



MEMORANDUM

TO: Kevin Ramberg, Chair, and Members of the Environmental Commission

FROM: Leslie Lilly, Environmental Program Coordinator
Watershed Protection Department

DATE: May 1st, 2023

SUBJECT: Greystar 290 Restrictive Covenant Amendment C14-85-288.79(RCA)

This summary is being provided to the Environmental Commission for the Greystar 290 Restrictive Covenant Amendment (RCA), a proposed amendment to an existing restrictive covenant from 1985.

History

Restrictive Covenants are legal documents that can establish site development regulations and use limitations for certain properties. Several such Restrictive Covenants have been recorded for certain properties located within the Oak Hill Study Area. The Restrictive Covenant under consideration today includes a tract of land which is located in the limited purpose zoning jurisdiction, in the Williamson Creek Watershed, and in the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer.

Restrictive Covenants associated with the Oak Hill Study Area frequently lock in older site development regulations that predate current water quality protections for the Barton Springs Zone established by City Code 25-8, Article 13 (*Save Our Springs Initiative*). These properties could develop under the terms of the restrictive covenant without achieving compliance with the non-degradation water quality standard of the Save Our Springs Ordinance, or other environmental protections.

If the property is rezoned to allow uses or site development standards other than those allowed by the Restrictive Covenant, then the Restrictive Covenant must also be amended. Because these Restrictive Covenants entitle the properties to develop under older regulations, amending these Restrictive Covenants provides an opportunity for additional environmental protection and for development on these tracts to achieve a greater degree of compliance with current environmental regulations.

A similar case, 7715 ½ W State Highway 71 RCA (C14-85-288.23(RCA)) was heard by the Environmental Commission on April 6th, 2022, and was recommended for approval by both the Environmental Commission and Planning Commission before subsequent approval by the City Council.

Proposed Changes

The current property is seeking a rezoning for the subject property to MF5-NP and LO-MU-NP from LR-NP and LO-NP (reference case number C14-2022-0160). Due to this zoning request, the applicant must also amend the existing Restrictive Covenant. As part of the Restrictive Covenant Amendment, the applicant is requesting to retain the 65% impervious cover limit currently allowed by the Restrictive Covenant but has also agreed to comply with the non-degradation water quality treatment standard of the Save Our Springs Ordinance, provide 110% mitigation for all required tree mitigation, and comply with dark skies requirements regarding light warmth, shielding, and light trespass. The tract does not have a classified waterway, Critical Water Quality Zone, Water Quality Transition Zone, or Critical Environmental Features on or within 150' of the property boundaries.

Staff Recommendation

Because the Restrictive Covenant Amendment provides greater overall environmental protection and achieves a higher degree of overall compliance with current regulations than would otherwise be permitted under the current Restrictive Covenant, staff recommends this Restrictive Covenant Amendment with conditions.

Staff Conditions

Development associated with C14-85-288.79(RCA), located at 8112 Scenic Brook, shall comply with the following requirements.

- a. Bring the site into compliance with SOS non-degradation water quality treatment requirements for all impervious cover.
- b. Provide 110% of required tree mitigation.
- c. Comply with Dark Sky requirements for light warmth, shielding, and light trespass.

If you have any questions about the environmental conditions of this restrictive covenant amendment, please contact Leslie Lilly in the Watershed Protection Department at Leslie.lilly@austintexas.gov.