



ENVIRONMENTAL BOARD MOTION EB100307-D1

Date: October 3, 2007

Subject: Barton Springs Redevelopment Ordinance

Motioned By: Dave Anderson, PE, CFM Seconded By: Phil Moncada

Motion: The Environmental Board recommends Conditional Approval of the Proposed Redevelopment ordinance in the Barton Springs Zone with the following conditions:

Conditions:

1. Review the necessity of having a super-majority approval for those redevelopment projects that exceed the thresholds requiring City Council approval listed in Section 25-8-27 (E) of the proposed Ordinance.
2. The proposed Ordinance should include a threshold for secondary impacts due to major redevelopment projects, but that further discussions to define the appropriate threshold should occur prior to hearings by City Council.

Commentary: There is agreement between many parties that a threshold applies above which some projects should rightfully be reviewed by a larger public audience. It is also evident that the question of secondary impacts due to major redevelopment projects is recognized as an issue for most parties. However, there is a current lack of agreement on how the threshold level for secondary impacts has been defined (i.e., is it straight acreage, vehicle trips per day, building square footage, or some combination thereof?). This is especially important if a super-majority is required for approval of those projects that lie above the threshold.

3. Staff needs additional investigation of multifamily redevelopment sites and the impact of the proposed Ordinance on these sites as they are redeveloped in the future.

Commentary: There are many multifamily sites that lie within the Barton Springs Zone and could be considered sites for redevelopment in the future. These sites, however, have been largely left out of the discussion to date due to their recent construction dates.

- PC * 4. Staff should investigate the ideas of credits for removal of septic systems in environmentally sensitive redevelopment areas.
- PC * 5. Require all redevelopment sites outside of the City Limits to go before City Council due to the lack of zoning control in these areas.
- PC * 6. Update criteria for construction phase pollution controls (i.e., Environmental Criteria Manual) for development in the Barton Springs Recharge and Contributing Zones, including adding a requirement for phasing construction activity and paying special attention to moving structural controls off-channel and designing ponds to handle more than the 2-year storm event.
7. Evaluate the existing Fiscal Assurity program requiring that a Contractor post fiscal prior to Site Plan approval, and investigate the opportunity to use this posted fiscal for immediate, off-site cleanup of damage if the erosion controls fail.
- PC * 8. Dedicate an Environmental Inspector to review redevelopment sites in the Barton Springs Zones, such that the frequency of inspection is no less than weekly, and is concurrent with precipitation events.

Rationale

1. This Ordinance is designed to meet the spirit and function of the SOS Ordinance – which is a balance of structural controls with low overall impervious cover.
2. This Ordinance requires the purchase of mitigation land on which there will be no further development. This reduces future loading from the site, and also keeps the overall impervious cover of the watershed as low as possible.
3. The structural controls that will be put in place in areas that currently do not have them reduce a wide variety of pollutants (nutrients such as phosphorus and nitrogen, hydrocarbons, metals, and pesticides) that will improve current water quality rather than just prevent further degradation.
4. The redevelopment spurred by this Ordinance may reduce vehicle trips by providing more current services to local residents, who would otherwise have to drive further to local communities to access equivalent services.
5. The characteristics of candidate sites yield reduced redevelopment construction impacts due to the sites being already graded and cleared, only 2% of the 199 candidate sites have slopes greater than 15%, and that 86% of the sites are less than 5 acres.
6. The Ordinance promotes disturbing a currently developed site before undeveloped, greenfield sites.
7. Channel erosion is a major source of sediment in Barton Springs and Barton Creek, and since much of the existing impervious cover is not treated by structural water quality

controls, this Ordinance and the resulting redevelopment will actually REDUCE in-stream erosion by providing hydrologic control with structural controls.

Vote 6-0-0-1

For: Anderson, Maxwell, Moncada, Neely, Beall, and Dupnik

Against: None

Abstain: None

Absent: Ahart

Approved By:

A handwritten signature in black ink, appearing to read 'D. Anderson', with a small 'PE.' written at the end of the signature.

David J. Anderson, PE, CFM
Chairman