SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY

CASE: SP-2018-0221C **ZAP COMMISSION DATE:** March 5th, 2019

PROJECT NAME: West Harbour Marina

APPLICANT: G4 Interests, LLC **AGENT:** Janis Smith Consulting, LLC (Janis Smith)

ADDRESS OF SITE: 2503 Westlake Drive Bldg. Bd.

COUNTY: Travis **AREA:** 2.2 acres

WATERSHED: Lake Austin **JURISDICTION:** Full Purpose

EXISTING ZONING: SF-3

PROPOSED DEVELOPMENT:
The applicant proposes to replace existing boat dock cluster and bulkhead.

DESCRIPTION OF VARIANCES:
The applicant requests to vary from 25-8-368(E) to allow more than 25 cubic yards of dredging in Lake Austin.

STAFF RECOMMENDATION:
The findings of fact have been met and staff recommends approval.

ENVIRONMENTAL BOARD ACTION:
February 6th, 2019: The Environmental Commission recommends support of the request for a dredge variance over 25 CY in accordance with Section 25-8-268(E) with the following:
Staff Conditions
1) Install cofferdams before beginning dredging on the 4 slips adjacent to Heritage tree roots
2) Provide additional mitigation, beyond the requirements, for wetlands (32 additional plants), riparian restoration (7 additional 609S plants), and tree replacement (32 additional inches)
Environmental Commission Conditions
1) Work with staff to develop a vegetation maintenance plan
2) Register and properly address the boat docks
Vote 10-0

ZONING AND PLATTING COMMISSION ACTION:
N/A

ENVIRONMENTAL REVIEW STAFF: Pamela Abee-Taulli **PHONE:** 974-1879
Pamela.Abee-Taulli@austintexas.gov

CASE MANAGER: Clarissa Davis **PHONE:** 974-1423
Clarissa.Davis@austintexas.gov

ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED:	February 6, 2019
NAME & NUMBER OF PROJECT:	West Harbour Marina SP-2018-0221C
NAME OF APPLICANT OR ORGANIZATION:	G4 Interests LLC 979-412-0324
LOCATION:	2503 Westlake Dr., Austin, TX 78745
COUNCIL DISTRICT:	District 10
PROJECT FILING DATE:	June 15, 2018
DSD/ENVIRONMENTAL STAFF:	Pamela Abee-Taulli Environmental Review Specialist Senior 512-974-1879, pamela.abee-taulli@austintexas.gov
WPD/ERM STAFF	Not applicable for this variance.
WATERSHED:	Lake Austin Watershed Water Supply Rural classification Drinking Water Protection Zone
ORDINANCE:	Watershed Protection Ordinance (current code)
REQUEST:	Variance request is as follows: 1. Request to vary from 25-8-368(E) to allow more than 25 cubic yards of dredging in Lake Austin.
STAFF DETERMINATION:	Staff determination is that the findings of fact have been met. Staff recommends the following conditions: 1) install cofferdams before beginning dredging on the 4 slips adjacent to Heritage tree roots; 2) provide additional mitigation, beyond the requirements, for wetlands (32 additional plants), riparian restoration (7 additional 609S plants), and tree replacement (38 additional inches).

Development Services Department
Staff Recommendations Concerning Required Findings

Project:	West Harbour Marina, SP-2018-0221C
Ordinance Standard:	Watershed Protection Ordinance (current code)
Variance Request:	Request to vary from 25-8-368(E) to allow more than 25 cubic yards of dredging in Lake Austin.

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.

   Yes The project proposes to modify an existing cluster dock, built prior to 1962, by replacing the existing 28 slips with 26 code-compliant slips, within the existing footprint.

   LDC 25-2-1176(B) allows construction of a cluster dock. LDC 25-2-963(D) allows modification and maintenance of non-complying docks. LDC 25-8-368(E) allows up to 25 cubic yards of dredging in a lake for a single plan permit application. That is, a similar project could be built new or modified under current code; and dredging up to 25 cubic yards would be permitted for construction of a single boat dock.

   The variance is required to allow a quantity of dredging that is dictated by the number of boat slips, and is less than the quantity of dredging allowed by code for a single boat slip.

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;

Yes, the amount of dredge requested is the minimum amount needed to maintain an existing cluster dock.

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

Yes The code allows up to 25 cubic yards of dredging associated with construction of a single-slip dock. The project proposes 16.2 cubic yards per slip.

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

Yes, silt boom will be installed prior to construction and maintained for the duration of the project.

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

Yes The project proposes to provide bank stabilization and wetland mitigation. The bulkhead layout and planting plan raise the floodplain rating from fair to excellent and are designed to protect the trees on-site while providing permanently protected wetlands. Improved floodplain and riparian function will positively impact water quality.

B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

1. The criteria for granting a variance in Subsection (A) are met; Yes
The dredge request is the minimum amount needed to maintain an existing cluster dock that has been silted in over the years. The variance request is not a result of a design choice and will take measures to block silt from escaping into the lake. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes The amount of dredge requested is the minimum amount needed to maintain an existing cluster dock.

2. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes The amount of dredge requested is the minimum amount needed to maintain an existing cluster dock.

Staff Recommendation:

Staff determination is that the findings of fact have been met. Staff recommends the following conditions: 1) install cofferdams
before beginning dredging on the 4 slips adjacent to Heritage tree roots; 2) provide additional mitigation, beyond the requirements, for wetlands (32 additional plants), riparian restoration (7 additional 609S plants), and tree replacement (32 additional inches).

Environmental Reviewer: Pamela Abee-Taulli Date 1/22/19
Pamela Abee-Taulli

Environmental Review Manager: Michael McDougal Date 11-28-2018
Mike McDougal

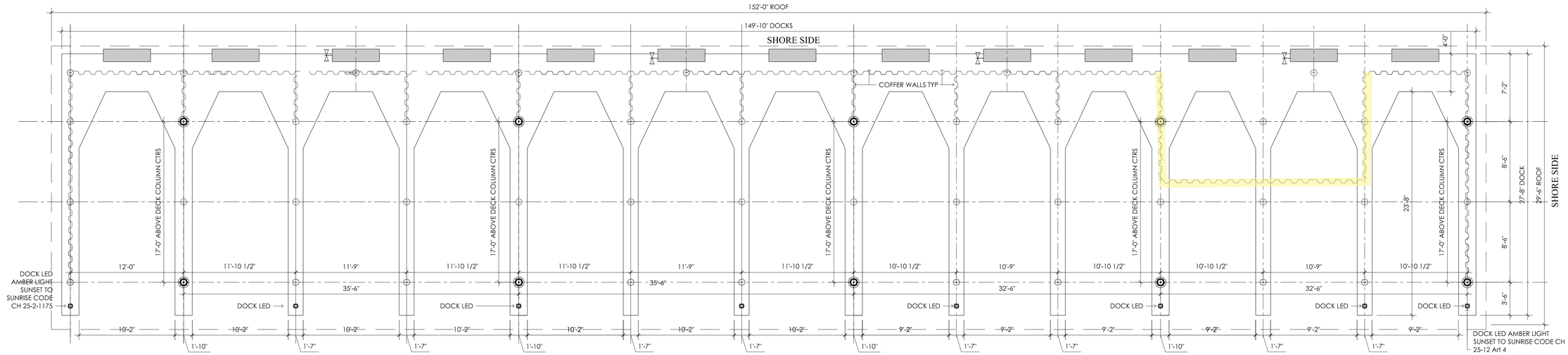
Environmental Officer Date 1/22/2019
Chris Herrington

Exhibits for Variance Conditions

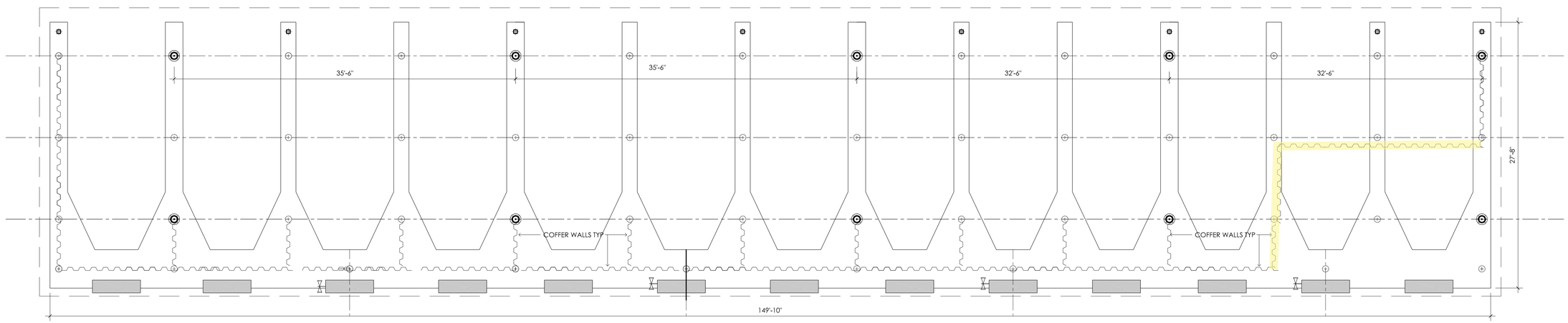
West Harbour Marina
SP-2018-0221C

Environmental Commission
February 6, 2019

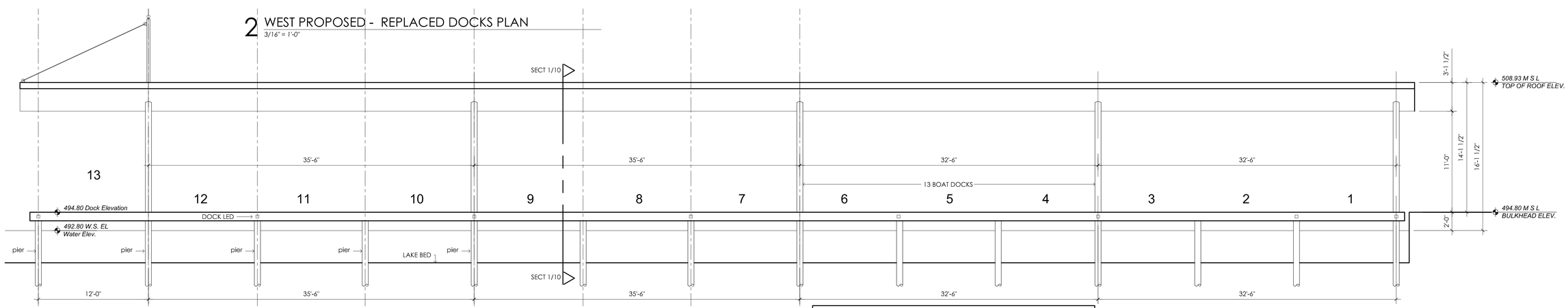
1. Cofferdam Locations for Heritage Tree Protection p. 6
2. Table of Required and Proposed Mitigation Plantings p. 7



1 EAST PROPOSED - REPLACED DOCKS PLAN
3/16" = 1'-0"



2 WEST PROPOSED - REPLACED DOCKS PLAN
3/16" = 1'-0"



2 PROPOSED WEST DOCK ELEVATION
3/16" = 1'-0"

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PROJECT

WEST HARBOUR MARINA

2503 WESTLAKE DRIVE
AUSTIN, TX 78746
TITLE: PROPOSED DOCK PLANS & ELEVATIONS

DATE: 01.11.2018
SCALE: As Shown
DRAWN BY:
CHECKED BY:

REVISION	
05.15.18	COA SET
07.31.18	UPDATE 1
09.04.18	UPDATE 2

SHEET 9 OF 11

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SP-2018-0221C

TOTAL REQUIRED WETLAND PLANTS = 660 LF (BULKHEAD) / 3 + 75 (WETLAND)= 295 PLANTS.
327 WETLAND PLANTS PROPOSED 32 extra wetland plants

TOTAL 609S SHRUBS REQUIRED = 92 SHRUBS
99 SHRUBS ARE PROPOSED
TOTAL 609S UNDERSTORY TREES REQUIRED = 19 TREES
19 UNDERSTORY TREES ARE PROPOSED
TOTAL 609S SHADE TREES REQUIRED = 19 TREES
19 TREES ARE PROPOSED.

TOTAL 609S PLANTS REQUIRED = 130 PLANTS. 137 PLANTS PROPOSED
7 extra 609S (riparian restoration) plants

TREE MITIGATION BREAKDOWN:

1. 114" OF TREES ARE PROPOSED TO BE PLANTED (38 TREES AT 3 CALIPER INCHES EACH);
2. 19" SATISFY 609S RESTORATION REQUIREMENT (0.5 INCHES EACH FROM 19 UNDERSTORY AND 19 SHADE TREES);
3. 57" SATISFY TREE REMOVAL MITIGATION REQUIRMENT (1.5 INCHES EACH FOR 38 TREES).

* 38" TO SATISFY VARIANCE CONDITION REQUIREMENT (1 INCH EACH FROM 38 TREES) 38 extra inches mitigation for tree removal

ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	*G4 Interests LLC*
Street Address	*2503 Westlake Drive*
City State ZIP Code	*Austin, TX 78704*
Work Phone	*979-412-0324*
E-Mail Address	*mk@kristendistributing.com*

Variance Case Information

Case Name	*West Harbour Marina*
Case Number	*SP-2018-0221C*
Address or Location	*2503 Westlake Drive*
Environmental Reviewer Name	*Pamela Abee-Taulli*
Environmental Resource Management Reviewer Name	
Applicable Ordinance	*LDC 25-8-368(E) Dredge over 25 CY*
Watershed Name	*Lake Austin*
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban X Water Supply Rural ☐ Barton Springs Zone

Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Northern Edwards Segment X Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☐ Yes X No
Distance to Nearest Classified Waterway	*The dredging will take place in Lake Austin*
Water and Waste Water service to be provided by	*Austin Water*
Request	The variance request is as follows (Cite code references: *LDC 25-8-368(E) Dredge over 25 CY*

Impervious cover	Existing	Proposed
square footage:	_____	_____
acreage:	_____	_____
percentage:	_____	_____

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)	*The proposed project site contains an existing 28-slip cluster dock constructed prior to 1962. It's a 2.5 ac legal parcel on the shoreline of a Lake Austin slough, and it's shown on Attachment 1, Project Site. The site is zoned SF-3. It's a flat site with a very gentle slope to the water and contains 12 heritage trees including 53", 52", 44", 42", and 29" Cypress trees along with a wetland fringe. The shoreline serves as the location of two dilapidated cluster docks and is suffering erosion with little protection to the trees. Currently, two separate boat barns house the 28 slips. The west barn contains 15 slips, and the east barn contains 13 slips (See Attachment 2, Existing Site Photos). The proposed 26-slip West Harbour Marina (See Attachment 3, Architect's Rendering of Proposed Site Layout) will reduce the number of boat slips and replace the existing structures with code-compliant docks within the existing footprint. The project also includes the installation of a bulkhead designed to protect and preserve the trees on-site while incorporating permanent wetlands in the wall design. The site layout entails minimal impervious cover and a massive mitigation planting plan (See Attachment 4, West Harbour Marina). This variance application for Dredge Over 25 CY is necessary to ensure that the docks are navigable for modern boats and can accommodate current lift systems. If the slips were permitted separately, each slip would be allowed 25 CY of dredge per code. This project permits all 26 slips on one permit with a dredge amount of 422 CY. That works out to about 16 CY/slip, far less than the 25 CY of dredge allowed per slip if each slip is permitted individually.*

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	*This permit specifies 422 CY of dredge for the cluster docks, or about 16 CY per boat slip. Current code allows 25 CY of dredge for a site plan permit whether the permit is regulating one slip or, in this case, 26 slips. For this boat dock, code actually would administratively approve 650 CY of dredge if the slips were permitted individually.*

FINDINGS OF FACT

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

Include an explanation with each applicable finding of fact.

Project:

Ordinance:

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.

   Yes / No *See Attachment 5, Findings of Fact*

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;

      Yes / No *See Attachment 5, Findings of Fact*

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

      Yes / No *See Attachment 5, Findings of Fact*

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

      Yes / No *See Attachment 5, Findings of Fact*

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

Yes / No *See Attachment 5, Findings of Fact*

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;

Yes / No *See Attachment 5, Findings of Fact*

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No *See Attachment 5, Findings of Fact*

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No *See Attachment 5, Findings of Fact*

**Variance approval requires all above affirmative findings.

ATTACHMENT 1

PROJECT SITE

Property Profile

Legend

Street Labels

Jurisdiction

- ✓ FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTI
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ

Notes

ATTACHMENT 1 PROJECT SITE

0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

8/28/18

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

ATTACHMENT 2

EXISTING SITE PHOTOS

ATTACHMENT 3

ARCHITECT'S RENDERING OF PROPOSED SITE LAYOUT

ATTACHMENT 4

WEST HARBOUR MARINA

PLANTING MITIGATION CALCULATIONS
BULKHEAD MITIGATION
- ONE PLANT PER 3 LF OF BULKHEAD
- BULKHEAD LENGTH = 660 LF
- 660LF/3 = 220 PLANTS

609S RESTORATION
- ALL DISTURBED AREAS WITHIN THE SHORELINE SETBACK SHALL BE REVEGETATED PURSUANT TO 609S SPECIFICATIONS, USING 609S SEEDING OR PLANTING
- AREA OF IMPACT IS APPROXIMATELY 9115 SF
- PLANTING CRITERIA RECOMMENDS 1 NATIVE SHADE TREE AND 1 NATIVE UNDERSTORY TREE/500 SF OF DISTURBED AREA

9115 SF/500 = 19 SHADE TREE AND 19 UNDERSTORY TREE.
- AND 1 NATIVE SHRUB/100 SF

9115 SF/100 = 92 SHRUBS
WETLAND MITIGATION
- EXISTING WETLAND = APPROX 672 SF = 75 PLANTS

TREE REMOVAL MITIGATION
- REQUIRED MITIGATION = 57" PER ECM 3.5.4

PLANTING MITIGATION NOTES
ALL PLANTS TO BE SOURCED WITHIN A 200 MILE RADIUS OF AUSTIN.
- FOLLOW ALL GUIDELINES FOUND IN THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, REFERENCE CODE SECTIONS ECM 1.13.0, ECM 1.10.4(D), & ITEM NO. 609S AS APPLICABLE
- ALL PLANTS TO BE INSTALLED AT A MAXIMUM OF 3FT ON CENTERS
- ALTERNATIVE NATIVE AND ADAPTED SPECIES MAY BE SUBSITUTED WITH THE SAME QUANTITY OF ANOTHER SPECIES AND PLANT PLANTING LOCATION MAY BE MODIFIED AS APPROVED BY THE PDR ENVIRONMENTAL REVIEWER, ERM WETLAND BIOLOGIST, OR ERM LANDSCAPE ARCHITECT
- THE ONWERS WILL CONTINUOUSLY MAINTAIN THE REQUIRED LANSCAPING IN ACCORDANCE WITH LDC 25-2-984

TOTAL REQUIRED WETLAND PLANTS = 660 LF(BULKHEAD)/3 + 75 (WETLAND) = 295 PLANTS
TOTAL WETLAND PLANTS REQUIRED = 295 PLANTS. 327 WETLAND PLANTS PROPOSED

TOTAL 609S SHRUBS REQUIRED = 92 SHRUBS. 99 SHRUBS ARE PROPOSED
TOTAL 609S UNDERSTORY TREES REQUIRED = 19 TREES. 19 TREES ARE PROPOSED
TOTAL 609S SHADE TREES REQUIRED = 19 TREES. 19 TREES ARE PROPOSED
TOTAL 609S PLANTS REQUIRED = 130 PLANTS. 137 PLANTS PROPOSED

2503 Westlake Drive - PLANTING SCHEDULE

Zone	Symbol	Species	Botanical Name	Quantity	Size	Spacing
Upland	GM	Gulf Muhly	Muhlenbergia capillaris	48	1 gal.	3' o.c.
	DM	Deer Muhly	Muhlenbergia rigens	20	1 gal.	3' o.c.
	PP	Spineless Prickly Pear	Opuntia ellisiana Griffiths	14	1 gal.	5' o.c.
	SC	Turks Cap	Malvaviscus arboreus var. 'Drummondii'	11	1 gal.	3' o.c.
	BY	Beaked Yucca	Yucca rostrata (aka Yucca thompsonia)	31	5 gal.	5' o.c.
Shrubs	FS	Fragrant Sumac	Rhus aromatica	16	1 gal.	5' o.c.
	YH	Dwarf Yaupon Holly Shrub	Ilex vomitoria 'Nana'	27	5 gal.	10' o.c.
	CH	Cherry Laurel	Prunus caroliniana	-	5 gal.	10' o.c.
Small Trees Understory	PH*	Possumhaw Holly	Ilex decidua	14	3 in.	15' o.c.
	AO	Anacacho Orchid	Bauhinia lunarioides	5	3 in.	15' o.c.
	DW	Desert Willow	Chilopsis linearis	-	3 in.	10' o.c.
	RB	Red Bud	Cercus canadensis	-	3 in.	10' o.c.
	CH	Cherry Laurel	Prunus caroliniana	-	3 in.	10' o.c.
Shade Trees	MT	Maple Big Tooth	Acer grandidentatum	19	3 in.	15' o.c.
	CE	Cedar Elm	Ulmus crassifolia	-	3 in.	15' o.c.
	AN	Anacua	Ehretia anacua	-	3 in.	15' o.c.
Wetland*	HT*	Horse Tail	Equisetum Laevigatum	76	1 gal.	3' o.c.
	BR*	American Bulrush	Scirpus americanus (aka Schoenoplectus americanus)	62	1 gal.	3' o.c.
	DP*	Dwarf Palmetto	Sabal minor	71	1 gal.	5' o.c.
	SE*	Cherokee Sedge	Carex cherokeensis	76	1 gal.	3' o.c.
	BA*	Broad-Leaf Arrowhead	Sagittaria latifolia	-	1 gal.	3' o.c.
	SL*	Western Spider Lilly	Hymenocallis liriosme	20	1 gal.	3' o.c.
	FE*	Widespread maiden fern	Thelypteris kunthii	22	1 gal.	3' o.c.

TREE MITIGATION BREAKDOWN:
1. 114" OF TREES ARE PROPOSED TO BE PLANTED (38 TREES AT 3 CALIPER INCHES EACH);
2. 19" SATISFY 609S RESTORATION REQUIREMENT (0.5 INCHES EACH FROM 19 UNDERSTORYAND 19 SHADE TREES);
3. 57" SATISFY TREE REMOVAL MITIGATION REQUIREMENT (1.5 INCHES EACH FOR 38 TREES).

* 38" TO SATISFY VARIENCE CONDITION REQUIREMENT (1 INCH EACH FROM 38 TREES)

APPENDIX O - LANDSCAPE/IRRIGATION NOTES

SITE DEVELOPMENT PERMIT - IRRIGATION NOTES

Automatic irrigation systems shall comply with TCEQ Chapter 344, as well as the following requirements:

1. These requirements shall be noted on the Site Development Permit and shall be implemented as part of the landscape inspection:
   a. the system must provide a moisture level adequate to sustain growth of the plant materials;
   b. the system does not include spray irrigation on areas less than ten (10) feet wide (such as medians, buffer strips, and parking lot islands);
   c. circuit remote control valves have adjustable flow controls;
   d. serviceable in-head check valves area adjacent to paved areas where elevation differences may cause low head drainage;
   e. a master valve installed on the discharge side of the backflow preventer;
   f. above-ground irrigation emission devices are set back at least six (6) inches from impervious surfaces;
   g. an automatic rain shut-off device shuts off the irrigation system automatically after more than a one-half inch (½") rainfall; and
   h. newly planted trees shall have permanent irrigation consisting of drip or bubblers.
2. The irrigation installer shall develop and provide an as-built design plan to the City at the time the final irrigation inspection is performed;
   a. unless fiscal security is provided to the City for the installation of the system, it must be operational at the time of the final landscape inspection.
3. The irrigation installer shall also provide exhibits to be permanently installed inside or attached to the irrigation controller, including:
   a. a laminated copy of the water budget containing zone numbers, precipitation rate, gallons per minute and the location of the isolation valve; and an as built plan.
4. The irrigation installer shall provide a report to the City on a form provided by Austin Water certifying compliance with Subsection 1. When the final plumbing inspection is performed by the City.

Source: Rule No. R161-17.09, 5-16-2017; Rule No. R161-18.01, 3-2-2018.

Commercial Irrigation Inspection Checklist

Project Name ______________________ **SP #** __________

Project Address __________________________ **ZIP** _____

Bldg Permit # __________ **Irrigation/Plumbing Permit #** __________

	As-built plan
	Seasonal water schedules & water budget inside controller box
	Sticker on controller w/ Irrigator's contact info. & LI#
	Maintenance checklist in controller or w/ owner
	No spray irrigation in areas less than 10' wide
	Heads are 6" from the sidewalk, walls, fences, curbs
	Master valve installed after backflow prevention device
	Isolation valve installed between water meter & backflow
	Hydrozoned
	Wye strainer installed upstream of below grade DCVA
	Proper pressure, not misting
	Head to head coverage
	No overspray
	Isolation valve(s) installed upstream of quick coupler(s), if installed
	Rain shut-off device at ½" or soil moisture sensor

This irrigation system has been designed and installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time.

I, (print name) ______________________, LI#_________, certify that the above requirements and required wiring, piping, and velocity standards have been met.

Signed ______________________ **Date** ______________

Seasonal Watering Schedule
Location of Isolation Valve: ______________________

Address:			Winter				Spring				Summer				Fall			
			Start times and days to water				Start times and days to water				Start times and days to water				Start times and days to water			
			A				A				A				A			
			B				B				B				B			
			run times		gallons per cycle		run times		gallons per cycle		run times		gallons per cycle		run times		gallons per cycle	
Station #	Precipitation Rate	GPM	Program A	Program B	Program A	Program B	Program A	Program B	Program A	Program B	Program A	Program B	Program A	Program B	Program A	Program B	Program A	Program B
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		
11																		
12																		
13																		
14																		
15																		
16																		
Notes:			Cycle total				Cycle total				Cycle total				Cycle total			
			Cycles per month				Cycles per month				Cycles per month				Cycles per month			
			Program total				Program total				Program total				Program total			
			Winter monthly use				Spring monthly use				Summer monthly use				Fall monthly use			

Irrigation in Texas is regulated by the Texas Commission on Environmental Quality

WEST HARBOUR
LAKE AUSTIN

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PROJECT: **WEST HARBOUR MARINA**
2503 WESTLAKE DRIVE
AUSTIN, TX 78746
TITLE: LANDSCAPE PLANTING PLAN

		REVISION				
DATE:	01.11.2018	05.15.18	DOB SET	01.16.19	FINAL
SCALE:	As Shown	06.12.18	PLANTING PLAN		
DRAWN BY:		07.31.18	UPDATE 1		
CHECKED BY:		09.04.18	UPDATE 2		

SHEET 11 OF 11

11

SP-2018-0221C

ATTACHMENT 5

FINDINGS OF FACT

A. 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.

YES. A "similarly situated property with approximately contemporaneous development subject to similar code requirements" is SP-2018-0114DS, Slip for Lot 16 in Panorama Harbor. Panorama has cleared all COA comments and is pending permit issuance upon the payment of COA review fees. It will permit one slip in a 16-slip neighborhood association cluster dock at Panorama Harbor. Dredge of 24.5 CY is proposed (and has passed environmental review comments) for the one slip. Dredge for West Harbour Marina is 16.2 CY/slip.

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;

YES. The project's location is dictated by the location of the existing dock, and the existing dock depth isn't navigable for the bigger boats of today and the lift systems required for them. This site will be dredged to a depth of about 3.5 ft., and dredge depths of 3.5 ft. are routinely shown on plans and approved by the COA environmental reviewers. In addition, permitting the slips in unison will require the oversight of the Corps of Engineers and the additional erosion controls required by the Corps. Those erosion controls are above and beyond what is required by the City of Austin, and those additional erosion controls would not be required if each slip was permitted individually with a limit of 25 CY/slip. So, without the variance, it would be possible to dredge this site up to 650 CY administratively with fewer erosion controls. With the approved variance, the site will be dredged 422 CY with enhanced erosion controls.

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

YES. A variance for Dredge greater than 25 CY is necessary to build a navigable 26-slip boat dock. The proposed dredge for each slip is far lower (16.2 CY/slip) than dredge allowed (25 CY/slip) if the boat dock was permitted on a slip by slip basis. The COA permitting costs to permit the dock on a slip by slip basis would exceed $260,000 in city fees alone; those fees would render the project infeasible; and would not "allow reasonable use of the property".

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

YES. There are no harmful environmental impacts of the dredge. To the contrary, permitting the site with an approved variance for dredge over 25 CY will render a project with far greater erosion controls and more government oversight with the

addition of the Corps of Engineers to the permitting authorities. If permitted separately, 650 CY (25 CY/slip) of dredge for the site could be approved administratively while this permit approves 422 CY (16.2 CY/slip) with enhanced erosion controls. Denying dredge to a navigable depth harms the water quality of the lake and yields constant churning of the lakebed by boats leaving sediment-laden water in their wake.

Overall, the lakefront site is greatly improved environmentally by the proposed project. The slips will be reduced from 28 to 26 slips within the existing footprint. The bulkhead layout and massive planting plan raise the floodplain rating from fair to excellent and are designed to protect the trees on-site while providing permanently protected wetlands. The end result is a site with a far greater level of riparian function through better habitat, improved filtration of nutrients in the water, and erosion control.

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

YES. This variance is necessary to permit the slips on one site plan permit. Permitting the slips in unison will require the oversight of the Corps of Engineers and the additional erosion controls required by the Corps. Those erosion controls are above and beyond what is required by the City of Austin, and those additional erosion controls would not be required if each slip was permitted individually with a limit of 25 CY/slip. So, without the variance, it would be possible to dredge this site up to 650 CY administratively with fewer erosion controls. With the approved variance, the site will be dredged 422 CY with enhanced erosion controls.

Dredging the site is necessary to protect the water quality of the lake by eliminating the churning of the lakebed by boat traffic which leads to sediment-laden lake water. In addition, this project will improve the water quality of the lake by increasing the rainwater filtration accomplished through the extensive planting plan and the bulkhead design which incorporates protected wetlands in the wall design.

B. 1. The criteria for granting a variance in Subsection (A) are met:

YES. Please see answers to A (1), (2), and (3).

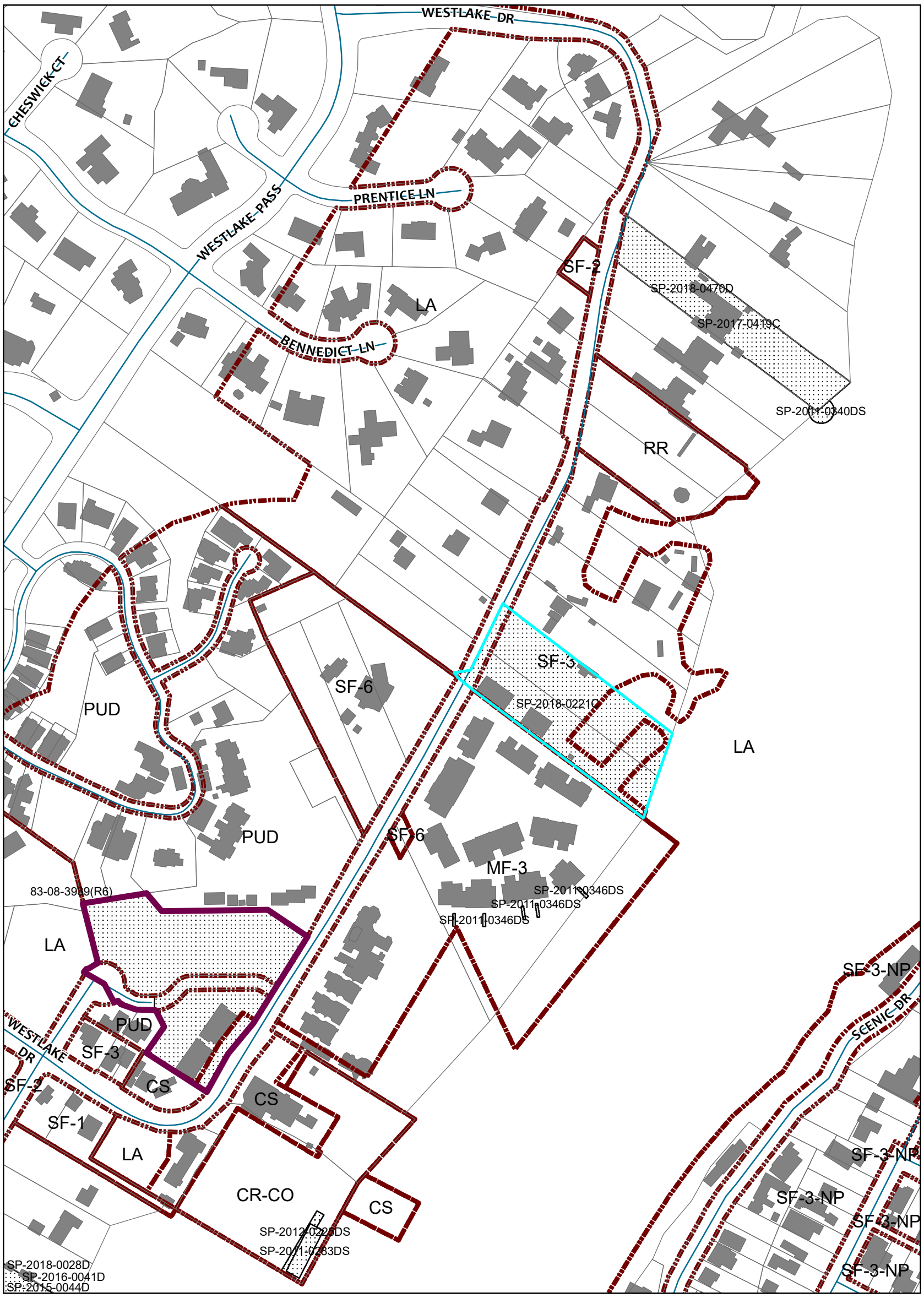
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entirety of the property;

YES. The dredge limit for a site plan permit is 25 CY no matter the number of boat slips. This site plan permit application entails 26 slips and proposes dredge of 16.2 CY/slip or far less dredge than if the slips were permitted separately. Permitting each slip separately would entail permitting fees in excess of $260,000

in City fees alone. Those fees make the project infeasible and would prevent "a reasonable, economic use of the entirety of the property".

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property;

YES. The dredge amount is the minimum dredge required to ensure a navigable boat dock for modern boats. The proposed dredge depth of 3.5 ft. is routinely administratively approved by the environmental review staff.



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Legend

Site Plan Case

Zoning

CASE#: SP-2018-0221C
ADDRESS: 2503 Westlake Drive Bldg Bd
CASE NAME: West Harbour Marina
MANAGER: Clarissa Davis

0 162.5 325 650 Feet

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OPERATOR: Clarissa Davis