8 acres)
4. Hill Country Roadway Ordinance applies
5. Must provide structural retention/re-irrigation water quality treatment
6. Protected Tree Ordinance of trees 19" and greater applies

Under current regulations the entire parcel is within the CWQZ and is limited to 40% net site area. Under net site area calculations the site would have no impervious cover available.

The proposed development will require the settlement agreement be amended to allow a relatively small encroachment into the CWQZ (see applicant's exhibit) defined by the settlement agreement, which staff has agreed to in exchange for terminating the settlement agreement once this development is constructed. Staff recommends that condition also be required as a condition of granting the requested variances.

The applicant is also seeking a Hill Country Roadway density bonus to gain an addition 13 feet in height and a Conditional Use Permit for the proposed use. Those requests must be approved by the Planning Commission.

Variance Request

1. Cut above 4' to 5.57' [13-15-235]
2. Fill above 4' to 5.3' [13-15-235]
3. Construction on Slopes [13-15-237(a)]

Conditions for Staff Approval

Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

Recommendation

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



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Junior League of Austin Community Impact Center
5330 Bluffstone Lane
Ordinance Standard: Land Development Code Section 13-15-235(b)
Variance Request: Cut above 4' to 5.57'

Justification:

1. Land Use Commission variance determinations from Chapter 13-15, Article II-Comprehensive Watersheds Ordinance:
 - a. Because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.
Yes, the cut requested is needed for the water quality re-irrigation pond and since the property is sloping towards the creek a cut is required to contain the storm water and minimize the footprint of the pond and allows for the preservation of more trees on-site.
2. The variance:
 - a. Is the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners.
Yes, the amount of cut requested is the amount needed to provide adequate storm water detention.
 - b. Is the minimum departure from the terms of this article and other ordinance requirements necessary to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.
Yes, the cut requested will be stabilized and is necessary to provide adequate water quality needed for the project.
 - c. Does not provide the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development.
Yes, all developments old and new are required to provide similar ponds as part of their water quality.

- d. Is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

Yes, any development on this particular piece of property would likely require this variance due to the on-site typography.

Staff Conditions associated with this variance:

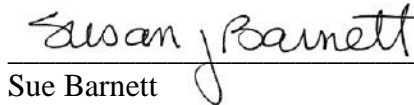
Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

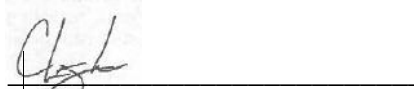
Environmental Review:


Atha Phillips

Environmental Program Manager:


Sue Barnett

Environmental Officer:


Chuck Lesniak



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Junior League of Austin Community Impact Center
5330 Bluffstone Lane
Ordinance Standard: Land Development Code Section 13-15-235(a)
Variance Request: Fill above 4' to 5.3'

Justification:

1. Land Use Commission variance determinations from Chapter 13-15, Article II-Comprehensive Watersheds Ordinance:
 - a. Because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.
Yes, the property is located in an area where slopes present on site require fill to make smooth transitions from the road ROW to the building, as well as to create a level truck delivery access for the owner's food bank deliveries.
2. The variance:
 - a. Is the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners.
Yes, staff has worked with the applicant to decrease the amount of fill required. The applicant will be employing alternative construction methods to minimize the amount of fill needed.
 - b. Is the minimum departure from the terms of this article and other ordinance requirements necessary to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.
Yes, all proposed fill will be stabilized using a method to prevent erosion and to limit the area of disturbance.
 - c. Does not provide the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development.
Yes, similar properties with similar development have received such variances.

- d. Is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

Yes, any development on this particular piece of property would require a variance due to the on-site typography that places much of the land below the street elevation.

Staff Conditions associated with this variance:

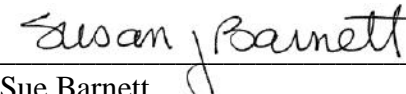
Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

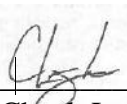
Environmental Review:


Atha Phillips

Environmental Program Manager:


Sue Barnett

Environmental Officer:


Chuck Lesniak



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Junior League of Austin Community Impact Center
5330 Bluffstone Lane
Ordinance Standard: Land Development Code Section 13-15-237(a)
Variance Request: Construction on slopes in excess of 15%

Justification:

1. Land Use Commission variance determinations from Chapter 13-15, Article II-Comprehensive Watersheds Ordinance:
 - a. Because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.
Yes, the property is located in an area where slopes are common and the development contemplated under the settlement agreement with the City would likely not be feasible without the variance.
2. The variance:
 - a. Is the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners.
Yes, the development on slopes proposed has been reduced to the minimum amount needed.
 - b. Is the minimum departure from the terms of this article and other ordinance requirements necessary to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.
Yes, the slopes are a small amount within the driveway and will be stabilized to prevent erosion.
 - c. Does not provide the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development.
Yes, the property is located in an area with substantial slopes and similar properties with similar development have received such variances.

- d. Is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides or develops land.

Yes, the buildable area within the lot has been constrained due to existing environmental factors such as 4 CEFs, Bull Creek CWQZ, and floodplain.

Staff Conditions associated with this variance:

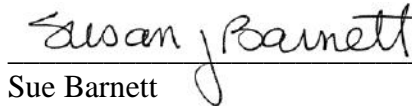
Amend settlement agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.

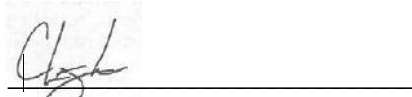
Environmental Review:


Atha Phillips

Environmental Program Manager:


Sue Barnett

Environmental Officer:

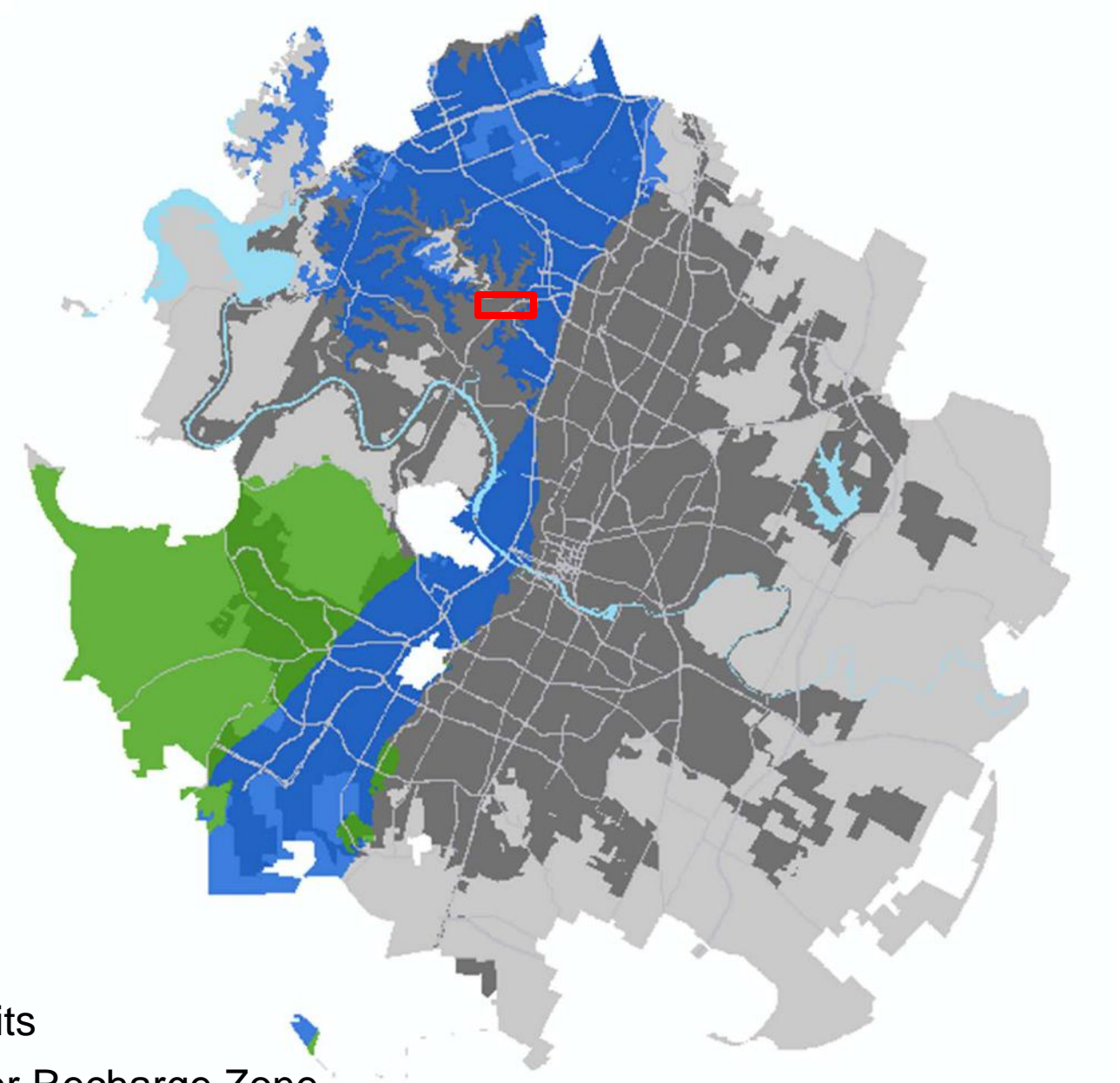

Chuck Lesniak

JUNIOR LEAGUE OF AUSTIN

**5330 BLUFFSTONE LANE
SPC-2016-0055C**

Atha Phillips



*Environmental Review Specialist Senior
Development Services Department*

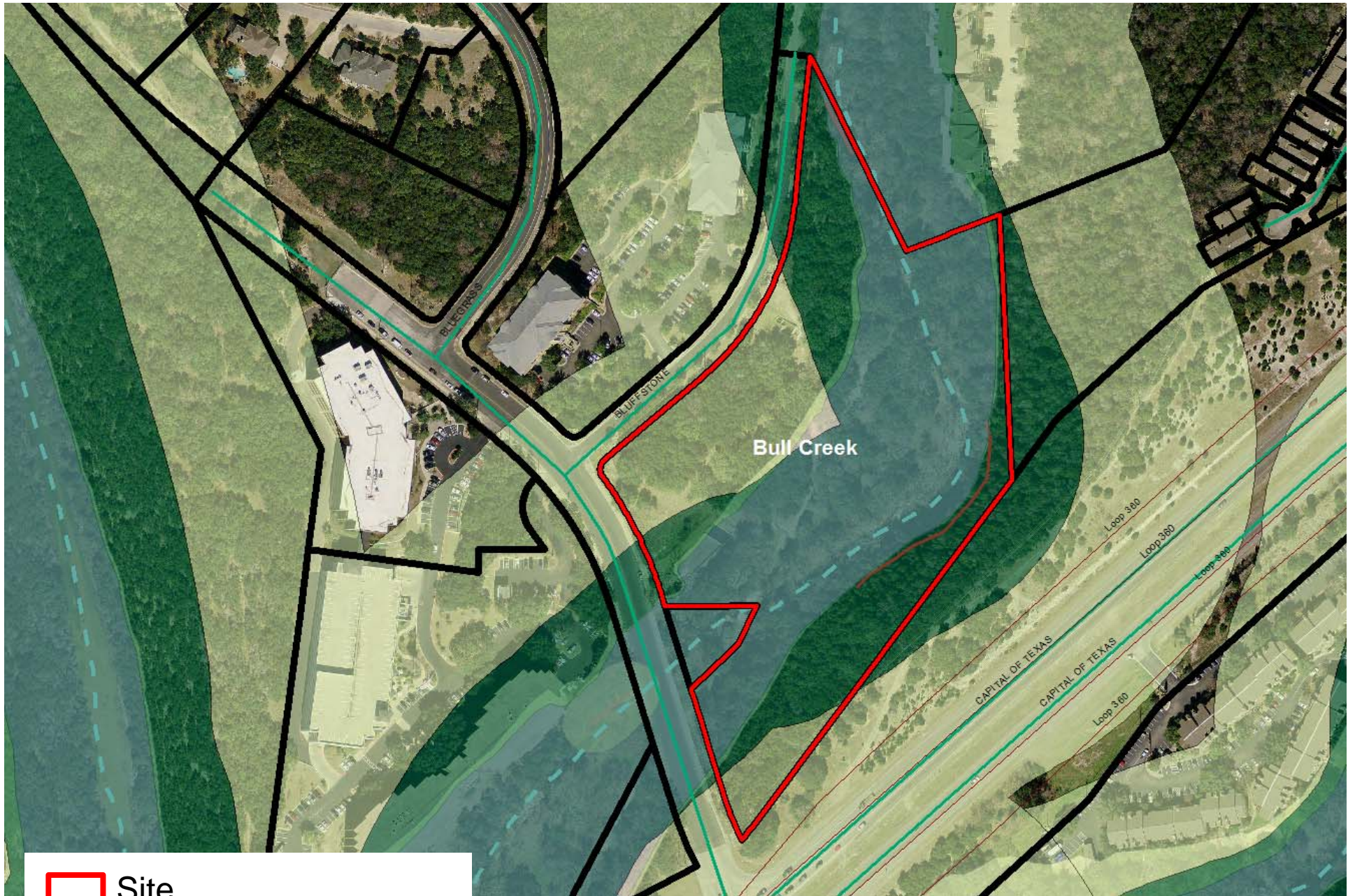
- 
- Site Location
 - Austin ETJ
 - Austin City Limits
 - Edwards Aquifer Recharge Zone
 - Edwards Aquifer Contributing Zone



0 5 10 Miles

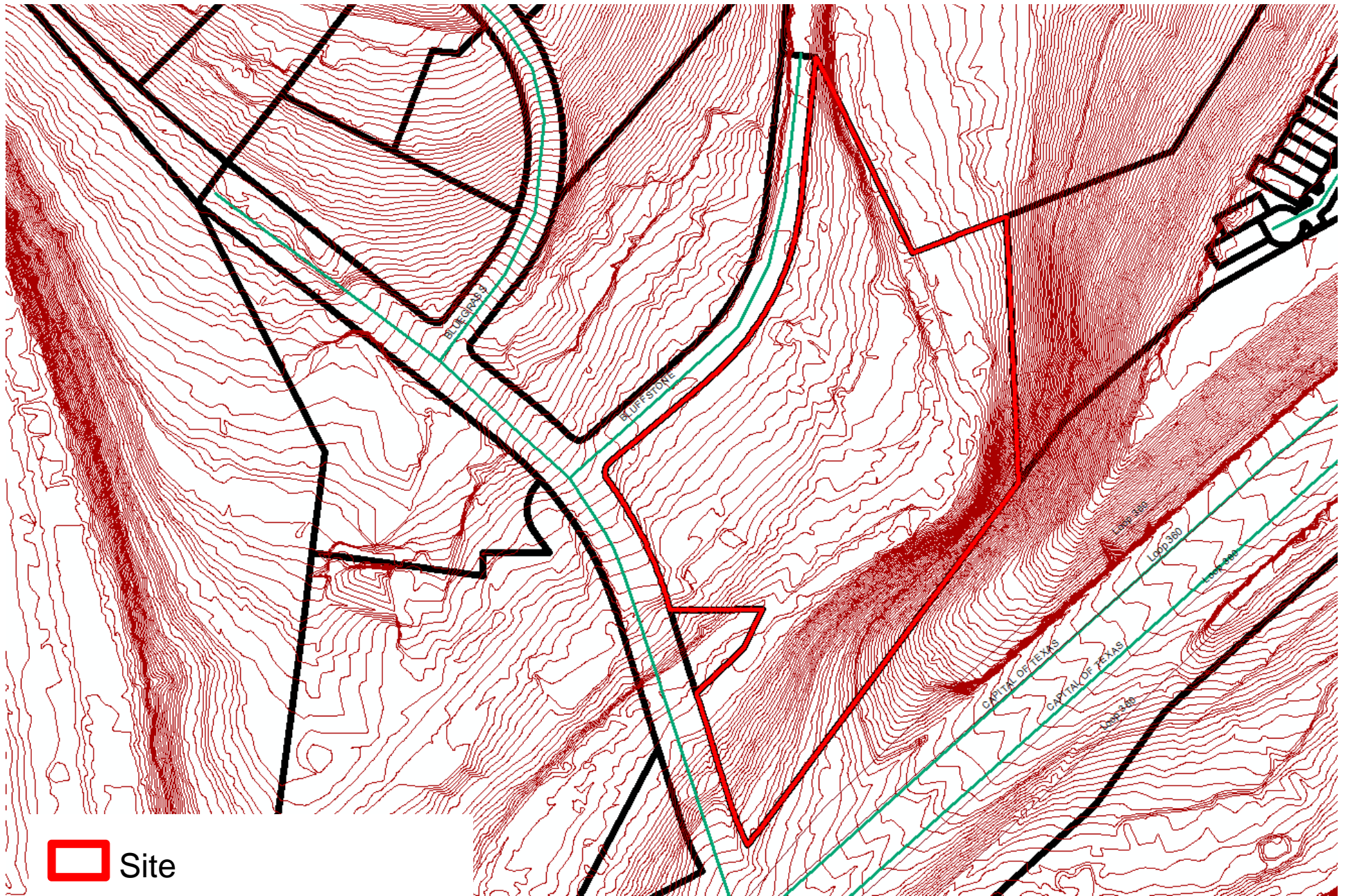







-  Site
-  TCAD Parcels



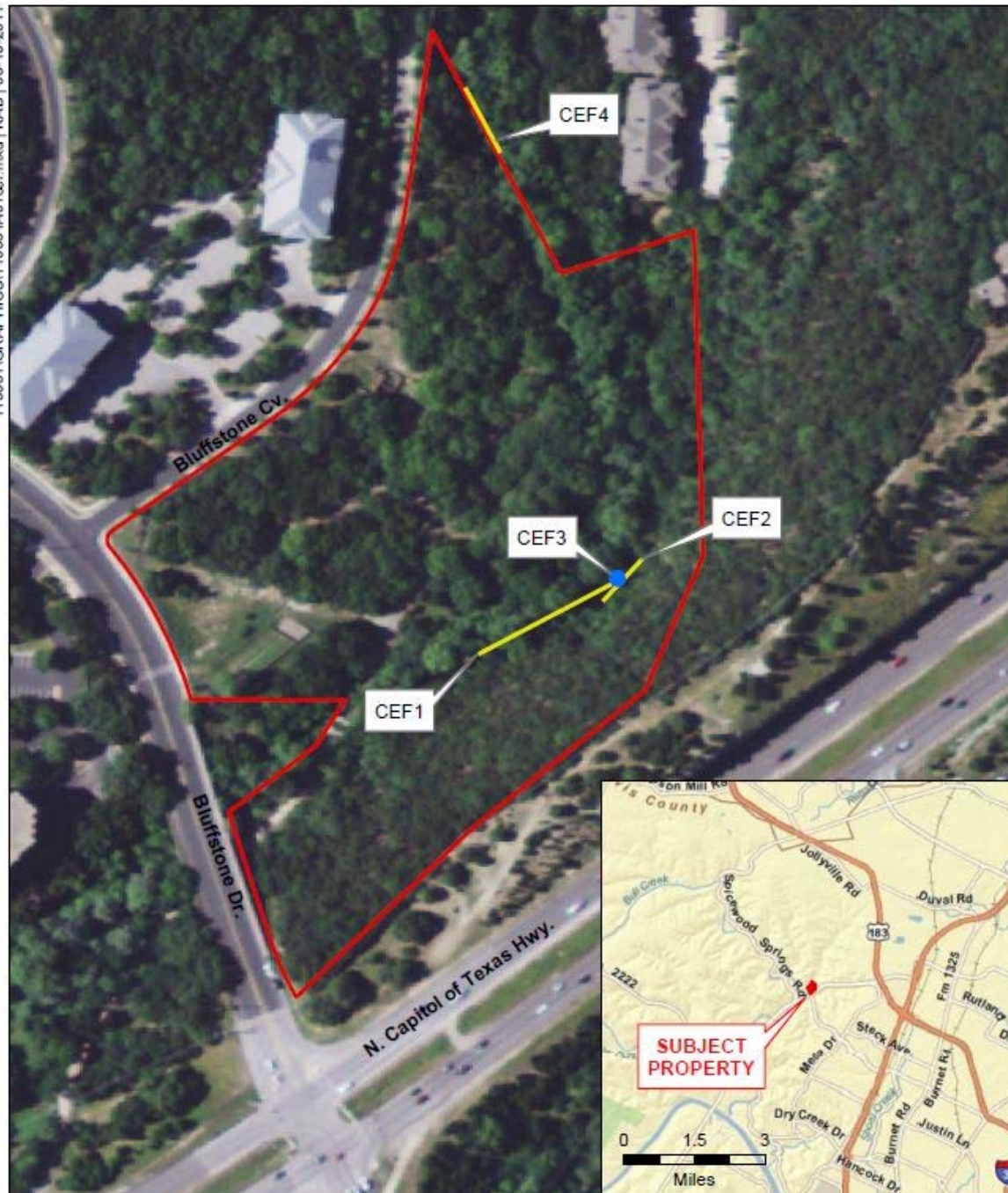
-  Site
-  TCAD Parcels



-  Site
-  TCAD Parcels
-  2-ft Contours

PROPERTY DATA

- **Bull Creek Watershed**
- **Water Supply Suburban**
- **Drinking Water Protection Zone**
- **Full Purpose Jurisdiction**
- **Not located over Edwards Aquifer Recharge Zone**
- **(4) Critical Environmental Features**
- **Council District 10**



CEF 1-Rimrock

CEF 2-Rimrock

CEF 3-Wetland

CEF 4-Rimrock

BACKGROUND

Subject to:

- A Settlement Agreement and the code of May 1988**
- 1988 Comprehensive Watershed Ordinance**
- Allowed maximum impervious cover of 77,902 square feet**
- Hill Country Roadway Ordinance**
- Protected Tree Ordinance-19" and greater**
- Structural retention/re-irrigation water quality treatment**

APPLICABLE CODE

LDC 13-15 (1988)

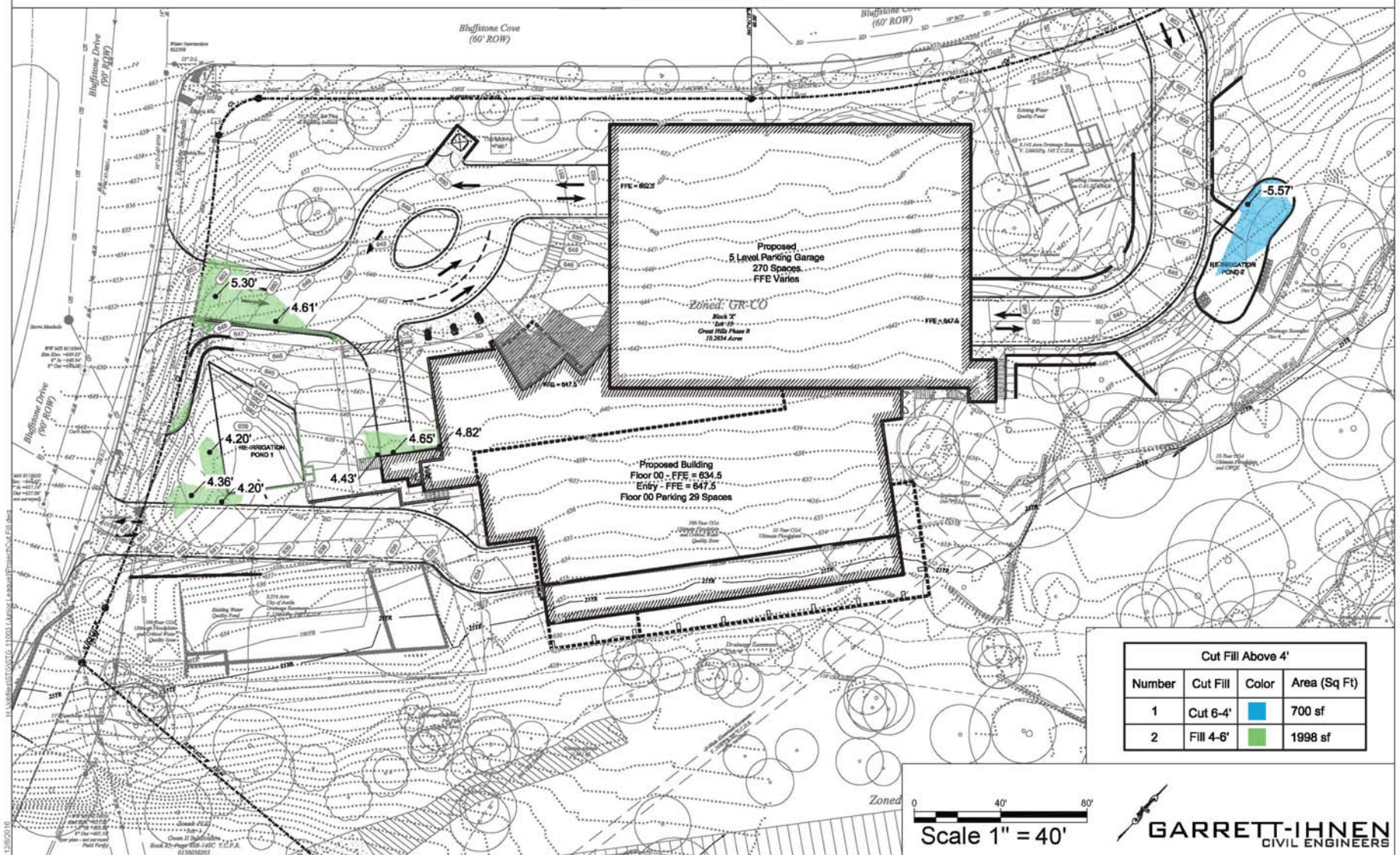
Fill above 4' to 5.3' [13-15-235(a)]

No fill on any lot or other land within the subdivision, except within the roadway right-of-way, shall exceed a maximum of (4) feet of depth.

Cut above 4' to 5.57' [13-15-235(b)]

No cut on any lot or other land within the subdivision, except within the roadway right-of-way, shall exceed a maximum of (4) feet of depth.

Cut Fill Exhibit



APPLICABLE CODE

LDC 13-15 (1988)

Construction on Slopes [13-15-237(a)]

No roadways or driveways shall be constructed on slopes in excess of fifteen (15) percent except where necessary to provide primary access to areas of flatter slopes, constituting a minimum of two (2) contiguous acres or building sites for at least five (5) residential units.

VARIANCE REQUEST

Variance Request

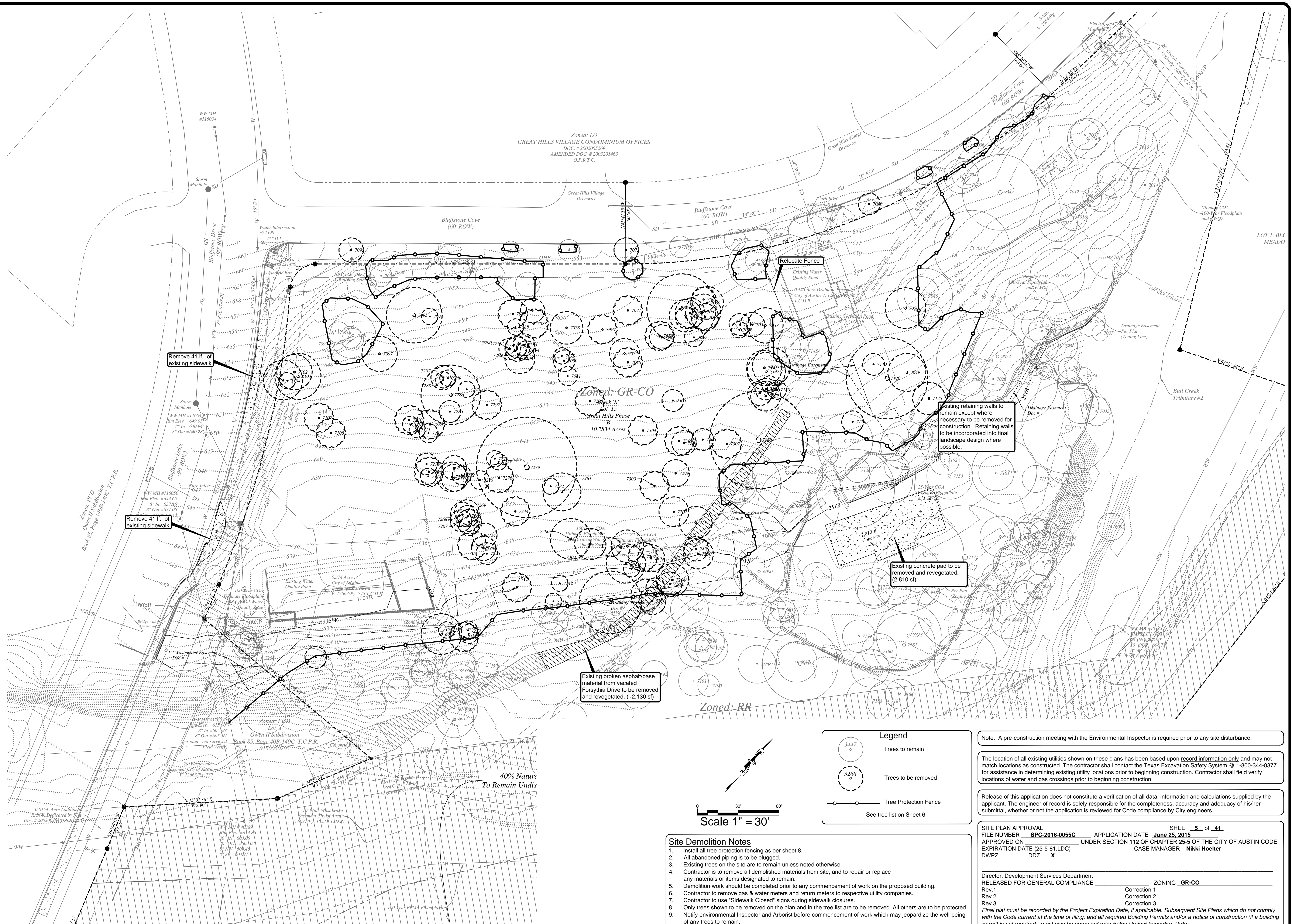
- Cut above 4' to 5.57' [13-15-235]
- Fill above 4' to 5.3' [13-15-235]
- Construction on Slopes [13-15-237(a)]

VARIANCE RECOMMENDATION

Variance is recommended with following condition:

Amendment to the Settlement Agreement to:

1. State that the settlement agreement is void when this development is complete and that all future development or redevelopment is subject to regulations in effect at time of application.



DATE: 9-Nov-16
DESIGNED: CW, JKR
DRAWN: CW/Laf
CHECKED: JKR
JOB NO: STG 11003

[illegible]

GARRETT-IHNEN
CIVIL ENGINEERS
12007 TECHNOLOGY BLVD.
SUITE 150
AUSTIN, TEXAS 78727
TELEPHONE: (512) 454-2400
FACSIMILE: (512) 454-2420
TBE FIRM NO. F-630



Community Impact Center
Junior League of Austin
5330 Bluffstone Lane
Austin, TX 78759
Demolition Plan

SHEET NUMBER

| Tag | Type | Characteristics | Caliper Equivalent | Comments |
|------|----------|---|--------------------|----------|
| 6000 | Elm | 19" | 19 | |
| 6001 | Elm | 8" | 8 | |
| 6002 | Live Oak | 9" | 9 | |
| 6003 | Live Oak | 10"9"7" | 18 | |
| 6004 | Elm | 13" | 13 | |
| 6005 | Live Oak | 8" | 8 | |
| 6006 | Live Oak | 15" | 15 | Removed |
| 6007 | Live Oak | 13" | 13 | |
| 6008 | Elm | 9" | 9 | |
| 6009 | Elm | 12" | 12 | |
| 6010 | Elm | 9" | 9 | |
| 6011 | Elm | 10"8" | 14 | |
| 6011 | Elm | 10"8" | 14 | |
| 6012 | Live Oak | 15" | 15 | |
| 6013 | Live Oak | 28" | 28 | |
| 6014 | Live Oak | 10" | 10 | |
| 6015 | Live Oak | 13" | 13 | |
| 6016 | Live Oak | 9" | 9 | |
| 6017 | Live Oak | 9" | 9 | |
| 6019 | Elm | 16" | 16 | |
| 6020 | Elm | 20" | 20 | |
| 6021 | Elm | 13" | 13 | |
| 6061 | Live Oak | 28" | 28 | |
| 6062 | Live Oak | 23" | 23 | |
| 6063 | Elm | 14" | 14 | |
| 6064 | Elm | 13" | 13 | |
| 6065 | Elm | 14" | 14 | |
| 6066 | Live Oak | 11" | 11 | |
| 6067 | Live Oak | 9" | 9 | |
| 6068 | Elm | 9" | 9 | |
| 6069 | Elm | 14" | 14 | |
| 6078 | Elm | 22" | 22 | |
| 6079 | Elm | 10" | 10 | |
| 6080 | Elm | 10" | 10 | |
| 6092 | Elm | 10" | 10 | |
| 7001 | Live Oak | 8" | 8 | |
| 7002 | Live Oak | 7" | 7 | |
| 7003 | Live Oak | 9" | 9 | |
| 7004 | Live Oak | 8" | 8 | |
| 7005 | Live Oak | 13" | 13 | |
| 7006 | Live Oak | 6" | 6 | |
| 7007 | Live Oak | 11" | 11 | |
| 7008 | Live Oak | 10"10" | 15 | |
| 7009 | Live Oak | 6" | 6 | |
| 7010 | Live Oak | 9"8"6" | 16 | |
| 7011 | Live Oak | 10"6" | 13 | |
| 7012 | Elm | 7" | 7 | |
| 7013 | Cluster | 1 Elm and 2 Live Oaks, 2" TO 5" dia. | 10 | |
| 7014 | Cluster | 8 Live Oaks, 4" TO 5" dia. | 10 | |
| 7015 | Cluster | 2 SumacS and 2 Live Oaks, 2" TO 4" dia. | 10 | |
| 7016 | Live Oak | 10" | 10 | |
| 7017 | Live Oak | 14" | 14 | |
| 7018 | Live Oak | 20" | 20 | |
| 7019 | Live Oak | 16" | 16 | |
| 7020 | Elm | 8"2"2"2"2"2" | 13 | |
| 7021 | Live Oak | 10" | 10 | |
| 7022 | Live Oak | 11" | 11 | |
| 7023 | Live Oak | 11"10" | 16 | |
| 7024 | Live Oak | 14"8"6" | 21 | |
| 7025 | Live Oak | 32" | 32 | |
| 7026 | Elm | 9" | 9 | |
| 7027 | Live Oak | 28" | 28 | |
| 7028 | Elm | 7" | 7 | |
| 7029 | Elm | 6" | 6 | |
| 7030 | Elm | 6" | 6 | |
| 7031 | Elm | 8" | 8 | |
| 7032 | Live Oak | 13" | 13 | |
| 7033 | Cluster | 3 Elms, 2" TO 4" dia. | 10 | |
| 7034 | Elm | 6" | 6 | |
| 7035 | Elm | 8" | 8 | |
| 7036 | Elm | 9"3"3" | 12 | |
| 7037 | Elm | 6" | 6 | |
| 7038 | Cluster | 4 Elms and 2 Persimmon, 2" TO 4" dia. | 10 | |
| 7039 | Live Oak | 7" | 7 | |
| 7040 | Live Oak | 8" | 8 | Removed |
| 7041 | Live Oak | 10" | 10 | |
| 7042 | Live Oak | 13" | 13 | |
| 7043 | Live Oak | 15"14"12" | 28 | |
| 7044 | Live Oak | 15"14"12" | 28 | |
| 7045 | Live Oak | 11"11"8" | 20.5 | |
| 7046 | Live Oak | 13" | 13 | |
| 7047 | Elm | 9" | 9 | |
| 7048 | Live Oak | 12" | 12 | |
| 7049 | Live Oak | 14" | 14 | Removed |
| 7050 | Elm | 15" | 15 | Removed |
| 7051 | Live Oak | 13" | 13 | |
| 7052 | Live Oak | 10"4" | 12 | |
| 7053 | Live Oak | 13" | 13 | Removed |
| 7054 | Live Oak | 9" | 9 | Removed |
| 7055 | Live Oak | 8" | 8 | Removed |
| 7056 | Elm | 6" | 6 | Removed |
| 7057 | Live Oak | 8" | 8 | |
| 7058 | Live Oak | 11" | 11 | |
| 7059 | Live Oak | 8" | 8 | |
| 7060 | Live Oak | 12" | 12 | Removed |
| 7061 | Live Oak | 9" | 9 | Removed |
| 7062 | Live Oak | 13" | 13 | Removed |
| 7063 | Live Oak | 10" | 10 | Removed |

The Tree Survey was prepared by Delta Survey Group on December 15, 2015.

| Tree List | | | | |
|-----------|-------------|---|--------------------|----------|
| Tag | Type | Characteristics | Caliper Equivalent | Comments |
| 7064 | Live Oak | 11" | 11 | Removed |
| 7065 | Live Oak | 12" | 12 | Removed |
| 7066 | Live Oak | 8" | 8 | Removed |
| 7067 | Elm | 7" | 7 | Removed |
| 7068 | Live Oak | 12"10"10"7" | 25.5 | Removed |
| 7069 | Spanish Oak | 9" | 9 | Removed |
| 7070 | Cluster | 6 Elms and 2 Live Oaks, 2" TO 5" dia. | 10 | Removed |
| 7071 | Cluster | 5 Elms, 2" TO 5" dia. | 10 | Removed |
| 7072 | Elm | 8" | 8 | |
| 7073 | Live Oak | 9" | 9 | Removed |
| 7074 | Cluster | 3 Elms, 2" TO 4" dia. | 10 | Removed |
| 7075 | Live Oak | 11" | 11 | Removed |
| 7076 | Cluster | 6 Elms, 2" TO 4" dia. | 10 | Removed |
| 7077 | Live Oak | 8" | 8 | |
| 7078 | Spanish Oak | 12" | 12 | Removed |
| 7079 | Elm | 6" | 6 | Removed |
| 7080 | Elm | 8" | 8 | Removed |
| 7081 | Live Oak | 7" | 7 | Removed |
| 7082 | Live Oak | 9" | 9 | Removed |
| 7083 | Cluster | 3 Live Oaks and 2 Elms, 3" TO 5" dia. | 10 | Removed |
| 7084 | Live Oak | 9" | 9 | |
| 7085 | Live Oak | 11" | 11 | |
| 7086 | Live Oak | 6" | 6 | |
| 7087 | Cluster | 7 Live Oaks, 3" TO 5" dia. | 10 | Removed |
| 7088 | Live Oak | 6" | 6 | Removed |
| 7089 | Live Oak | 7" | 7 | |
| 7090 | Live Oak | 7" | 7 | |
| 7091 | Live Oak | 7" | 7 | |
| 7092 | Elm | 6" | 6 | Removed |
| 7093 | Live Oak | 12"7"5"5" | 20.5 | Removed |
| 7094 | Live Oak | 11"10" | 16 | |
| 7095 | Live Oak | 9" | 9 | Removed |
| 7096 | Elm | 8" | 8 | |
| 7097 | Live Oak | 13" | 13 | Removed |
| 7098 | Live Oak | 17" | 17 | |
| 7099 | Live Oak | 8" | 8 | |
| 7100 | Live Oak | 8" | 8 | |
| 7101 | Elm | 8" | 8 | |
| 7102 | Live Oak | 13" | 13 | Removed |
| 7103 | Live Oak | 11"8"4" | 17 | Removed |
| 7104 | Live Oak | 6" | 6 | Removed |
| 7105 | Live Oak | 10"9" | 14.5 | Removed |
| 7106 | Cluster | 1 Elm, 1 Sumac and 1 Black Walnut, 2" TO 4" dia. | 10 | |
| 7107 | Cluster | 8 Elms, 2" TO 5" dia. | 10 | Removed |
| 7108 | Cluster | 4 Elms and 1 Live Oak, 2" TO 5" dia. | 10 | Removed |
| 7109 | Live Oak | 6" | 6 | Removed |
| 7110 | Cluster | 2 Elms, 2 Live Oaks and 1 Spanish Oak, 2" TO 5" dia. | 10 | Removed |
| 7111 | Live Oak | 6" | 6 | Removed |
| 7112 | Live Oak | 6" | 6 | Removed |
| 7113 | Live Oak | 7" | 7 | |
| 7114 | Live Oak | 8" | 8 | Removed |
| 7115 | Live Oak | 17" | 17 | |
| 7116 | Live Oak | 18" | 18 | |
| 7117 | Elm | 6" | 6 | Removed |
| 7118 | Elm | 8" | 8 | Removed |
| 7119 | Live Oak | 8" | 8 | Removed |
| 7120 | Live Oak | 30" | 30 | Removed |
| 7121 | Live Oak | 8" | 8 | Removed |
| 7122 | Elm | 11" | 11 | |
| 7123 | Elm | 20" | 20 | |
| 7124 | Elm | 7" | 7 | |
| 7125 | Elm | 12" | 12 | Removed |
| 7126 | Elm | 9" | 9 | |
| 7127 | Live Oak | 29" | 29 | |
| 7128 | Live Oak | 30" | 30 | |
| 7129 | Elm | 11" | 11 | |
| 7130 | Live Oak | 18"16" | 26 | |
| 7131 | Elm | 12" | 12 | Removed |
| 7132 | Elm | 7" | 7 | |
| 7133 | Live Oak | 12" | 12 | |
| 7134 | Live Oak | 11"7" | 14.5 | |
| 7135 | Live Oak | 23" | 23 | |
| 7136 | Live Oak | 36" | 36 | Removed |
| 7137 | Live Oak | 11" | 11 | Removed |
| 7138 | Live Oak | 9" | 9 | Removed |
| 7139 | Live Oak | 6" | 6 | Removed |
| 7140 | Live Oak | 7" | 7 | Removed |
| 7141 | Live Oak | 8" | 8 | Removed |
| 7142 | Live Oak | 14" | 14 | Removed |
| 7143 | Live Oak | 13" | 13 | Removed |
| 7144 | Live Oak | 14" | 14 | Removed |
| 7145 | Live Oak | 20" | 20 | |
| 7146 | Live Oak | 10" | 10 | |
| 7147 | Live Oak | 9" | 9 | |
| 7148 | Live Oak | 7" | 7 | |
| 7149 | Live Oak | 12"12" | 18 | |
| 7150 | Live Oak | 9" | 9 | |
| 7151 | Elm | 16" | 16 | |
| 7152 | Elm | 11" | 11 | |
| 7153 | Elm | 17" | 17 | |
| 7154 | Elm | 10" | 10 | |
| 7155 | Live Oak | 34" | 34 | |
| 7156 | Live Oak | 14" | 14 | |
| 7157 | Cluster | 2 Persimmon, 1 Elm, 1 Live Oak and 1 Spanish Oak, 2" TO 5" dia. | 10 | |
| 7158 | Cluster | 3 Elms, 2" TO 4" dia. | 10 | |
| 7159 | Elm | 10" | 10 | |
| 7160 | Live Oak | 24" | 24 | |
| 7161 | Live Oak | 13" | 13 | |

| Tag | Type | Characteristics | Caliper Equivalent | Comments |
|------|----------|--|--------------------|----------|
| 7162 | Live Oak | 13" | 13 | |
| 7163 | Live Oak | 12" | 12 | |
| 7164 | Live Oak | 10" | 10 | |
| 7165 | Live Oak | 12" | 12 | |
| 7166 | Live Oak | 11" | 11 | |
| 7167 | Elm | 8" | 8 | |
| 7168 | Elm | 7" | 7 | |
| 7169 | Elm | 7" | 7 | |
| 7170 | Live Oak | 10" | 10 | |
| 7171 | Live Oak | 15" | 15 | |
| 7172 | Live Oak | 14"14"14"12"9" | 38.5 | |
| 7173 | Live Oak | 20"17" | 28.5 | |
| 7174 | Live Oak | 26" | 26 | |
| 7175 | Elm | 12" | 12 | |
| 7176 | Elm | 12" | 12 | |
| 7177 | Elm | 14" | 14 | |
| 7178 | Elm | 14" | 14 | |
| 7179 | Elm | 12" | 12 | |
| 7180 | Elm | 13" | 13 | |
| 7181 | Live Oak | 23" | 23 | |
| 7182 | Live Oak | 24" | 24 | |
| 7183 | Live Oak | 6"6" | 9 | |
| 7184 | Elm | 10" | 10 | |
| 7185 | Elm | 6" | 6 | |
| 7186 | Elm | 11" | 11 | |
| 7187 | Elm | 11"8" | 15 | |
| 7188 | Elm | 17" | 17 | |
| 7189 | Elm | 14" | 14 | |
| 7190 | Elm | 8" | 8 | |
| 7191 | Elm | 11" | 11 | |
| 7192 | Elm | 10" | 10 | |
| 7193 | Live Oak | 12" | 12 | |
| 7194 | Live Oak | 11" | 11 | |
| 7195 | Live Oak | 15" | 15 | |
| 7196 | Live Oak | 9" | 9 | |
| 7197 | Elm | 12" | 12 | |
| 7198 | Elm | 14" | 14 | |
| 7199 | Elm | 9" | 9 | Removed |
| 7200 | Elm | 11" | 11 | Removed |
| 7201 | Live Oak | 11" | 11 | Removed |
| 7202 | Cluster | 4 Elms, 2" TO 4" dia. | 10 | Removed |
| 7203 | Live Oak | 10" | 10 | Removed |
| 7204 | Live Oak | 6" | 6 | Removed |
| 7205 | Live Oak | 11"7" | 14.5 | Removed |
| 7206 | Live Oak | 12" | 12 | Removed |
| 7207 | Live Oak | 9" | 9 | Removed |
| 7208 | Live Oak | 7" | 7 | Removed |
| 7209 | Live Oak | 9"5" | 11.5 | Removed |
| 7210 | Live Oak | 10" | 10 | Removed |
| 7211 | Live Oak | 6" | 6 | |
| 7212 | Cluster | 4 Elms and 1 Live Oak, 2" TO 5" dia. | 10 | |
| 7213 | Live Oak | 6" | 6 | |
| 7214 | Elm | 11" | 11 | |
| 7215 | Elm | 10" | 10 | |
| 7216 | Cluster | 3 Elms, 2" TO 3" dia. | 10 | |
| 7217 | Cluster | 3 Elms, 2" TO 3" dia. | 10 | |
| 7218 | Elm | 8" | 8 | |
| 7219 | Elm | 6" | 6 | |
| 7220 | Elm | 6" | 6 | |
| 7221 | Cluster | 8 Elms and 2 Persimmon, 2" TO 4" dia. | 10 | |
| 7222 | Elm | 7"6" | 10 | |
| 7223 | Elm | 8" | 8 | |
| 7224 | Elm | 7" | 7 | |
| 7225 | Elm | 10" | 10 | |
| 7226 | Elm | 6" | 6 | |
| 7227 | Cluster | 8 Elms and 1 Persimmon, 2" TO 5" dia. | 10 | |
| 7228 | Cluster | 9 Elms and 1 Persimmon, 2" TO 5" dia. | 10 | |
| 7229 | Elm | 8" | 8 | |
| 7230 | Cluster | 8 Elms and 1 Persimmon, 2" TO 5" dia. | 10 | Removed |
| 7231 | Elm | 7" | 7 | Removed |
| 7232 | Elm | 7" | 7 | Removed |
| 7233 | Live Oak | 11" | 11 | |
| 7234 | Live Oak | 23" | 23 | Removed |
| 7235 | Live Oak | 7" | 7 | |
| 7236 | Live Oak | 7" | 7 | |
| 7237 | Cluster | 4 Live Oaks, 4" TO 5" dia. | 10 | |
| 7238 | Elm | 8" | 8 | |
| 7239 | Elm | 6" | 6 | |
| 7240 | Cluster | 3 Live Oaks and 2 Elms, 3" TO 5" dia. | 10 | |
| 7241 | Live Oak | 6" | 6 | Removed |
| 7242 | Live Oak | 6" | 6 | Removed |
| 7243 | Cluster | 2 Elms, 2 SumacS and 1 Live Oak, 2" TO 5" dia. | 10 | Removed |
| 7244 | Cluster | 7 Elms, 2" TO 3" dia. | 10 | Removed |
| 7245 | Live Oak | 8" | 8 | Removed |
| 7246 | Live Oak | 9" | 9 | Removed |
| 7247 | Live Oak | 9" | 9 | Removed |
| 7248 | Cluster | 8 Live Oaks, 3" TO 4" dia. | 10 | Removed |
| 7249 | Cluster | 6 Elms, 2" TO 5" dia. | 10 | |
| 7250 | Cluster | 3 Elms and 1 Persimmon, 2" dia. | 10 | |
| 7251 | Live Oak | 12"7" | 15.5 | |
| 7252 | Elm | 6" | 6 | |
| 7253 | Elm | 7" | 7 | |
| 7254 | Live Oak | 6" | 6 | |
| 7255 | Elm | 6" | 6 | |
| 7256 | Live Oak | 9" | 9 | |
| 7257 | Live Oak | 10" | 10 | |
| 7258 | Live Oak | 7" | 7 | |
| 7259 | Cluster | 2 Elms and 1 Persimmon, 2" TO 5" dia. | 10 | |

| Tag | Type | Characteristics | Caliper Equivalent | Comments |
|------|----------|---------------------------------------|--------------------|----------|
| 7260 | Live Oak | 18" | 18 | |
| 7261 | Live Oak | 18" | 18 | |
| 7262 | Live Oak | 6" | 6 | |
| 7263 | Live Oak | 14"9"5" | 21.5 | |
| 7264 | Live Oak | 7" | 7 | Removed |
| 7265 | Live Oak | 9" | 9 | Removed |
| 7266 | Live Oak | 8" | 8 | Removed |
| 7267 | Live Oak | 8" | 8 | Removed |
| 7268 | Live Oak | 9" | 9 | Removed |
| 7269 | Live Oak | 9" | 9 | Removed |
| 7270 | Live Oak | 10" | 10 | Removed |
| 7271 | Live Oak | 11" | 11 | Removed |
| 7272 | Live Oak | 7" | 7 | Removed |
| 7273 | Live Oak | 9" | 9 | Removed |
| 7274 | Elm | 8" | 8 | Removed |
| 7275 | Elm | 7" | 7 | Removed |
| 7276 | Cluster | 4 Elms and 2 Live Oaks, 2" TO 5" dia. | 10 | Removed |
| 7277 | Live Oak | 6" | 6 | Removed |
| 7278 | Live Oak | 6" | 6 | Removed |
| 7279 | Live Oak | 21"16"15" | 37 | Removed |
| 7280 | Live Oak | 15" | 15 | Removed |
| 7281 | Live Oak | 14" | 14 | Removed |
| 7282 | Live Oak | 6" | 6 | Removed |
| 7283 | Live Oak | 7" | 7 | Removed |
| 7284 | Cluster | 6 Live Oaks and 1 Elm, 2" TO 5" dia. | 10 | Removed |
| 7285 | Live Oak | 8" | 8 | Removed |
| 7286 | Live Oak | 22" | 22 | Removed |
| 7287 | Live Oak | 9" | 9 | Removed |
| 7288 | Live Oak | 6" | 6 | Removed |
| 7289 | Live Oak | 6" | 6 | Removed |
| 7290 | Live Oak | 8" | 8 | Removed |
| 7291 | Live Oak | 8" | 8 | Removed |
| 7292 | Live Oak | 9" | 9 | Removed |
| 7293 | Live Oak | 8" | 8 | Removed |
| 7294 | Live Oak | 7" | 7 | Removed |
| 7295 | Live Oak | 11" | 11 | Removed |
| 7296 | Cluster | 3 Elms and 1 Live Oak, 2" TO 3" dia. | 10 | Removed |
| 7297 | Cluster | 6 Elms, 2" TO 4" dia. | 10 | Removed |
| 7298 | Live Oak | 6" | 6 | Removed |
| 7299 | Live Oak | 10" | 10 | Removed |
| 7300 | Cluster | 2 Elms and 2 Live Oaks, 2" TO 5" dia. | 10 | Removed |
| 7301 | Live Oak | 12" | 12 | Removed |
| 7302 | Live Oak | 7" | 7 | Removed |
| 7303 | Live Oak | 8" 7" | 11.5 | Removed |
| 7304 | Cluster | 5 Live Oaks and 1 Elm, 2" TO 4" dia. | 10 | Removed |
| 7305 | Live Oak | 8" | 8 | Removed |
| 7306 | Elm | 6"4" | 8 | Removed |
| 7307 | Cluster | 5 Elms and 1 Live Oak, 2" TO 4" dia. | 10 | Removed |
| 7308 | Live Oak | 9" | 9 | Removed |
| 7309 | Cluster | 6 Elms and 1 Live Oak, 2" TO 5" dia. | 10 | Removed |
| 7310 | Cluster | 5 Live Oaks, 2" TO 5" dia. | 10 | Removed |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Documentation provided by the Applicant



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

| | |
|---------------------|-------------------------|
| Name of Applicant | Junior League of Austin |
| Street Address | 8501 Bluffstone Cove |
| City State ZIP Code | Austin, TX 78759 |
| Work Phone | 512-467-8982 |
| E-Mail Address | president@jlaaustin.org |

Variance Case Information

| | |
|---|--|
| Case Name | Junior League of Austin |
| Case Number | SPC-2016-0055C |
| Address or Location | 8501 Bluffstone Cove |
| Environmental Reviewer Name | Atha Phillips |
| Environmental Resource Management Reviewer Name | Chuck Lesniak |
| Applicable Ordinance | Comprehensive Watershed Ordinance |
| Watershed Name | Bull Creek |
| Watershed Classification | <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone |

| | |
|---|---|
| Edwards Aquifer Recharge Zone | <input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones |
| Edwards Aquifer Contributing Zone | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Distance to Nearest Classified Waterway | 140' |
| Water and Waste Water service to be provided by | Austin Water |
| Request | The variance request is as follows (Cite code references): LDC 13-15-235 – Cut and Fill above 4' (CWO) LDC 13-15-237 – Construction on slopes above 15% (CWO) |

| | | |
|---|---|---------------|
| Impervious cover | Existing | Proposed |
| square footage: | <u>2,810</u> | <u>66,174</u> |
| acreage: | <u>0.065</u> | <u>1.519</u> |
| percentage: | <u>0.9</u> | <u>21.8</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) | <p>The property is located between Bluffstone Cove and a tributary of Bull Creek. The topography ranges from elevation 659 at the corner of Bluffstone Cove and Bluffstone Drive down to elevation 612 at the tributary.</p> <p>Only 23% of the site is usable [outside of the 40% natural buffer area, outside of the Critical Water Quality Zone (outside of the natural buffer), outside of Critical Environmental Feature setbacks (outside of the natural buffer), not involved with existing water quality ponds, and outside of areas with slopes >35%. Further, the usable site is reduced to 19% if you consider limitations on construction on slopes greater than 15%.</p> <p>The property has several juniper and oak trees, many of which are designated as protected under the CWO.</p> <p>The development has been designed so that a large majority of the protected trees are preserved. A FEMA floodplain and Critical Water Quality Zone are located on the property and are within a drainage easement.</p> <p>Critical Environmental Features are located within the property along the tributary. The development is located away from those features.</p> | |

| | |
|--|--|
| <p>Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)</p> | <p>See attached Exhibits.</p> <p>One small area of fill greater than 4’ exist on the entry drive due to the steep slopes resulting from the construction of Bluffstone Drive. Fill was placed under the drive in order to lessen the slope into the site.</p> <p>A small area of fill greater than 4’ exists adjacent to the proposed retention/re-irrigation pond required by the Settlement Agreement to the southwest of the building. This is necessary to allow adequate site drainage.</p> <p>A small area of cut greater than 4’ exists coincident with another retention-re-irrigation pond (required by the Settlement Agreement) to the northeast of the building.</p> <p>A small area of construction on slopes greater than 15% exists on the entry drive due to the steep slopes resulting from the construction of Bluffstone Drive.</p> <p>The total cut >4’ requested is 700 square feet (0.16% of the total site).</p> <p>The total fill >4’ requested is 1,998 square feet (0.45% of the total site).</p> <p>The total construction on slopes greater than 15% requested is 739 square feet (0.17% of the total site).</p> |
|--|--|

FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must meet the findings of fact associated with the applicable regulations for the site. In this case, these regulations are the Comprehensive Watershed Ordinance.

The Junior League of Austin’s (JLA) proposed Community Impact Center (CIC) is requesting variances from the following sections of the 1987 Comprehensive Watershed (Ordinance), per Settlement Agreement NO. GNO-01372 dated April 21, 2003.

1. **§13-15-235 (Cut/Fill above 4 feet):** Cut: 700 SF of cut between 4 feet and 6 feet.
Fill: 1,998 SF of fill between 4 feet and 6 feet.
2. **§13-15-237 (Construction on slopes greater than 15%):** 739 SF of construction proposed on slopes greater than 15%.

FINDINGS OF FACT PER 1987 COMPREHENSIVE WATERSHED ORDINANCE

§13-15-205(a)(1): The Planning Commission must find that, because of special circumstances applicable to the property involved, a strict application of the provisions prevents the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

There are at least 10 projects in the last 10-15 years in water supply suburban watersheds, within the Hill Country Roadway Corridor, with steep slopes, that have been granted significant variances to the limitations on cut/fill and construction on slopes > 15%.

The strict application of these Code provisions within the limitations of the site's appreciable slope, setback, and buffering constraints in light of the fact that these other projects have been granted similar variances in similarly constrained environments make it readily apparent that denying these variances would prevent the Junior League from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

§13-15-205(a)(1) continued: Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this article and other ordinance requirements necessary to avoid such deprivation of privileges enjoyed by other property owners...

There is 700 SF of cut between 4 feet and 6 feet, equating to approximately 0.16% of the site. There is 1,998 SF of fill between 4 feet and 6 feet, largely associated with retention/reirrigation ponds required by the Settlement Agreement and equating to approximately 0.45% of the site.

There is only 739 SF of construction proposed on slopes greater than 15%, which is less than 0.17% of the site.

§13-15-205(a)(1) continued: ... and to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences.

100% of the cut/fill proposed "is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway" – a standard in today's code related to environmentally acceptable cut/fill locations.

Additionally, all cut/fill above 4 feet, and construction on slopes >15%, will be structurally contained, so the potential for long-term erosion is negated.

Additionally, the site is treated to a non-degradation standard through the use of retention/re-irrigation systems, so the water quality standards are much more robust than other similar properties in the Bull Creek watershed.

This demonstrates that the use as proposed will not create "significant probabilities of harmful environmental consequences."

§13-15-205(a)(1) continued: ...The Planning Commission may not grant a variance if it provides the applicant with any special privileges not enjoyed by other similarly situated property with similarly timed development...

There are at least 10 projects in the last 10-15 years in water supply suburban watersheds, within the Hill Country Roadway Corridor, with steep slopes, that have been granted significant variances to the limitations on cut/fill and construction on slopes > 15%.

§13-15-205(a)(1) continued: ... or if based on a special or unique conditions which was created as a result of the method by which a person voluntarily subdivides or develops land.

The Owner of this property has a right to develop the property under the terms of the Settlement Agreement described above. This Settlement Agreement requires, among other items:

1. A maximum impervious cover of 77,902 SF; and
2. Retention/reirrigation systems to be employed for water quality purposes on the site.

Further, the following additional limitations make only 19% of the site usable with no limitations due to slope:

1. 40% Natural Area buffer
2. Critical Water Quality Zone outside of the buffer
3. Critical Environmental Features Setback outside of the buffer
4. Public water quality ponds
5. Slopes > 35% outside of buffer
6. Slopes between 25-35% outside of buffer
7. Slopes between 15-25% outside of buffer

The facts above severely limit the area available for development, and the applicant has selected the location, the type of construction, the height of the buildings, etc. to minimize the environmental variances necessary, and the extent of any necessary variances:

§13-15-235 (Cut above 4 feet): The 700 SF of cut between 4 feet and 6 feet is associated specifically with the location required for a retention/re-irrigation pond to the east of the proposed structure. The small window available for development on the site requires separate retention/re-irrigation facilities due to the topographic constraints, Critical Environmental Feature buffers, protected trees, floodplain, and waterway setbacks on the site. This eastern pond is required to treat runoff from a portion of the garage and the eastern entrance to that garage.

§13-15-235 (Fill above 4 feet): The 1,998 SF of fill between 4 feet and 6 feet is associated with the western retention/re-irrigation pond required by the Settlement Agreement, the primary entry drive onto the site, and a required loading area on the south side of the building.

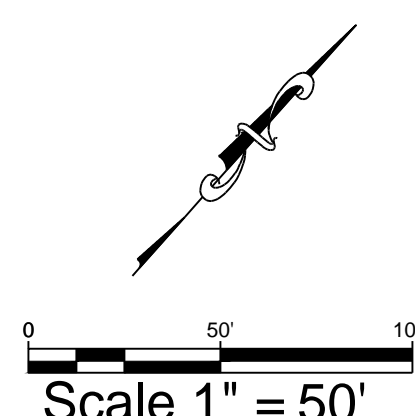
Due to the significant slope constraints on the site, the entry drive has been located to minimize cut/fill, impervious cover, and to avoid trees, while still providing access to the site.

The same small window available for development on the site requires separate retention/re-irrigation facilities due to the topographic constraints, Critical Environmental Feature buffers, and waterway setbacks on the site. The western pond has been located to provide the required treatment of runoff from the Community Impact Center, a portion of the parking garage, and the western drive/entrance to the site, and is located in a fashion to minimize cut/fill. The fill is necessary to maintain adequate site drainage.

The fill associated with the required loading area has been significantly reduced and again is a function of the extremely tight development window and the need for access to the site by larger trucks supporting the weekly Junior League Food In Tummies (F.I.T.) program, among other things.

The entrance to the facility has been designed using piers, and cantilevering to minimize the fill necessary while still providing safe and efficient access to the buildings.

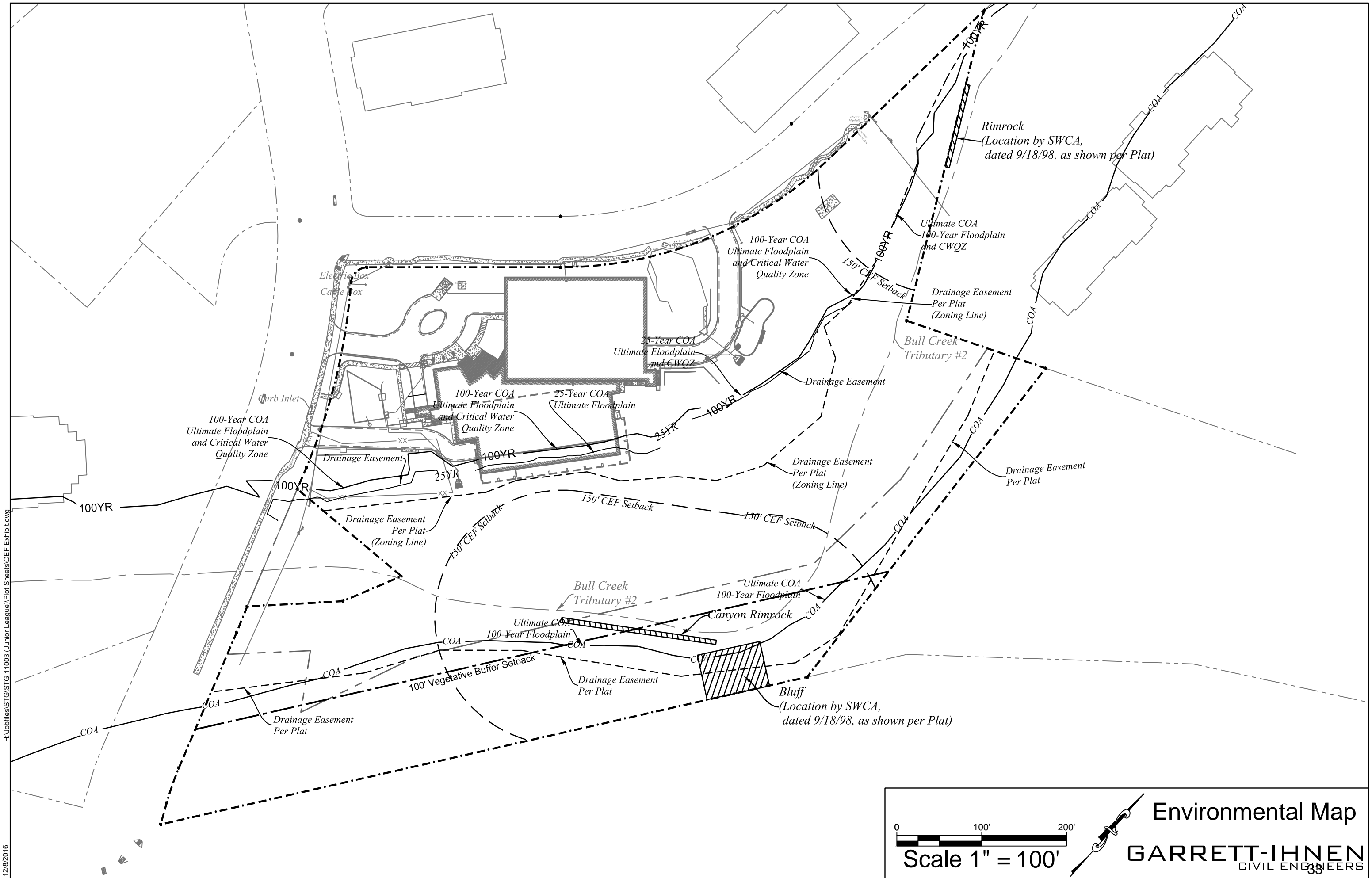
§13-15-237 (Construction on slopes greater than 15%): The 739 SF of construction proposed on slopes greater than 15% is again associated with the very tight development window on the site, and will be completely structurally contained within the driveway to the Community Impact Center. The drive has been located in the only location to avoid trees, minimize cut/fill, and minimize impervious cover.



SPC-2016-0055C

SHEET NUMBER
10 of 41

H:\Jobs\STG\STG 11003 (Junior League)\Plot Sheets\CEF Exhibit.dwg 12/8/2016



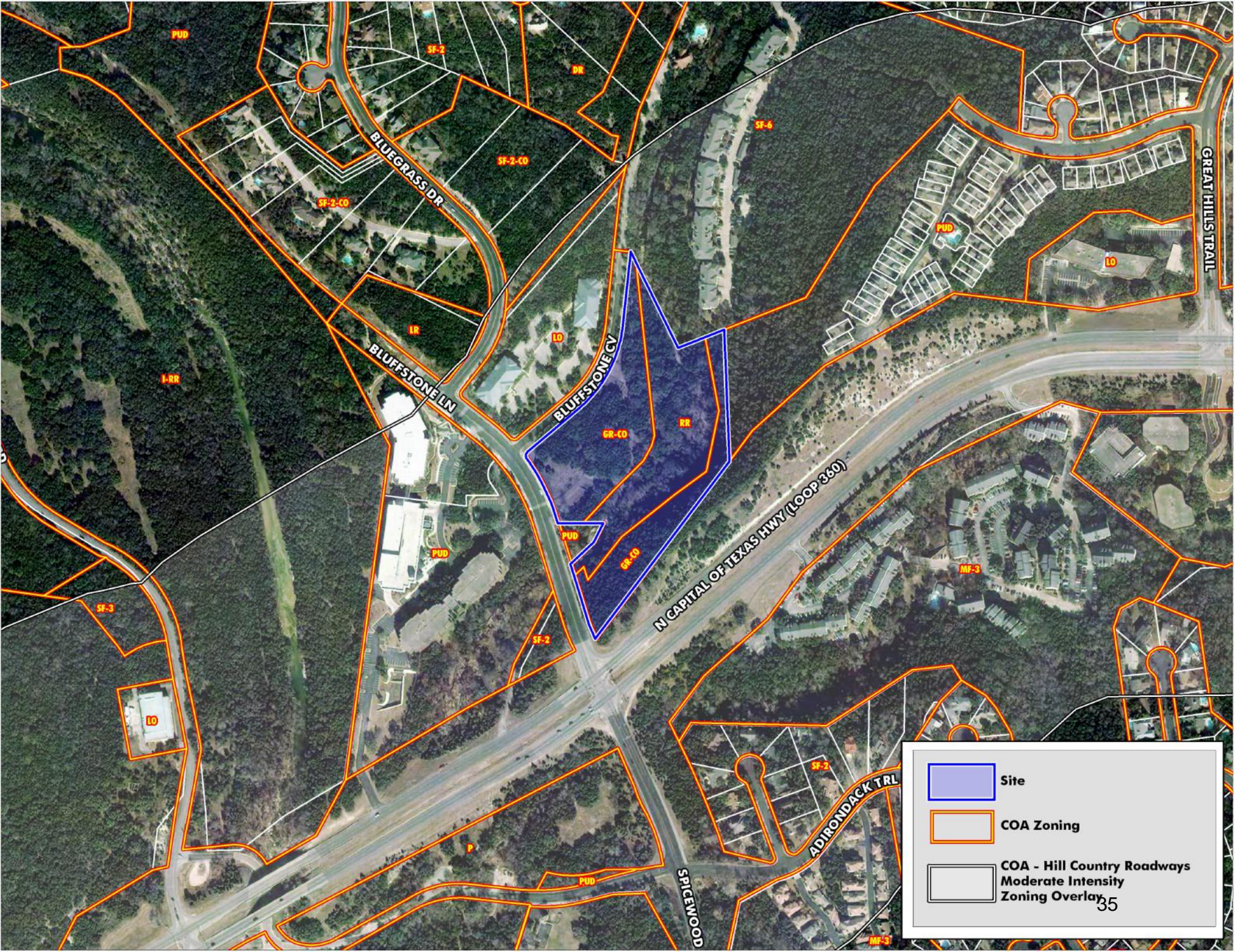
0100'200'

Scale 1" = 100'

Environmental Map

GARRETT-IHNEN
CIVIL ENGINEERS





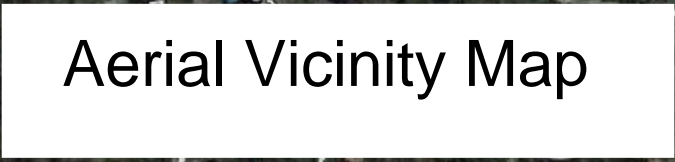
Site



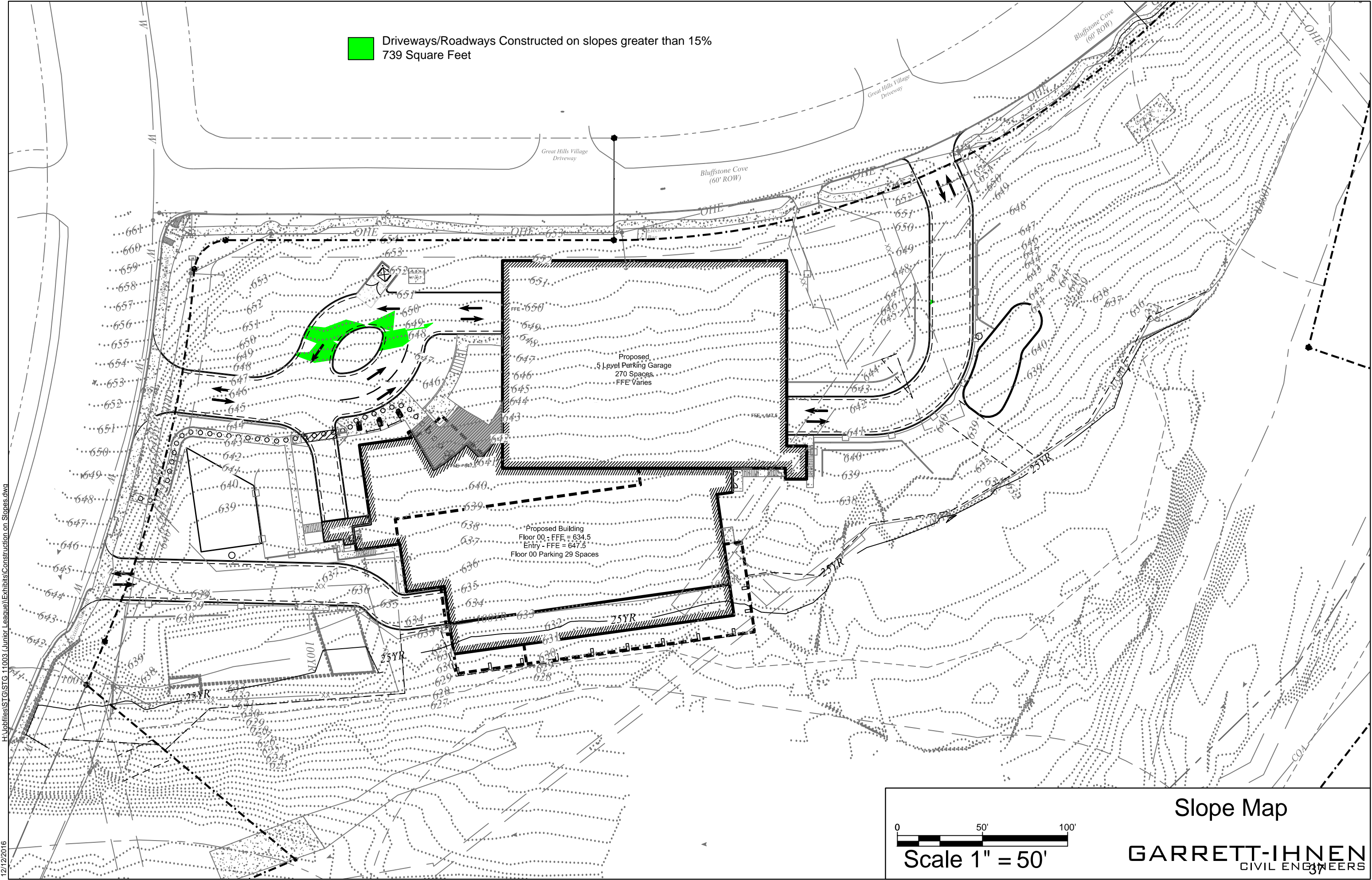
COA Zoning



COA - Hill Country Roadways
Moderate Intensity
Zoning Overlay

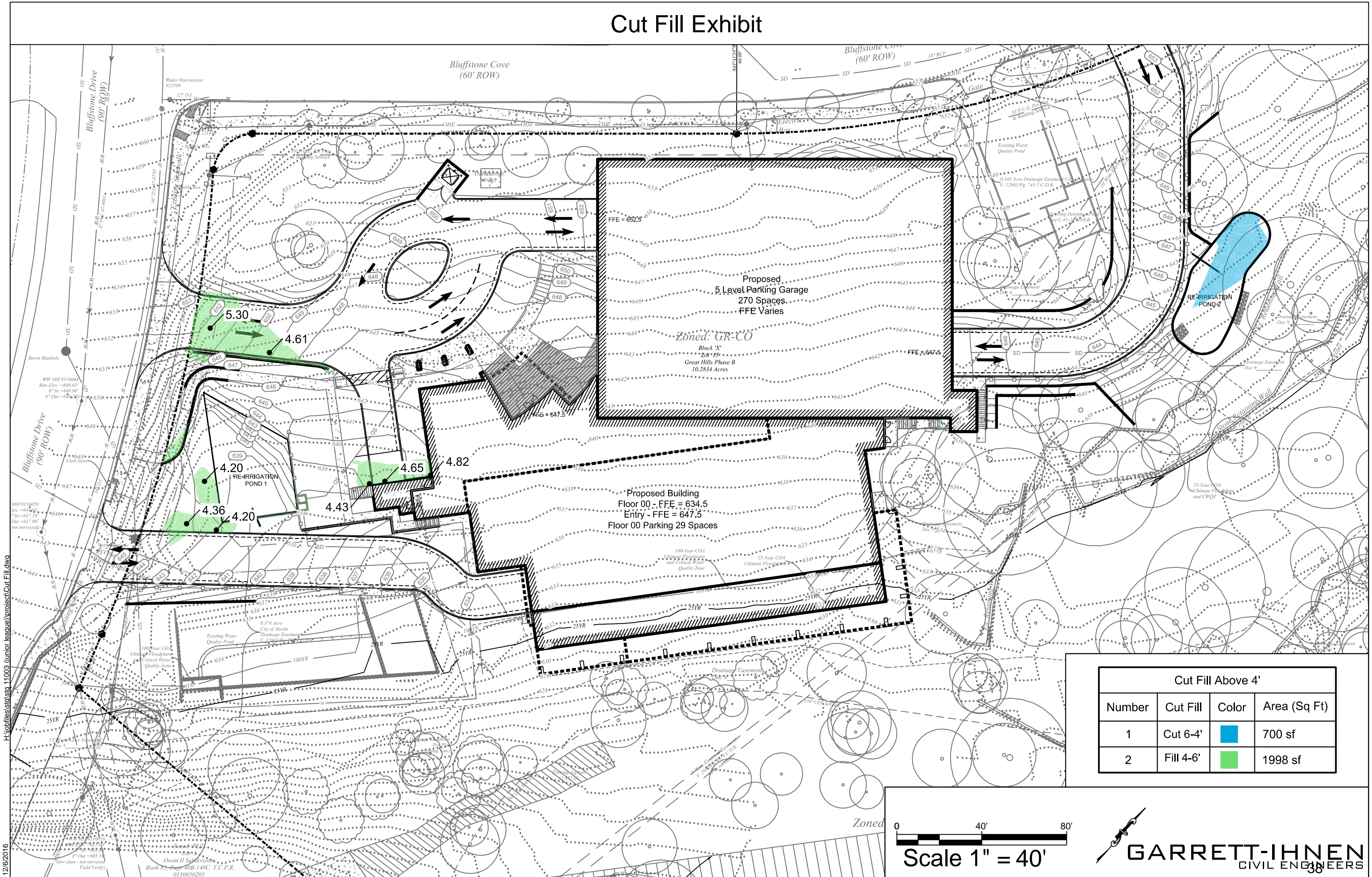


Aerial Vicinity Map



H:\Jobs\11003 (Junior League)\Exhibits\Construction on Slopes.dwg
12/12/2016

Cut Fill Exhibit



H:\jobfiles\sta\sta 11003 (junior league)\project\Cut Fill.dwg

12/6/2016

Owen II Subdivision
Book 8-1, Page 40B-140C T.C.P.R.
0150050205

12 August 2011

**Environmental Assessment Information
City of Austin Land Development Code (Section 25-8-121)
Compliance Report**

**RE: Junior League of Austin Tract located at the intersection of Bluffstone Lane and Capitol of Texas Highway (Loop 360), Austin, Travis County, Texas
HJN 110081 EA**

1.0 INTRODUCTION

This report provides the results of an environmental assessment conducted by Horizon Environmental Services, Inc. (Horizon) on the above-referenced site. Horizon conducted the field reconnaissance on 26 July 2011. Horizon spent a minimum of 4 person-hours in the field evaluating the site and surrounding area, and completed the assessment process by conducting a review of existing literature.

2.0 ENVIRONMENTAL SETTING

2.1 LAND USE

The current use of the subject site is vacant woodland with common local utilities adjacent to the northern and southern boundaries of the subject site. The following land uses border the subject site:

| | |
|--------|---|
| North: | Bluffstone Cove and commercial office space |
| South: | Capitol of Texas Highway (Loop 360) |
| East: | Vacant woodland and multifamily residential |
| West: | Bluffstone Lane, vacant woodland, commercial office space |

2.2 VEGETATION

The subject site is situated within the Cross Timbers vegetational area of Texas (Gould, 1975). Vegetation is characterized as live oak (*Quercus fusiformis*), Ashe Juniper (*Juniperus ashei*), little bluestem (*Schizachyrium scoparium*), meadow dropseed (*Sporobolus compositus*), Texas wintergrass (*Nassella leucotricha*), curly mesquite (*Hilaria belangeri*), twistleaf yucca (*Yucca rupicola*), prickly pear cactus (*Opuntia engelmannii*), and greenbrier (*Smilax bona-nox*). Wetland vegetation was observed on the site that included Indian sea-oats (*Chasmanthium latifolium*) and giant reed (*Arundo donax*).

2.3 TOPOGRAPHY AND SURFACE WATER

This site is within the Bull Creek Watershed (COA, 1998). Topographically, the site ranges from approximately 620 to 720 feet above mean sea level (USGS, 1987). Drainage on the subject site occurs primarily by overland sheet flow into Bull Creek, which traverses through the center of the subject site. Part of the subject site is within the 100-year floodplain (FEMA, 2008). A review of the National Wetland Inventory maps showed one potential wetland area on the subject site (USFWS, 1993). Bull Creek is classified as a seasonally flooded, intermittent streambed. Wetland vegetation is described in Section 2.2.

2.4 SOILS

Soils mapped within the subject site include the following:

TABLE 1 – SOILS

| SOIL NAME | SOIL TYPE | SOIL DEPTH (FEET) | UNDERLYING MATERIAL | PERMEABILITY | AVAILABLE WATER CAPACITY | SHRINK-SWELL CAPACITY |
|--|--|-------------------|---------------------|-----------------|--------------------------|-----------------------|
| Brackett soils and Rock outcrop, steep (BoF) | clay loam with gravelly limestone fragments on surface | 0 to 4.0 | limestone and marl | moderately slow | low | low |
| Volente complex, 1 to 8% slopes (VoD) | silty clay loam | 0.2 to 4.6 | clay loam | moderately slow | high | moderate to high |

Source: NRCS, 2011a and 2011b

2.5 EDWARDS AQUIFER ZONE

The subject site is not found within the Edwards Aquifer Recharge, Transition, or Contributing Zone (COA, 1998 and TCEQ, 2011).

2.6 GEOLOGY

A review of existing literature shows the site is underlain by Glen Rose geologic formation (UT-BEG, 1995). The Glen Rose geologic formation is described as limestone, dolomite, and marl subdivided into 2 units. The upper member of the Glen Rose Limestone is relatively impermeable and described as the lower confining unit of the Edwards Aquifer. It has a maximum thickness of about 350 to 500 feet. Stair-step topography is characteristic of the upper member of the Glen Rose Limestone. The Upper Glen Rose Limestone is described as yellowish-tan, thinly bedded limestone and marl (Garner and Young, 1976). The upper member of the Glen Rose Limestone is relatively more thinly bedded, more dolomitic, and less fossiliferous than the lower member of the Glen Rose Limestone. The top of the upper member of the Glen Rose Limestone is red-stained, lumpy, irregular, and bored, with oysters cemented onto the surface (Rose, 1972).

2.7 WATER WELLS

A review of the records of the Texas Water Development Board (TWDB) revealed no documented water wells on or within 150 feet from the subject site (TWDB, 2011). No evidence of water wells was observed on the subject site during Horizon's site reconnaissance.

The results of this assessment do not preclude the existence of additional undocumented/abandoned wells. If a water well or casing is encountered during construction, work should be halted near the feature until the Texas Commission on Environmental Quality (TCEQ) is contacted.

3.0 CRITICAL ENVIRONMENTAL FEATURES

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells within the Edwards Aquifer, and significant recharge features located over the Edwards Aquifer Recharge Zone. Potential CEFs as defined by the City of Austin were found on the subject property. Two occurrences of canyon rimrock (CEF1 and CEF4), a bluff (CEF2), and a small wetland (CEF 3) were observed on the property (Figure 1, attached).

For Horizon Environmental Services, Inc.

Kris Billings
Environmental Specialist

12 August 2011
Date

4.0 REFERENCES

- (COA) City of Austin. *Austin Watershed Regulation Areas*. Austin, Texas: City of Austin, Department of Planning and Development. 30 January 1998.
- (ESRI) Environmental Systems Research Institute, Inc. *World Street Maps*. ESRI, Redlands, California. 2009.
- (FEMA) Federal Emergency Management Agency. *Flood Insurance Rate Map (FIRM) Panel No. 48453C0245H, Travis County, Texas*. 26 September 2008.
- Garner, L.E., and K.P. Young. *Environmental Geology of the Austin Area: An Aid to Urban Planning*. Report of Investigations 86. The University of Texas at Austin, Bureau of Economic Geology. 1976.
- Gould, F.W. *Texas Plants – A Checklist and Ecological Summary*. College Station: Texas A&M University. 1975.
- (NRCS) US Department of Agriculture, Natural Resources Conservation Service. 2011a. Web Soil Survey, <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>. Accessed 20 July 2011.
- _____. 2011b. Soil Data Mart, <<http://soildatamart.nrcs.usda.gov/>>. Accessed 20 July 2011.
- Rose, P.R. *Edwards Group, Surface and Subsurface, Central Texas: Austin, Texas*. Report of Investigations 74. The University of Texas, Bureau of Economic Geology. 1972.
- (TCEQ) Texas Commission on Environmental Quality. *Edwards Aquifer Protection Program*. Edwards Aquifer Viewer, <<http://gis.tceq.state.tx.us/website/iredwards1/viewer.htm>>. Accessed 20 July 2011.
- (TWDB) Texas Water Development Board. *Water Information Integration and Dissemination System*. TWDB Groundwater Database (ArcIMS), <http://wiid.twdb.state.tx.us/ims/www_drl/viewer.htm?DISCL=1&>. Accessed 20 July 2011.
- (USDA) US Department of Agriculture. Southwest digital orthophoto quarter-quadrangle, Jollyville, Texas. National Agriculture Imagery Program, Farm Service Agency, Aerial Photography Field Office. 2010.
- (USFWS) US Department of the Interior, Fish and Wildlife Service. *National Wetland Inventory Map, Jollyville Quad, Texas*. 1993.
- (USGS) US Geological Survey. 7.5-minute series topographic maps, Jollyville, Texas, quadrangle. 1987.
- (UT-BEG) University of Texas Bureau of Economic Geology, C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet, Francis Luther Whitney Memorial Edition. 1974; revised 1995.

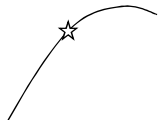
City of Austin Site Review Critical Environmental Feature Worksheet

| | | | | | |
|---|--------------------------------|-------------------------------|---|--------------------------|---------------|
| 1 | Project Name: | Junior League Of Austin Tract | 5 | Primary Contact Name: | |
| 2 | Project Address: | Bluffstone Drive and Loop 360 | 6 | Phone Number: | |
| 3 | Date: | 8/10/2011 | 7 | Prepared By: | Kris Billings |
| 4 | Environmental Assessment Date: | 7/20/2011 | 8 | CEFS Located? {yes,no} : | YES |

[illegible]

| | |
|---|--|
| City of Austin Use Only WPDRD CASE NUMBER: | |
|---|--|

For rimrock, locate the midpoint of the segment that describes the feature.

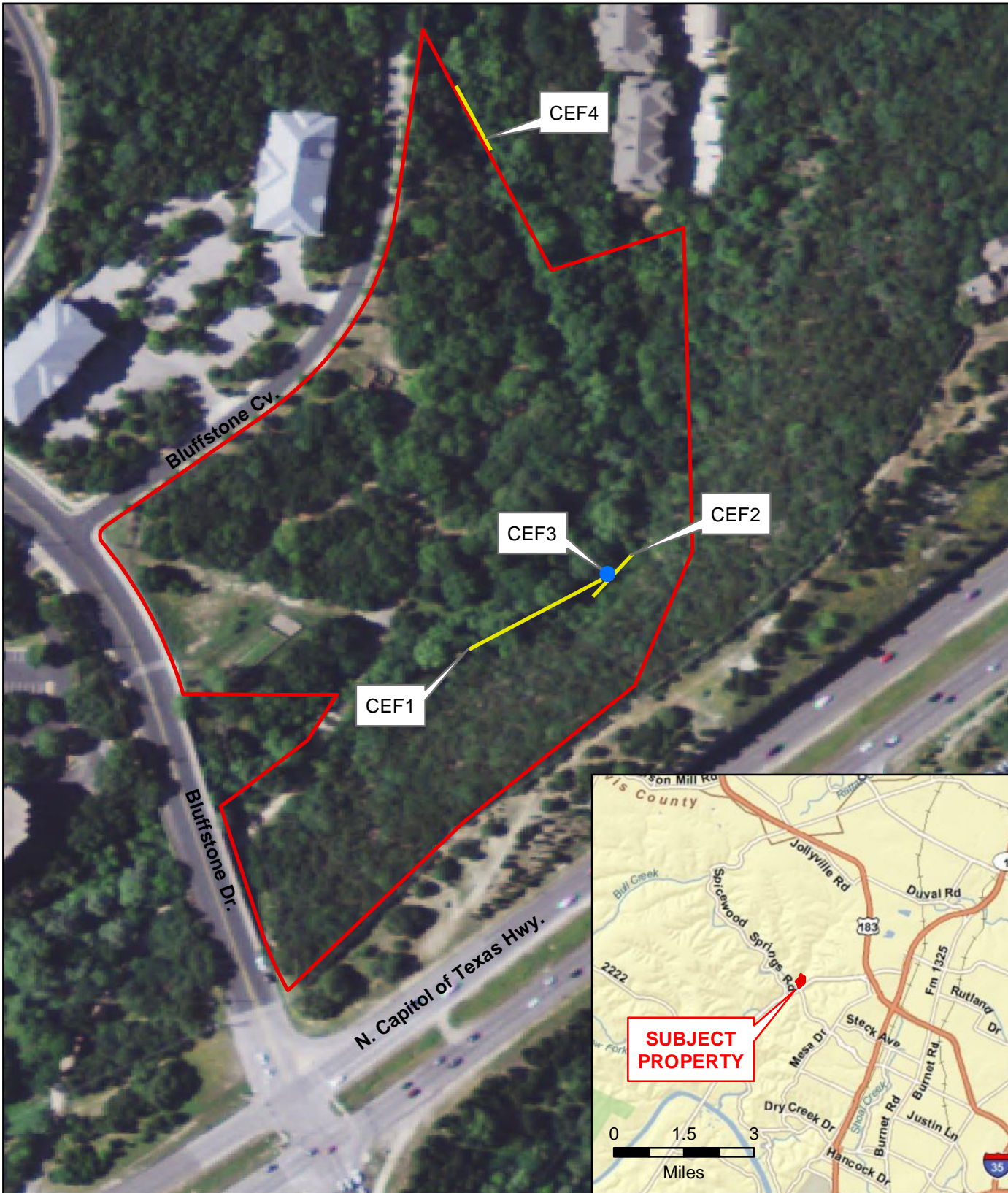


For wetlands, locate the approximate centroid of the feature and the estimated area.



For a spring or seep, locate the source of groundwater that feeds a pool or stream.





MAP SOURCE: ESRI, 2009; USDA, 2010.

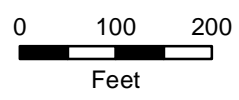


FIGURE 1

POTENTIAL CRITICAL
ENVIRONMENTAL FEATURES
JUNIOR LEAGUE OF AUSTIN TRACT
BLUFFSTONE DRIVE AND
CAPITOL OF TEXAS HIGHWAY
AUSTIN, TRAVIS COUNTY, TEXAS











MICRO
FOCUS

8310-2

Prominent
Pointe
FOR LEASE
682-5500

ENDEAVOR

PROMINENT POINTE



8500
Great Hills
VILLAGE

TOLER LAW
GROUP
BUCKMAN
ORTHODONTICS
ACCURATE CAD
TECHNICAL SVCS

NORTHWEST
HILLS SMILES, PA
ENCOTECH
ENGINEERING CONSULTANTS
HERTEL INSURORS GROUP

ZOLTAN TRIZNA MD PhD
DERMATOLOGY
WELSCH & WARD
CHARLIE R. PRINTY
CERTIFIED PUBLIC ACCOUNTANTS
HUMAN
INTERFACES

BROADSTONE
GREAT HILLS
LEASING OFFICE →

BLUFFSTONE DR. 5400







NO. GNO-01372

| | | |
|---------------------------|---|-------------------------|
| AUSTIN 360 ASSOCIATES, LP | § | IN THE DISTRICT COURT |
| V. | § | |
| | § | OF TRAVIS COUNTY, TEXAS |
| | § | |
| CITY OF AUSTIN | § | 261st JUDICIAL DISTRICT |

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

THE STATE OF TEXAS §
 §
 COUNTY OF TRAVIS § **KNOW ALL MEN BY THESE PRESENTS:**

"City" whenever used herein shall mean City of Austin and all of its officers, directors, agents, servants, employees, predecessors in interest, successors in interest, and their heirs, successors and assigns.

~~"AUSTIN 360" whenever used herein shall mean Austin 360 Associates, LP and all of its~~
 officers, members, principals, agents, employees, servants, predecessors in interest, successors in interest, and successors and assigns, as well as its attorneys and legal representatives.

WHEREAS, AUSTIN 360 is the owner of a certain tract of land, hereafter "the Property", consisting of approximately 9.9 acres, generally known as "Lot 15, Block X, Great Hills Phase B, Preliminary Plan", and located near the intersection of Loop 360 and Bloffstone Dr. in Austin, Travis County, Texas and more particularly described in the attached Exhibit "A:"

WHEREAS, AUSTIN 360 submitted to the City a final plat application for development on the Property;

WHEREAS, the City in reviewing the application imposed then current regulations applicable to the development proposed by the application for the Property;

WHEREAS, disputes arose between the City and AUSTIN 360 concerning which development regulations were to be imposed on the final plat application for the Property;

WHEREAS, AUSTIN 360 filed the instant suit seeking, among other things, declaratory and injunctive relief pertaining to the matters in dispute;

WHEREAS, the City has answered the suit and discovery was conducted, but the parties remain in dispute about which development regulations were to be imposed on the final plat application for the Property;

WHEREAS, in order to avoid further time, expense and the uncertainties of litigation, the City and AUSTIN 360 desire to enter into this Mutual Release and Settlement Agreement (the "Agreement") as a final compromise and settlement of any and all claims and controversies between the parties with respect to Plaintiff's application for final plat approval on the Property or arising out of the matters at issue in this lawsuit.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

1. For and in consideration of the mutual covenants and agreements to be performed as set out below, and in consideration of the mutual covenants and agreements to be performed as set out in the Term Sheet attached hereto as Exhibit "B" and incorporated herein for all purposes, which the City of Austin and Austin 360 expressly agree to be bound by as part of the terms of this Agreement, City and AUSTIN 360, for themselves and their directors, officers, affiliates, shareholders, agents, counsel, employees, servants, subsidiaries, partners, insurers, sureties, underwriters, administrators, executors, representatives, predecessors in interest, successors in interest, subrogees, successors and assigns, attorneys and legal representatives, and each of them, hereby fully and finally RELEASE, ACQUIT, AND FOREVER DISCHARGE each other, and each and all of their respective directors, officers, affiliates, shareholders, agents, counsel, employees, servants, subsidiaries, partners, insurers, sureties, underwriters, heirs, administrators, executors, representatives, predecessors in interest, successors in interest, subrogees, successors, assigns, attorneys and legal representatives and each of them of and from any and all claims, debts, liabilities, demands, causes of action, damages, common law and statutory

penalties or recompense, liens, attorneys' fees, costs, judgment and expenses of any type whatsoever, which were or could have been asserted in this litigation and which in any manner arise out of or are in any way connected with, directly or indirectly, Plaintiff's application for final plat approval on the Property, or arising out of the matters at issue in this lawsuit.

2. This release shall release the parties from any further obligations with respect to the matters alleged in this lawsuit, SAVE AND EXCEPT the obligations set out in the attached Term Sheet that the Parties expressly agree to and promise and covenant to comply with, specifically including, but without limitation, any claims for injury or damage to Plaintiff's interests in the Property, or any claims arising out of Defendant's prior acts or failures with respect to the Property or any prior filings or applications made which pertain to the Property.

3. It is further agreed and understood that the above-numbered civil action shall be dismissed with prejudice upon the earlier of the following to occur: a) Plaintiff or its assigns obtains an approved site development permit for the Property; or b) three years from the effective date of this Agreement. Plaintiff or its assigns agree to notify the City Attorney when an approved site development permit for the Property is received, and the City agrees to present a joint motion and agreed order to that end.

4. AUSTIN 360 and City understand, represent and warrant this Agreement to be a final compromise of disputed claims and not an admission of liability by or on the part of either party, nor an admission by either party with regard to the other's positions in the lawsuit on the particular regulations applicable to development of the Property. It is contracted that neither this Agreement nor any evidence relating thereto, will ever be admissible as evidence against AUSTIN 360 or City in any suit, claim or proceeding of any nature save and except any suit or proceeding to enforce the terms and obligations of this Agreement. However, this Agreement is and may be asserted by AUSTIN 360 or the City as an absolute and final bar to any claim or proceeding now pending or hereafter brought.

5. By the signatures below, each party represents that it understands that this Agreement constitutes a final and complete release of all claims regardless of their kind or character, which were or could have been asserted in this litigation and which arise out of or are in any way connected with, directly or indirectly, Plaintiff's application for final plat approval on the Property, or arising out of the matters at issue in this lawsuit. AUSTIN 360 acknowledges that it relies solely upon its own knowledge and information, and that of its attorneys, as to the nature and extent of its legal rights, as well as those of the City, and freely acknowledges that it has not been influenced by any representations made by or on behalf of the City, save those written covenants and representations set forth in and/or incorporated into this Agreement. Likewise, City acknowledges that it relies solely on its own knowledge and information, and that of its attorneys, as to the nature and extent of its legal rights, as well as those of AUSTIN 360, and City freely acknowledges that it has not been influenced by any representations made by or on behalf of AUSTIN 360, save those written covenants and representations set forth in and/or incorporated into this Agreement.

6. Should any provision of this Agreement, including any provision of the Term Sheet incorporated herein, be held unenforceable for any reason, then this Agreement, including the Term sheet, shall become voidable by any Party hereto. This agreement shall be construed under the laws of the State of Texas, where it is deemed performable.

7. The Effective Date of this Mutual Release and Settlement Agreement shall be the date on which both the City and Austin 360 Associates have executed this document.

SIGNED this the 25th day of APRIL, 2003.

AUSTIN 360 ASSOCIATES,
A California limited partnership
Acting by and through its general
Partner, Lewis E. Cook, Jr.

By: 

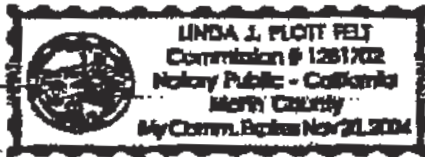
Lewis E. Cook, Jr.

General Partner

STATE OF CALIFORNIA §
COUNTY OF MARIN §

BEFORE ME, the undersigned authority, on this day personally appeared Lewis E. Cook, Jr., general partner of Austin 360 Associates, L.P., a California limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of Austin 360 Associates, L.P., that he is authorized to sign this instrument and that he executed same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of April, 2003.




Notary Public - State of California

SIGNED this the 21st day of April, 2003.

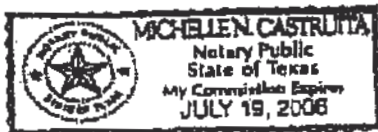
CITY OF AUSTIN

By: Dana K. Johnson
Dana K. Johnson, Asst. City Attorney

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Dana K. Johnson, Assistant City Attorney for the City of Austin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the City of Austin, that she is authorized to sign this instrument and that she executed same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of April, 2003.



Michelle N. Castruita
Notary Public - State of Texas

May 12, 2003 8:59AM

HAL. ND KLEEMAN
**** HERE AFFECT

No. 4128 P. 8

James Coleman Survey No. 25
June 18, 1987
B7064-11:3313;1:Page 1

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

A FIELDNOTE DESCRIPTION of a 9.952 acre tract of land out of the James Coleman Survey No. 25, Travis County, Texas; the said 9.952 acre tract of land being all of a 0.196 acre tract of land called an 0.28 acre Tract 1 in a deed from Great Hills, Ltd. to Austin 360 Associates, and all of an 0.623 acre tract of land called 0.62 acre Tract 2 in the said deed from Great Hills, Ltd. to Austin 360 Associates as recorded in Volume 10164, Page 371 of the Deed Records of Travis County, Texas; and being all of a 9.799 (9.80) acre tract of land called 9.80 acres in a deed from Great Hills, Ltd. to Austin 360 Associates as recorded in Volume 10064, Page 83 of the Deed Records of Travis County, Texas; the said 9.799 (9.80) acre tract of land contains all of the 0.623 acre Tract 2 and a portion of the 0.196 acre Tract 1; the said 9.952 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found in the northwest line of Capital of Texas Highway, North (Loop 360); the said iron rod being in the southeast line of a 7.93 acre tract of land called Tract Two in a deed to Great Hills, Ltd. as recorded in Volume 8228, Page 174 of the Deed Records of Travis County, Texas; the said iron rod being also the most southerly corner of the said 9.799 acre tract; the said iron rod being N 35° 28' 13" E, a distance of 19.80 feet from a concrete monument found 150 feet north of Loop 360 centerline station 226+98.61;

THENCE, leaving the said northwest line of Loop 360 and crossing the said 7.93 acre Tract Two with the southwest line of the 9.799 acre tract, the following three (3) courses and distances:

- 1) N 26° 05' 17" W, a distance of 10.17 feet to an iron rod found for the beginning of a curve;
- 2) a distance of 41.25 feet with the arc of a non-tangent curve to the right having a central angle of 07° 30' 00", a radius of 315.10 feet and a chord which bears N 22° 26' 07" W, a distance of 41.22 feet to an iron rod found for the end of curve; and
- 3) N 18° 39' 36" W, a distance of 186.12 feet to an iron rod found in the southeast line of the said 0.196 acre tract of land; the said iron rod being an angle point in the southwest line of the said 9.799 acre tract; the said point being in the southwest line of the said Great Hills, Ltd. 7.93 acre Tract Two;

THENCE, with the said southwest line of the Great Hills, Ltd. 7.93 acre tract being the southeast line of the 0.196 acre Tract 1, the following three (3) courses and distances:

- 1) S 45° 00' 00" W, a distance of 13.50 feet to an iron rod found for the northwest corner of a 0.111 acre tract of land called an 0.11 acre Tract One, dedicated as a 20' wide strip of additional right-of-way to Forsythia Drive (Arterial B) as recorded in Volume 9400, Page 869 of the Deed Records of Travis County, Texas;
- 2) S 44° 49' 48" W, a distance of 21.71 feet to an iron rod found for an angle point; and
- 3) S 29° 16' 37" W, a distance of 1.18 feet to an iron rod found in the east line of Forsythia Drive, 70 feet wide right-of-way as shown dedicated by the Subdivision Plat, Forsythia Drive Street Dedication as recorded in Book 85, Pages 149E and 149S of the Plat Records of Travis County, Texas; the said iron rod being the southwest corner of the said 0.196 acre Tract 1;

EXHIBIT "A"

PAGE 1 OF 3

00036

980115-F

THENCE with the east line of Forsythia Drive being the west line of the said 0.196 acre Tract 1, N 12° 41' 07" W, a distance of 33.90 feet to an iron rod found for the northwest corner of the said 0.196 acre Tract 1; being also the southwest corner of a 0.073 acre, 20 foot wide strip of land dedicated as additional right-of-way to Forsythia Drive by the Subdivision Plat, "Owen II Subdivision", as recorded in Book 83, Pages 1408 and 1409 of the Plat Records of Travis County;

THENCE, leaving the said east line of Forsythia Drive with the north line of the said 0.196 acre Tract 1, N 43° 01' 23" E, a distance of 22.91 feet to an iron rod found for the southeast corner of the said 0.073 acre 20' wide strip of dedicated additional right-of-way, being also the southwest corner of Lot 1 of the said "Owen II Subdivision";

THENCE, continuing with the north line of the said 0.196 acre Tract 1, being the south line of Lot 1, "Owen II Subdivision", the following two (2) courses and distances:

- 1) N 45° 00' 53" E, a distance of 113.15 feet to an iron rod found for an angle point; and
- 2) N 24° 54' 24" E, a distance of 74.33 feet to an "X" found in a concrete bridge for the most easterly corner of the said Lot 1, "Owen II Subdivision"; being also an angle point in the southwest line of the said 9.799 acre tract;

THENCE, leaving the north line of the said 0.196 acre Tract 1, with the northeast line of the said Lot 1, Owen II Subdivision being the southwest line of the 9.799 acre tract, S 88° 13' 22" W, a distance of 128.25 feet to an iron rod found for an angle point;

THENCE, leaving the said northeast line of Lot 1, Owen II Subdivision and crossing a 0.68 acre tract of land described in a deed from John Joseph to Great Mills, Ltd. as recorded in Volume 9056, Page 108 of the Deed Records of Travis County, Texas, being the southwest line of the said 9.799 acre tract, the following three (3) courses and distances:

- 1) N 18° 40' 32" W, a distance of 36.58 feet to an iron rod found for the beginning of a curve;
- 2) passing at an arc distance of 78.48 feet an iron rod set in the north line of the said 0.68 acre tract being the south line of a 936.78 acre tract of land called Tract One in a deed to Great Mills, Ltd. as recorded in Volume 8238, Page 174 of the Deed Records of Travis County, Texas; in all for a total distance of 230.09 feet with the arc of a non-tangent curve to the left having a central angle of 21° 04' 53", a radius of 623.32 feet and a chord which bears N 29° 13' 13" W, a distance of 228.79 feet to an iron rod found for a point of reverse curvature, and
- 3) a distance of 38.40 feet with the arc of a non-tangent curve to the right having a central angle of 88° 11' 38", a radius of 25.00 feet and a chord which bears N 04° 10' 01" E, a distance of 34.79 feet to an iron rod found in the southeast line of Simmons Road, having a 60' wide right-of-way as shown dedicated by the said Subdivision Plat, "Forsythia Drive Street Dedication", and being the most westerly corner of the herein described tract;

THENCE, with the said southeast line of Simmons Road, being the northwest line of the herein described tract, the following three (3) courses and distances:

- 1) N 48° 18' 39" E, a distance of 197.00 feet to an iron rod found for a point of curvature;
- 2) a distance of 346.24 feet with the arc of a curve to the left having a central angle of 43° 40' 00", a radius of 454.31 feet and a chord which bears N 28° 29' 00" E, a distance of 337.92 feet to an iron rod found for a point of tangency in the south line of Simmons Road, a 50' wide right-of-way dedicated by a deed recorded in Volume 2030, Page 93 of the Deed Records of Travis County, Texas; the said iron rod being an angle point in the said Subdivision Plat, "Forsythia Drive Street Dedication"; and

00037

980115-F

- 3) S 04° 38' 39" E, with the south line of Simmons Road a distance of 156.55' to an iron rod found for the east northerly corner of the herein described tract; the said point being an angle point in the west line of Lot 1, Block A, The Meadows of Great Hills, a subdivision recorded in Book 85, Pages 197B and 197C of the Plat Records of Travis County;

THENCE, leaving the said southeast line of Simmons Road with the northeast line of the said 9.799 acre tract being the west line of the said Lot 1, Block A, The Meadows of Great Hills, the following run (2) courses and distances:

- 1) S 27° 38' 23" E, a distance of 276.76 feet to an iron rod found for an all corner and being the southwest corner of the said Lot 1, Block A, The Meadows of Great Hills;
- 2) S 67° 12' 45" E, a distance of 173.25 feet to an iron rod found for an angle point and being also the northwest corner of Lot 57-A, The Bluffs of Great Hills 1-A, a subdivision recorded in Book 83, Pages 202B and 202C of the Plat Records of Travis County;

THENCE, leaving the south line of Lot 1, Block A, The Meadows of Great Hills with the west line of the said Lot 57-A, The Bluffs of Great Hills 1-A, S 01° 01' 47" E, a distance of 439.60 feet to an iron rod found in the southeast line of the said 9.799 acre tract and being in the said northwest line of Loop 360; the said iron rod being the southwest corner of the said Lot 57-A, The Bluffs of Great Hills 1-A, and being also S 33° 18' 01" W, a distance of 129.75 feet from a concrete monument found 230.00 feet north of centerline station 218+00.00 for the said Loop 360;

THENCE, with the southeast line of the 9.799 acre tract being the northwest line of Loop 360, S 35° 28' 43" W, a distance of 746.95 feet to the POINT OF BEGINNING of the herein described tract and CONTAINING 9.952 acres of land.

That I, Sam Long, A Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the _____ day of _____, 1987, A.D.

Sam Long
Registered Public Surveyor
No. 4331 - State of Texas

SETTLEMENT TERM SHEET

In further consideration of the Mutual Release and Settlement Agreement ("Agreement"), which this Settlement Term Sheet is attached and incorporated into by reference and vice versa, the City and Austin 360 Associates, a California limited partnership ("Austin 360 Associates"), agree, acknowledge, covenant and/or promise as follows:

1. The "Project" shall mean commercial development of the Property that complies with:
 - a. the July 16, 1997 Neighborhood Agreement between Austin Great Hills Homeowners Association, Inc., Spicewood Springs Associates and Austin 360 Associates, or any amendments thereto;
 - b. applicable zoning, defined as zoning as of the date of the Agreement, or any lawfully adopted re-zoning;
and
 - c. this Term sheet.
2. The Property shall mean the 9.9354 acre tract also described as Lot 15, Block X, Great Hills Phase B Preliminary Plan, as described in the Exhibit "A" attached to the Agreement.
3. The City and Austin 360 Associates agree that the rules and regulations in effect on May 25, 1988 shall govern all applications and approvals necessary for the construction and occupation of the Project except as specifically modified or clarified herein. The parties further agree that, except as specifically modified or clarified herein, the Project will be subject to those rules and regulations that would be exempt from Chapter 245, Texas Local Government Code, including but without limitation, those regulating downstream flood impacts, building safety, health and temporary erosion and sedimentation controls.
4. The City's CWO (Ordinance No. 860508-V) will be the base development ordinance governing all applications and approvals necessary for the construction and occupation of all aspects the Project, subject to such modifications and clarifications as are contained in this Term Sheet. Development of the Project qualifies for an exemption under Subsection 13-2-502(b)(1) & (d), Austin Land Development Code and, except as otherwise provided in this Term Sheet and/or Agreement, platting and the development of the Project will be subject to the applicable Lake Austin Watershed Ordinance, subject to such modifications and clarifications as are contained in this Term Sheet.
5. Austin 360 Associates will provide an integrated Pest Management Plan as described in Section 1.62 of the City's Environmental Criteria Manual.

EXHIBIT "B"

6. Development of the Property is limited to a maximum of 77,902 square feet of impervious cover. The term "development" shall have the meaning as set forth by the City of Austin Land Development Code as of the effective date of this Term Sheet.
7. Austin 360 Associates will provide structural water quality controls for the development of the Project designed and constructed to capture the first 1.25 inches of stormwater run-off from the drainage area to the control. If other applicable regulations of the City reduce the area available for irrigation or otherwise prevent Austin 360 Associates from meeting the above-stated 1.25 inches standard, the Director of the City's Watershed Protection Development Review Department, or successor department, will approve a reduced capture volume requirement to the minimum extent necessary, but in no event to a capture volume of less than 1 (one) inch.

The above-stated structural water quality controls shall be a retention/re-irrigation water quality control system that recaptures stormwater runoff from the irrigation areas.
8. The adjoining roadway shall not be included in the calculation of impervious cover allowed on or attributed to the Property or included in the drainage area.
9. Development of the Project shall comply with the Hill Country Roadway Ordinance, but site plans will be administratively reviewed and approved.
10. The final plat application for the Property will be reactivated by the City and no new fees will be required for the review of the final plat application, so long as the final plat is consistent with this Term Sheet.
11. The one hundred year flood plain on the Property shall be considered a critical water quality zone under the Land Development Code of the City.

