



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: August 16, 2023

NAME & NUMBER OF PROJECT: 2428 W Ben White Mixed Use Development
SP-2021-0278C

NAME OF APPLICANT OR ORGANIZATION: Justin Cadieux, Quiddity

LOCATION: 4215 S Lamar Blvd Service Rd, NB / 2428 W Ben White Blvd

COUNCIL DISTRICT: Council District 5

ENVIRONMENTAL REVIEW STAFF: Mike McDougal
Environmental Policy Program Manager, DSD, 512-974-6380,
mike.mcdougal@austintexas.gov

WATERSHED: Williamson Creek Watershed / Suburban / Desired Development
Zone
and
Barton Creek Watershed /Barton Springs Zone / Drinking Water
Protection Zone

REQUEST: Redevelopment Exception in the Barton Springs Zone, per 25-8-26

STAFF RECOMMENDATION: Staff recommends the Redevelopment Exception for this project.

STAFF CONDITION: Conditions do not apply for this type of request.



Development Services Department
Staff Recommendations

Project Name: 2428 W Ben White Mixed Use Development
Ordinance Standard: Watershed Protection Ordinance (current code)

Request: The request is for an affirmative recommendation for this project to develop using the Redevelopment Exception in the Barton Springs Zone [LDC 25-8-26]

Per LDC 25-8-26(F), this project requires approval from City Council because the redevelopment includes more than 25 dwelling units.

§ 25-8-26 REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE.

(A) This section applies to property located in the Barton Springs Zone that has existing commercial development if:

(1) no unpermitted development occurred on the site after January 1, 1992, and

COMPLIES

(2) the property owner files a site plan application and an election for the property to be governed by this section.

COMPLIES

(B) For property governed by this section, this section supersedes Article 13 (*Save Our Springs Initiative*), to the extent of conflict.

(C) In this section:

(1) STANDARD POND means water quality controls that comply with Section 25-8-213 (*Water Quality Control Standards*) or are approved under Section 25-8-151 (*Innovative Management Practices*); and

(2) SOS POND means water quality controls that comply with all requirements of Section 25-8-213 (*Water Quality Control Standards*) and the pollutant removal requirements of Section 25-8-514(A) (*Pollution Prevention Required*).

(D) The requirements of this subchapter do not apply to the subdivision of property if at the time of redevelopment under this section subdivision and site plan applications are filed concurrently.

Not applicable

(E) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:

(1) The redevelopment may not increase the existing amount of impervious cover on the site.

COMPLIES

(2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), Section 25-8-281 (*Critical Environmental Features*), Section 25-8-282 (*Wetland Protection*), or Section 25-8-482 (*Water Quality Transition Zone*).

COMPLIES

(3) The redevelopment must comply with Section 25-8-121 (*Environmental Resource Inventory Requirement*) and all construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (*Erosion and Sedimentation Control; Overland Flow*) and Section 25-8-234 (*Fiscal Security in the Barton Springs Zone*).

COMPLIES

(4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.

COMPLIES

(5) For a commercial or multifamily redevelopment, the owner or operator must obtain a permit under Section 25-8-233 (*Barton Springs Zone Operating Permit*) for both standard ponds and SOS ponds.

COMPLIES

(6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:

(a) standard ponds for the entire site; or

(b) SOS ponds for a portion of the site, and standard ponds for the remainder of the redeveloped site.

COMPLIES

(7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.

Not applicable

(8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (H).

COMPLIES

- (9) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

COMPLIES

- (F) City Council approval of a redevelopment in accordance with Subsection (G) is required if the redevelopment:

(1) includes more than 25 dwelling units;

- (2) is located outside the City's zoning jurisdiction; **NA**
- (3) is proposed on property with an existing industrial or civic use; **NA**
- (4) is inconsistent with a neighborhood plan; or **NA**
- (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property. **NA**

- (G) City Council shall consider the following factors in determining whether to approve a proposed redevelopment:

- (1) benefits of the redevelopment to the community;

Proposed benefits include: 309 multifamily units with 10 administrative / business suites on the primary ground floor frontage; 10% of the multifamily units are affordable at 60% MFI; providing water quality on a site that currently has none; reducing the total impervious cover below what is present currently.

- (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;

The proposed mitigation and manner of development offsets the potential environmental impact.

There will be a payment into the Barton Springs Zone Mitigation Fund in the amount of \$99,325.14.

Water Quality Control Measures will be provided in accordance with section LDC 25-8-213 – Water Quality Control Standards via both a SOS Pond (Retention/Irrigation System) and Standard Pond (Partial Sedimentation/ Filtration).

The Retention Irrigation System contributing to Barton Springs zone is compliant with the non-degradation requirements of LDC 25-8-514 - Pollution Prevention Required, and design criteria per E.C.M. 1.6.7.5.A Retention/Irrigation Systems for Green Storm Water Quality Infrastructure.

Existing site contains no water quality control measures, and proposed site includes full treatment of impervious cover to current code standards.

The partial sedimentation/filtration pond is oversized (required water quality volume = 8257 CF, provided water quality volume = 10725 CF). This equates to

removing an extra 28 lbs/year of combined pollutants, summing up to a total pollutant removal of 2018 lbs/year per SLAT tool.

The Retention /Irrigation System is sized above required by COA (required water quality volume =3895 CF, provided water quality volume = 3950 CF). This equates to an extra 0.46 lbs/yr of combined pollutant removal, summing up to a total pollutant removal of 527 lbs/year per SLAT Tool.

- (3) the effects of offsite infrastructure requirements of the redevelopment; and

There will be no environmental impacts from offsite requirements via COA compliant erosion controls during construction.

There will be an increase COA offsite wastewater capacity per SER 4968, which includes 375 LF of new 12” wastewater infrastructure in City of Austin ROW along Roundup Trail between Pawnee pathway and Menchaca Rd.

There will be the construction of an offsite pedestrian refuge island, ADA compliant curb ramps, and crosswalk striping at the Victory Drive and West Ben White Frontage road intersection per identified ATD improvements.

1500LF 10’ Shared Use path constructed according to CPO(Corridor Planning Office) and ATD identified offsite improvements for Lamar Blvd.

- (4) compatibility with the City's comprehensive plan.

The project is: on an Imagine Austin corridor; in an Imagine Austin Center; on a Core Transit Corridor; on a CapMetro MetroRapid line (including less than 500’ from a MetroRapid bus stop); on a Project Connect Enhanced MetroRapid route; less than ½ mile from the proposed Westgate Transit Center; and is meeting the following Image Austin goals:

- **Promotes development in along corridors that are connected by roads and transit.**
- **Protects neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors, and infill sites.**
- **Encourages infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.**
- **Directs housing and employment growth to activity centers and corridors, preserving and integrating existing affordable housing where possible.**
- **Protects and improve the water quality of the city’s creeks, lakes, and aquifers for use and the support of aquatic life.**

- (H) Redevelopment of property under this section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond.

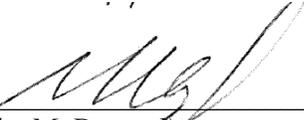
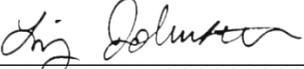
- (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent.

- (2) The mitigation requirement may be satisfied by:
- (a) paying into the Barton Springs Zone Mitigation Fund a non-refundable amount established by ordinance;

COMPLIES by paying into the fund

- (b) transferring to the City in accordance with Paragraph (3) mitigation land approved by the director of the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction;
- (c) placing restrictions in accordance with Paragraph (3) on mitigation land approved by the director of the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction; or
- (d) a combination of the mitigation methods described in Subparagraphs (a) - (c), if approved by the director of the Watershed Protection Department.

Staff Determination: Staff has determined that this project complies with the requirements of the Redevelopment Exception in the Barton Springs Zone and in the Suburban Watershed classifications.

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| Environmental Reviewer and Environmental Manager (DSD) |  <hr/> (Mike McDougal) | Date: 8-10-2023 |
| Deputy Environmental Officer (WPD) |  <hr/> (Liz Johnston) | Date: 8-10-2023 |