



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED: March 21, 2018

NAME & NUMBER OF PROJECT: La Mexicana Supermercado
SP-2017-0306C

NAME OF APPLICANT OR ORGANIZATION: Hugo Elizondo, Jr., P.E.
Cuatro Consultants, Ltd.

LOCATION: 2004 E William Cannon Drive

COUNCIL DISTRICT: District #2

PROJECT FILING DATE: August 11, 2017

DSD/ENVIRONMENTAL STAFF: Atha Phillips, Environmental Program Coordinator
(512)974-6303, atha.phillips@austintexas.gov

WATERSHED: Williamson Creek

ORDINANCE: Watershed Protection Ordinance

REQUEST: Variance request is as follows:
1. Construction on slopes in excess of 15% (LDC 25-8-302)
2. Cut over 4 feet (LDC 25-8-341)
3. Fill over 4 feet (LDC 25-8-342)

STAFF DETERMINATION: Staff recommends approval for the variances needed to gain access to the property and cut for the pond, with conditions. Staff does not recommend approval for the variances needed to build the proposed driveway for future development, to construct the parking lot, or cut outside the pond footprint.

REASONS FOR DETERMINATION: Access and pond: Findings of fact have been met.
Driveway, parking lot, and area outside of pond: Findings of fact have not been met.



Development Services Department
Staff Recommendations Concerning Required Findings

Project: La Mexicana Supermercado
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Construction on slopes in excess of 15% (LDC 25-8-302)

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Access Drive

Yes, the site was required by the Transportation Department to align with the existing median break within William Cannon. This requires the project to use the adjacent lot for its drive way access and then cross over existing slopes to access the location for the project.

Driveway and Parking Lot

No, the parking lot could be redesigned to avoid the slopes. The driveway providing access to the back of the property does not serve a purpose at this time and it should be permitted with the future development.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Access Drive

Yes, due to the requirement for the placement of the driveway by the Transportation Department, to access the property the project must cross slopes.

Driveway and Parking Lot

No, the design is driving the need for the construction on slopes for the parking lot, shrinking the footprint or realigning the parking could eliminate the need for the variance. The driveway providing access to the back of the property does not serve a purpose at this time and it should be permitted with the future development.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Access Drive

Yes, the location of the driveway is guided by the need to meet an existing median break. There are other places the driveway could have been located to avoid the variance but the requirement for the connection determined its placement.

Driveway and Parking Lot

No, the project could be reconfigured to avoid slopes. The driveway providing access to the back of the property does not serve a purpose at this time and it should be permitted with the future development.

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

Access Drive

Yes, the area will be stabilized by a wall which will contain the slope and minimize the footprint.

Driveway and Parking Lot

Yes, both the parking lot and driveway will be contained by retaining walls reducing the risk of erosion.

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

Access Drive

Yes, the site will use erosion controls and wall construction to help stabilize the slopes. The site will also utilize erosion matting on slopes and be revegetated per code.

Driveway and Parking Lot

Yes, both the parking lot and driveway will be contained by retaining walls reducing the risk of erosion. The site will also utilize erosion matting on slopes and be revegetated per code.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

- 1. The criteria for granting a variance in Subsection (A) are met;
N/A
- 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
N/A
- 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
N/A

Staff Recommendation:

Staff recommends approval for the variances needed to gain access to the property, with conditions.

Staff does not recommend approval for the variances needed to build the proposed driveway for future development, to construct the parking lot, or cut proposed outside the footprint of the pond.

Conditions:

1. Cut and fill will be contained within retaining walls to minimize the footprint.
2. Seed mix 609S will be used to revegetate the ravine.



Environmental Reviewer: Atha Phillips

Date: 3/13/2018



Environmental Review Manager: Sue Barnett

Date: 3/13/18



Environmental Officer: Chuck Lesniak

Date: 3/14/2018



Development Services Department
Staff Recommendations Concerning Required Findings

Project: La Mexicana Supermercado
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Cut above 4 feet (LDC 25-8-341)

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Water Quality Pond

Yes, based on the grades and natural slope, the east side is the best location for the Water Quality Pond and cut is required to get the depth and volume needed for the pond.

Outside of Pond Footprint

No, the sidewalk and amenity area could be located on the flatter portion of the site and is not necessary for the proposed use.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Water Quality Pond

Yes, based on the grades and natural slope, the east side is the best location for the Water Quality Pond and cut is required to get the depth and volume needed for the pond.

Outside of Pond Footprint

No, the sidewalk and amenity area could be located on the flatter portion of the site and is not necessary for the proposed use.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Water Quality Pond

Yes, the detention will be held by the wall proposed and the proposed cut is needed for additional capacity required by code.

Outside of Pond Footprint

No, the sidewalk and amenity area could be located on the flatter portion of the site and is not necessary for the proposed use.

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

Water Quality Pond

Yes, the pond is needed to necessitate code compliant water quality. Once built, the pond will be vegetated and the areas around the pond will be revegetated to prevent erosion.

Outside of Pond Footprint

No, the sidewalk and amenity area are proposed on slopes 15-25% and would be better suited on flatter slopes and is not necessary for the proposed use.

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

Water Quality Pond

Yes, the pond is needed to necessitate code compliant water quality. Once built, the pond will be vegetated and the areas around the pond will be revegetated to prevent erosion.

Outside of Pond Footprint

No, the sidewalk and amenity area are not necessary for the proposed use.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

- 1. The criteria for granting a variance in Subsection (A) are met;
N/A
- 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
N/A
- 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
N/A

Staff Recommendation:

Staff recommends approval for the variances needed to gain access to the property, with conditions.

Staff does not recommend approval for the variances needed to build the proposed driveway for future development, to construct the parking lot, or cut proposed outside the footprint of the pond.

Conditions:

1. Cut and fill will be contained within retaining walls to minimize the footprint.
2. Seed mix 609S will be used to revegetate the ravine.



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Development Services Department
Staff Recommendations Concerning Required Findings

Project: La Mexicana Supermercado
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Fill over 4 feet (25-8-342)

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Access Drive

Yes, due to the Transportation Department requirement to connect at this location, the project must cross slopes and the fill will help create a level point of access.

Driveway and Parking Lot

No, the parking lot could be redesigned to avoid excessive fill on slopes. The driveway providing access to the back of the property does not serve a purpose at this time and it should be permitted with the future development.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Access Drive

Yes, due to the requirement for the placement of the driveway by the Transportation Department, to access the property the project must create a driveway that is compliant and at a gradient that works for both cars and fire trucks.

Driveway and Parking Lot

No, the design is driving the need for the fill, shrinking the footprint or realigning the parking could eliminate the need for the variance. The driveway providing access to the back of the property does not serve a purpose at this time and it should be permitted with the future development.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Access Drive

Yes, the location of the driveway is guided by the need to meet an existing median break. There are other places the driveway could have been located to avoid the variance but the requirement for the connection determined its placement.

Driveway and Parking Lot

No, the parking lot could be reconfigured to minimize fill on slopes. The driveway providing access to the back of the property does not serve a purpose at this time and it should be permitted with the future development.

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

Access Drive

Yes, the area will be stabilized by a wall which will contain the fill and minimize the footprint.

Driveway and Parking Lot

Yes, both the parking lot and driveway will be contained by retaining walls reducing the risk of erosion.

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

Access Drive

Yes, the site will use erosion controls and retaining walls to help contain the fill. The site will also utilize erosion matting on slopes that will be revegetated per code.

Driveway and Parking Lot

Yes, both the parking lot and driveway will be contained by retaining walls reducing the risk of erosion. The site will also utilize erosion matting on slopes that will be revegetated per code.

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