



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE:	November 16, 2022
NAME & NUMBER OF PROJECT:	1703 N. River Hills Road Marina Reconstruction SP-2022-0167D (W/R SP-2020-0307D)
NAME OF APPLICANT OR ORGANIZATION:	Janis Smith Janis Smith Consulting, LLC
LOCATION:	1703 River Hills Rd, Austin, TX 78733
COUNCIL DISTRICT:	District 10
ENVIRONMENTAL REVIEW STAFF:	Miranda Reinhard, Environmental Scientist Senior Watershed Protection Department 512-978-1537, miranda.reinhard@austintexas.gov
WATERSHED:	Lake Austin Watershed Watershed Supply Rural Classification Drinking Water Protection Zone
REQUEST:	Variance request is as follows: Request to vary from LDC 25-8-368(E) to allow more than 25 cubic yards of dredging in Lake Austin.
STAFF RECOMMENDATION:	Staff recommends this variance, having determined the findings of fact to have been met.
STAFF CONDITION:	Staff recommends the following conditions: 1) Install sediment boom to minimize sediment disturbance 2) Install temporary orange construction fencing around the entire boundaries of the wetland CEF not included in the LOC to prevent encroachment into the wetland CEF. 3) Provide additional mitigation, beyond the requirements for wetlands (32 plantings of American water willow (<i>Justicia americana</i>), giant cutgrass (<i>Zizaniopsis miliacea</i>), or other herbivory resistant obligate wetland species emerged in the water along the shoreline)



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	1703 N. River Hills Road Mariana Reconstruction SP-2022-0167D (W/R SP-2020-0307D)
Ordinance Standard:	Watershed Protection Ordinance (current code)
Variance Request:	Request to vary from LDC 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 marina, built prior to 1965, by replacing the existing 21 slips with 16 code-compliant slips, within the existing footprint. A “similarly situated property with approximately contemporaneous development subject to similar code requirements” is SP-2018-0221C, West Harbour Marina. The project was granted a variance in 2019 to dredge 422 cubic yards (CY) or about 16 CY per boat slip. The current variance application is to dredge 97.4 CY, or about 6.1 CY per boat slip.

LDC 25-2-1176(B) allows construction of a marina. LDC 25-2-963 (D) allows modification and maintenance of non-complying docks. LDC 25-8-368(E) allows up to 25 CY 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 CY 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 per boat slip (6.1 CY) than the quantity of dredging allowed by code for a single boat slip (25 CY).

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 marina. 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 water depth of about 3.5 ft. deep from the normal pool elevation allowing clearance for the bow of the boat and a boat lift cradle underneath the boat.

- 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 CY of dredging associated with construction of a single-slip dock. The project proposes 6.1 CY per slip. A variance for dredge greater than 25 CY is necessary to build a navigable 16-slip boat dock within the footprint of the existing boat dock. The proposed dredge for each slip is far lower (6.1 CY/slip) than dredge allowed (25 CY/slip) if the boat dock was permitted on a slip-by-slip basis.

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

Yes A sediment boom will be installed prior to construction and maintained for the duration of the project to minimize discharges to the lake. Denying dredge to a navigable depth potentially harms the water quality of the lake due to churning of the lakebed by boats leaving sediment-laden water in their wake.

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 permit. 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 replacing a bulkhead that is currently allowing sediment to enter Lake Austin. The project proposes wetland mitigation and bulkhead mitigation, installing temporary orange construction fencing around the entire boundaries of the wetland Critical Environmental Feature (CEF) not included in the limits of construction (LOC) to prevent encroachment into the wetland, and is designed to protect the trees on-site. Additional wetland plantings and protecting of the wetland CEF and trees will positively impact water quality.

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*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 criteria for granting the variance are met. The dredge request is the minimum amount needed to maintain an existing marina that has been silted in over the years. The variance request is not the result of design choice and does not create a significant probability of harmful environmental consequences.
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes The purpose of the proposed work is to rehabilitate an existing dock. The dredge limit for a site plan permit is 25 CY no matter the number of boat slips. This site plan permit application entails 16 slips and proposed dredge of 6.1 CY /slip or far less dredge than if the slips were permitted separately.
3. 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 marina. 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.

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following condition: 1) Install sediment boom to minimize sediment disturbance 2) Install temporary orange construction fencing around the entire boundaries of the wetland CEF not included in the LOC to prevent encroachment into the wetland CEF. 3) Provide additional mitigation, beyond the requirements for wetlands (32 plantings of American water willow (*Justicia americana*), giant cutgrass (*Zizaniopsis miliacea*), or other herbivory resistant obligate wetland species emerged in the water along the shoreline)

Wetland Biologist Reviewer (WPD)	<u>Miranda Reinhard</u> (Miranda Reinhard)	Date: 11/4/2022
Environmental Review Program Manager (WPD)	<u>John A. Clement</u> (John Clement)	Date: 11/4/22
Deputy Environmental Officer (WPD)	<u>Liz Johnston</u> (Liz Johnston)	Date: 11/04/2022



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	<i>Nikelle Meade and Janis J. Smith, P.E. for YYYYY INC</i>
Street Address	<i>401 Congress Avenue # 2650</i>
City State ZIP Code	<i>Austin, TX 78701</i>
Work Phone	<i>512-472-5456</i>
E-Mail Address	Nikelle.meade@huschblackwell.com , jsmith@janissmithconsulting.com

Variance Case Information

Case Name	<i>1703 N. River Hills Road Marina Reconstruction</i>
Case Number	<i>SP-2022-0167D</i>
Address or Location	<i>1703 N. River Hills Road</i>
Environmental Reviewer Name	<i>Miranda Reinhard</i>
Environmental Resource Management Reviewer Name	
Applicable Ordinance	<i>LDC 25-8-368(E) Dredge over 25 CY</i>
Watershed Name	<i>Lake Austin</i>
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" 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	<i>The dredging will take place in Lake Austin</i>
Water and Waste Water service to be provided by	<i>Austin Water</i>
Request	The variance request is as follows (Cite code references: <i>LDC 25-8-368(E) Dredge over 25 CY</i>

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)	<p><i>The proposed project site contains an abandoned restaurant, parking lot, bulkhead, existing 18-slip marina (the north dock) and a non-operational fueling station with 3 slips (the south dock) constructed prior to 1965. It was the site of The Pier Restaurant which had been open, in one form or another, from the 1920s to 2005. The 4.46 ac legal parcel on the shoreline of a Lake Austin is shown on Attachment 1, Project Site. The site is zoned CS-1. Except for an access road traversing the property, all of the property elements are on the Lake Austin shoreline. There are a number of trees on the site, but the shoreline is dominated by the restaurant building and flat work that served as a dance floor and restaurant service area. There's a group of trees, some of which are heritage trees, on the shoreline by the south dock. All fueling infrastructure was removed. Attachment 2 contains pictures of the site. The condition of both boat docks is perilous. The docks were red-tagged in October 2019, and a site plan is required to reconstruct the docks. The proposed project will reconstruct the docks, bulkhead, and a fueling station. It won't reconstruct the restaurant or other facilities. The north dock will have 16 slips, and the south dock will have the capacity to moor 3 boats. By today's permitting requirements, the old structures were a 21-slip marina. The replacement dock will be a 16-slip marina and will replace the existing structures with code-compliant docks within the existing footprints. The project also includes the installation of a bulkhead designed to protect and preserve the trees on-site while reinforcing a bulkhead that has partially collapsed. This variance application for Dredge Over 25 CY is necessary to ensure that the docks are navigable for modern boats and can accommodate current lifts. Attachment 3 contains the existing and proposed dock plan and elevation views. Attachment 4 contains the basis of the Findings of Fact.</i></p> <p><i>Maranda Reinhard</i></p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	<i>This permit specifies 97.4 CY of dredge for the docks, or about 6 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, 16 slips. For this boat dock, code actually would administratively approve 400 CY of dredge if the slips were permitted individually.</i>
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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 4, 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 4, 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 4, Findings of Fact*

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

☒ Yes / No *See Attachment 4, 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 4, 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 4, 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 4, 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 4, Findings of Fact*

**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*if required by 25-8-121*)
- Applicant's variance request letter

Miranda Reinhard

ATTACHMENT 1
PROJECT SITE

1703 N. RIVER HILLS ROAD MARINA RECONSTRUCTION

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 78°14'06" W	41.23'
L2	S 73°25'06" W	8.35'
L3	S 41°23'06" W	15.37'
L4	S 28°17'31" W	9.19'
L5	S 28°02'44" W	240.42'
L6	S 28°01'30" W	179.54'
L7	S 27°23'30" W	39.12'
L8	S 27°51'31" W	45.11'
L9	N 18°18'03" W	261.76'
L10	N 31°53'44" W	195.77'
L11	N 18°00'42" W	119.75'
L12	N 64°42'19" E	41.93'
L13	N 69°58'21" E	421.08'
L14	N 89°10'21" E	127.00'
L15	S 10°42'39" E	208.80'
L16	S 81°23'36" W	78.18'

TIRES MADE EASY INC
ABS 808 SUR 39 WOFFORD W
ACR 10.917 (1-D-1W)
DEED DOC. #2012045404TR
ZONING: LA

TIRES MADE EASY INC
ABS 627 SUR 39 WOFFORD W
ACR 4.4650 (1-D-1W)
DEED DOC. #2008021052TR
ZONING: CS

TIRES MADE EASY INC
ABS 627 SUR 39 WOFFORD W
ACR 22.4500 (1-D-1W)
DEED DOC. #NOT AVAILABLE
ZONING: ILA
USE: XX

COA AND FEMA 100-YR FULLY DEVELOPED FLOODPLAIN/BFE
ELEV = 499.38

EXISTING WETLAND CEF
APPROX. 30.0 SF

UNCOVERED SECOND STORY DECK WITH HANDRAILS

LIMIT OF CONSTRUCTION

EXISTING DOCK FOOTPRINT
INCLUDES THE AREA
OCCUPIED BY BOATS PER
BOAT DATA FROM 1984

APPROXIMATE COLORADO
RIVER GRADIENT
ELEV = 482.0

LAKE AUSTIN

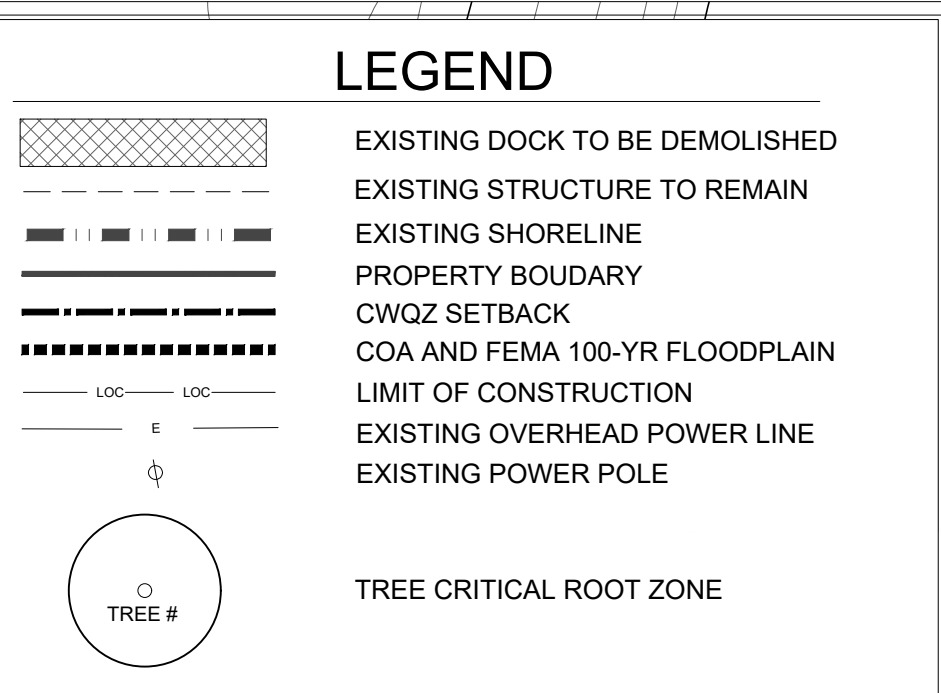
EXISTING 21-SLIP BOAT DOCK
NORTH DOCK CONTAINS 18 SLIPS
SOUTH DOCK CONTAINS 3 SLIPS
214.2' WIDE X 68.1' DEEP
DOCKS AND TO BE DEMOLISHED AND REBUILT
SEE EXISTING DOCK PLAN/ELEVATION VIEWS
ON SHEET 6

EXISTING = PROPOSED SHORELINE LOCATION
ELEV = 492.8'

TRAVIS COUNTY WCID #20
LOT 42 BLK A ROB ROY ON
THE LAKE SEC 1
DEED DOC. #NOT AVAILABLE
ZONING: LA

DRAINAGE EASEMENT
DOC # 2008021051

15' WATERLINE EASEMENT
VOL 11149/665



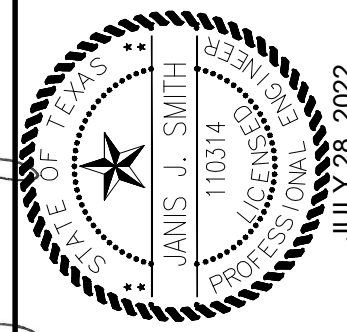
TREES TO REMAIN	
TREE TAG #	SPECIES AND DIAMETER
643	ELM 12
644	ELM 9
645	HACKBERRY 8
646	ELM 12
647	ELM 10
648	ELM 36
649	ELM 12
650	ELM 40
651	HACKBERRY 9
652	PECAN 20
654	PECAN 23
655	HACKBERRY 9
656	HACKBERRY 9
657	HACKBERRY 19
658	HACKBERRY 9
659	PECAN 20
660	PECAN 14
661	HACKBERRY 10
662	HACKBERRY 24
663	HACKBERRY 20
664	PECAN 13
665	PECAN 14
666	PECAN 12
667	HACKBERRY 21
668	HACKBERRY 10
669	PECAN 20
670	PECAN 29
671	HACKBERRY 16
672	HACKBERRY 10

TREES TO REMAIN	
TREE TAG #	SPECIES AND DIAMETER
673	PECAN 15
674	COTTONWOOD 48
675	CYPRESS 25
676	CYPRESS 38
677	CYPRESS 24
678	CYPRESS 23
679	COTTONWOOD 22
681	COTTONWOOD 54
682	COTTONWOOD 30
683	COTTONWOOD 14 12
684	COTTONWOOD 40
685	ELM 34
686	ELM 20
687	CEDAR 13
688	CEDAR 12
689	CEDAR15
690	HACKBERRY 14
691	HACKBERRY 12
692	CEDAR 12
693	ELM 12
694	HACKBERRY 12 10
695	HACKBERRY 12
696	ELM 10
697	ELM 16
698	CHINA BERRY 14
699	LIVE OAK 38 DEAD
700	LIVE OAK 24 18 DEAD
701	HACKBERRY 12
702	HACKBERRY 10
703	HACKBERRY 24

TREES TO REMAIN	
TREE TAG #	SPECIES AND DIAMETER
704	HACKBERRY 8
705	ELM 18
706	LIVE OAK 16 15 DEAD
707	LIVE OAK 18 DEAD
708	LIVE OAK 18 DEAD
709	ELM 12
710	LIVE OAK 36 DEAD
711	HACKBERRY 12
712	ELM 16
713	HACKBERRY 11
714	HACKBERRY 11
715	CHINA BERRY 16
716	CHINA BERRY 10 9
717	LIVE OAK 52 DEAD
718	LIVE OAK 54 DEAD

TREES TO BE REMOVED	
TREE TAG #	SPECIES AND DIAMETER
653	HACKBERRY 27

Janis J. Smith

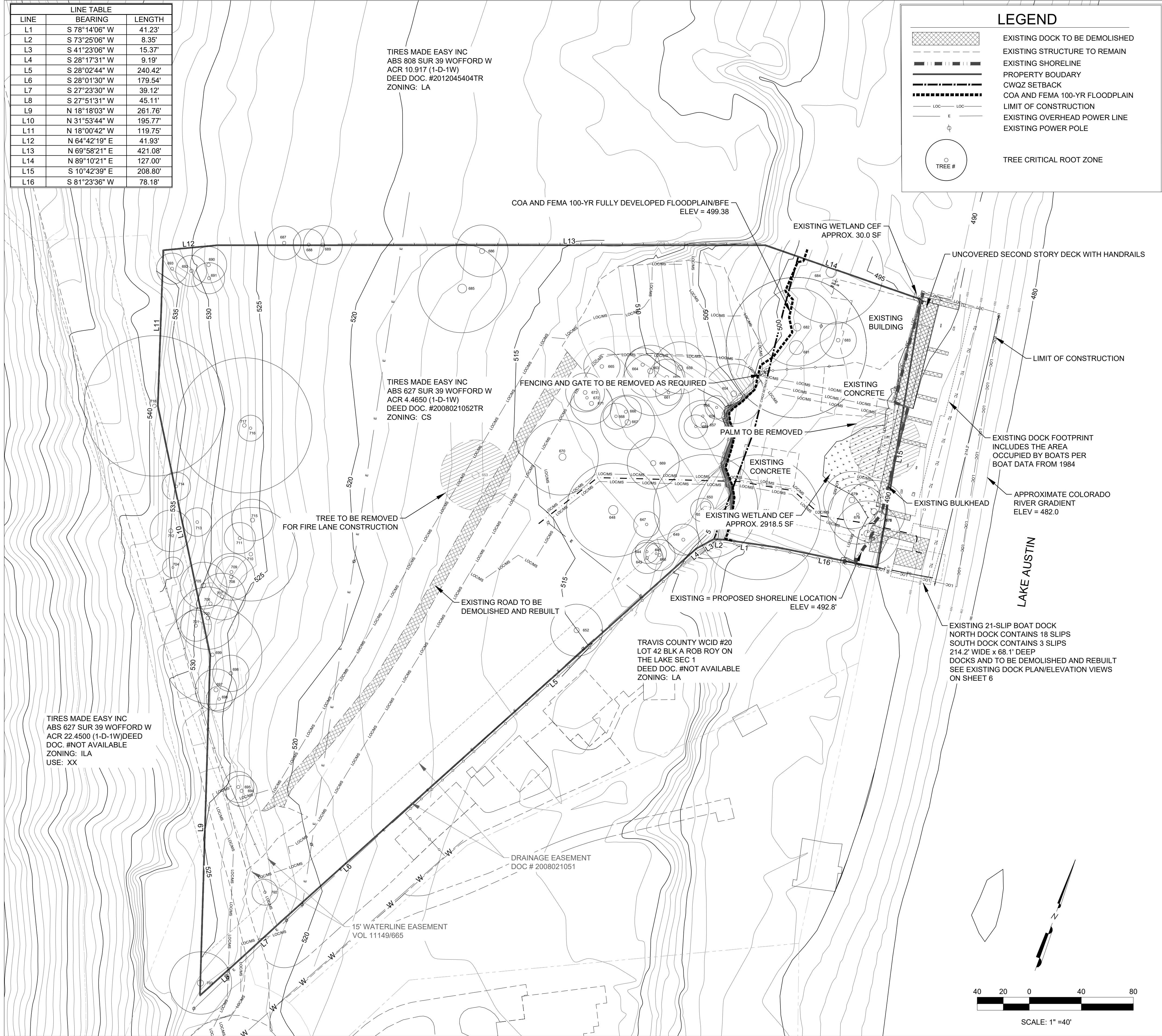


Janis Smith Consulting, LLC

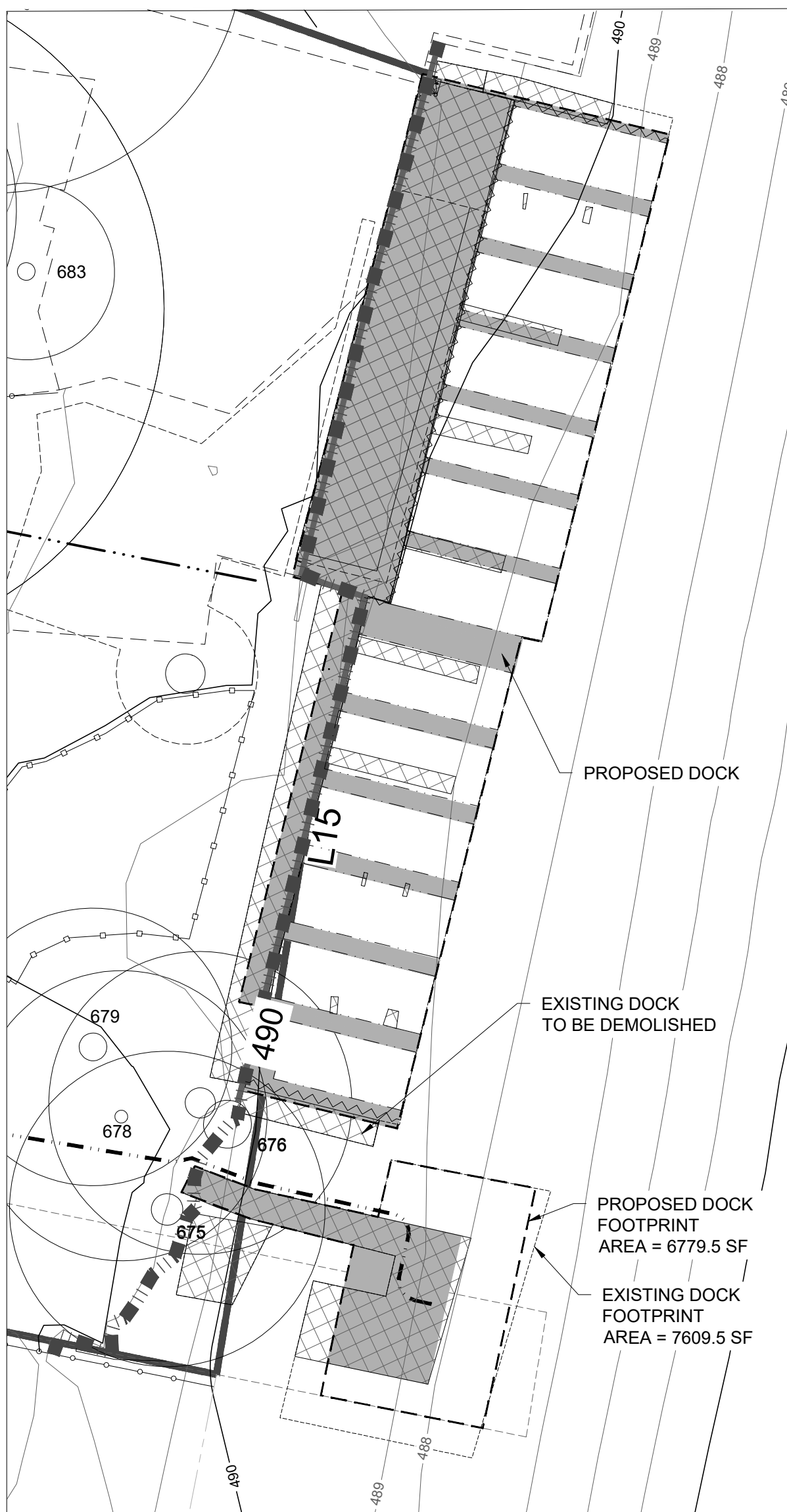
1505 Westover Road • Austin, Texas 78703 • 512-914-3729
Texas Board of Professional Engineers Registration Number F-16978

1703 N. RIVER HILLS ROAD
MARINA RECONSTRUCTION
EXISTING CONDITIONS SITE PLAN

DESIGNED: JJS
APPROVED: JJS
SCALE: AS SHOWN
1703 N. RIVER HILLS RD
DATE: 8-03-2020
SHEET 2 of 18



EXISTING SITE PLAN



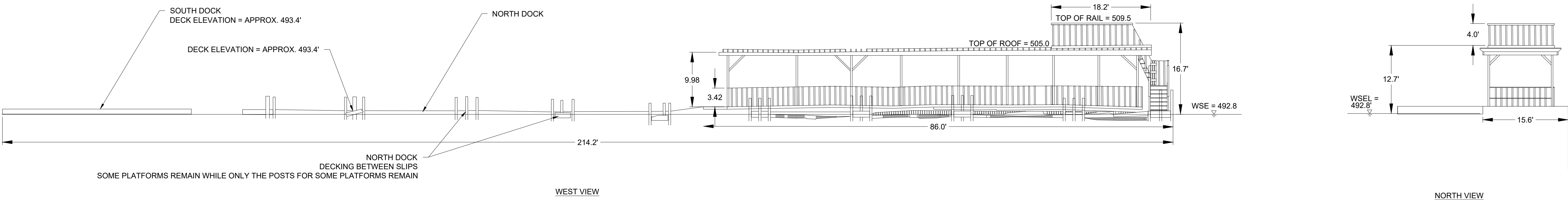
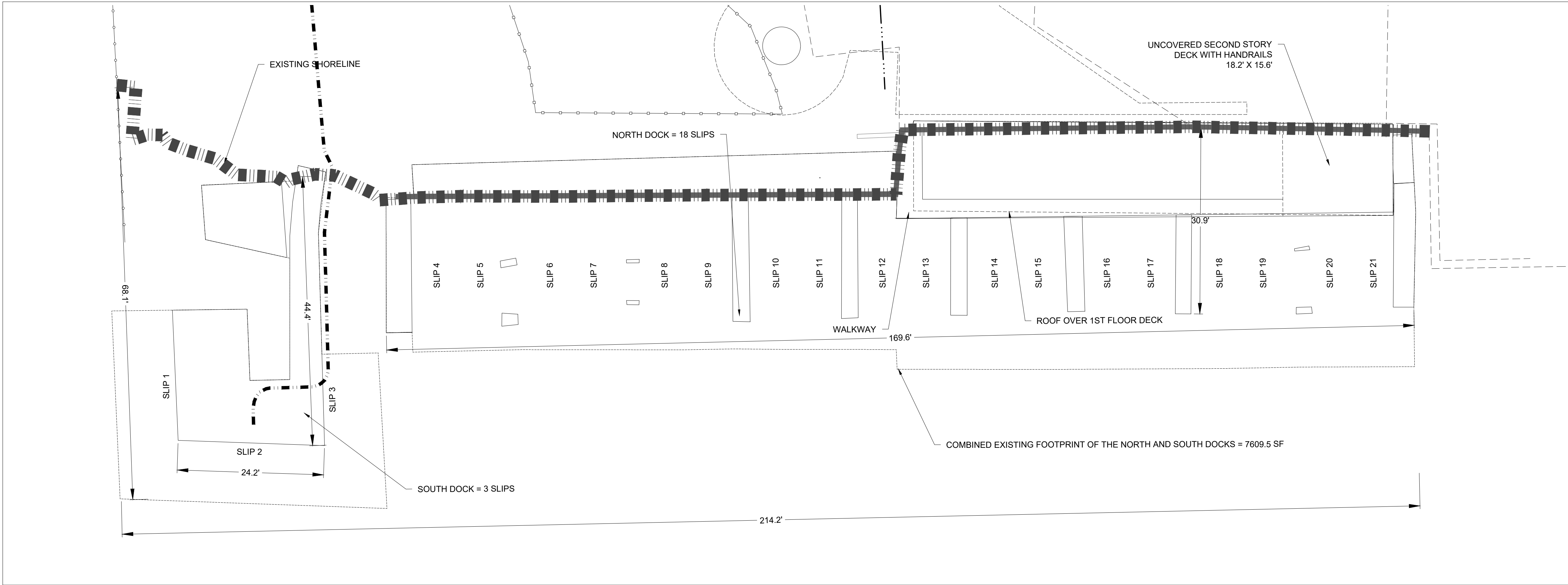
EXISTING VS PROPOSED DOCK FOOTPRINTS

ATTACHMENT 2
SITE PICTURES

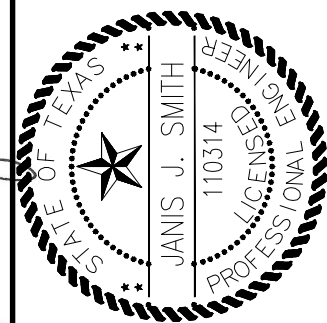


ATTACHMENT 3
EXISTING AND PROPOSED DOCK PLAN
AND ELEVATION VIEWS

1703 N. RIVER HILLS ROAD MARINA RECONSTRUCTION



Janis J. Smith



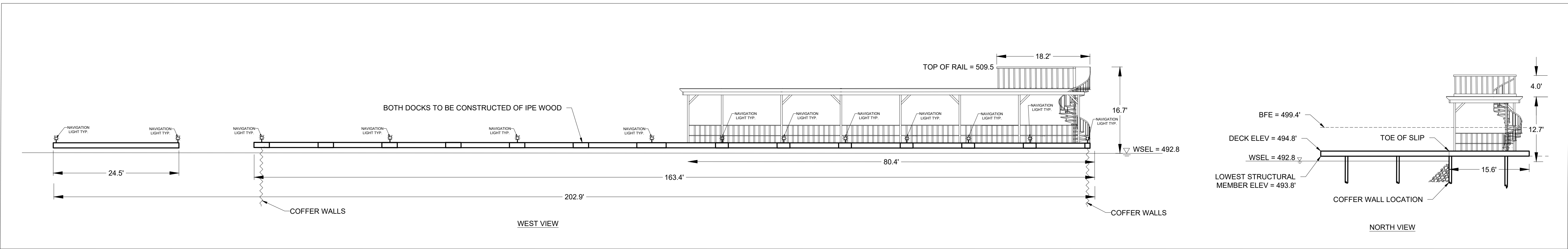
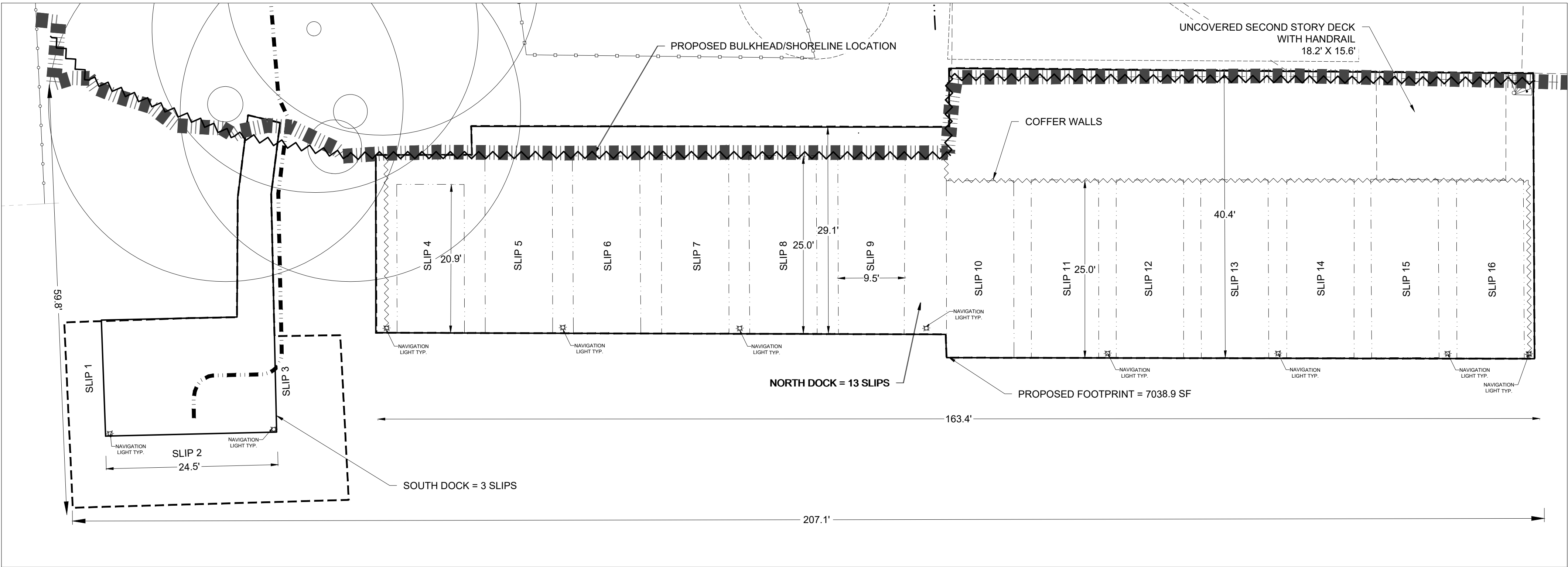
Janis Smith Consulting, LLC

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Texas Board of Professional Engineers Registration Number F-16078

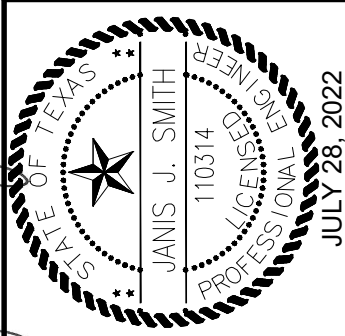
1703 N. RIVER HILLS ROAD
MARINA RECONSTRUCTION
EXISTING DOCK PLAN
AND ELEVATIONS

DESIGNED: JJS
APPROVED: JJS
SCALE: AS SHOWN
1703 N. RIVER HILLS RD
DATE: 8-03-2020
SHEET 6 of 18

1703 N. RIVER HILLS ROAD MARINA RECONSTRUCTION



Janis J. Smith



Janis Smith Consulting, LLC

1505 Westover Road • Austin, Texas 78703 • 512-914-3729
Texas Board of Professional Engineers Registration Number F-16978

1703 N. RIVER HILLS ROAD
MARINA RECONSTRUCTION
PROPOSED DOCK PLAN
AND ELEVATIONS

DESIGNED: JJS
APPROVED: JJS
SCALE: AS SHOWN
1703 N. RIVER HILLS RD
DATE: 8-03-2020
SHEET 7 of 18

ATTACHMENT 4
BASIS OF THE 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-2018-0221C, West Harbour Marina. The project was granted a variance in 2019 to dredge 422 CY or about 16 CY/slip. This variance application is to dredge about 6.1 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 water depth of about 3.5 ft. depth from the normal pool elevation allowing clearance for the bow of the boat and a boat lift cradle underneath the boat. 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 with fewer erosion controls. With the approved variance, the site will be dredged 97.4 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 16-slip boat dock. The proposed dredge for each slip is far lower (6.1 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 \$288,000 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, 400 CY (25 CY/slip) of dredge for the site could be approved administratively while this permit approves 97.4 CY (5.1 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 21 to 16 slips within the existing footprint. The bulkhead is designed to protect the trees on-site while reducing the flow of sediment into the lake.

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 400 CY administratively with fewer erosion controls. With the approved variance, the site will be dredged 97.4 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 replacing a bulkhead that is currently allowing sediment to enter Lake Austin.

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 16 slips and proposes dredge of 5.1 CY/slip or far less dredge than if the slips were permitted separately. Permitting each slip separately would entail permitting fees in excess of \$288,000 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.

ATTACHMENT 4
ENGINEERING SUMMARY LETTER WITH NO-RISE CERTIFICATE



August 1, 2020

City of Austin Director of Planning and Development Review
P.O. Box 1088
Austin, Texas 78767

Re: Engineering Summary Letter and Report for 1703 N. River Hills Road Marina Reconstruction

Dear Director:

This project proposes to reconstruct a marina and reinforce an existing bulkhead under LDC 25-2-963. The existing structure has been red-tagged, and the case no. is CV-2019-209020. The site is located about 1.7 miles northwest of the intersection of River Hills Road and Bee Cave Road. It's within the Austin Limited Purpose Jurisdiction and the Lake Austin watershed. Access for construction activities will be by water, and the project will be built this coming spring/summer.

The existing marina was used for decades as an accessory use to The Pier restaurant. It's visible in the 1965 aerial, and the site is thought to have been originally developed in the 1920s. Currently, the marina is a dilapidated, 21-slip, 2-story dock. This site plan only regulates the reconstruction of the marina and is separate from any other redevelopment on the site. Nikelle Meade, the owner's representative, and I met and communicated both electronically and in person with City staff to identify a permitting path forward to rebuild the docks.

An Environmental Resource Inventory describing the environmental, hydrogeologic, vegetative, and wastewater elements of this project is included with the application documents.

Engineer's Certification - Floodway Encroachment - LDC 25 -12 G103.5

The proposed improvements will not increase the rate of storm runoff within the Colorado River watershed and will not adversely obstruct flood flows. The shoreline improvements will not increase the level of the design flood of the adjacent Colorado River.

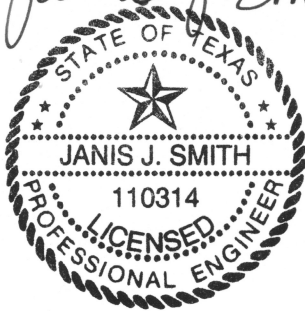
Variances, Waivers & Conclusions

The dock is within the critical water quality zone, but a variance to construct in the CWQZ is not required. A Planning Commission variance for dredge exceeding 25CY will be required. There will be no adverse impact on the natural and traditional character of the land or waterways.

If you have any questions, please feel free to call.

Very truly yours,

Janis J. Smith



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