

**1010 CLERMONT**

**SP-2019-0328C**

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*Environmental Review Specialist Senior*






*Development Services Department*

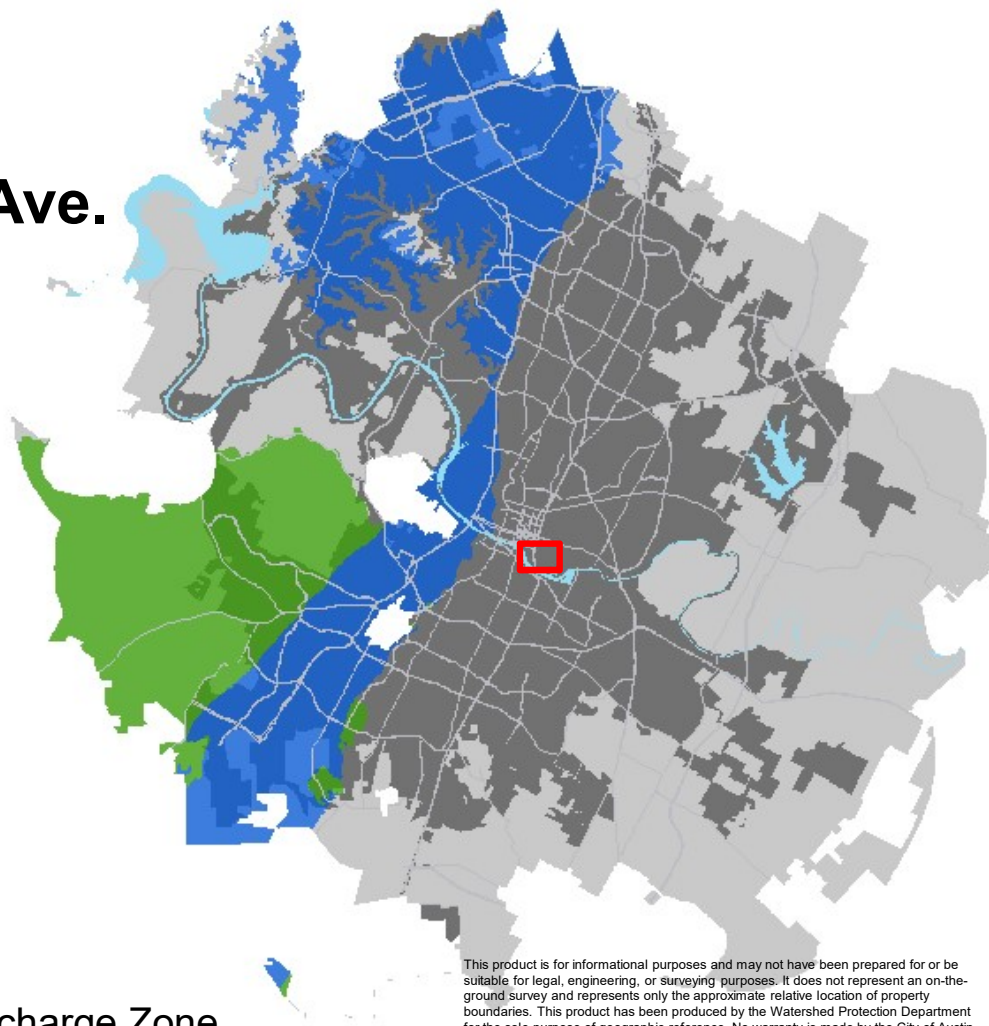
# PROPERTY DATA

- 0.26 acres
- Lady Bird Lake Watershed
- Urban
- Desired Development Zone
- Austin Full Purpose
- Not located over Edwards Aquifer Recharge Zone
- No Critical Environmental Features
- Current code regulations apply

# SP-2019-0328C

## 1010 Clermont Ave.

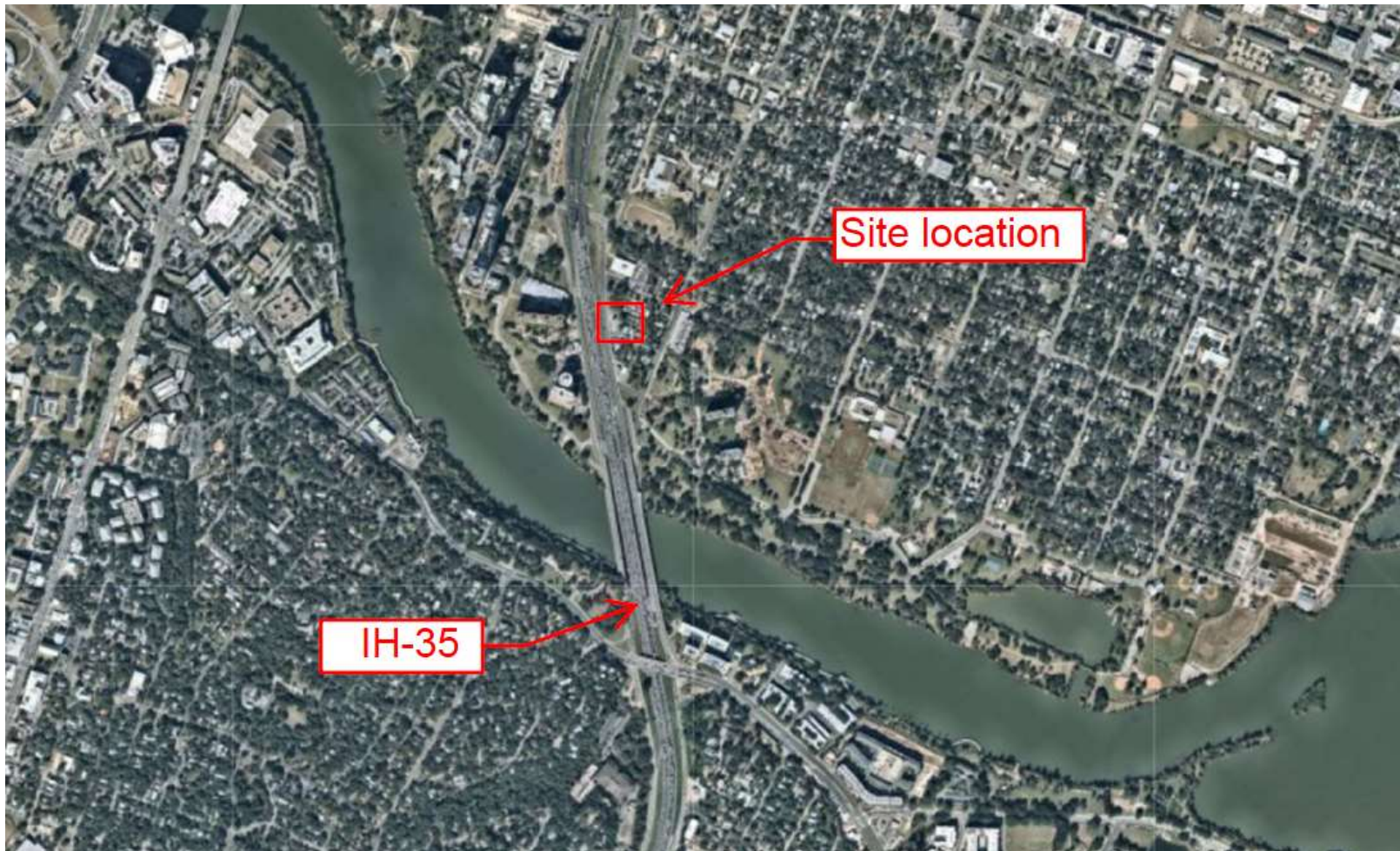
-  Site Location
-  Austin ETJ
-  Austin City Limits
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Contributing Zone



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 and represents only the approximate relative location of property boundaries. This product has been produced by the Watershed Protection Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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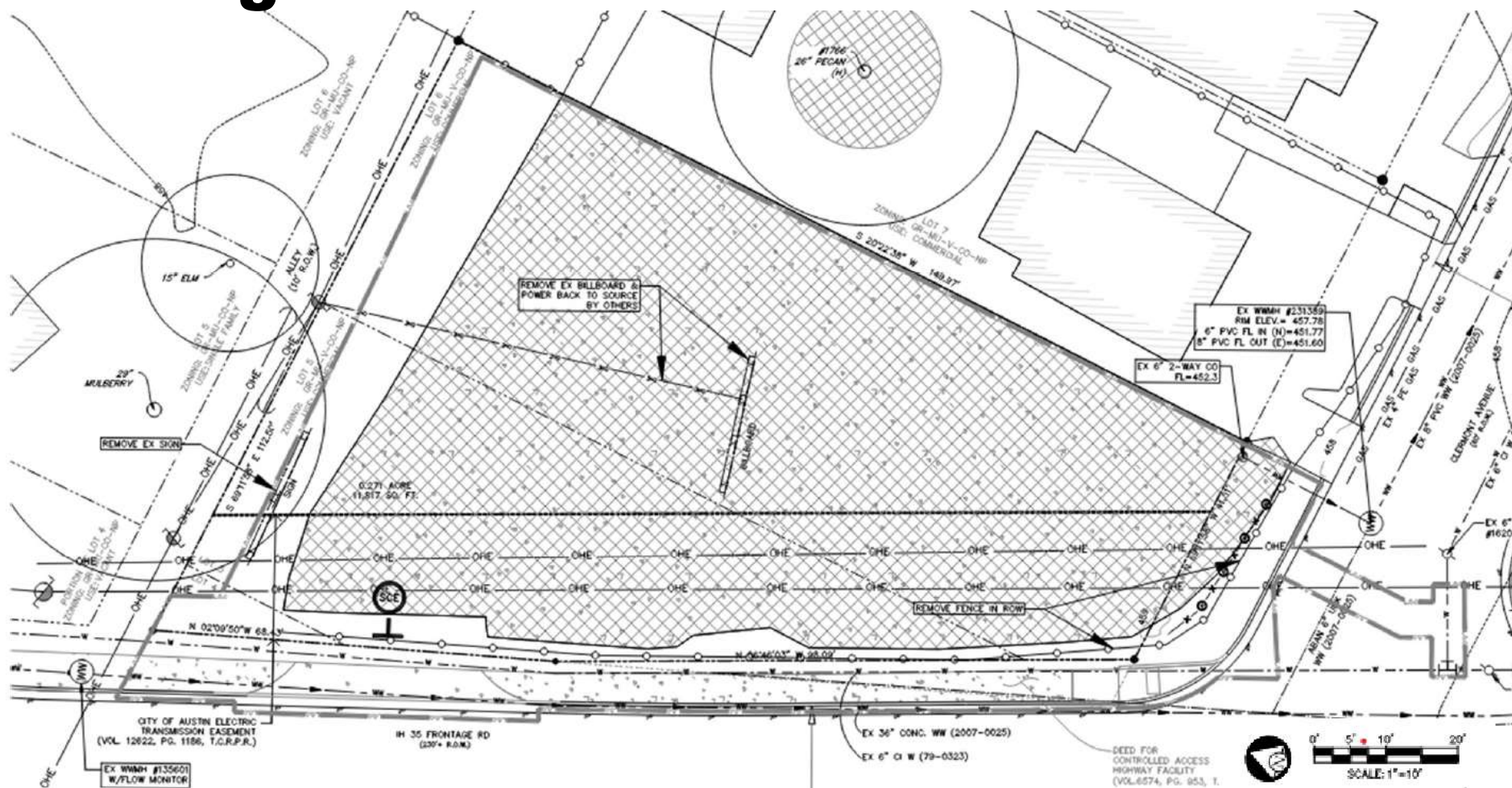
# Vicinity Exhibit





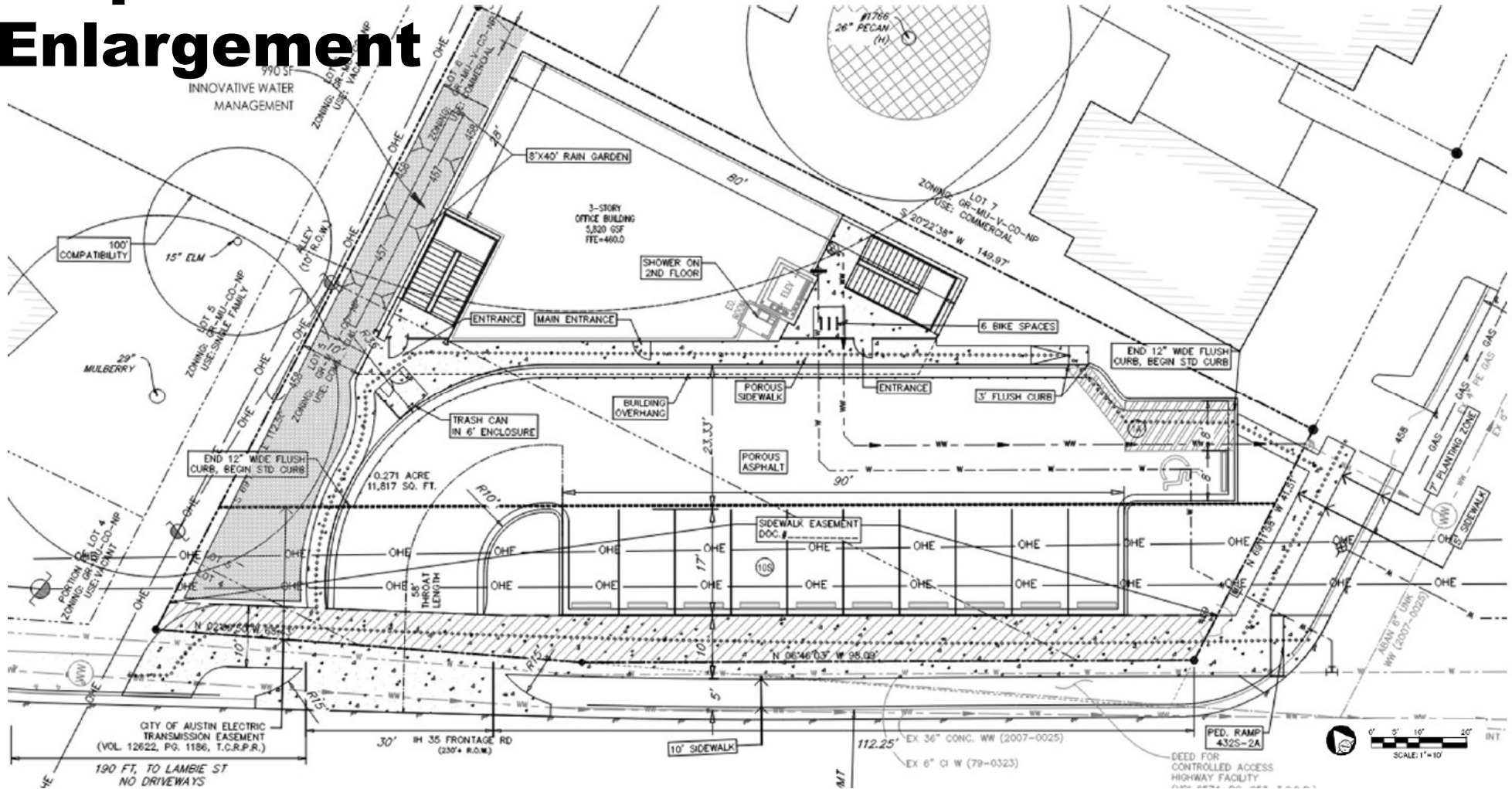
# Existing conditions







# Proposed Site Plan Enlargement



# VARIANCE REQUEST

1. To exceed allowable impervious cover of 40% in the Festival Beach Waterfront Overlay without having met specified criteria for allowing 70% maximum allowable impervious cover (LDC 25-2-735(D)).



# **FINDINGS OF FACT (LDC 25-8-41)**

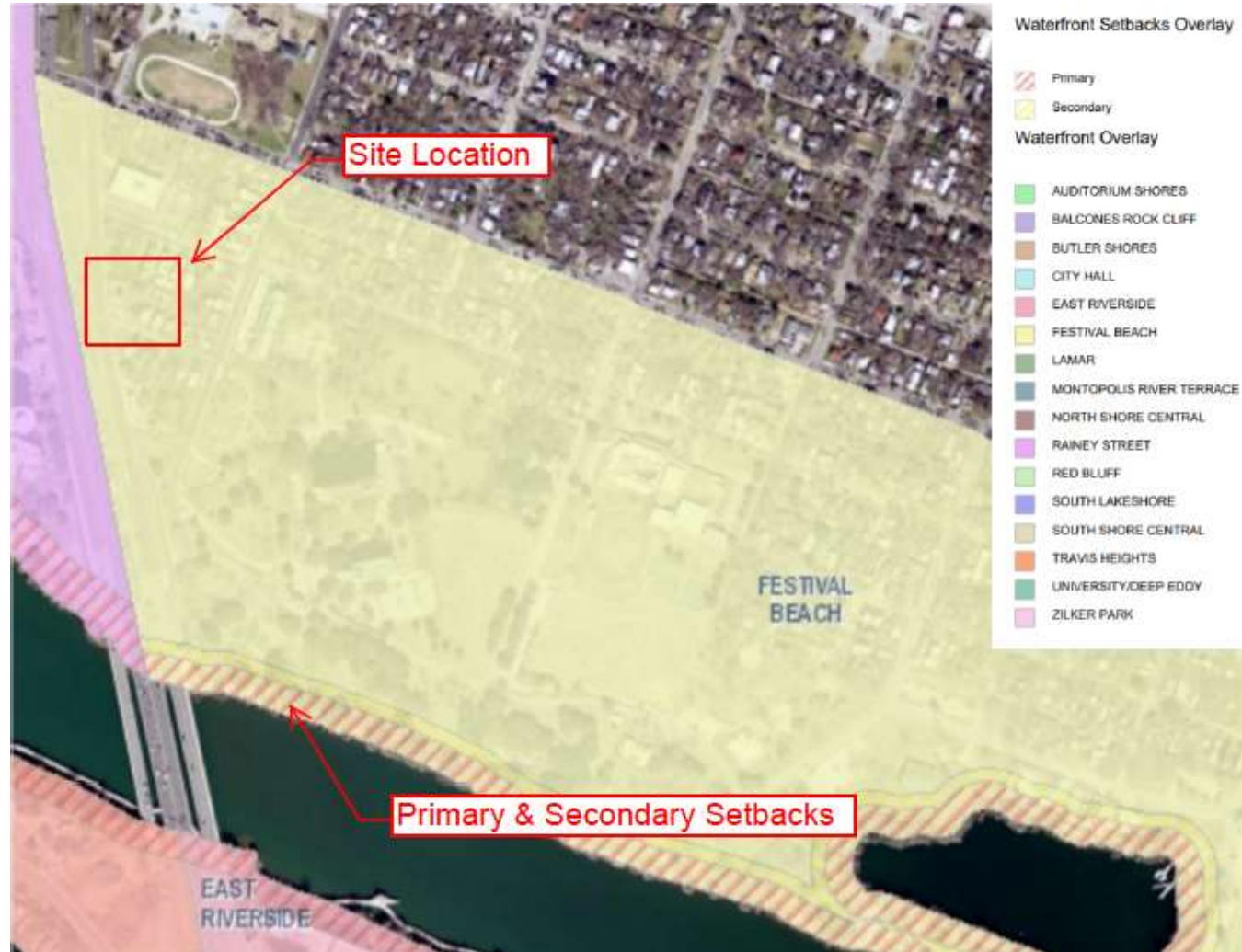
# Findings of Fact

## LDC 25-8-41

- 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.
  - Staff determination: Yes.

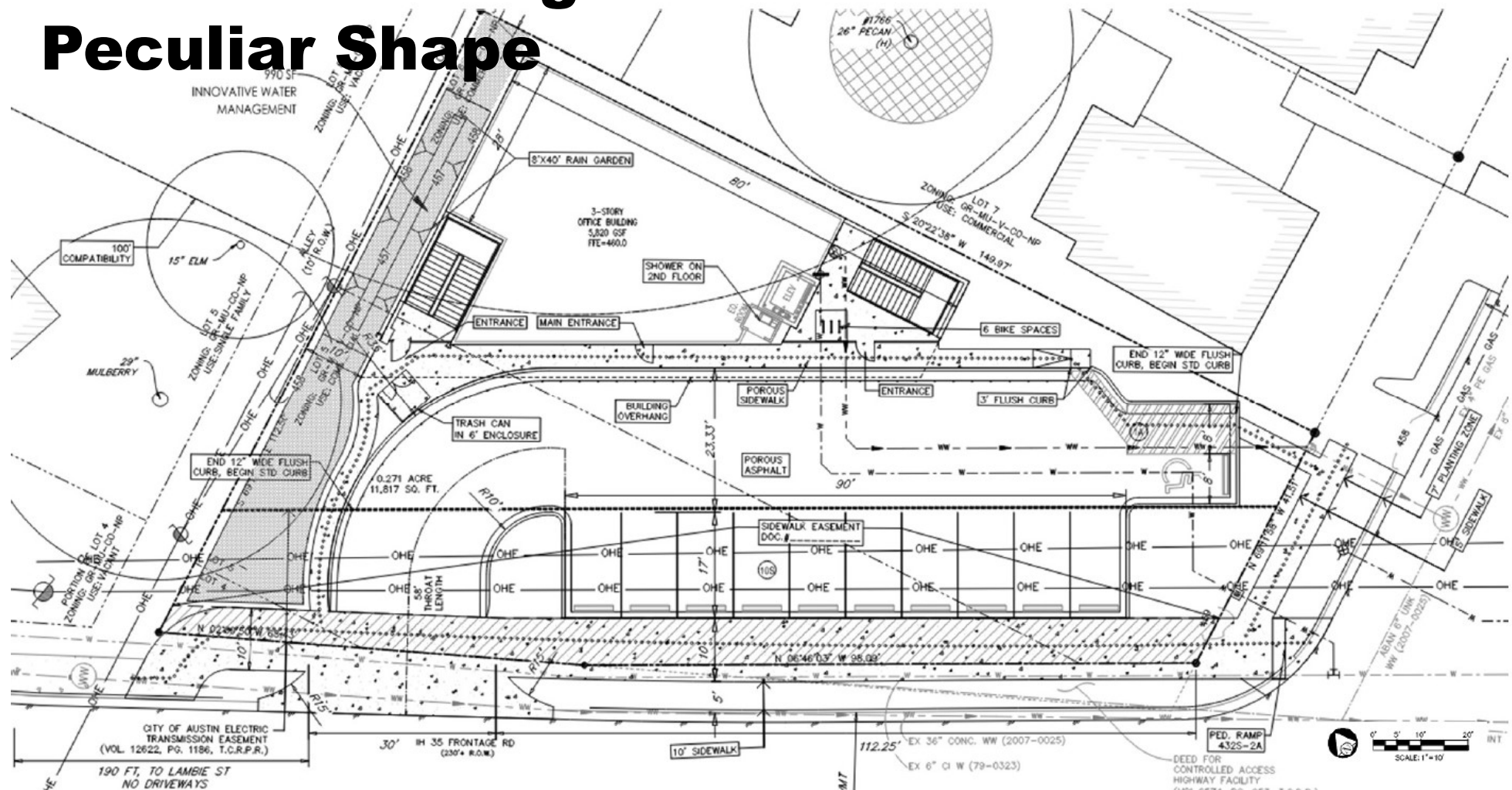
The site is a former used car sales lot. This project proposes an administrative and office building use and has a zoning district designation of Community Commercial (GR) which would normally enable a development with up to 90% impervious cover within the City's zoning jurisdiction that falls within the Urban watershed regulation area. However, this project happens to also be located within the Festival Beach Waterfront Overlay – outside of the primary and secondary set back areas (See slide #11) – requiring it to be limited to 40% impervious cover, unless it can meet certain criteria such as containing congregate care and retail uses on 15 acres or more. Since these requirements are not feasible for this site and since the site is so small (.26 acres) achieving the 40% maximum allowable impervious cover isn't feasible either and would deprive the applicant of a privilege available to owners of similarly situated property. Furthermore, there are other factors constraining the developability of the site such as compatibility height restrictions, a transmission line that runs the entire west side of the site and the peculiar shape of the lot (See slide #12).

# Exhibit of Waterfront Overlay & Setbacks





# Exhibit Showing the Peculiar Shape



# Findings of Fact

## LDC 25-8-41

- 2a: The variance: 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:

- Staff determination: Yes.

The design decision provides greater overall environmental protection than is achievable without the variance. If the variance is not granted then the applicant will not be able to reasonably develop this lot and therefore, it will remain a vacant lot with 81% impervious cover without any onsite water quality treatment. With the variance the project will reduce the impervious cover to less than 70% and will also construct a water quality control device in the form of a bio-filtration rain garden basin. Furthermore, landscaping will be provided, along with innovative water management to further increase infiltration onsite in order to reduce the pollutant load running off site during a storm event. This will significantly increase greater overall environmental protection than what can be achieved without the variance.

# Findings of Fact

## LDC 25-8-41

- 2b: The variance is the minimum deviation from code requirement necessary to allow a reasonable use of the property.

- Staff determination: Yes.

While this project cannot meet the criteria found in LDC 25-2-735(D)(2) that is specific to requirements for developments with congregate care use, we were successful in reaching an agreement with the applicant to meet the other sections of that code provision, such as, reducing the impervious cover to below 70% and also providing an enhanced water quality feature rather than just paying a fee in lieu of water quality, which is typical of developments in areas near downtown. Moreover, staff agrees that this proposed project and variance is consistent with the goals and policies of the Town Lake Corridor Study, such as, treating urban run-off and reducing polluting land uses, like the used car sales lot. Assessing consistency with the Town Lake Corridor Study is a requirement of a variance to a code provision within the Waterfront Overlay District and Subdistrict Development Regulations in accordance with LDC 25-2-713(B). Therefore, staff agrees that this is the minimum deviation from the code requirement necessary to allow a reasonable use of the property.



# Findings of Fact

## LDC 25-8-41

- 2c: The variance does not create a significant probability of harmful environmental consequences:
  - Staff determination: Yes.

The variance will not create a significant probability of harmful environmental consequences. In fact, it is an environmental improvement from what it has been for over 23 years as a used car lot with zero water quality treatment. First, the impervious cover is being reduced from 81% to just below 70%. Second, it proposes to construct a water quality treatment control in the form of a bio-filtration rain garden. The reduction in impervious cover and the construction of an on-site water quality control will significantly reduce the pollutant load running off the site during a rain event. Furthermore, the project also proposes to implement innovative water management techniques that require onsite landscaping to be irrigated with stormwater runoff from impervious surfaces that are not already being treated by the onsite rain garden. Moreover, the project will be planting more trees than what has existed prior and all of them will be made up of native species.

# Findings of Fact

## LDC 25-8-41

- 3: Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance:
  - Staff determination: Yes  
Development with the variance will result in water quality that is greater than what is achievable without the variance. For 23 years this site has existed as a used car lot with heavily used impervious surfaces of up to 81%. During this time there were no water quality control devices to treat stormwater runoff. Pollutants on the car lot flowed unimpeded directly into Ladybird Lake. This project proposes to construct a water quality treatment control in the form of a bio-filtration rain garden. This will dramatically reduce the amount of pollutants flowing off site into Ladybird Lake. Furthermore, the project also proposes to reduce impervious cover to over 10% from what it is today, thus, increasing overall infiltration within the newly constructed pervious landscaped areas, therefore, further reducing the amount of pollutants flowing off site.

# Variance Recommendation

- Staff has determined the required Findings of Fact have been met, and recommends approval of the variance request with the following conditions:
  - Provide water quality treatment with the proposed project such that the proposed development pollutant load will be lower than the existing conditions pollutant load. A rain garden will be constructed to provide treatment for the runoff from the building and porous pavement will be constructed to provide treatment for the runoff from the parking lot and the onsite sidewalks.
  - Provide specific window glazing on office building to reduce potential of bird strikes.
  - All trees planted on site will be tree species native to central Texas.