



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

**COMMISSION MEETING DATE:** January 18, 2022

**NAME & NUMBER OF PROJECT:** Evergreen Drainage Improvements  
SP-2022-0056D (W/R SP-2020-0148D)

**NAME OF APPLICANT OR ORGANIZATION:** 1800 Evergreen Development, LLC  
c/o Robert Easter

**LOCATION:** 1800 ½ Evergreen Ave, Austin, TX 78704

**COUNCIL DISTRICT:** District 9

**ENVIRONMENTAL REVIEW STAFF:** Miranda Reinhard, Environmental Scientist Senior  
Watershed Protection Department  
512-978-1537, miranda.reinhard@austintexas.gov

**WATERSHED:** West Bouldin Creek Watershed  
Urban Classification  
Desired Development Zone

**REQUEST:** Variance request is as follows:

1. Request to vary from LDC 25-8-261(G) to allow floodplain modification for development within the Critical Water Quality Zone (CWQZ).
2. Request to vary from LDC 25-8-281(C)(1)(a) to reduce the CEF setback to 50' and LDC 25-8-281(C)(2)(b) to allow construction within the reduced 50' CEF setback

**STAFF RECOMMENDATION:** Staff does not recommend these variances, having determined the findings of fact have not been met.

**STAFF CONDITION:** N/A



Development Services Department  
Staff Recommendations Concerning Required Findings

---

Project Name: Evergreen Drainage Improvements SP-2022-0056D (W/R SP-2020-0148D)  
Ordinance Standard: Watershed Protection Ordinance (current code)  
Variance Request: Request to vary from LDC 25-8-261(G) to allow floodplain modification for development within the Critical Water Quality Zone (CWQZ).

---

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.

No The current submitted plan set does not indicate how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain. Based on the limited information provided, this reviewer is unable to determine that the applicant would be deprived of a privilege available to owners of a “similarly situated property with approximately contemporaneous development subject to similar code requirements”. There does not appear to be precedent indicating as such.

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;

No The current submitted plan set does not indicate how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain. Based on the limited information provided, this reviewer is unable to determine that the variance is necessitated by the scale, layout, construction method, or other design decision made by the applicant or if it provides greater overall environmental protection than is achievable without the variance.

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

No The current submitted plan set does not indicate how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain. Based on the limited information provided, this reviewer is unable to determine that the variance requested would be the minimum deviation from the code requirement necessary to allow a reasonable use of the property.

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

No The current submitted plan set does not provide restoration or mitigation for floodplain impacts compliant with ECM 1.7, wetland Critical Environmental Feature mitigation compliant with ECM 1.10.4 or any alternative strategies that would reduce the probability of harmful environmental consequences.

Additionally, without information on how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain, it is not possible to determine that the combined effect of improvements do not create a significant probability of harmful environmental consequences.

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

No The current submitted plan set does not provide restoration or mitigation for floodplain impacts compliant with ECM 1.7, wetland Critical Environmental Feature mitigation compliant with ECM 1.10.4 or any alternative strategies that would be protective of water quality.

Additionally, without information on how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain, it is not possible to determine that development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

- 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;

No The criteria in Subsection (A) have not been met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
- No The applicant has not proposed an economic use of the property at this time.
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
- No The applicant has not submitted a project by which staff can determine whether or not the variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the property.


Staff Determination: Staff determines that the findings of fact have not been met. Staff does not recommend this variance.

Wetland Biologist  
Reviewer (WPD)

  
(Miranda Reinhard)

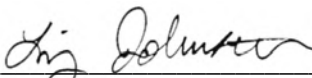
Date: 1/12/2023

Environmental  
Conservation Program  
Manager (WPD)

  
(John Clement)

Date: 1/12/2023

Deputy Environmental  
Officer (WPD)

  
(Liz Johnston)

Date: 01/12/2023





Development Services Department  
Staff Recommendations Concerning Required Findings

---

Project Name: Evergreen Drainage Improvements SP-2022-0056D (W/R SP-2020-0148D)  
Ordinance Standard: Watershed Protection Ordinance (current code)  
Variance Request: Request to vary from LDC 25-8-261(C)(1)(a) to reduce the Critical Environmental Feature (CEF) setback to 50' and LDC 25-8-281(C)(2)(b) to allow construction within the reduced 50' CEF setback

---

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.

No The current submitted plan set does not indicate how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain and the associated impacts to the wetland CEF. Based on the limited information provided, this reviewer is unable to determine that the applicant would be deprived of a privilege available to owners of a "similarly situated property with approximately contemporaneous development subject to similar code requirements". There does not appear to be precedent indicating as such.

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;

No The current submitted plan set does not indicate how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain and the associated impacts to the wetland CEF. Based on the limited information provided, this reviewer is unable to determine that the variance is necessitated by the scale, layout, construction method, or other design decision made by the

applicant or if it provides greater overall environmental protection than is achievable without the variance.

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

No The current submitted plan set does not indicate how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain and the associated impacts to the wetland CEF. Based on the limited information provided, this reviewer is unable to determine that the variance requested would be the minimum deviation from the code requirement necessary to allow a reasonable use of the property.

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

No The current submitted plan set does not provide restoration or mitigation for floodplain impacts compliant with ECM 1.7, wetland Critical Environmental Feature mitigation compliant with ECM 1.10.4 or any alternative strategies that would reduce the probability of harmful environmental consequences.

Additionally, without information on how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain and the associated impacts to the wetland CEF, it is not possible to determine that the combined effect of improvements do not create a significant probability of harmful environmental consequences.

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

No The current submitted plan set does not provide restoration or mitigation for floodplain impacts compliant with ECM 1.7, wetland Critical Environmental Feature mitigation compliant with ECM 1.10.4 or any alternative strategies that would be protective of water quality.

Additionally, without information on how the project site would be developed beyond the proposed modification of the CWQZ and 100-yr floodplain and the associated impacts to the wetland CEF, it is not possible to determine that development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

- 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;

No      The criteria in Subsection (A) have not been met.

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


No      The applicant has not proposed an economic use of the property at this time.

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

No      The applicant has not submitted a project by which staff can determine whether or not the variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the property.


Staff Determination: Staff determines that the findings of fact have not been met. Staff does not recommend this variance.

Wetland Biologist  
Reviewer (WPD)

  
(Miranda Reinhard)


Date: 1/12/2023

Environmental  
Conservation Program  
Manager (WPD)

  
(John Clement)

Date: 1/12/2023

Deputy Environmental  
Officer (WPD)

  
(Liz Johnston)

Date: 01/12/2023



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	1800 Evergreen Development, LLC
Street Address	169 Griffin Blvd Suite 106
City State ZIP Code	Panama City Beach, FL 32413
Work Phone	512-633-7960
E-Mail Address	reaster@coastproductsusa.com

#### Variance Case Information

Case Name	Evergreen Drainage Improvements
Case Number	SP-2022-0056D (W/R SP-2020-148D)
Address or Location	1800 Evergreen Avenue, Austin, Texas 78701
Environmental Reviewer Name	Mike McDougal
Environmental Resource Management / Wetlands Biologist Reviewer Name	Miranda Reinhard
Applicable Ordinance / Code	§25-8-261(G)
Watershed Name	West Bouldin Creek
Watershed Classification	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input 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	On the property.
Water and Wastewater service to be provided by	Austin Water (City of Austin)
Request	<p>The variance request is as follows (Cite code references):</p> <p>§25-8-261(G) (Development within CWQZ—floodplain modification)</p>

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>0</u>
acreage:	<u>0</u>	<u>0</u>
percentage:	<u>0</u>	<u>0</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 a 0.754-acre undeveloped parcel located at the corner of West Mary St. ("<b>Mary</b>") and Evergreen Ave ("<b>Evergreen</b>"). The Property is the last undeveloped portion of Lot 14, Evergreen Heights subdivision recorded in Volume Z, Page 614, Plat Records of Travis County, Texas ("<b>Evergreen Heights Plat</b>"). The Property is also the last undeveloped parcel on the block bounded by South Lamar, Evergreen, West Mary and Heather. See <b>Exhibits 1 and 6</b>.</p> <p>The waterway on the Property receives stormwater from an enclosed storm sewer system draining approximately 77 acres west of South Lamar. See <b>Exhibit 2</b>. The waterway is classified as a Minor Waterway. The waterway on this tract (and 81 feet on the adjacent tract to the west; 300 feet in total length) is the <u>ONLY</u> portion of this waterway that is not within an enclosed storm sewer. See <b>Exhibits 1, 2, 12, 13, and 14</b>.</p>	

	<p>Stormwater from west of Lamar passes through a neighborhood storm sewer collection system, then through two 4' X 4' TxDOT constructed box culverts under South Lamar, crosses an adjacent lot in a narrow open channel before entering the Property. The waterway continues as an open channel as it crosses the Property until it reaches the Evergreen ROW. The enclosed storm sewer system resumes as stormwater drains through a City constructed single 5' X 6' culvert in the Evergreen ROW adjacent to the Property ("<b>Evergreen Culvert</b>"). The Evergreen Culvert goes approximately 500 feet to the north within the Evergreen ROW before turning east and discharging into West Bouldin Creek. See <b>Exhibits 13 and 14</b>.</p> <p>Elevations on the Property range from 528' at the low point of the waterway adjacent to the Evergreen Culvert to 539' near the northwest corner of the Property. See <b>Exhibits 1b and 3</b>. The City of Austin fully developed 100-year Atlas14 floodplain ("<b>Floodplain</b>") varies in elevation across the tract ranging from approximately 533' at Evergreen Ave. to 537' at the northwest corner of the Property. See <b>Exhibit 7</b>. The average slope of the Property is 2.8 percent, which is considered flat, but with a gentle slope. The Property is relatively open and has numerous large trees including several heritage trees. See <b>Exhibit 4</b></p> <p>The Evergreen Heights Plat shows a waterway running through the middle of the 233' wide Lot 14. See <b>Exhibit 6</b>. The waterway was moved (apparently at some point prior to 1955) more than 100' to its current location along the Property's southwest property line as a part of drainage project under South Lamar.</p> <p>The City of Austin Floodplain and CWQZ encompass all the Property except for approximately 3,800 square feet near the northwest corner. This small area has no frontage on a public road. See <b>Exhibit 7</b>.</p> <p>The Environmental Resource Inventory (ERI) prepared by Horizon Environmental (2019) identifies the bottom of the waterway on the Property as a wetland ("<b>CEF</b>"). Based on available information, retained water in the waterway channel is due to the design of the adjacent Evergreen Culvert. The 150' CEF setback covers the entire Property. See <b>Exhibit 7</b>. Variance applications relating to the CEF setback have been submitted concurrently with this application.</p>	
--	--	--

	<p>The Property has approximately 47.50' of frontage on West Mary. Driveway access to West Mary is not possible due to the waterway, the Floodplain, the CWQZ and proximity to the Evergreen/West Mary intersection. See <b>Exhibit 3 and 16</b>.</p> <p>The Property has approximately 131.5' of frontage on Evergreen. Driveway access to Evergreen is limited due to the Floodplain, CWQZ, and a 24" pecan tree located approximately 73 feet from West Mary Street. The ½ Critical Root Zone is 25' from the north property line, which is too close to the adjacent property to construct a code compliant driveway. See <b>Exhibit 7</b>.</p> <p>The applicant has requested and obtained a waiver from the Public Works Department to allow placement of a driveway near the northern property line to avoid the ½ Critical Root Zone of the 24" Pecan tree. See <b>Exhibit 8</b>.</p> <p>While the driveway waiver saves the Pecan tree, the requested variance is still necessary to construct a driveway as shown on <b>Exhibit 8</b>.</p>	
--	--	--

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	<p>A variance is requested to allow modification of the Floodplain within a CWQZ. See <b>Exhibit 9 and 10</b>.</p> <p>The proposed project would modify the Floodplain to a width of 50' from the centerline of the waterway by benching the eastern overbank. The proposed Floodplain modification would take place within the CWQZ. See <b>Exhibit 9 and 10</b>. Upon completion of the proposed Floodplain modification, the CQWZ would be 50' from the centerline of the waterway pursuant to §25-8-92(C)(1).</p> <p>If a 150-foot setback from the CEF is applied to the Property, no portion of the Property can be developed. See <b>Exhibit 3</b>.</p> <p>If the CWQZ variance and accompanying CEF variances are granted, the Property would have approximately 33 feet of Evergreen frontage outside of the modified 50' wide Floodplain, 50' CWQZ, and 50' CEF setback. With the Public Works Department waiver, a driveway can be constructed within the 25' between the edge of the ½ Critical Root Zone and the property line. See <b>Exhibit 8</b>.</p>
---	--

	A 25" American Elm (# 492 on tree survey) and 23" Cedar Elm (# 347 on tree survey) would have to be removed to construct the proposed floodplain modification.
--	--

## **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:** Evergreen Drainage Improvements (SP-2022-0056D)

**Ordinances:** §25-8-261(G) (Floodplain Modification in CWQZ).

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

Yes. The Property cannot be developed without the requested variance. The Property is the last undeveloped parcel of land in the block bounded by Evergreen Avenue, West Mary, Heather, and South Lamar. The Property is surrounded by development or roads on all sides. The waterway in question is an enclosed storm sewer line upstream and downstream of the Property which has allowed the surrounding area to develop. The most recent plat and development approvals in the adjacent to the Property include:

a) Resubdivision of a Portion of Lot 14 of Evergreen Heights (C8-2012-0117.OA), recorded in Document No. 201300205, TCOPR ("**Garadi Plat**"). A portion of the .333 acres in the Giraldis Plat is located between the Property and South Lamar and is crossed by the same waterway. The Garadi Plat shows the CWQZ limited to 50' in width and a 10' wide drainage easement. See **Exhibit 12** for a copy of Garadi Plat.

b) City CIP project *Evergreen Avenue Drainage Improvements* (SP-98-0163D) constructed an inlet structure along the Property's Evergreen frontage, and then a 6' X 5' culvert northward in Evergreen and then east toward West Bouldin Creek. Although the City Code required



identification of CEFs within 150 feet of the project, there is no reference in the construction sheets to a wetland, CEF, or CWQZ on the Property. See **Exhibits 13 and 14**.

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

Yes. The variance is needed to allow any development of the Property. Without the variances, driveway access to and development of the Property is impossible. There is no alternative scale, layout, construction method or other design decision that would obviate the need for the requested variances. See **Exhibit 7**.

The CWQZ and Floodplain encompass 100% of the Property's frontage on public roads-- Evergreen and West Mary.

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

☐ Yes / No

Yes. The width of the Floodplain and CWQZ in Urban Watersheds may be reduced to 50' from the centerline of the waterway. Section 25-8-92(c)(1). A separate Land Use Commission variance application has been submitted to reduce the CEF setback 50' if the CEF is otherwise protected. The waterway would be modified to convey and contain runoff from the 100-year storm event within the modified Floodplain. The proposed mitigation and restoration of riparian area plan is shown in **Exhibit 15**. Construction of the driveway will not affect the CEF because runoff will be directed to on-site water quality ponds or, for the initial apron, to the downstream storm sewer.

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

☐ Yes / No

Yes. On-site water quality ponds compliant with City requirements will be provided for impervious cover on the Property. The modified Floodplain will enhance vegetative filtration by slowing the velocity of runoff. The waterway bottom will be protected during and after

construction. Riparian restoration will be installed within the modified Floodplain but outside of the waterway bottom.

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

Yes, without the approval of the requested variance, the Property will remain vacant and provide minimal, if any, water quality benefit. On-site water quality ponds will treat runoff from impervious cover on the Property. The modified Floodplain will enhance vegetative filtration by slowing the velocity of runoff. The waterway bottom will be protected during and after construction. Riparian restoration will be installed within the modified Floodplain but outside of the waterway bottom.

- 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 25-8-368 (Restrictions on 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

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

☒ Yes / No

Yes. The variance is needed to allow any development of the Property. Driveway access to and development of the Property is impossible without the approval the requested variance. The CWQZ and Floodplain encompass 100% of the Property's frontage on public roads--Evergreen and West Mary. Even with the driveway waiver, the driveway would intrude into the Floodplain, CWQZ and the CEF setback area. The City Council determined the reasonable use of the Property by zoning the Property CS-MU-CO by Ordinance No. 010329-46. See **Exhibit 17**.

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

☐ Yes / No

Yes. Floodplains and CWQZs in Urban Watersheds may be reduced to 50' in width. See §§25-8-261(E) & (H). The variance requests modification of the Floodplain within the CQWZ and approval to limit the width of the modified Floodplain and modified CWQZ to 50' from the centerline of the waterway. The CEF will be protected from disturbance during construction. The riparian area of the waterway will be restored.

The Property contains 32,844 square feet and is currently undevelopable due to its limited frontage on Evergreen and Mary. The Floodplain and CWQZ setback limitations prohibit a driveway onto Evergreen and all development on the Property. A 50' wide Floodplain/CWQZ would contain approximately 14,069 square feet or approximately 42.8% of the net site (after dedication of 1,105 square feet for right of way for Evergreen Ave.

If this CWQZ variance request and the CEF variances are granted, an estimated 18,000 square feet or 54% of the gross site would be available for development.

The estimated 18,000 square feet would then be subjected to all other development regulations, including, tree ordinances, compatibility standards, Commercial Design Standards, and Fire Code requirement for a drive adjacent to buildings on the Property.

\*\*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



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	1800 Evergreen Development., LLC
Street Address	169 Griffin Blvd Suite 106
City State ZIP Code	Panama City Beach, FL 32413
Work Phone	512-633-7960
E-Mail Address	reaster@coastproductsusa.com

#### Variance Case Information

Case Name	Evergreen Drainage Improvements
Case Number	SP-2022-0056D (W/R SP-2020-148D)
Address or Location	1800 Evergreen Avenue, Austin, Texas 78701
Environmental Reviewer Name	Mike McDougal
Environmental Resource Management / Wetlands Biologist Reviewer Name	Miranda Reinhard
Applicable Ordinance / Code	§25-8-281(C)(1)(a) and §25-8-281(C)(2)(b)
Watershed Name	West Bouldin Creek
Watershed Classification	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input 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	On the property.
Water and Wastewater service to be provided by	Austin Water (City of Austin)
Request	The variance request is as follows (Cite code references):  §25-8-281(C)(1)(a) (Reduction of CEF Setback to 50') and  §25-8-281(C)(2)(b) (Allow construction within 50' CEF Setback)

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>0</u>
acreage:	<u>0</u>	<u>0</u>
percentage:	<u>0</u>	<u>0</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 a 0.754-acre undeveloped parcel located at the corner of West Mary St. ("<b>Mary</b>") and Evergreen Ave ("<b>Evergreen</b>"). The Property is the last undeveloped portion of Lot 14, Evergreen Heights subdivision recorded in Volume Z, Page 614, Plat Records of Travis County, Texas ("<b>Evergreen Heights Plat</b>"). The Property is also the last undeveloped parcel on the block bounded by South Lamar, Evergreen, West Mary, and Heather. See <b>Exhibits 1 and 6</b>.</p> <p>The waterway on the Property receives stormwater from an enclosed storm sewer system draining approximately 77 acres west of South Lamar. See <b>Exhibit 2</b>. The waterway is classified as a Minor Waterway. The waterway on this tract and the adjacent lot to the west are the <b>ONLY</b> portion of this waterway that are not within an enclosed storm sewer system. See <b>Exhibits 1, 2, 12, 13, and 14</b>.</p> <p>Stormwater from west of Lamar passes through a neighborhood storm sewer collection system, then through two 4' X 4' TxDOT constructed box culverts under</p>	

	<p>South Lamar, crosses an adjacent lot in a narrow open channel before entering the Property. The waterway continues as an open channel as it crosses the Property until it reaches the Evergreen ROW. The enclosed storm sewer system resumes as stormwater drains through a City constructed single 5' X 6' culvert in the Evergreen ROW adjacent to the Property ("<b>Evergreen Culvert</b>"). The Evergreen Culvert goes approximately 500 feet to the north within the Evergreen ROW before turning east and discharging into West Bouldin Creek. See <b>Exhibits 13 and 14</b>.</p> <p>Elevations on the Property range from 528' at the low point of the waterway adjacent to the Evergreen Culvert to 539' near the northwest corner of the Property. See <b>Exhibits 1b and 3</b>. The City of Austin fully developed 100-year Atlas14 floodplain ("<b>Floodplain</b>") varies in elevation across the tract ranging from approximately 533' at Evergreen Ave. to 537' at the northwest corner of the Property. See <b>Exhibit 7</b>. The average slope of the Property is 2.8 percent, which is considered flat, but with a gentle slope. The Property is relatively open and has numerous large trees including several heritage trees. See <b>Exhibit 4</b></p> <p>The Evergreen Heights Plat shows a waterway running through the middle of the 233' wide Lot 14. See <b>Exhibit 6</b>. The waterway was moved (at some point prior to 1955) more than 100' to its current location along the Property's southwest property line as a part of drainage project under South Lamar.</p> <p>The Floodplain and CWQZ encompass all the Property except for approximately 3,800 square feet near the northwest corner. This small area has no frontage on a public road. See <b>Exhibit 7</b>.</p> <p>The Environmental Resource Inventory (ERI) prepared by Horizon Environmental (2019) identifies the bottom of the waterway on the Property as a wetland ("<b>CEF</b>"). More precisely, Horizon describes the CEF as being five feet wide and the entire length of the waterway on the Property. Therefore, the 150' CEF setback covers the entire Property. See <b>Exhibit 7</b></p> <p>The Property has approximately 47.50' of frontage on West Mary. Driveway access to West Mary is not possible due to the waterway, Floodplain, and proximity to the Evergreen/West Mary intersection. See <b>Exhibit 3 and 16</b>.</p>	
--	--	--

	<p>The Property has approximately 131.5' of frontage on Evergreen. Driveway access to Evergreen is currently prohibited by Floodplain, CWQZ, and CEF regulations. Additionally, there is a 24" pecan tree located approximately 73 feet from West Mary Street. The ½ Critical Root Zone is 25' from the north property line, which is too close to the adjacent property to construct a code compliant driveway. See <b>Exhibit 7</b>.</p> <p>The applicant has requested and obtained a waiver from the Public Works Department to allow placement of a driveway near the northern property line to avoid the ½ Critical Root Zone of the 24" Pecan tree. See <b>Exhibit 8</b>.</p> <p>While the driveway waiver saves the Pecan tree, the requested variances are still necessary to construct a driveway as shown on <b>Exhibit 8</b>.</p>	
--	---	--

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	<p>Variances are being requested to reduce the CEF setback to 50 feet and to allow construction within the 50-foot CEF setback to modify the floodplain on the Property. See <b>Exhibit 9 and 10</b>.</p> <p>The proposed project would modify the Floodplain to a width of 50' from the centerline of the waterway by benching the eastern overbank. See <b>Exhibits 3, 9, and 12</b>. The proposed Floodplain modification would take place within a CEF setback because the entire site is within the 150' CEF setback. See <b>Exhibit 9 and 10</b>. Upon completion of the proposed Floodplain modification, the CQWZ would be 50' from the centerline of the waterway pursuant to §25-8-92(C)(1).</p> <p>The applicant requests a variance to reduce the CEF setback to 50' so that there is a single regulatory line protecting the waterway and the CEF and the remainder of the Property can be developed.</p> <p>If the requested variances are granted, the Property would have approximately 33 feet of Evergreen frontage outside of the modified 50' wide Floodplain, 50' CWQZ, and 50' CEF setback. With the Public Works Department waiver, a driveway can be constructed within the 25' between the edge of the ½ Critical Root Zone and the property line. See <b>Exhibit 8</b>.</p>
---	---



	A 25" American Elm (# 492 on tree survey) and 23" Cedar Elm (# 347 on tree survey) would have to be removed to construct the proposed floodplain modification.
--	--

### **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: Evergreen Drainage Improvements (SP-2022-0056D)**

Ordinances: §25-8-281(C)(1)(a) (Reduction of CEF setback to 50') and §25-8-281(C)(2)(b) (allow construction of the floodplain modification within the reduced 50' CEF setback).

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

Yes. The Property cannot be developed without the requested variances. The 150' CEF setback covers the entire property and §25-8-281(C)(2)(b) prohibits construction within a CEF setback. Modification of the Floodplain requires construction within 50' of the bottom of the waterway which is identified as a CEF. The Property is the last undeveloped parcel of land in the block bounded by Evergreen Avenue, West Mary, Heather, and South Lamar. The Property is also the recipient of externalities created by prior development of the area. Development and roads surround the Property on all sides. See **Exhibit 1**. As previously discussed, the waterway on the Property is a segment of a West Bouldin Creek contained in an enclosed storm sewer system in conjunction with development of the surrounding area upstream and downstream from the Property. The waterway was relocated on the Property in the 1950s in conjunction with road improvements to South Lamar Blvd.

At the Evergreen Culvert, Evergreen Green Ave. has an elevation of ~532' MSL which is approximately 4 feet higher than the adjacent low point of the Property (~528' MSL). On the east side of Evergreen Ave. across from the Property, the ground elevation is 516' MSL which is approximately 16 feet lower than Evergreen Ave. The location of the waterway and how the waterway drains are the result of adjacent development. Therefore, the standing water in the waterway and the designation as wetlands are also the result of adjacent private and public development.

The most recent plat and development approvals near the Property include:

- a) Resubdivision of a Portion of Lot 14 of Evergreen Heights (C8-2012-0117.OA), recorded in Document No. 201300205, TCOPR ("**Garadi Plat**"). A portion of the .333 acres in the Giraldi Plat is located between the Property and South Lamar and is crossed by the same waterway. The Garadi Plat shows the CWQZ limited to 50' in width and a 10' wide drainage easement. See **Exhibit 12** for a copy of Garadi Plat.
- b) City CIP project *Evergreen Avenue Drainage Improvements* (SP-98-0163D) constructed an inlet structure along the Property's Evergreen frontage, and then a 6' X 5' culvert northward in Evergreen and then east toward West Bouldin Creek. Although the City Code requires the identification of CEFs within 150 feet of the project, there is no reference in the construction sheets to a wetland or CEF on the Property. This City CIP project limited work to within the Evergreen right of way. See **Exhibits 13 and 14**.
- c) SP-04-0377C applies to the property located at 1710 Evergreen which is the tract on the north side of the Property. According to the cover page of the approved and released site plan, there are no CEF's within 150' of the property. See **Exhibit 24**. The CEF on the Property is located approximately 83 feet from the tract located at 1710 Evergreen.

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

Yes. The 150' CEF setback encompasses 100% of the Property, thus precluding all development of the Property. The Floodplain and CWQZ encompass all the Property except for approximately 3,800 square feet near the northwest corner. This small area has no frontage on a public road. See **Exhibit 7**.

Approval of the variances is needed to allow any development of the Property. Without the variances, driveway access and floodplain modification are impossible, making the development of the Property impossible. There is no alternative scale, layout, construction method or other design decision that would obviate the need for the requested variances. Modifying the floodplain on the Property requires construction within the 50' CEF setback. See **Exhibit 7**.

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

☐ Yes / No

Yes. The width of the Floodplain and CWQZ in Urban Watersheds may be reduced to 50' from the centerline of the waterway. Section 25-8-92(c)(1). A CEF setback may be reduced to 50' if the CEF is otherwise protected. The waterway would be modified to convey and contain runoff from the 100-year storm event within the modified Floodplain. The Applicant proposes a 1:1 mitigation and restoration of riparian area plan. See **Exhibit 15**. Construction of the driveway will not affect the CEF because runoff will be directed to on-site water quality ponds or, for the initial apron, to the downstream storm sewer.

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

☐ Yes / No

Yes. On-site water quality ponds compliant with City requirements will be provided for impervious cover on the Property. The modified Floodplain will enhance vegetative filtration by slowing the velocity of runoff. The waterway bottom will be protected during and after construction. Riparian restoration will be installed within the modified Floodplain but outside of the waterway bottom.

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

Yes, without the requested variances, the Property will remain vacant and provide minimal, if any, water quality benefit. On-site water quality ponds will treat runoff from impervious cover on the Property. The modified Floodplain will enhance vegetative filtration by slowing the velocity of runoff. The waterway bottom will be protected during and after construction. Riparian restoration will be installed within the modified Floodplain but outside of the waterway bottom.

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 25-8-368 (Restrictions on 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

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

☐ Yes / No

Yes. The variances are necessary to allow any development of the Property. Driveway access and floodplain modification on the Property are impossible without the variances. The 150' CEF setback encompasses 100% of the Property. Reduction of the CEF setback to 50 feet is necessary to install a driveway onto Evergreen; otherwise, development of all portions of the Property is impossible and there can be no reasonable, economic use of the Property. Construction within the CEF setback is necessary to modify the floodplain and reduce the floodplain and CWQZ to 50'. The City Council determined the reasonable use of the Property by zoning the Property CS-MU-CO by Ordinance No. 010329-46. See **Exhibit 17**.

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

☐ Yes / No

Yes. A CEF setback may be reduced to 50 feet if the CEF is otherwise protected. The variance requests approval to limit the width of the CEF setback to 50 feet from the centerline of the waterway and modification of the Floodplain within the 50' CEF setback. The CEF will be protected from disturbance during construction. The riparian area of the waterway will be restored. See **Exhibit 15**.

The Property contains 32,844 square feet and is currently undevelopable due to its limited frontage on Evergreen and Mary. The Floodplain, CWQZ and CEF setback limitations prohibit a driveway onto Evergreen and all development on the Property. A 50' wide Floodplain/CWQZ would contain approximately 14,069 square feet or approximately 42.8% of the net site (after dedication of 1,105 square feet for right of way for Evergreen Ave.

If all variances are granted, an estimated 18,000 square feet or 54% of the gross site area would be available for development.

The estimated 18,000 square feet would then be subjected to all other development regulations, including tree ordinances, compatibility standards, Commercial Design Standards, and Fire Code requirement for a drive adjacent to buildings on the Property.

\*\*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

**SNEED, VINE & PERRY**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
ESTABLISHED 1926

2705 BEE CAVE ROAD, SUITE 160  
AUSTIN, TEXAS 78746

TELEPHONE (512) 476-6955

FACSIMILE (512) 476-1825

Writer's Direct Dial:  
(512) 517-0294

Writer's e-mail address:  
rkleeman@sneedvine.com

January 9, 2023

Land Use Commission  
City of Austin  
301 W. 2<sup>nd</sup> Street  
Austin, Texas 78701

Re: 1800 1/2 Evergreen Ave.; Site Plan Application SP-2022-0056D (W/R SP-2021-0148D); Request for Land Use Commission Variances to Modify the Floodplain Within a Critical Water Quality Zone (§25-8-261) and within a CEF Setback (§25-8-281(C)(2)(b) and to Reduce the CEF Setback to 50' §25-8-281(C)(2)(b)

Dear Commissioners:

1800 Evergreen Development, LLC ("**Applicant**") owns an approximately 0.754-acre parcel of land located at 1800 1/2 Evergreen Avenue ("**Property**"). This firm represents the Applicant with respect to the above referenced site plan application to modify the floodplain on the Property to contain the 100-year storm event within a 50-foot wide open channel. On behalf of the Applicant, I submitted applications for the above referenced variances in July 2022.

This letter replaces the letter I sent with the Variance Application Forms submitted last July. At the suggestion of staff, the Applicant has updated the two Variance Application Forms that I am transmitting with this letter. The Variance Application Forms address the technical aspects of the proposed modification of the 100-year floodplain within an Urban Watershed critical water quality zone ("**CWQZ**"), the reduction of a CEF setback to 50', and the modification of the 100-year floodplain within the 50' CEF setback. The Exhibits submitted last July and this letter supplement the updated Variance Application Forms.

The Property

The Property contains 0.754 acres and is the last undeveloped portion of Lot 14, Evergreen Heights Subdivision, recorded in Volume Z, Page 614, Plat Records of Travis County, Texas on April 28, 1897 ("**Evergreen Heights Plat**"). See **Exhibit 6**. Due to the configuration and size of the Property, a driveway to the Property must be located on Evergreen Ave.

The Evergreen Heights Plat shows a tributary of West Bouldin Creek (“**Tributary**”) crossing the east property line of the original Lot 14 at approximately the mid-point of Lot 14’s frontage on South Lamar Blvd.<sup>1</sup> See **Exhibit 6**. The Tributary, as shown on the Evergreen Heights Plat, was filled in and moved to its present location before 1955 as part of a South Lamar Blvd. improvements project. The relocated Tributary now crosses the Property along the Property’s southeastern and eastern property lines. When TxDOT relocated the Tributary on the Property, TxDOT did not obtain a drainage easement.

Around 1962, the City of Austin constructed a sanitary sewer line where the tributary had been located as shown on the Evergreen Heights Plat. See **Exhibit 18**. Except for the construction of a sanitary sewer line by the City, there are no City records of development on the Property.

#### West Bouldin Creek Tributary

West of Lamar Blvd, an enclosed storm sewer system contains and conveys the Tributary. The enclosed storm sewer system collects stormwater runoff from approximately 77 acres west of South Lamar and then crosses under South Lamar Blvd. through two 4’ x 4’ box culverts installed by TxDOT (“**Lamar Box Culverts**”). See **Exhibit 2**.

The South Lamar Box Culverts discharge stormwater onto a narrow portion of a .33-acre lot described in the Resubdivision of a Portion of Lot 14 of Evergreen Heights (C8-2012-0117.OA), recorded in Document No. 201300205, Travis County Official Public Records (“**Garadi Plat**”). The Garadi Plat shows the CWQZ limited to 50’ from the center line of the Tributary as well as a 10’ wide drainage easement. See **Exhibit 11** for a copy of Garadi Plat. The segment of the Tributary crossing the Garadi Plat is an approximately 80 feet long open channel. See **Exhibit 12** for a close up of the actual plat drawing. The Garadi Plat has one lot (“**Garadi Lot**”).

The Tributary on the Property is an open channel until it returns to an enclosed storm sewer in the Evergreen Ave. right of way. In sum, nearly the entire length of the Tributary is contained in an enclosed storm sewer system except for the open channel between South Lamar and Evergreen Ave. and the last segment between Evergreen Ave. and West Bouldin Creek.

#### Adjacent Development

The Property is the last undeveloped parcel on the block bounded by South Lamar, Evergreen Ave., West Mary St., and Heather St. See **Exhibit 1**.

Two adjacent tracts have existing development within 50 feet of the centerline the open channel portion of the Tributary on the Property and the Garadi Lot. See **Exhibit 5 and 5b**. The red building is Austin’s Pizza located at 1817 South Lamar. According to the Travis Central

---

<sup>1</sup> In 1897, South Lamar was located where Evergreen Ave. is currently located.



Appraisal District (“TCAD”) records, the Austin’s Pizza building was constructed in 1966. Viewing the eastern portion of the Austin’s Pizza tract from the Property, one can see that a significant amount of fill was placed on the Austin’s Pizza tract to bring the back portion the tract to the approximate elevation of West Mary Street. The Austin’s Pizza tract has a driveway onto West Mary Street. As a result of the significant fill on the Austin’s Pizza tract, the Tributary is pushed onto the Property.

The blue building shown in **Exhibits 5 and 5b** is located at 1807 South Lamar on the Garadi Lot. According to TCAD records, the blue building is a manufactured structure placed on the Garadi Lot in 1995. The blue building appears to be used as a used car lot.

In 1998, the City obtained a site development permit for a CIP project known as the Evergreen Avenue Drainage Improvements (SP-98-0163D). The CIP project replaced a storm sewer pipe with a single barrel 6’ by 5’ box culvert constructed adjacent to the eastern edge of the Property in the Evergreen Ave. right of way (“**Evergreen Culvert**”). The Evergreen Culvert project included the construction of an enclosed storm sewer extending approximately 500 feet from the Evergreen Culvert to the north within the Evergreen ROW before turning east and discharging into West Bouldin Creek. See **Exhibits 13 and 14**. The stated purpose of the Evergreen Culvert project was to protect the historic house known as Millbrook, located at 1803 Evergreen (across Evergreen from the Property) and to provide drainage improvements for Evergreen Avenue itself.<sup>2</sup> See **Exhibit 19**. Prior to the Evergreen Culvert project, stormwater passed straight under Evergreen and discharged onto the lot with the historic house.

Sheet 3 of the released site development plans for the Evergreen Culvert project shows the results of a tree survey on the Property but do not identify a wetland or other CEF on the Property. See **Exhibit 13**. The cover sheet of the plans contains the statement “The City of Austin has reviewed this plan for compliance with city development regulations only.” See **Exhibit 21**. An Environmental Site Assessment (ERSI today) should have been required due to the CWQZ on the Property. Assuming site development plans for the Evergreen Culvert complied with City development regulations in effect in 1998, then the absence of a wetland or a CEF on the plans means there was no wetland or CEF on the Property.

As discussed in more detail below, the City commissioned Holt Planners to prepare a Development Analysis of the Property in 2003 based on then current City regulations. The Holt

---

<sup>2</sup> Engineers Summary Letter for the Evergreen Avenue Drainage Improvements Single Barrel 6’ x 5’ Box Culvert and Storm Sewer prepared for the City of Austin Drainage Utility Department by Espey, Padden Consultants, Inc; April 17, 1998. See **Exhibit 19**. The Engineer’s Summary Letter was included in a September 15, 2003 Development Analysis of the Property prepared by Holt Planners on behalf of the City. The entire Holt report is **Exhibit 20**.

Report references the CWQZ on the Property but makes no mention of wetlands existing on the Property.

In 2005, the City approved and released site development plans for the tract on the northside of the Property located at 1710 Evergreen Ave. (SP-04-0377C). The site development plans state there is no CEF located within 150' of 1710 Evergreen property. The southeast corner of 1710 Evergreen is less than 90 feet from where the Tributary enters the Evergreen Culvert and the CEF on the Property begins. See **Exhibits 3 and 7**.

The application, review comments and updates for the Garadi Plat recorded in 2013 do not mention a CEF being located on the Property.

The above referenced applications and the 2003 Holt Development Analysis did not detect the CEF. Either the CEF did not exist on the Property before the Evergreen Culvert project, or the design of the Evergreen Culvert caused the Tributary to not fully drain from the Property and led to the evolution of a wetland or a much larger wetland on the Property.

Even if artificially created, the CEF is not exempt from current City CEF regulations and the requested variances are needed. Nevertheless, how and when the CEF was created should be significant consideration in favor of granting the CEF related variances.

#### Proposed Modification of the Floodplain

The Applicant proposes to modify the floodplain on the Property to contain the 100-year storm event within a 50-foot wide open channel and to restore the riparian area within the 50' floodplain but outside of the bottom of the Tributary on the Property.

The proposed project would modify the Floodplain to a width of 50' from the centerline of the waterway by benching the eastern overbank. See Exhibits 3, 9, and 12. The proposed Floodplain modification would take place within a CEF setback because the entire site is within the 150' CEF setback. See Exhibit 9 and 10. Upon completion of the proposed Floodplain modification, the CQWZ would be 50' from the centerline of the waterway pursuant to §25-8-92(C)(1).

The Applicant requests approval of the variances to allow modification of the Floodplain within a CEF setback and the CWQZ. See **Exhibit 9 and 10**. The Applicant also requests a variance to reduce the CEF setback to 50' so that there is a single regulatory line protecting the waterway and the CEF and the remainder of the Property can be developed.

If the requested variances are granted, the Property would have approximately 33 feet of frontage on Evergreen Ave. outside of the modified 50' wide Floodplain, 50' CWQZ, and 50' CEF setback. With the Public Works Department waiver, a driveway can be constructed within the 25' between the edge of the ½ Critical Root Zone and the property line. See Exhibit 8.

The proposed channel design is consistent with previously approved modifications of floodplains within the Urban Watersheds. If the proposed floodplain modification is completed and the CWQZ and 100-year floodplain are limited to 50' from the center line of the tributary, the 50' wide Floodplain/CWQZ would contain approximately 14,069 square feet or approximately 42.8% of the net area of the Property (after dedication of 1,105 square feet for right of way for Evergreen Ave.). An estimated 18,000 square feet (54%) of the Property would be available for development. See **Exhibits 9 and 10**.

The proposed floodplain modification includes restoration and enhancement of the Tributary riparian area and protection of the CEF. See **Exhibit 15**.

#### Impact of Changing City Regulations

By Ordinance No. 010329-46, the City zoned the Property CS-MU-CO with the support of the Zilker Neighborhood Alliance. The staff report in the Council backup material for Case C14-01-0009 contains the following statement:

“According to flood plain maps, there is no flood plain within the project area.” See **Exhibit 22**, PDF Page 4.

The Applicant acquired the Property on August 15, 2002. In July 2003, the City sent the Applicant a Notice of Intent to Acquire the Property. See **Exhibit 17**. As part of the City's acquisition and appraisal process, the City retained Holt Planners to prepare a Development Analysis of the Property (“**Holt Report**”). See **Exhibit 20**. The Holt Report discusses the required fifty foot wide minimum CWQZ on the Property. See PDF page 14 of **Exhibit 20**. The Holt Report applied then current City Code which authorized administrative approval of floodplain modifications within the CWQZ of Urban Watersheds. The Holt Report concluded that the proposed Evergreen Live Work Lofts mixed-use project<sup>3</sup> could be constructed on the Property after the CWQZ is limited to fifty feet of width. See PDF pages 17-18 of **Exhibit 20**.

Under Section 25-8-261, no buildings or improvements can be constructed on the Property without the approval of the requested variances. CWQZ regulations prohibit the construction of a driveway onto Evergreen Ave. and modification of the Floodplain. See **Exhibit 3 and 16**. Likewise, without the requested CEF variances, the CEF setback also prohibits the construction of a driveway onto Evergreen and modification of the Floodplain. The existing defined channel is too narrow to contain runoff from large rain events. Under current conditions, runoff from large rain events will flow over the curb and flow onto Evergreen Ave. See **Exhibit 4**.

If the requested variances are denied, then no development may occur on the Property.

---

<sup>3</sup> A preliminary site plan for the Evergreen Live Work Lofts project was submitted to the City in 2001 as part of a Development Assessment application

The scale of the project my client intends to construct on the Property has changed little since the 2001 Development Assessment after the re-zoning of the Property and the 2003 Holt Development Analysis. Unlike nearly all other development in the drainage basin of this tributary, the proposed project will maintain an open channel for the Tributary, enhance the riparian area, provide water quality treatment, and protect the wetlands CEF.

#### Staff Recommendations

As of the date of this letter I have not seen the staff report or recommendations regarding the requested variances. Based on prior discussions and communications with staff, I expect staff will not make a recommendation regarding the findings of fact on “reasonable use” and “minimum deviation from code requirements.” If staff does not make recommendations on these two findings of fact, please consider the following:


1. The size, location, and configuration of the Property limits the amount of tweaking that can be done to achieve minimum deviation from code requirements.
2. The Property constitutes less than one percent of the fully developed watershed of the Tributary. Even if minimum deviation could be achieved, the environmental benefit would be undetectable in the context of the watershed.
3. The City Council determines the appropriate use of property through zoning. The Property is zoned CS-MU-CO.
4. In 2020, the City Council rezoned approximately 1.3 acres located at the intersection of Mary Street and Evergreen to CS-MU and GO-MU-H. The historic house the Evergreen project intended to protect is located on the 1.3-acre tract.
5. The 2020 rezoning of the adjacent property indicates that the City Council still considers mixed-use development the reasonable use of land in this area, including the Property.

On behalf of the Applicant, I respectfully ask for the approval of the requested variances.

Please let me know if you have any questions.

Very truly yours,

SNEED, VINE & PERRY,  
A PROFESSIONAL CORPORATION

By:   
Robert J. Kleeman

Cc: Robert Easter  
Ric Thompson



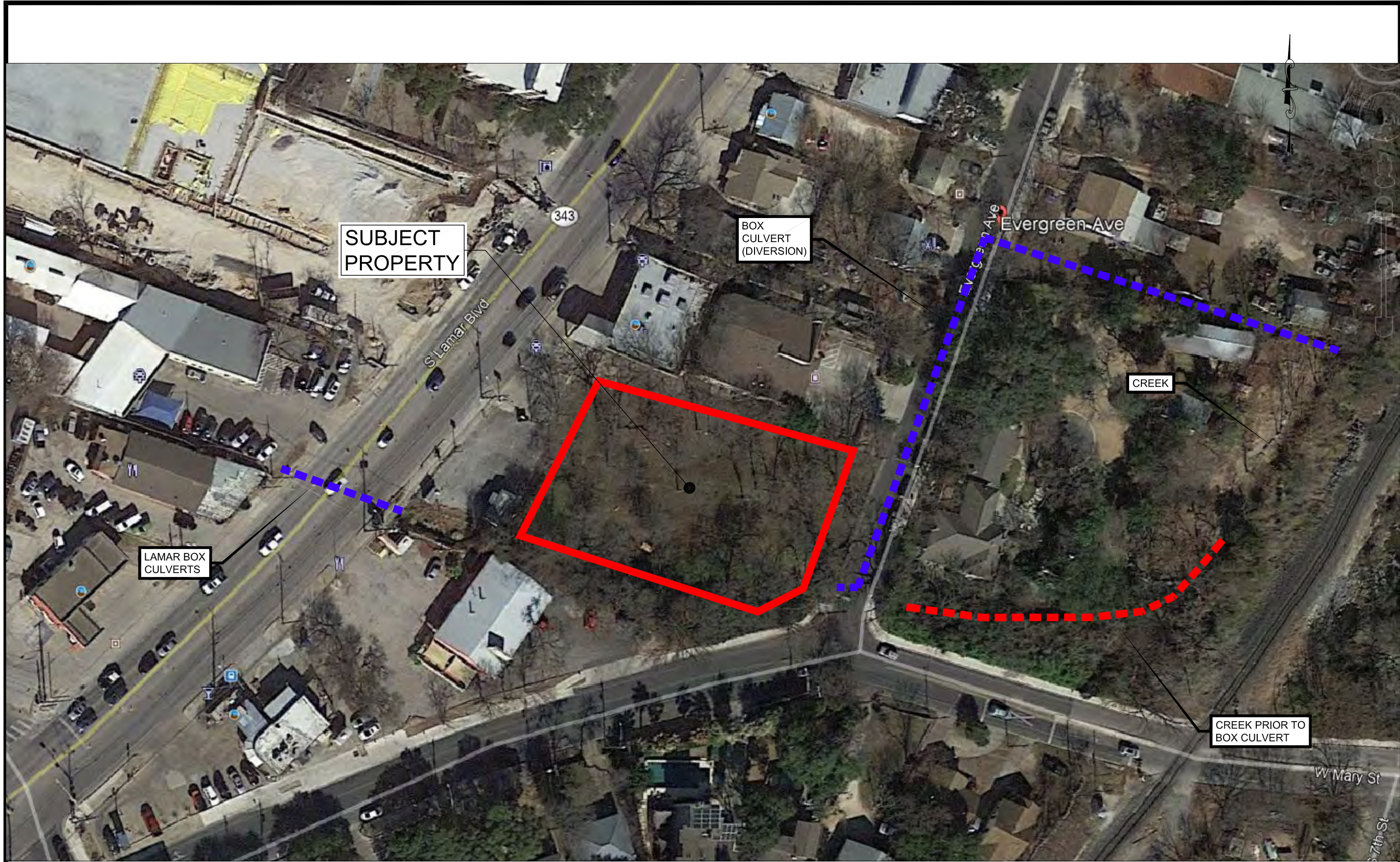


EXHIBIT 01 - AERIAL

	<b>THOMPSON LAND ENGINEERING, LLC</b> Land Planning, Site Design, Subdivision Engineering 904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)	
	TBEELS Reg. No. F-10220 © Copyright 2012	

DRWN BY JEH	DATE: February, 2021	JOB NO.: 1472
<b>EVERGREEN CHANNEL MODIFICATION</b> 1800 EVERGREEN AVE., AUSTIN, TX		

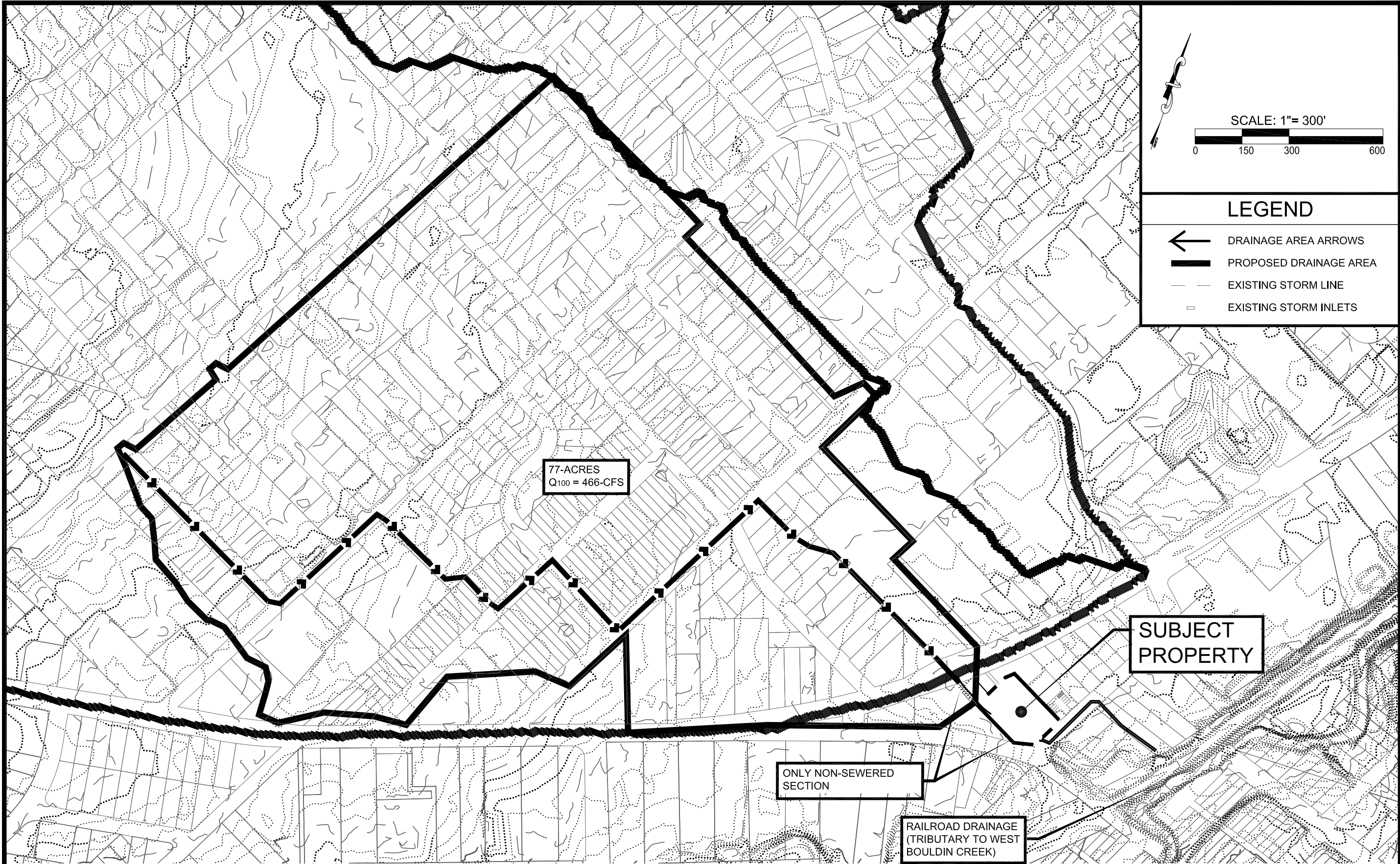




EXHIBIT 01b - AERIAL WITH TOPO

	THOMPSON LAND ENGINEERING, LLC Land Planning, Site Design, Subdivision Engineering 904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)	DRWN BY JEH
		DATE: February, 2021
		JOB NO.: 1472
EVERGREEN CHANNEL MODIFICATION 1800 EVERGREEN AVE., AUSTIN, TX		





DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472

EVERGREEN CHANNEL  
MODIFICATION  
1800 EVERGREEN AVE., AUSTIN, TX

SCALE: 1"= 300'

0 150 300 600

LEGEND

← DRAINAGE AREA ARROWS

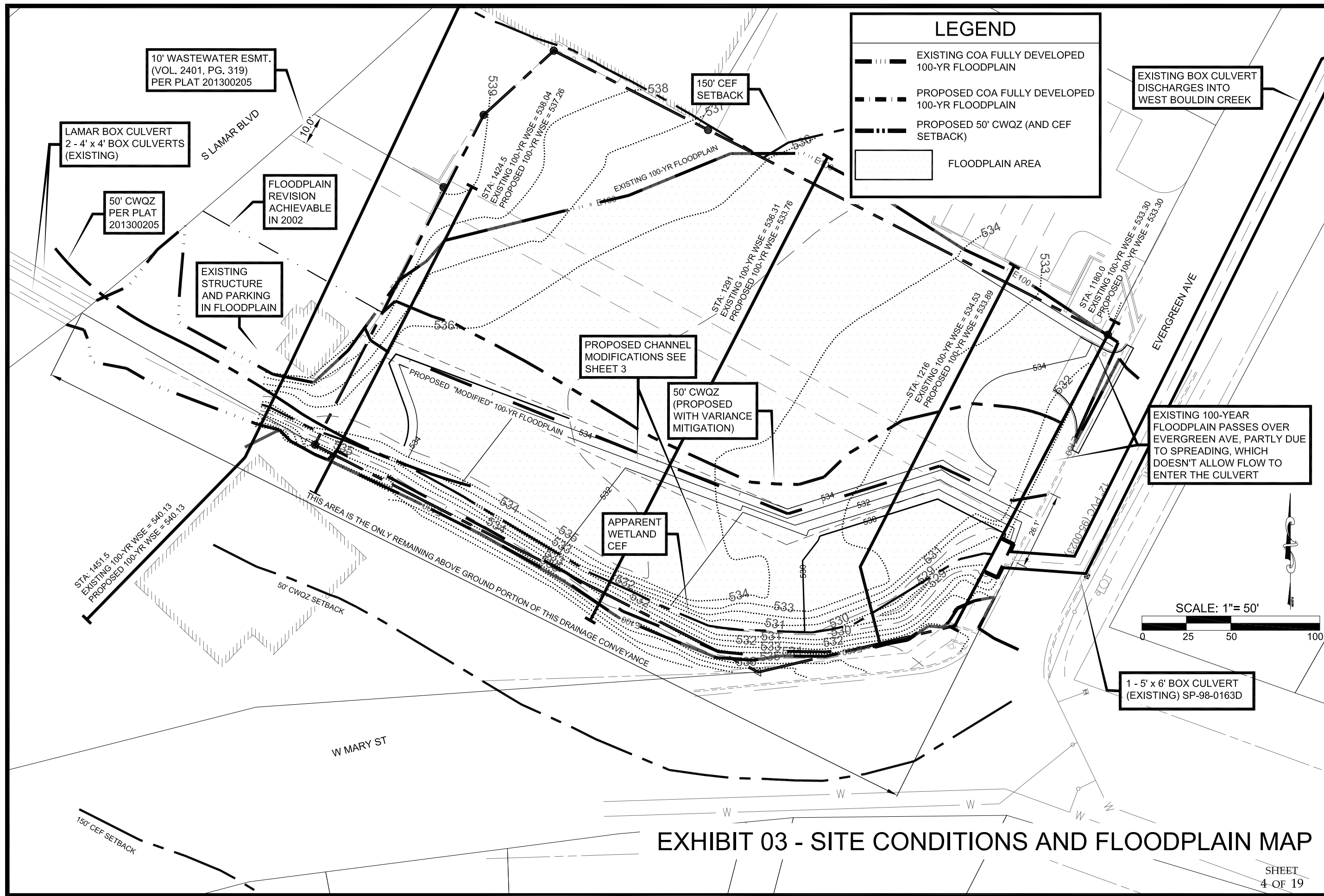
▬ PROPOSED DRAINAGE AREA

--- EXISTING STORM LINE

□ EXISTING STORM INLETS

EXHIBIT 02 - DRAINAGE AREA MAP





DRWN BY JEH	DATE: February, 2021	JOB NO.: 1472
<b>EVERGREEN CHANNEL MODIFICATION</b> 1800 EVERGREEN AVE., AUSTIN, TX		
<b>THOMPSON LAND ENGINEERING, LLC</b> Land Planning, Site Design, Subdivision Engineering 904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002) <small>TPELS Reg. No. F-10220 © Copyright 2012</small>		





EXHIBIT 04 - EXISTING CONDITION PHOTO



**THOMPSON LAND ENGINEERING, LLC**  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472

**EVERGREEN CHANNEL  
MODIFICATION**  
1800 EVERGREEN AVE., AUSTIN, TX

TBPELS Reg. No. F-10220 © Copyright 2012





EXHIBIT 05 - PHOTO OF ADJACENT DEVELOPMENT IN CWQZ

DRWN BY JEH
DATE: February, 2021
JOB NO.: 1472

EVERGREEN CHANNEL  
MODIFICATION  
1800 EVERGREEN AVE., AUSTIN, TX

THOMPSON LAND ENGINEERING, LLC  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)







DRWN BY	JEH
DATE:	February, 2021
JOB NO.:	1472

**EVERGREEN CHANNEL  
MODIFICATION**  
1800 EVERGREEN AVE., AUSTIN, TX

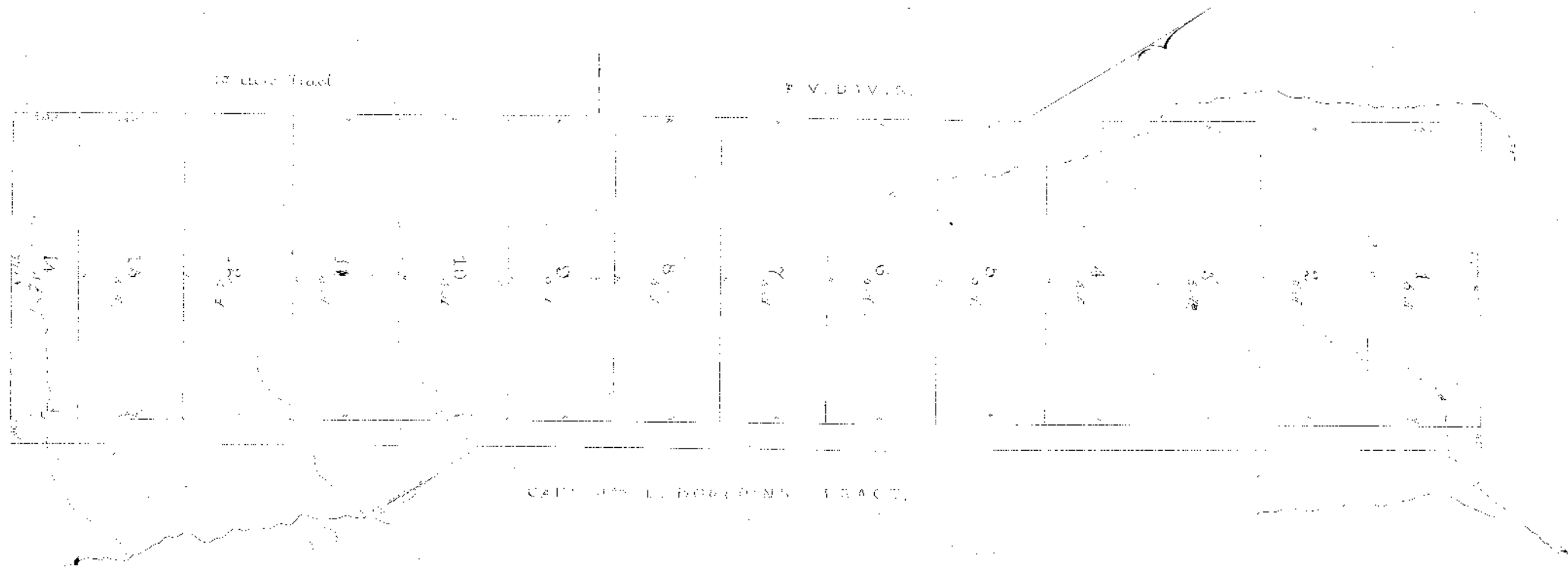
**THOMPSON LAND ENGINEERING, LLC**  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)



TBPELS Reg. No. F-10220 © Copyright 2012

EXHIBIT 05b - PHOTO OF ADJ DVLPMNT IN CWQZ - FROM LAMAR





EVERGREEN HEIGHTS  
SUBDIVISION OF 10 ACRES MORE OR LESS  
IN S.W. QUAD 20, T. 10 N., R. 10 E., S. 10 E.  
PREPARED BY THOMPSON LAND ENGINEERING, LLC  
TARRANT COUNTY, TEXAS

EXHIBIT 06 - EVERGREEN HEIGHTS SUBDIVISION PLAT



THOMPSON LAND ENGINEERING, LLC  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

TBPELS Reg. No. F-10220 © Copyright 2012

EVERGREEN CHANNEL MODIFICATION 1800 EVERGREEN AVE., AUSTIN, TX	DRWN BY JEH
	DATE: February, 2021
	JOB NO.: 1472

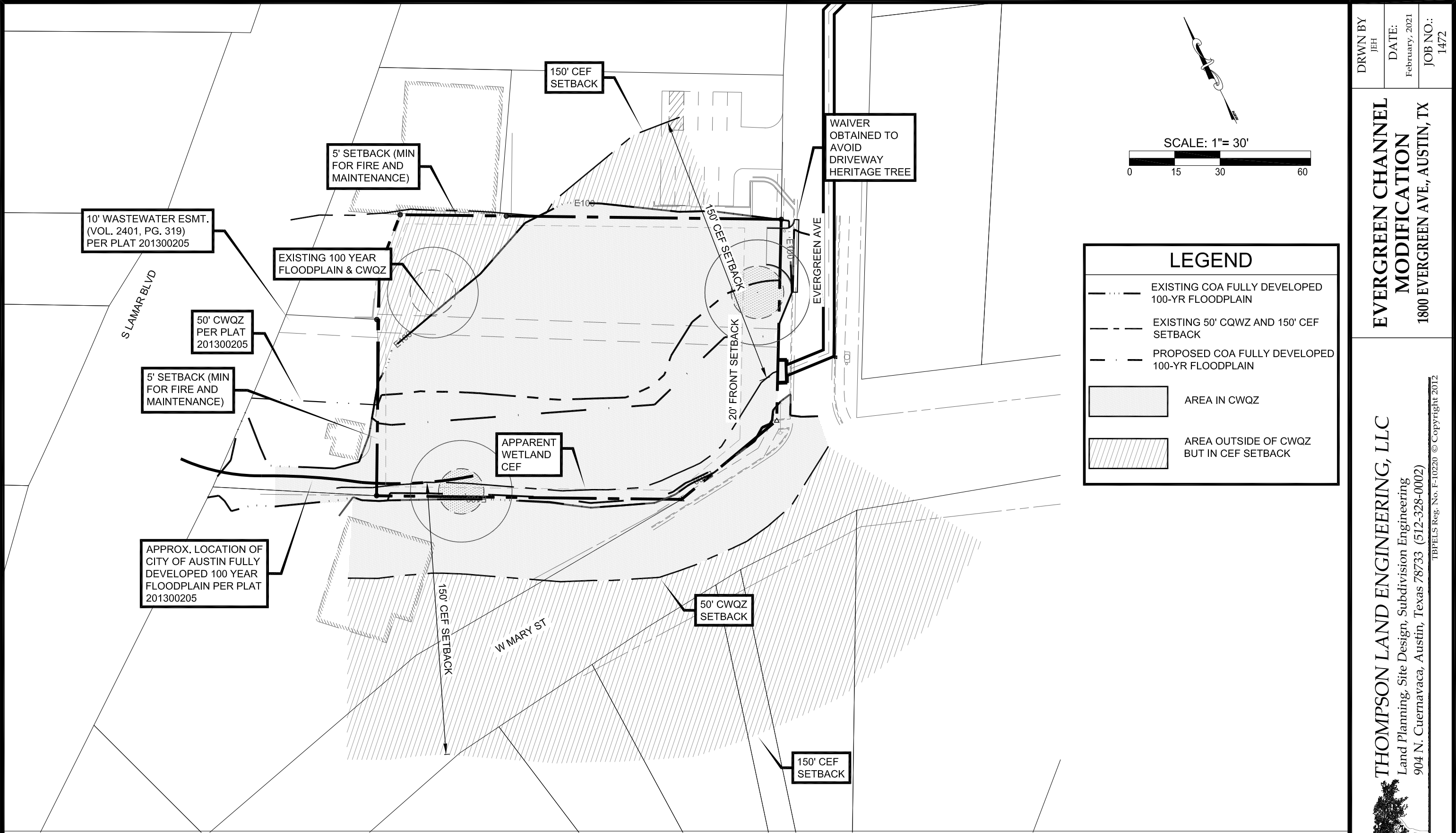
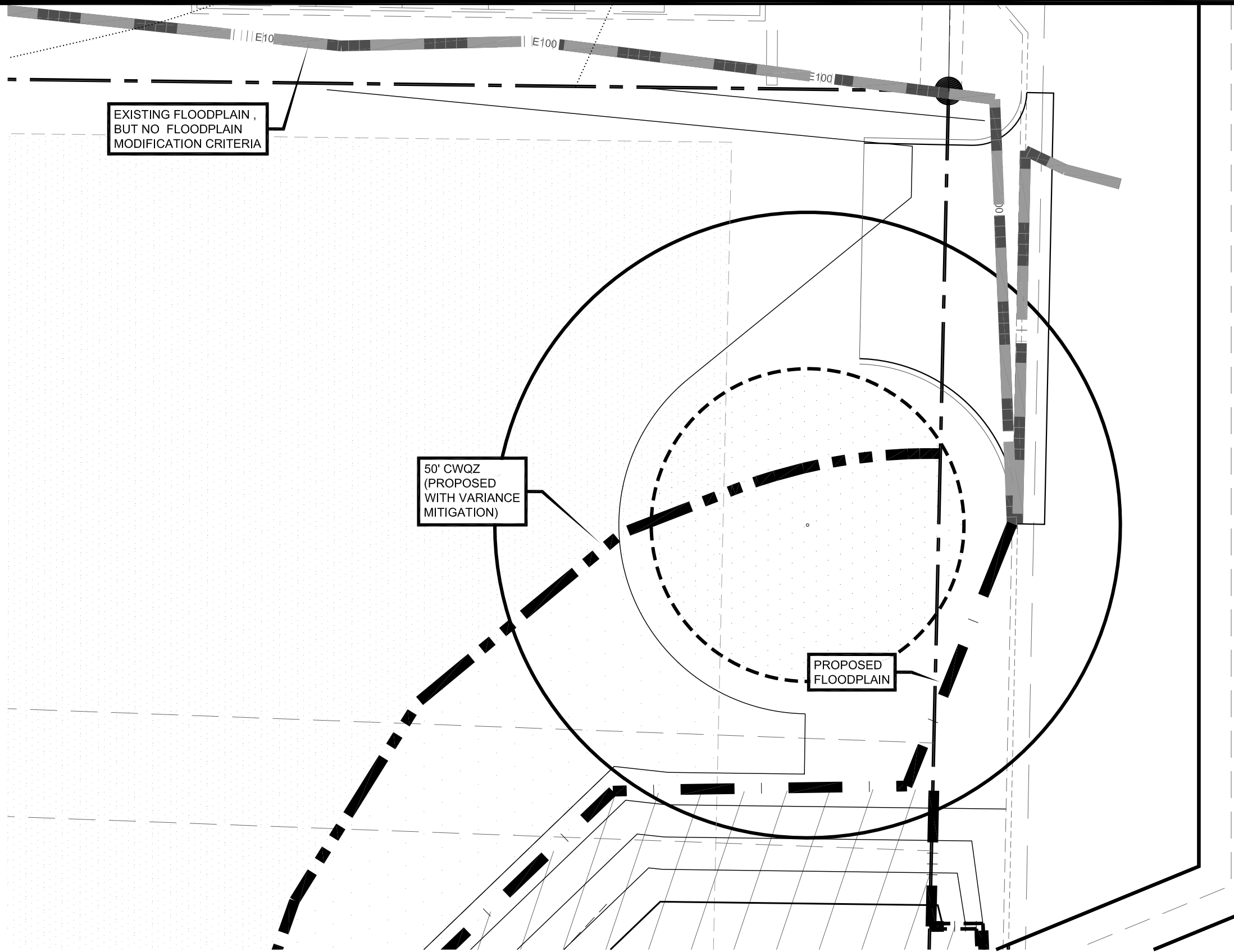


EXHIBIT 07 - CURRENT CWQZ AND CEF SETBACKS



**LEGEND**

	EXISTING COA FULLY DEVELOPED 100-YR FLOODPLAIN
	EXISTING 50' CWQZ AND 150' CEF SETBACK
	PROPOSED COA FULLY DEVELOPED 100-YR FLOODPLAIN
	AREA IN CWQZ
	AREA OUTSIDE OF CWQZ BUT IN CEF SETBACK

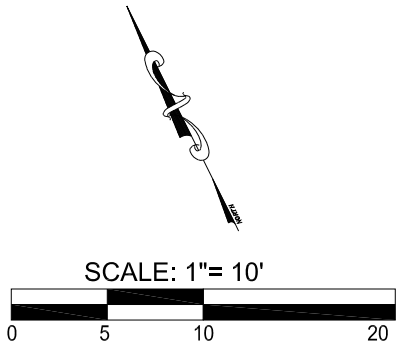
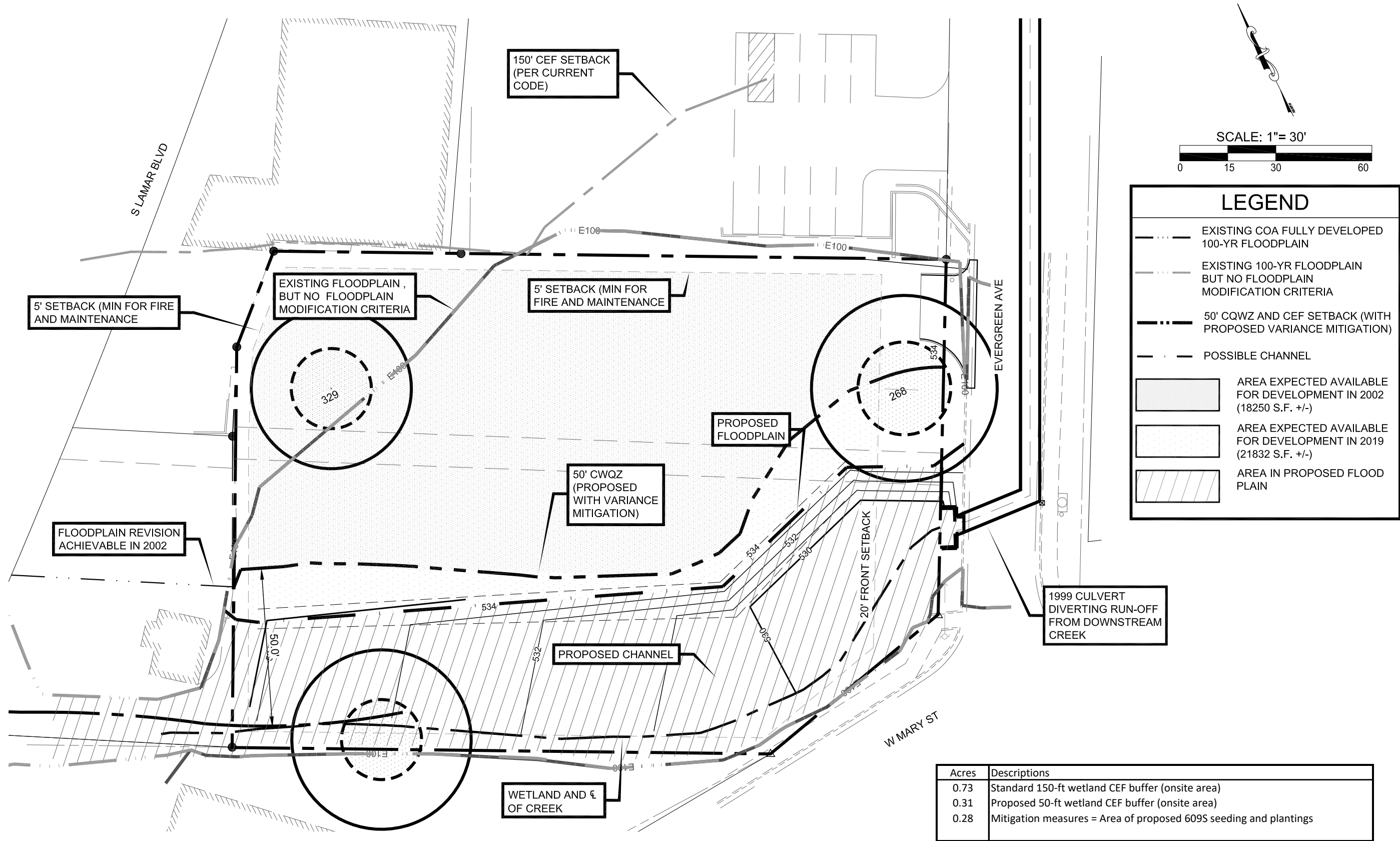


EXHIBIT 08 - DRIVEWAY WAIVER



SCALE: 1"= 30'



### LEGEND

- EXISTING COA FULLY DEVELOPED 100-YR FLOODPLAIN
- EXISTING 100-YR FLOODPLAIN BUT NO FLOODPLAIN MODIFICATION CRITERIA
- - - 50' CQWZ AND CEF SETBACK (WITH PROPOSED VARIANCE MITIGATION)
- - - POSSIBLE CHANNEL
- [Hatched Box] AREA EXPECTED AVAILABLE FOR DEVELOPMENT IN 2002 (18250 S.F. +/-)
- [Dotted Box] AREA EXPECTED AVAILABLE FOR DEVELOPMENT IN 2019 (21832 S.F. +/-)
- [Shaded Box] AREA IN PROPOSED FLOOD PLAIN

Acres	Descriptions
0.73	Standard 150-ft wetland CEF buffer (onsite area)
0.31	Proposed 50-ft wetland CEF buffer (onsite area)
0.28	Mitigation measures = Area of proposed 609S seeding and plantings

## EXHIBIT 09 - PROPOSED FLOODPLAIN MODIFICATION PLAN VIEW

SHEET  
11 OF 19

DRWN BY  
JEH  
DATE:  
February, 2021  
JOB NO.:  
1472

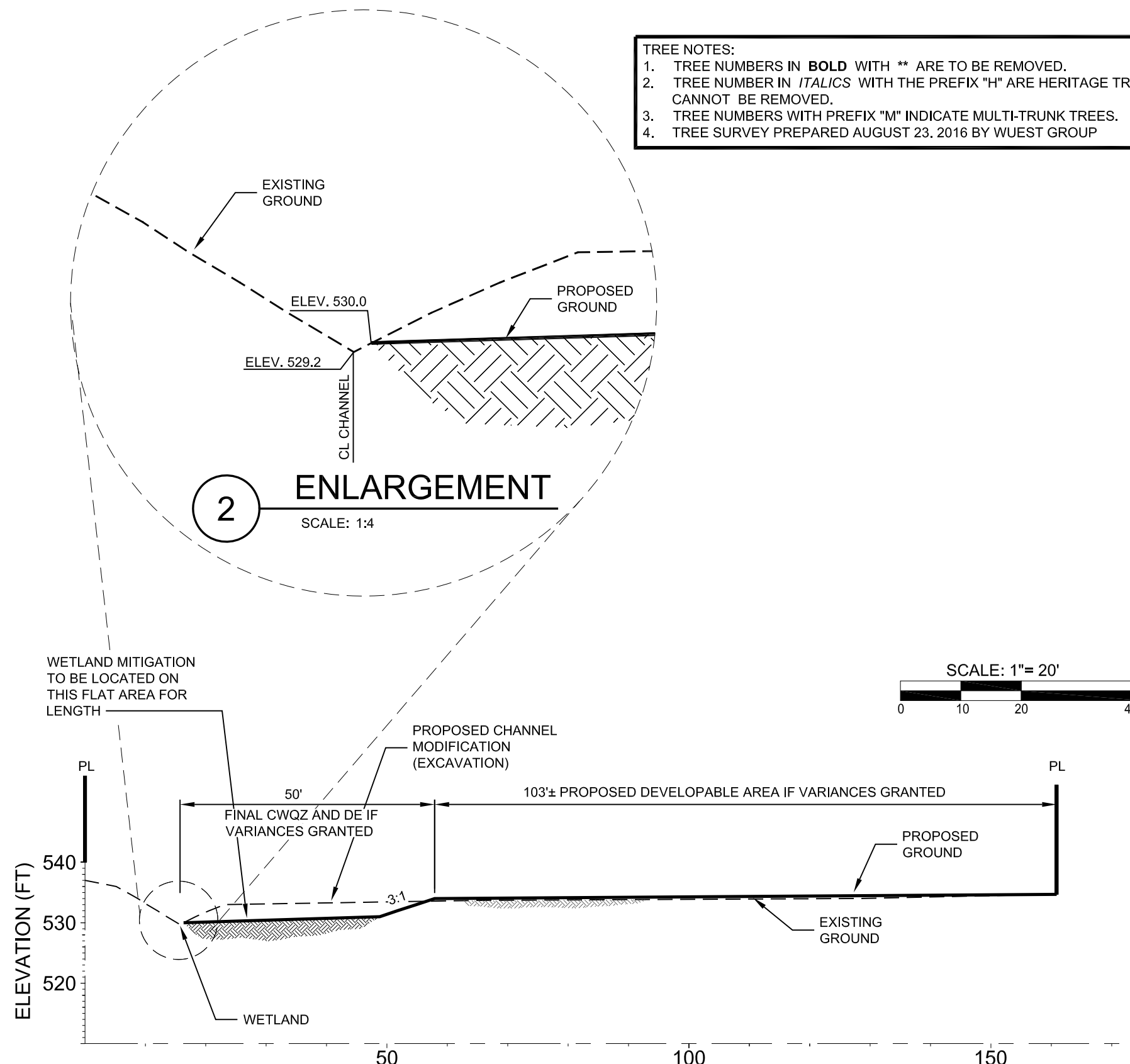
### EVERGREEN CHANNEL MODIFICATION 1800 EVERGREEN AVE., AUSTIN, TX

THOMPSON LAND ENGINEERING, LLC  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)



TPELS Reg. No. F-10220 © Copyright 2012





- TREE NOTES:
1. TREE NUMBERS IN **BOLD** WITH \*\* ARE TO BE REMOVED.
  2. TREE NUMBER IN *ITALICS* WITH THE PREFIX "H" ARE HERITAGE TREES AND CANNOT BE REMOVED.
  3. TREE NUMBERS WITH PREFIX "M" INDICATE MULTI-TRUNK TREES.
  4. TREE SURVEY PREPARED AUGUST 23, 2016 BY WUEST GROUP

TREE LIST		DATE OF FIELD SURVEY 08/23/2016				
	TREE NO.	<8"	8-19"	19-24"	24"+	DESCRIPTION
	H268				29	29" P
	270			19.5		19.5" CE
	271		15			15" CE
	274		13			13" CE
	275		11			11" HB DEAD
	276		13			13" HB
	277		15			15" HB
	278		10			10" HB
	279		14			14" HB
	291		11, 9			11", 9" CE
	292	8				8" CB
	293		18			18" P
	315			23		23" LO DEAD
	316		13			13" P
	317		12			12" CE
	318		10			10" HB
	319		13			13" CE
	320		12			12" HB
	321		12			12" CE
	322		15			15" HB
	323		11			11" CE
	324		14			14" HB
	325		11, 8			11" 8" CE
	326		13			13" HB
	327		10			10" CE
	328			22		22" P
	H329				25	25" P
	330		16, 10			16", 10" HB
	331		8			8" CE
	332			20		20" CE
	333		8			8" HB
	334		14			14" HB
	335		13			13" P
	337		9			9" HB
	338			23		23" CE
	339			22		22" CB
	340		14			14" CB
	341			23		23" CE
	342		14			14" P
	343		12			12" CE
	346		16			16" CB
	347			23		23" CE
	H492				25	25" AE
	2291		15			15" CE
TOTAL		8	367	175.5	79	
LO = LIVE OAK CE = CEDAR/ELM HB = HACKBERRY CB = CHINABERRY P = PECAN AE = AMERICAN ELM						

DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472

EVERGREEN CHANNEL  
MODIFICATION

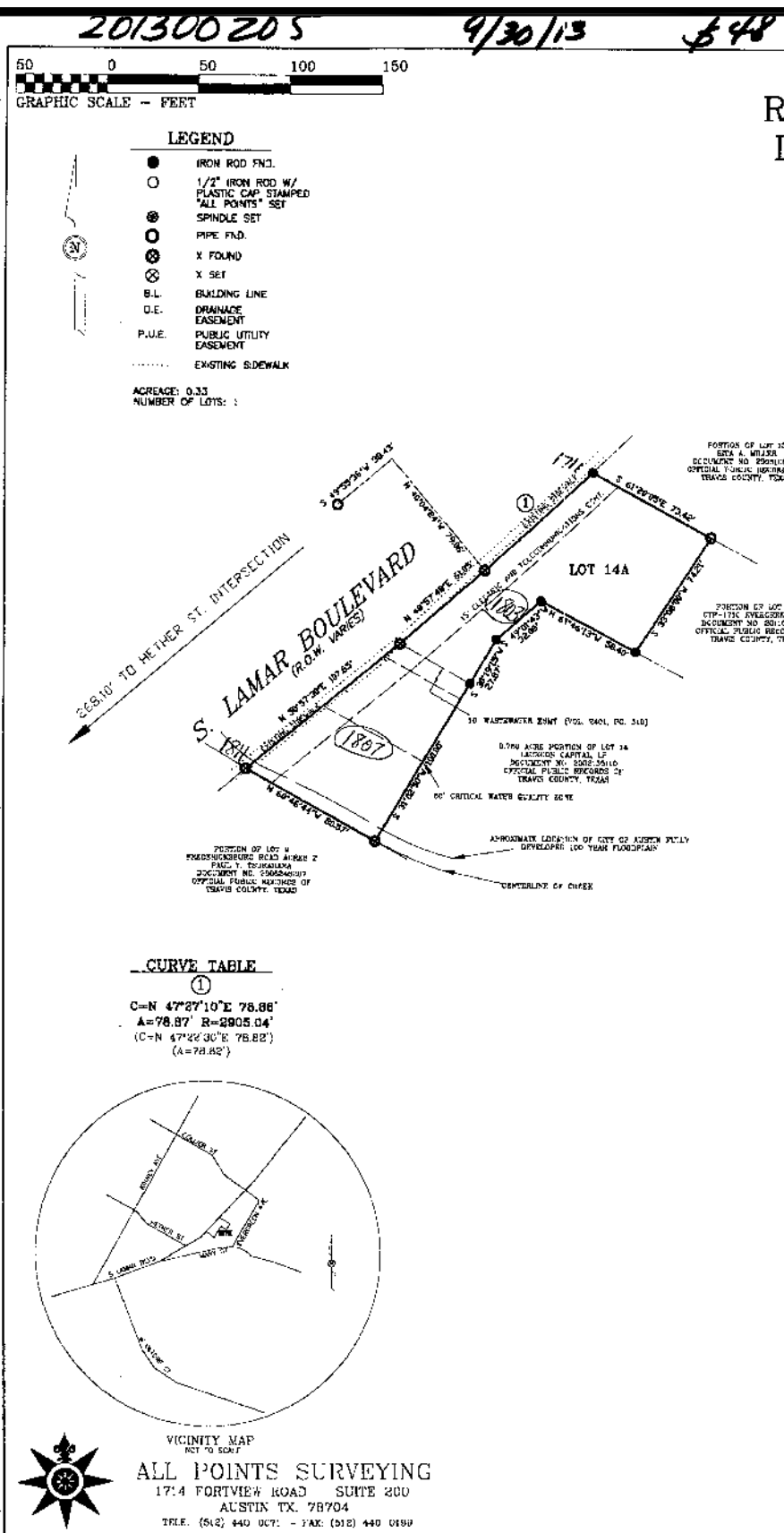
1800 EVERGREEN AVE., AUSTIN, TX

THOMPSON LAND ENGINEERING, LLC

Land Planning, Site Design, Subdivision Engineering

904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

TBPELS Reg. No. F-10220 © Copyright 2012



# GARADI SUBDIVISION, A RESUBDIVISION OF A PORTION OF LOT 14 OF EVERGREEN HEIGHTS

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That I, VISWAS S. GARADI, President of GARADI CORPORATION, owner of a 0.190 acre and a 0.143 acre portion of Lot 14, Evergreen Heights, a subdivision in Travis County, Texas, according to the map of plat thereof recorded in Volume 2, Page 814 of the Deed Records of Travis County, Texas, conveyed to the corporation in Document No. 2008088480 and 2010186587 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.014, of the Local Government Code, do hereby resubdivide said Portion of Lot 14 as shown hereon, and do adopt this plat as to be known as "GARADI SUBDIVISION, A RESUBDIVISION OF A PORTION OF LOT 14 OF EVERGREEN HEIGHTS", and do dedicate to the public use of all streets and easements shown hereon, and that all restrictive covenants and restrictions from the previous subdivision apply to the amended plat.

*Viswas S. Garadi*  
VISWAS S. GARADI  
3323 S. LAMAR  
Austin, Texas 78704  
Before me, the undersigned authority on this day personally appeared *Viswas S. Garadi*, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration herein expressed and in the capacities therein stated.  
Given under my hand and seal of office, this the 23rd day of August, 2013.

Print Name: *Variaela Mosier*  
Notary in and for the State of Texas  
My Commission expires: 01.01.2014  
THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE JURISDICTION OF THE CITY OF AUSTIN ON THIS THE 10th DAY OF SEPTEMBER, 2013.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, PLANNING AND DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE 10th DAY OF SEPTEMBER, 2013.

*Greg Guernsey*  
GREG GUERNSEY, DIRECTOR  
PLANNING & DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS, THIS THE 10th DAY OF SEPTEMBER, 2013.

*Dave Anderson*  
DAVE ANDERSON, CHAIRPERSON  
*Joan Stevens*  
JOAN STEVENS, SECRETARY

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 30th DAY OF September, 2013 A.D. AT 1:31 O'CLOCK P.M. AND DULY RECORDED ON THE 30th DAY OF September, 2013 A.D. AT 1:31 O'CLOCK P.M. OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. 201300205. WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 30th DAY OF September, 2013 A.D.

DANA DEBEAUVOR, COUNTY CLERK, TRAVIS COUNTY, TEXAS  
*Dana Debeauvoir*  
DEPUTY

I, ROGER L. WAY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 25 OF THE AUSTIN CITY CODE AS CURRENTLY AMENDED, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

SURVEYED BY:  
ROGER L. WAY  
ALL POINTS SURVEYING  
1714 FORTVIEW ROAD SUITE 200  
AUSTIN, TEXAS 78704  
(512)440-0071

*Roger L. Way*  
ROGER L. WAY, RPLS #7810  
8/23/13  
DATE



NOTES:

1. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.

2. THE OWNER OF THIS SUBDIVISION AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITIES FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNERS SOLE EXPENSE IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.

3. ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBDIVISION(S), EVERGREEN HEIGHTS, SHALL APPLY TO THIS AMENDED / RESUBDIVISION PLAT.

4. NO LOTS IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITIES.

5. THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIN UTILITY DESIGN CRITERIA. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE AUSTIN WATER UTILITY. ALL WATER AND WASTEWATER CONSTRUCTION MUST BE INSPECTED BY THE CITY OF AUSTIN. THE LANDOWNER MUST PAY THE CITY INSPECTION FEE WITH THE UTILITY CONSTRUCTION. FY: THE LANDOWNER MUST PAY THE TAP AND IMPACT FEE ONCE THE LANDOWNER MAKES AN APPLICATION FOR A CITY OF AUSTIN WATER AND WASTEWATER UTILITY TAP PERMIT.

6. PRIOR TO CONSTRUCTION ON LOTS IN THE SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS.

8. THIS SUBDIVISION SHALL BE DEVELOPED, CONSTRUCTED AND MAINTAINED IN CONFORMANCE WITH THE TERMS AND CONDITIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF AUSTIN.

9. EROSION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON INDIVIDUAL LOTS, INCLUDING DETACHED SINGLE FAMILY AND DUPLEX CONSTRUCTION, IN ACCORDANCE WITH THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL AND THE LAND DEVELOPMENT CODE.

10. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.

11. BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.

12. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN OR TRAVIS COUNTY.

13. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.

14. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.

15. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

16. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE THE CITY OF AUSTIN ELECTRIC UTILITY DEPARTMENT WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING, AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

17. ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT OWNERS EXPENSE.

18. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL TREE REMOVAL THAT IS WITHIN 10 FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

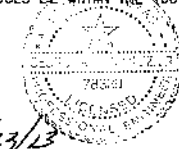
19. Public sidewalks, built to City of Austin standards, are required along S. Lamar Blvd. and as shown by a dotted line on the face of the plat. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.

I DO HEREBY CERTIFY THAT THE ENGINEERING WORK BEING SUBMITTED HEREIN COMPLIES WITH ALL PROVISIONS OF THE TEXAS ENGINEERING PRACTICE ACT, INCLUDING SECTION 131.152(a). I HEREBY ACKNOWLEDGE THAT ANY MISREPRESENTATION REGARDING THIS CERTIFICATION CONSTITUTES A VIOLATION OF THE ACT, AND MAY RESULT IN CRIMINAL, CIVIL AND/OR ADMINISTRATIVE PENALTIES AGAINST ME AS AUTHORIZED BY THE ACT.

NO PORTION OF THIS SUBDIVISION LIES WITHIN A F.E.M.A. 100yr FLOODPLAIN AND IS DESIGNATED "ZONE X" PER F.E.M.A. FLOOD INSURANCE RATE MAP #484530445H, DATED SEPTEMBER 26, 2008. A PORTION OF THE LOT DOES LIE WITHIN THE 100 YEAR CITY OF AUSTIN FLOODPLAIN.

ENGINEERED BY:  
GENESIS I ENGINEERING  
2605 JONES RD., SUITE E  
AUSTIN, TEXAS 78745

*George Gonzalez*  
GEORGE GONZALEZ, P.E. #78329  
8/23/13  
DATE



JOB #: 02806412  
CASE #: CB-2012-0117.0A  
SHEET 1 OF 1

14361

DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472

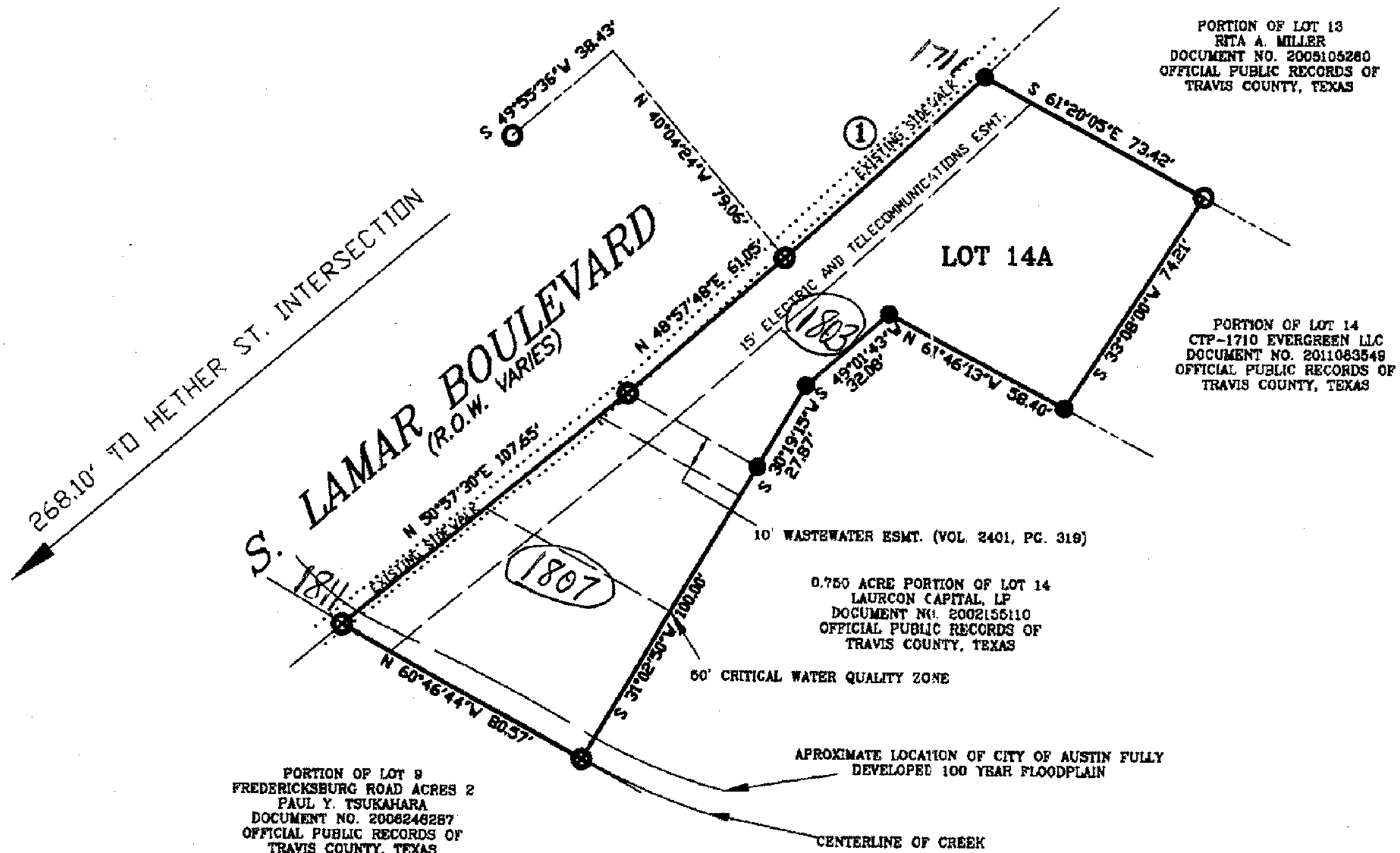
EVERGREEN CHANNEL  
MODIFICATION

1800 EVERGREEN AVE., AUSTIN, TX

THOMPSON LAND ENGINEERING, LLC

Land Planning, Site Design, Subdivision Engineering

904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)



## CURVE TABLE

## EXHIBIT 12 - ADJ SUBD PLAT - ZOOMED IN

SHEET  
14 OF 19

**THOMPSON LAND ENGINEERING, LLC**  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

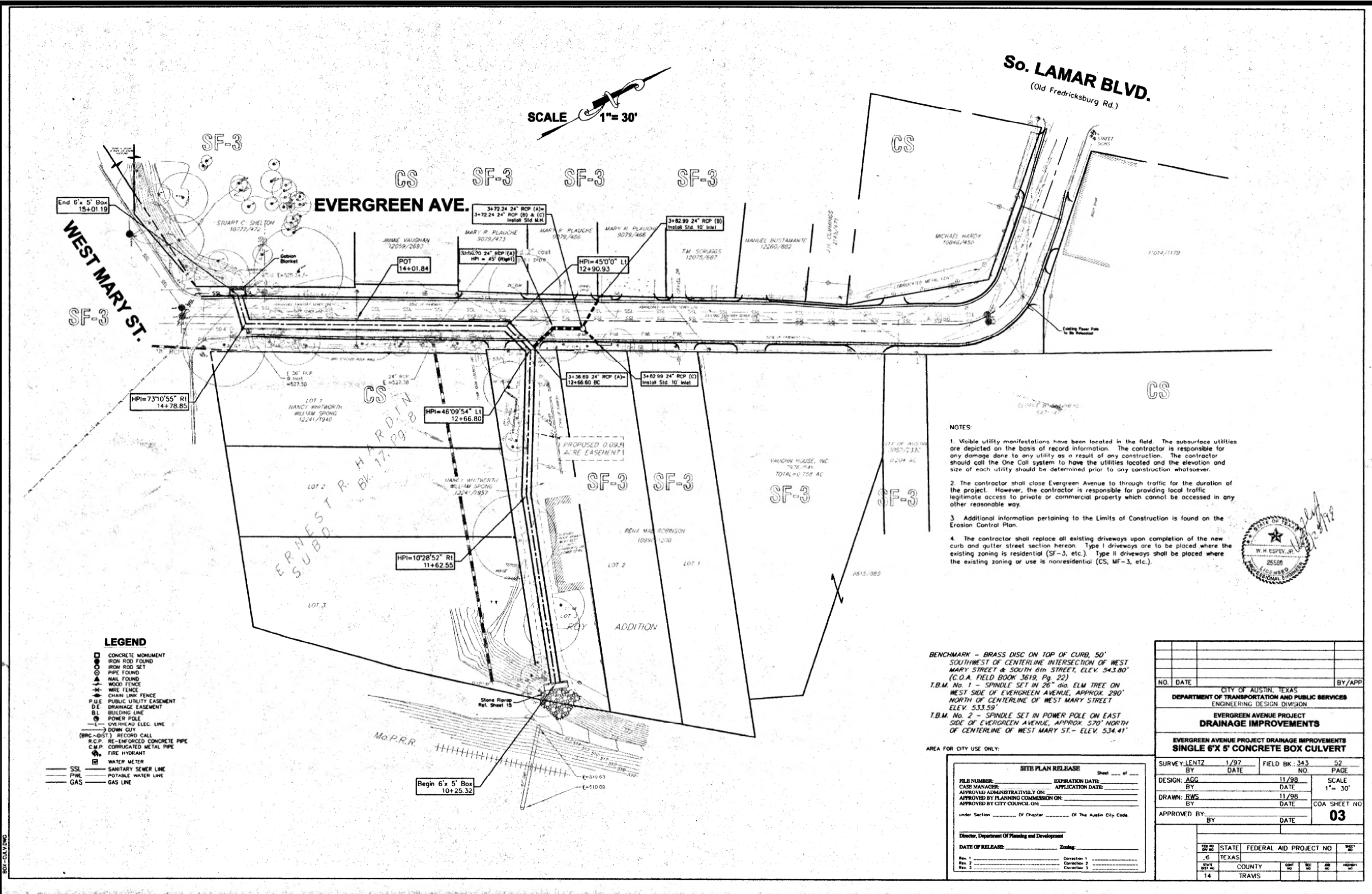
TPELS Reg. No. F-10220 © Copyright 2012

**EVERGREEN CHANNEL  
MODIFICATION**  
1800 EVERGREEN AVE., AUSTIN, TX

DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472



DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472

EVERGREEN CHANNEL  
MODIFICATION

1800 EVERGREEN AVE., AUSTIN, TX

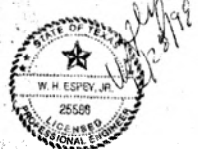
THOMPSON LAND ENGINEERING, LLC

Land Planning, Site Design, Subdivision Engineering

904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

TPELS Reg. No. F-10220 © Copyright 2012

- NOTES:
1. Visible utility manifestations have been located in the field. The subsurface utilities are depicted on the basis of record information. The contractor is responsible for any damage done to any utility as a result of any construction. The contractor should call the One Call system to have the utilities located and the elevation and size of each utility should be determined prior to any construction whatsoever.
  2. The contractor shall close Evergreen Avenue to through traffic for the duration of the project. However, the contractor is responsible for providing local traffic legitimate access to private or commercial property which cannot be accessed in any other reasonable way.
  3. Additional information pertaining to the Limits of Construction is found on the Erosion Control Plan.
  4. The contractor shall replace all existing driveways upon completion of the new curb and gutter street section hereon. Type I driveways are to be placed where the existing zoning is residential (SF-3, etc.). Type II driveways shall be placed where the existing zoning or use is nonresidential (CS, MF-3, etc.).



BENCHMARK - BRASS DISC ON TOP OF CURB, 50' SOUTHWEST OF CENTERLINE INTERSECTION OF WEST MARY STREET & SOUTH 6TH STREET, ELEV. 543.80' (C.O.A. FIELD BOOK 3619, Pg. 22)

T.B.M. No. 1 - SPINDLE SET IN 26" dia. ELM TREE ON WEST SIDE OF EVERGREEN AVENUE, APPROX. 290' NORTH OF CENTERLINE OF WEST MARY STREET ELEV. 533.59'

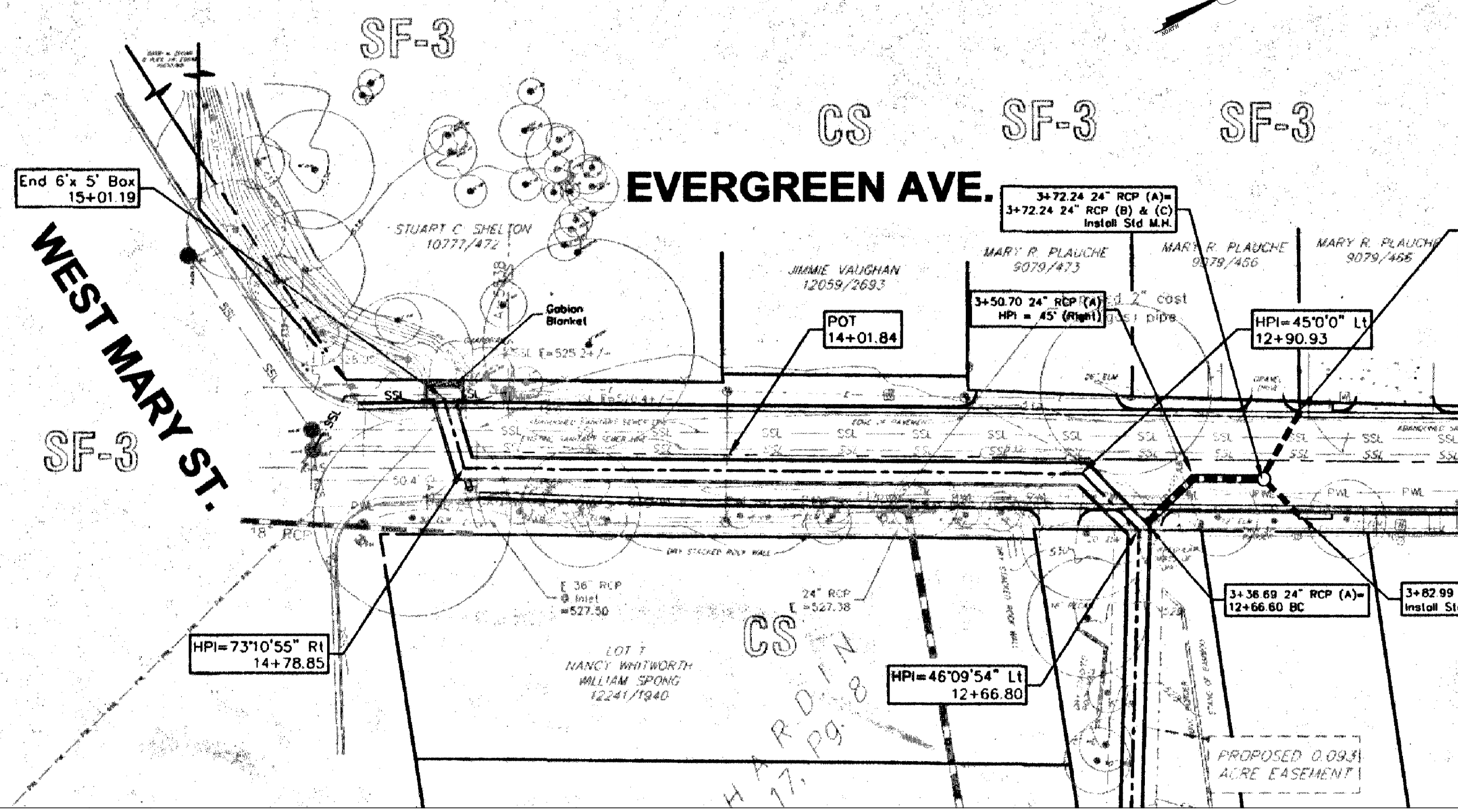
T.B.M. No. 2 - SPINDLE SET IN POWER POLE ON EAST SIDE OF EVERGREEN AVENUE, APPROX. 570' NORTH OF CENTERLINE OF WEST MARY ST. - ELEV. 534.41'

AREA FOR CITY USE ONLY:

SHEET PLAN RELEASE	
FILE NUMBER:	EXPIRATION DATE:
CASE MANAGER:	APPLICATION DATE:
APPROVED ADMINISTRATIVELY ON:	
APPROVED BY PLANNING COMMISSION ON:	
APPROVED BY CITY COUNCIL ON:	
under Section _____ Of Chapter _____ Of The Austin City Code.	
Director, Department Of Planning and Development	
DATE OF RELEASE: _____ Zoning: _____	
Rev. 1	Correction 1
Rev. 2	Correction 2
Rev. 3	Correction 3

NO. DATE		BY/APP	
CITY OF AUSTIN, TEXAS			
DEPARTMENT OF TRANSPORTATION AND PUBLIC SERVICES			
ENGINEERING DESIGN DIVISION			
EVERGREEN AVENUE PROJECT			
DRAINAGE IMPROVEMENTS			
EVERGREEN AVENUE PROJECT DRAINAGE IMPROVEMENTS			
SINGLE 6'X 5' CONCRETE BOX CULVERT			
SURVEY: LENTZ	1/97	FIELD BK. 343	52
BY:	DATE	NO.	PAGE
DESIGN: AGG	11/98		
BY:	DATE		
DRAWN: RWS	11/98		
BY:	DATE		
APPROVED BY:	DATE		
COA SHEET NO. 03			
STATE	FEDERAL AID PROJECT NO.	SHEET NO.	
6 TEXAS			
COUNTY	CONTRACT NO.	SEC NO.	JOB NO.
14 TRAVIS			

EXHIBIT 13 - CREEK BOX CREEK RE-ALIGNMENT FULL SHEET



DRWN BY  
JEH

DATE:  
February, 2021

JOB NO.:  
1472

**EVERGREEN CHANNEL  
MODIFICATION**

1800 EVERGREEN AVE., AUSTIN, TX

**THOMPSON LAND ENGINEERING, LLC**  
Land Planning, Site Design, Subdivision Engineering  
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

TBPELS Reg. No. F-10220 © Copyright 2012

EXHIBIT 14 - CREEK BOXCREEK RE-ALIGNMENT ZOOMED IN



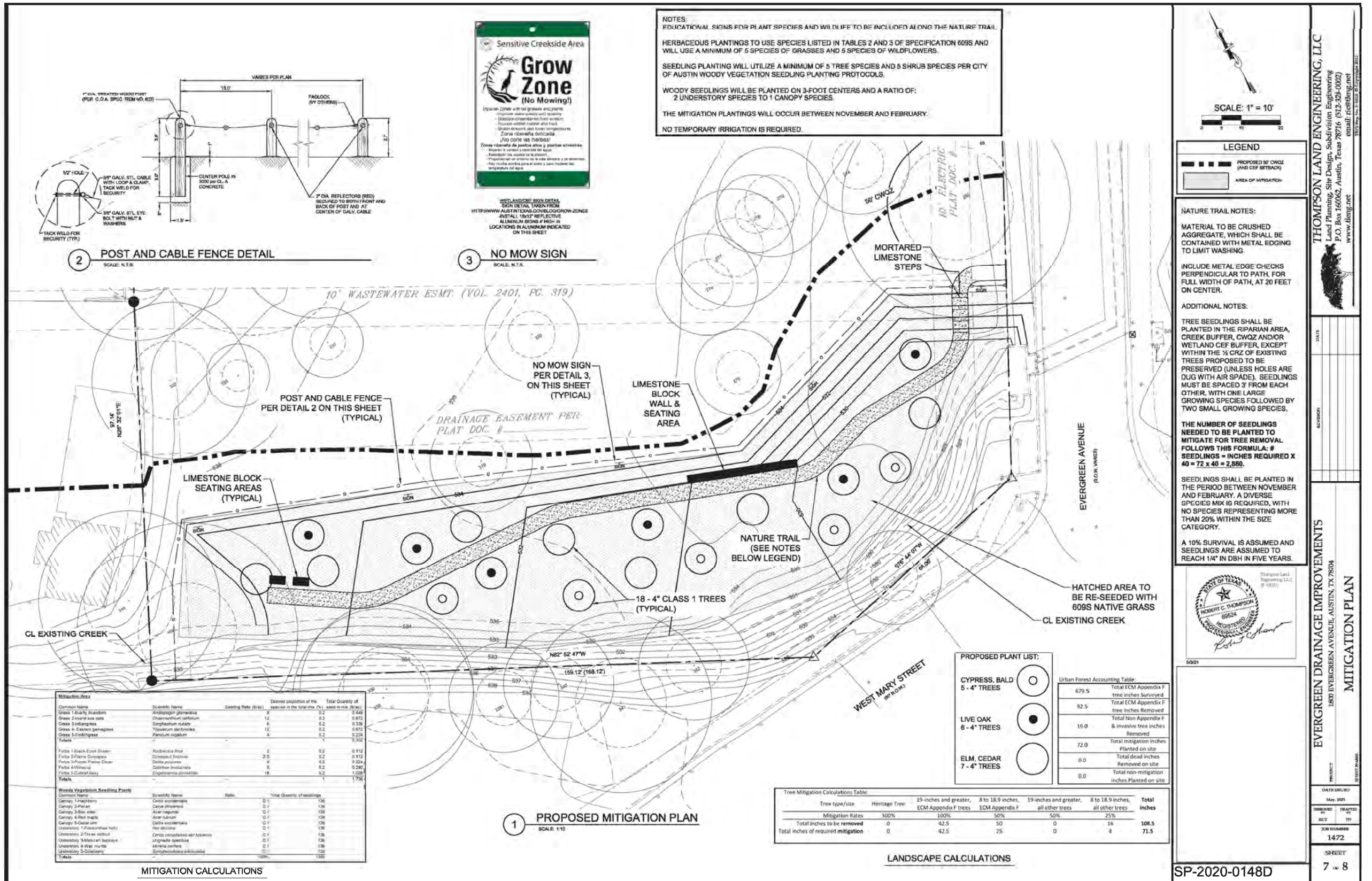


EXHIBIT 15 - APPROVED MITIGATION PLAN