

**CITY COUNCIL APPROVAL
REDEVELOPMENT EXCEPTION IN THE BARTON SPRINGS ZONE
REVIEW SHEET**

CASE NUMBER: SPC-2010-0071C.MGA

CITY COUNCIL DATE: August 19, 2010

ENVIRONMENTAL BOARD DATE: August 4, 2010

PROJECT NAME: Tarlton 360 Townhomes

ADDRESS: 2500-2530 Walsh Tarlton Lane

WATERSHED: Barton Creek (Edwards Aquifer Recharge Zone)

AREA: 16.24 Acres

EXISTING ZONING: GR and LO (proposed change to GR-MU under C14-2010-0019)

PROPOSED DEVELOPMENT: The applicant is proposing a mixed-use project consisting of 229 residential units and approximately 75,000 square feet of office use, 12,000 square feet of retail/restaurant uses, with parking garage and other associated improvements.

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APPLICANT'S REQUEST: The applicant is requesting approval of a Redevelopment Exception in the Barton Springs Zone per City Code Section 25-8-27.

Existing Development: Currently, the property is zoned GR and LO through a 1986 site plan C14r-86-136 & 137. The site was partially developed under those provisions and is primarily covered with the existing (abandoned) theater along with parking lots, utilities, drainage and water quality facilities. The majority of the site is located within the full-purpose jurisdiction, with a small area being within the City's limited purposed annexation area. It is within the Barton Creek Watershed and over the Edwards Aquifer Recharge Zone. This tract has approximately 53.6% impervious coverage that will be allowed to be retained.

Redevelopment Exception in the Barton Springs Zone: City Code Section 25-8-27 applies to property that has existing commercial development and is located in the Barton Springs Zone if the property owner files a site plan application. This section supersedes Article 12 (Save Our Springs Initiative), to the extent of conflict.

Baseline Environmental Requirements: §25-8-27 (F) requires a redevelopment meet all of eight (8) conditions to ensure baseline environmental benefit if it is to be eligible to use the provisions of the BSZ Redevelopment Exception. Each is discussed in detail below. Staff has verified that the development does comply with these conditions as follows:

- 1) *The redevelopment may not increase the existing amount of impervious cover on the site.* The proposed development will be built at an impervious cover level at or below the existing approved use.
- 2) *The redevelopment may not increase non-compliance, if any, with Section 25-8-261 (Critical Water Quality Zone Development), Section 25-8-281 (Critical Environmental Features), Section 25-8-282 (Wetland Protection), Section 25-8-482 (Critical Water Quality Zone), or Section 25-8-483 (Water Quality Transition Zone).* The proposed development site does not have any of these features (Critical Water Quality Zones, Water Quality Transition Zones, or Critical Environmental Features, including wetlands).
- 3) *The redevelopment must comply with 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).* The proposed development will be subject to these erosion and sedimentation control provisions.
- 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.* The redevelopment proposes a retention/irrigation pond for water quality control, which provides pollutant removal equal to or greater than what was previously provided. The current pond is an outdated sand filter with 65,000 cubic feet of storage but with no sedimentation forebay. The proposed water quality control is a retention/irrigation pond that will capture stormwater runoff from the developed drainage area and re-irrigate it in the site's open (pervious) space. The proposed system will provide slightly less capture volume—60,660 cubic feet—but will compensate by providing a higher level of pollutant removal using retention/irrigation. The greater pollutant removal capability of the pond

will provide an “equivalent” level of treatment (per code) for the townhome/mixed use site and existing bank site.

Retention/irrigation systems remove pollutants better than do sedimentation-filtration systems through the use of soil for removal and uptake. Requirements for irrigation dosing rate and minimum soil depth allow retention/irrigation systems to essentially remove all pollutants captured in the retention pond. Sedimentation-sand filters remove pollutants at a more modest rate, from 31% for nitrogen to 87% for sediment (see Environmental Criteria Manual section 1.6.5.C). The latter forms the basis of the “equivalency” calculation used to permit the use of smaller retention/irrigation systems in lieu of sedimentation-sand filtration systems where proposed. The former—nitrogen removal at only 31%—represents a major reason why retention/irrigation systems are required instead of sedimentation-filtration for all new development in the Barton Springs Zone. Nitrogen is a pollutant of especial concern in this sensitive area and is difficult to remove short of land application (e.g., irrigation). The proposed retention/irrigation system will provide the benefits of this higher rate of pollutant control for not only the subject townhome/mixed use tract but also for the existing Chase bank tract.

- 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 sedimentation/filtration ponds and SOS ponds. An operating permit will be obtained for the proposed retention/irrigation water quality control.*
- 6) *For a site with more than 40 percent net site area impervious cover, the redevelopment must have:*
 - a) *sedimentation/filtration ponds for the entire site; or*
 - b) *if approved by the director of the Watershed Protection and Development Review Department, SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the site.*

As stated above, the proposed site will provide sedimentation/filtration equivalency (at a higher level of pollutant removal using retention/irrigation) for the entire subject tract site and the adjacent 5.36 acre Chase bank site. The size of the proposed retention/irrigation pond is sufficient to also enable approximately 1.68-acres of the site to be treated to a full SOS-level of water quality treatment. This system is being reviewed for Departmental approval.

- 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: the subject tract has impervious cover greater than 40%.*
- 8) *The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (I). The proposed development will pay approximately **\$410,525** into the Barton Springs Zone Mitigation Fund per §25-8-27 (I). This dollar amount accounts for the portion of the property providing a level of treatment equivalent*

to sedimentation-filtration as required by §25-8-27 (F), effectively enabling a 20% overall level of impervious cover between the subject tract and off-site mitigation land. An estimated 23.9 acres of land can be permanently protected using the mitigation funds. The portion of the site treated to a full SOS-level of water quality enables the applicant to proportionately reduce the off-site mitigation fee required.

City Council Approval Required: Section 25-8-27(G) outlines five thresholds, any one of which, if surpassed, trigger a requirement for City Council approval. Staff has determined that City Council approval is required for this redevelopment proposal in accordance with §25-8-27 (G)(1) because the proposed development includes more than 25 residential units. None of the other four thresholds is triggered, as follows:

- 1) *Includes more than 25 dwelling units.* Yes - The site plan proposes a mixed-use development with 229 units, as well as office/retail/restaurant uses.
- 2) *Is located outside the City's zoning jurisdiction.* No - The property is located within the City's zoning jurisdiction.
- 3) *Is proposed on property with an existing industrial or civic use.* No - The property has only existing commercial land uses.
- 4) *Is inconsistent with a neighborhood plan.* No - The property is not located within a neighborhood plan area.
- 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.* No - The estimated traffic calculated to be generated from the proposed use of the site is less than 2,000 vehicle trips a day above that of the most recent authorized (cinema) use of the property.

City Council Considerations: City Council approval is required due to the inclusion of more than 25 residential units in the project. §25-8-27 (H) requires that City Council consider the following four factors in determining whether to approve a proposed redevelopment:

- 1) Benefits of the redevelopment to the community;
- 2) Whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
- 3) The effects of offsite infrastructure requirements of the redevelopment; and
- 4) Compatibility with the city's long-range planning goals.

Staff evaluated the proposed redevelopment and believes that the redevelopment meets these factors. The following is a summary of the staff evaluation for each of the factors:

(1) Benefits of the redevelopment to the community.

The site is currently an abandoned cinema. Redevelopment of this site will provide the following economic and community benefits. (Environmental benefits discussed below.)

- a) Remove existing, abandoned buildings and return the site to positive use;
- b) Provide mix of residential & commercial uses compatible with adjacent land uses;
- c) Increase tax base; and

- d) Provide parkland dedication where none provided by previous use.

(2) Whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment.

The baseline environmental requirements in Section §25-8-27 (F) are designed to meet the spirit and intent of the SOS Ordinance. Key elements of the SOS Ordinance include very low levels of impervious cover (15 to 25%, depending on location) and high-performance structural water quality controls. The SOS Ordinance also calls for water quality retrofits of existing, uncontrolled development.

As stated above, a project complying with the BSZ Redevelopment Exception must provide on-site water quality controls; provide enough pervious land between the developed tract and off-site mitigation land to provide an overall footprint of 20% impervious cover or less; and must meet with key environmental requirements (stream setbacks, erosion & sedimentation controls, etc.). The 16.24-acre project will contribute approximately \$410,525 into the Barton Springs Zone Mitigation Fund to permanently protect an estimated 23.9 acres of off-site mitigation land. These lands will likely be in locations with regulatory requirements less protective than within the City of Austin's jurisdiction. The intent of the Redevelopment Exception ordinance was also to enable redevelopment of "greyfield" sites closer in to Austin's core in place of new "greenfield" development on the periphery. The subject tract is approximately 3.3 miles from downtown Austin.

The one consideration triggering Council approval of the project is that of the number of residential units. The net positive environmental impact of the project is expected to outweigh and offset the negative impacts. The inclusion of residential units (town homes, etc.) is expected to change the characteristics of the stormwater runoff, specifically increasing the possibility of increased nutrient loads (from landscaping fertilizers, etc.). The project proposes to build a retention-irrigation water quality control, which should more than compensate for the present sedimentation/sand filtration pond, which has poor nutrient removal capability. The project will also provide an Integrated Pest Management Plan and will select plants from the Grow Green plant list, both which should help reduce introduced landscaping pollutants. The portion of the site set aside for Hill Country Roadway compliance will include dense vegetative plantings and natural restoration of some areas.

The project also proposes a One-Star Green Building level.

(3) The effects of offsite infrastructure requirements of the redevelopment.

The proposed offsite infrastructure consists of replacing a six-inch diameter wastewater force main with an eight-inch diameter, gravity wastewater line. This line will connect to an 8-inch existing wastewater line in Walsh Tarlton Lane. The proposed development would produce a larger volume of wastewater; however, its peak production would not increase. Gravity wastewater lines do not rely on electrical power and are less subject to failure than force mains. The new offsite infrastructure and onsite improvements will allow for a higher level of

wastewater service and, therefore, greater single and multi-family density than would the current service commitment (see discussion of stormwater characteristics above).

No net increase in traffic is expected from the project. The expected average daily traffic counts are calculated to be smaller with the proposed use than the existing permitted use (cinema); therefore, no increased auto-related issues are anticipated.

(4) Compatibility with the city's long-range planning goals.

The subject tract is located in the Urban Core within the City of Austin's full-purpose zoning jurisdiction and must meet all relevant requirements, including compatibility standards and Commercial Design Standards. The proposed development will be a mixed-use project with residential, office, retail and restaurant uses. The buildings will be required to blend with the Hill Country setting. Several neighborhood groups have expressed support of the project. The subject tract is not located in a Neighborhood Planning area. The site is also located directly along Capital Metro bus route 30. The area also has good bicycle-pedestrian connectivity and is located along existing (Route 15 on Walsh Tarlton and shared route path on Mopac) and planned (Mopac bridge over Barton Creek) bicycle route facilities.

STAFF RECOMMENDATION:

Staff recommends approval of the redevelopment exception. The site plan will comply with all other applicable requirements of the Land Development Code prior to its release.

ENVIRONMENTAL BOARD ACTION:

The Environmental Board will consider a recommendation for this case on August 4, 2010.

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