



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: January 16, 2008

NAME AND NUMBER OF PROJECT: 2203 Manana Boat Dock
SP-2007-0633D

NAME OF APPLICANT OR ORGANIZATION: Aupperle Company
Bruce Aupperle (329-8241)

LOCATION: 2203 Manana

PROJECT FILING DATE: November 14, 2007

WPDR/ENVIRONMENTAL STAFF: Betty Lambright, 974-2696
betty.lambright@ci.austin.tx.us

WPDR/ CASE MANAGER Sarah Graham, 974-2826
sarah.graham@ci.austin.tx.us

WATERSHED: Lake Austin (Water Supply Rural)

ORDINANCE: Comprehensive Watershed Ordinance (Current Code)

REQUESTS: Variance requests to fill in an existing man-made boat slip:
LDC Section 25-8-261 (Critical Water Quality Zone Development)
and 25-8-452 (Critical Water Quality Zone)

STAFF RECOMMENDATION: Recommended (Consent)



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review Department

DATE: January 16, 2008

SUBJECT: 2203 Manana Boat Dock/SP-2007-0633D

Description of Property

The subject property is located in the Lake Austin Watershed, which is classified as a Water Supply Rural Watershed. The site is not located over the Edwards Aquifer Recharge Zone. It is within the City of Austin's jurisdiction, and is zoned LA. The proposed improvements include demolition of an existing boat dock, filling of an existing cut-in boat slip, the building of a two-slip boat dock and the installation of approximately 40 linear feet of bulkhead. The necessary fill will be 4 feet or less.

Please see the attached photo of the existing structures. The covered slip is considered an existing non-complying structure, as the cut into the shoreline was done before current regulations were in effect. Abandonment of the man-made slip is not allowed under current regulations without the requested variances.

Critical Environmental Features/Endangered Species

There are no Critical Environmental Features on or within 150' of the property.

Variance Requests

The applicant is proposing to fill an existing manmade boat slip and construct new boat slips in the Critical Water Quality Zone. The project will require variances from Sections 25-8-261 (Critical Water Quality Zone Development),

25-8-452 (Critical Water Quality Zone; Water Supply Rural Watershed) and 25-8-341 (Cut Requirements). Section 25-8-452 states that no development is allowed within a Critical Water Quality Zone of a Water Supply Rural Watershed unless it is allowed under Section 25-8-261. This type of development is not allowed under 25-8-261, so it is necessary to ask for a variance from both code sections.

Recent Variance

The Environmental Board recommended conditional approval (7-0-0-1) of the following project on June 6, 2007: 4600/4604 Island Cove (SP-2007-0202D).

Conditions were to deploy a silt boom as needed to minimize suspension and distribution of silt in water outside of fill area.


Recommendations

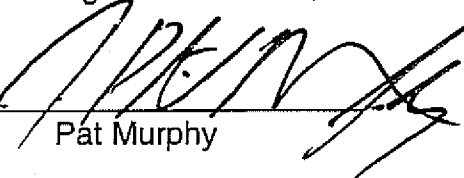
Staff recommends the variances for the demolition of the existing boat slip and construction of the new boat slips because the findings of fact have been met.

If you have any questions or need additional information, please feel free to contact me at 974-2696.



Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Lead: 
Ingrid McDonald

Environmental Officer: 
Pat Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: **2203 Manana Boat Dock**
Application Case No: **SP-2007-0633D**
Code Reference: **LDC 25-8-261 and 25-8-452**
Variance Requests: **Construction in the Critical Water Quality Zone**

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. Other property owners along the lake encumbered with an existing man-made boat slip cut into the shoreline before current regulations were in effect have been granted similar variances.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The applicant has an existing man-made boat slip that was cut into the shoreline before current regulations were in effect. Abandonment of the existing man-made slip is not allowed under current regulations without these variances.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. Variances from these sections of the Code, along with the proposed construction, would be the minimum change necessary to allow this applicant privileges given to other property owners with similar site constraints.

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

Yes. The proposed construction associated with these variances will not create a significant probability of harmful environmental consequences.

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

Yes. Water Quality should remain unchanged on the property.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. The criteria listed above for granting a variance has been met.

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

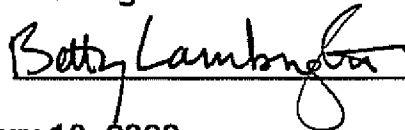
Yes. Disapproval of the variances will result in the applicant's inability to enjoy similar variances given to other property owners.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. The variances are the minimum change necessary to allow a reasonable use of lake access.

Reviewer Name: Betty Lambright

Reviewer Signature:



Date:

January 10, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



Aupperle Company

2219 Westlake Drive #110, Austin, Texas 78746

Phone & Fax (512) 329-8241

Email: Aupperle@att.net

APPENDIX U FINDINGS OF FACT

Administrative Variances – Findings of Fact

Project: 2203 Manana Street, Shoreline Modifications for Boat Docks, Case SP-2007-0633D

Ordinance Standard: 25-8-261(C) – Critical Water Quality Zone Development and 25-8-452 Critical Water Quality Zone

§ 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT...

(C) Along Lake Travis, Lake Austin, or Town Lake:

(1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone; and

§ 25-8-452 CRITICAL WATER QUALITY ZONE...

Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 (Critical Water Quality Zone Restrictions).

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly timed development? **YES**

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the ones proposed for 2203 Manana Street. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. The Special Circumstances are attributable to City staff. Staff chooses to enforce policies applicable to boat docks which are not available to the public and that prohibit certain aspects of a boat dock, i.e. demolish an existing boat dock, restore a man-made cut-in boat slip by placement of bulkhead and fill within the existing slip and construction of a new two-slip boat dock lakeside. Strict application of staff policies would deprive this property owner of the boat dock as proposed which is allowed under Section 25-8-261 (C).

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate

a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 2203 Manana Street. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. As proposed there are no departures from the terms of the current code and no significant probabilities of harmful environmental consequences will occur from the construction of the proposed boat dock.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**

The owner of the property will not enjoy any special privileges not enjoyed by other, similar properties. There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 2203 Manana Street. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property? **YES**

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 2203 Manana Street. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. Therefore, the requirement to require an approved variance to construct a boat dock as proposed in the Critical Water Quality Zone would diminish the land owners' property rights and the property owners' reasonable and economic use of the property.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

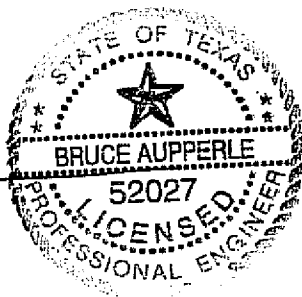
NOT APPLICABLE

No variances for this section are proposed within the Barton Springs Zone.

Submitted by:

Aupperle Company


Bruce S. Aupperle, P.E.





Aupperle Company

2219 Westlake Drive #110, Austin, Texas 78746
Phone & Fax (512) 329-8241
Email: Aupperle@att.net

January 9, 2008

Ms. Betty Baker, Chair
Zoning & Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Engineer's Variance Request Letter
Shoreline Modifications - Bulkhead and Fill of Existing Boat Slip
2203 Manana Street, Lots 1 & 2 of the Manana Villas Subdivision
Site Plan Permit with Variances to Art.7, Div. 1, Section 25-8-452 and 25-8-261
City File # SP-2007-0633D

Dear Chair Baker:

At the request of the owner we have submitted a site plan application to demolish an existing boat dock, to bulkhead and fill an existing cut-in boat slip and to build a new two-slip boat dock at the subject address. The proposed improvements include construction within the Critical Water Quality Zone.

General Overview

Approximate 40 linear feet of lakeside bulkhead will be installed and the existing cut-in boat slip will be filled. The surface area of water within this slip is approximately 610 square feet. The average depth of fill will be 4 feet. The fill volume will be approximately 90 cubic yards. If approved, the variance will allow the applicant to bulkhead and fill the existing cut-in boat slip.

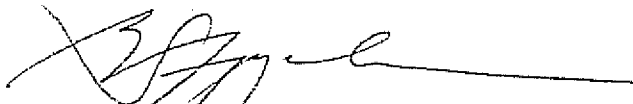
Environmental Assessment

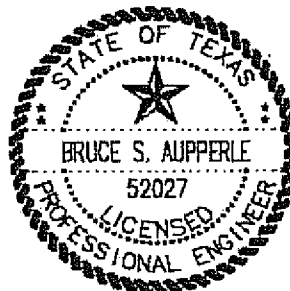
Vegetation Element: No trees will be removed during the construction of the proposed improvements. *Geologic Element:* The site is located in Lake Austin and the soils are predominantly sedimentary with some boulders. There is no known karst or other critical environmental features within 150 feet of the proposed improvements. *Wastewater Element:* No wastewater (or water) service is proposed for this project.

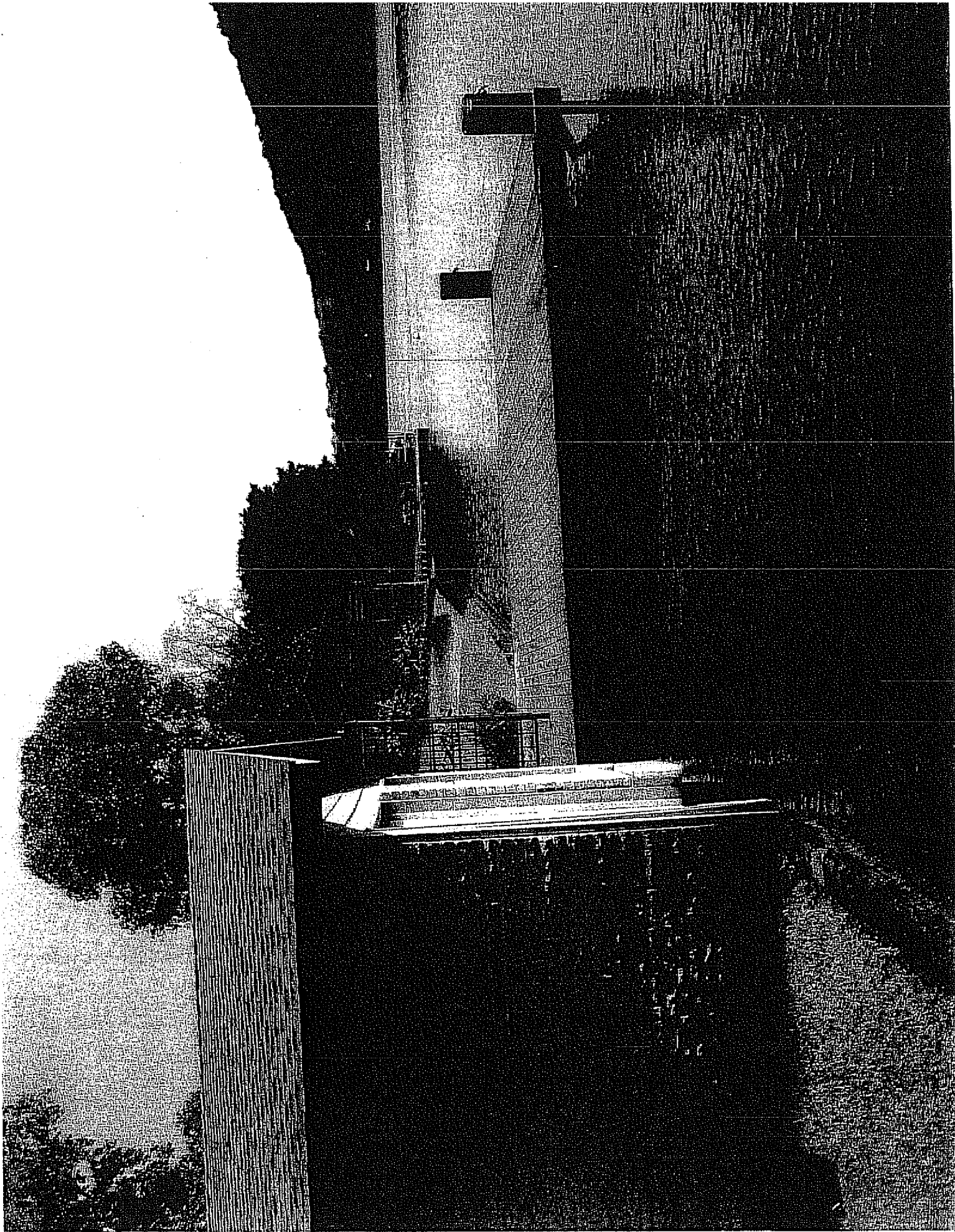
Other Issues

Any disturbed areas will be revegetated. The project as designed is in substantial compliance with the applicable requirements of the City of Austin Development Code. There will be no adverse impact on the natural and traditional character of the land or waterways. If you have any questions, please feel free to call.

Very truly yours,


Bruce S. Aupperle, P.E.
Aupperle Company

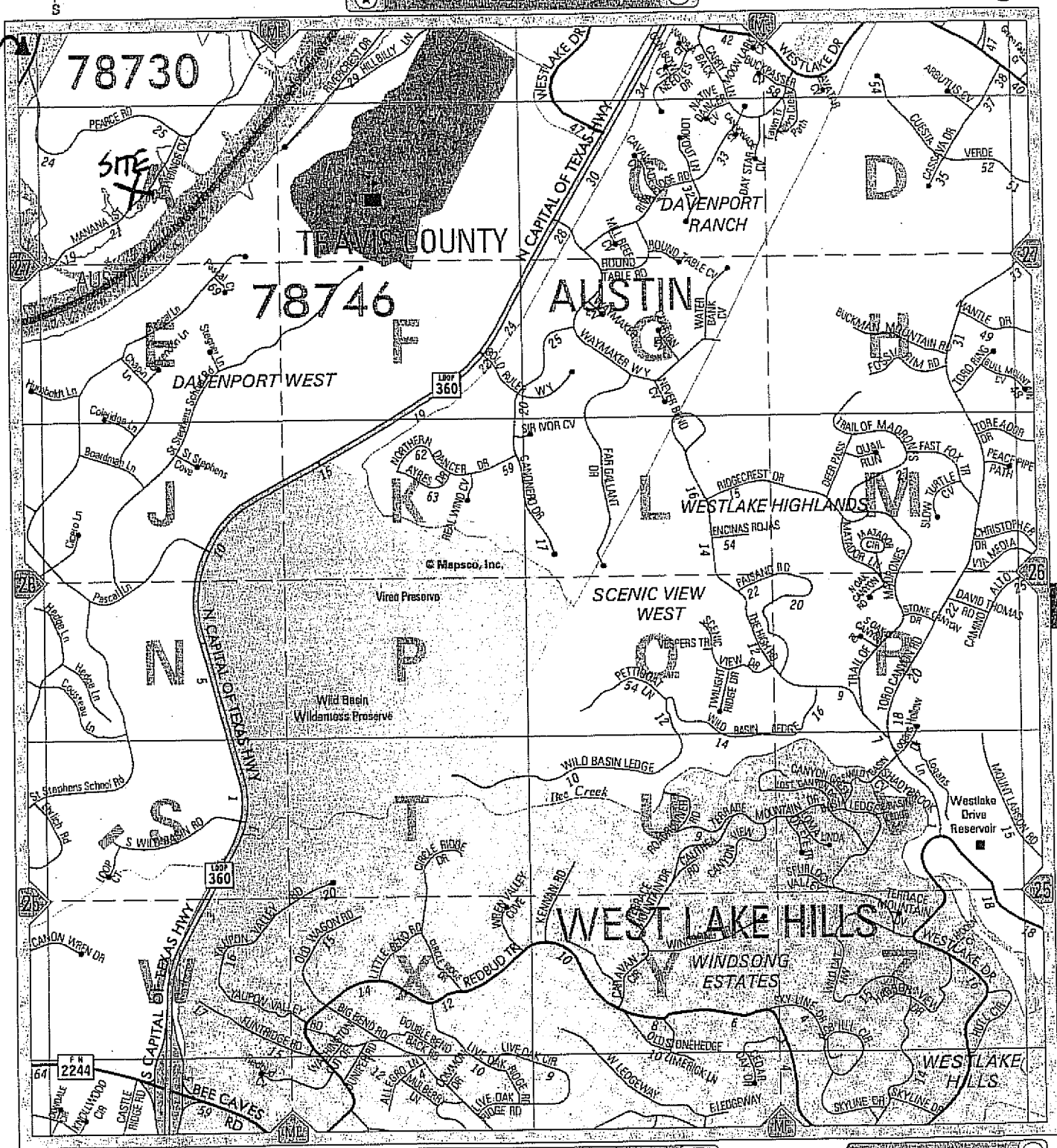




PEARCE RD. TURN RIGHT OFF PEARCE RD TO
2203 MANANA ST.

553

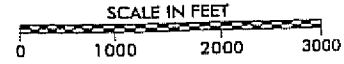
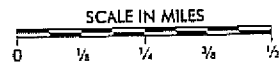
CITY PARK RD



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ENVIRONMENTAL BOARD MOTION 011608-A3

Date: January 16, 2008

Subject: Consent Agenda

Motioned By: Dave Anderson, P. E.

Seconded by: Phil Moncada

Recommendation

The Environmental Board recommended the following cases be approved by consent, with no staff conditions and no board conditions:

1. The Mañana Boat Dock
2. The adoption of the Revised Recharge Zone Map for the Barton Springs Segment of the Edwards Aquifer.

Vote 7-0-0-0-0

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

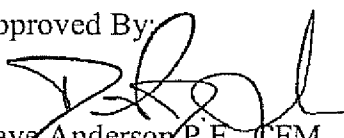
Against:

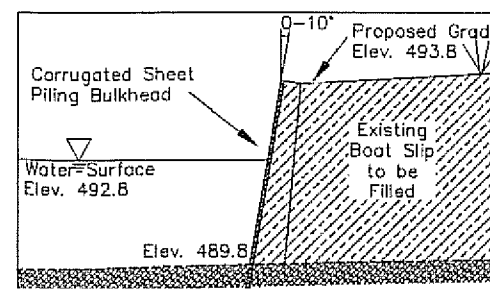
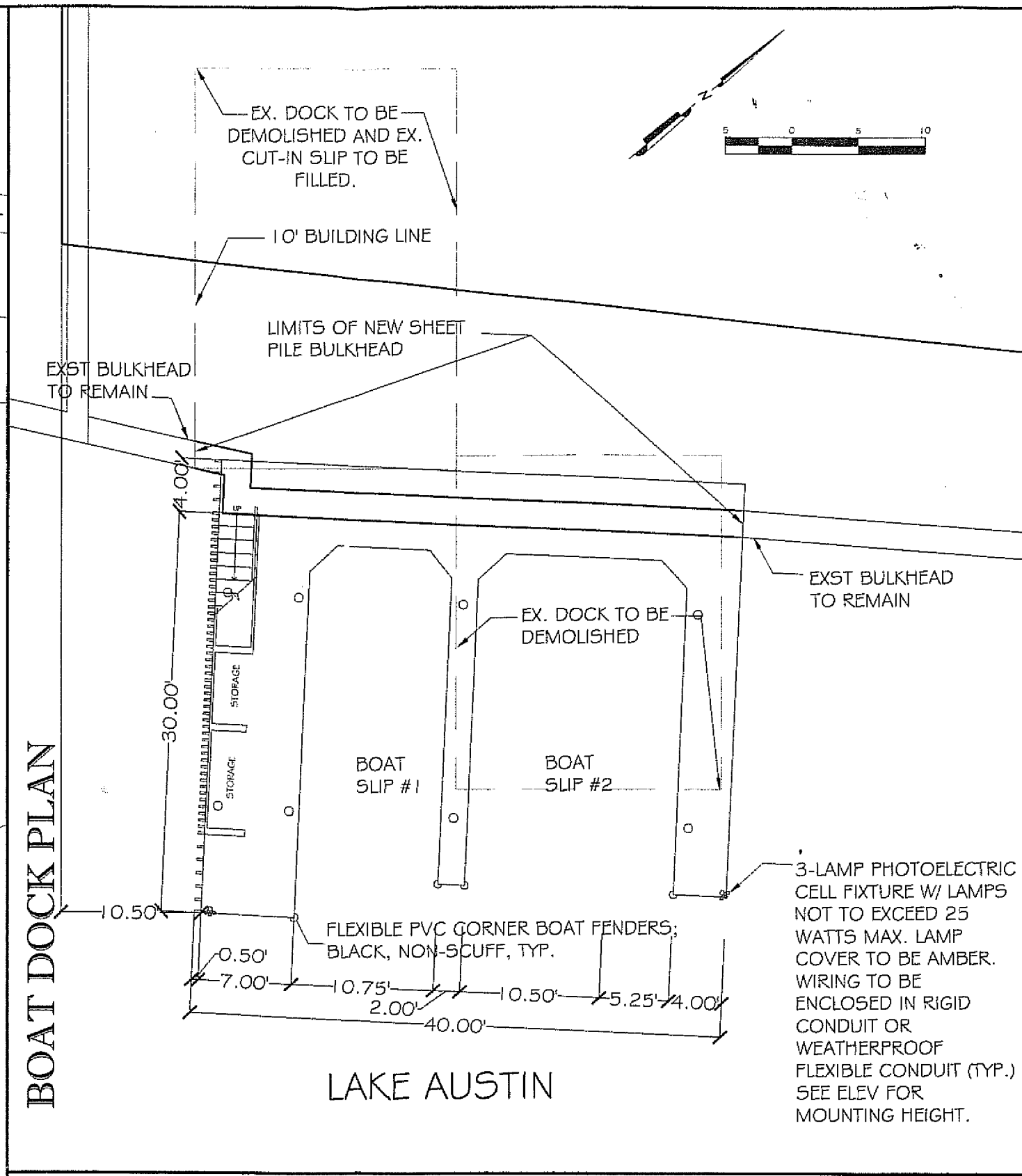
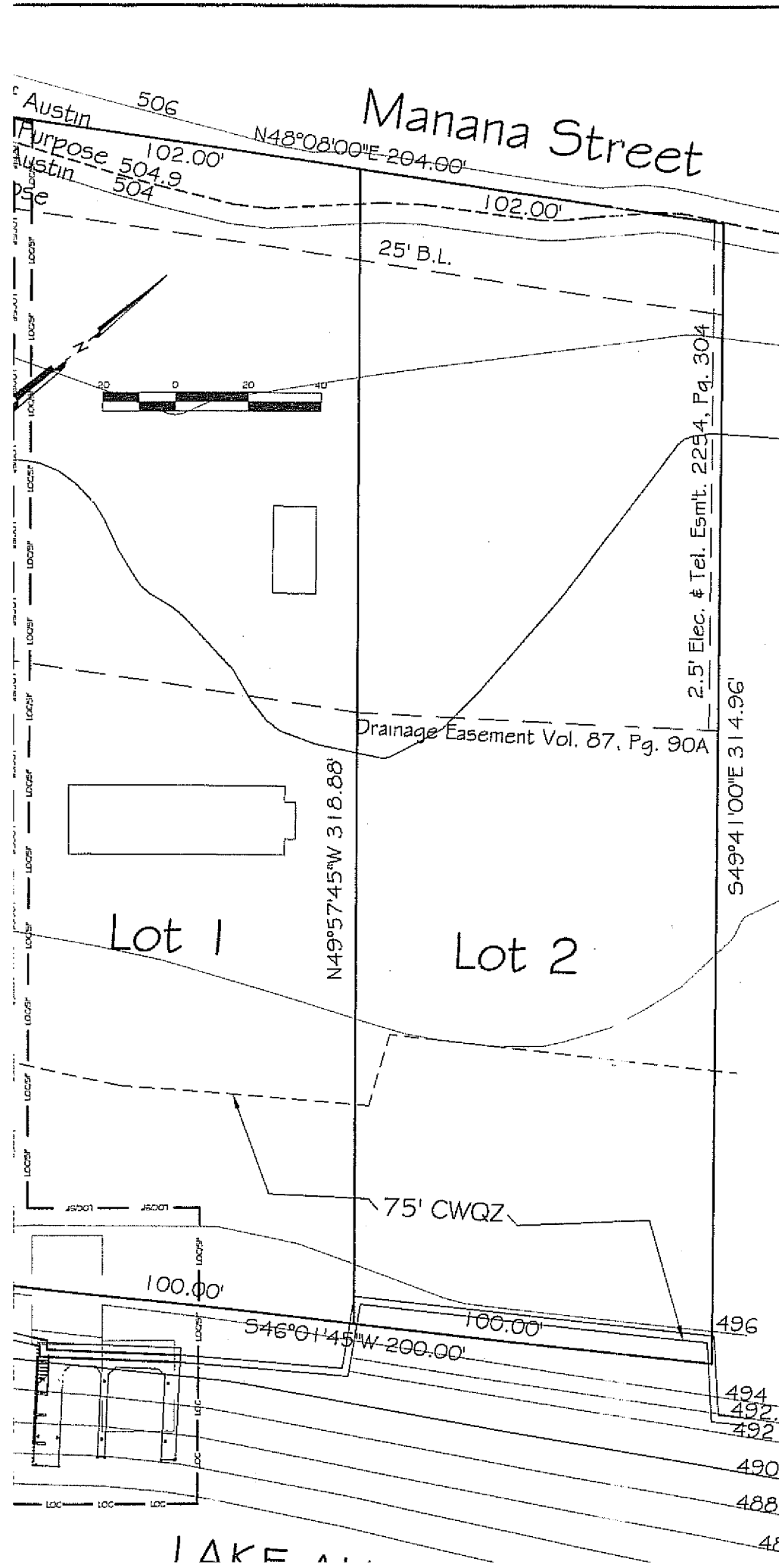
Abstain:

Absent:

Recused:

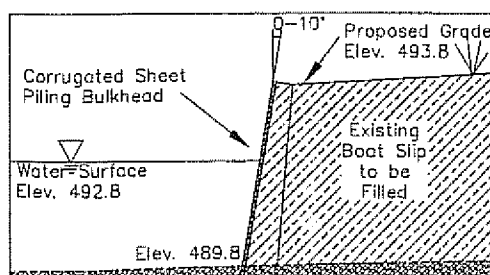
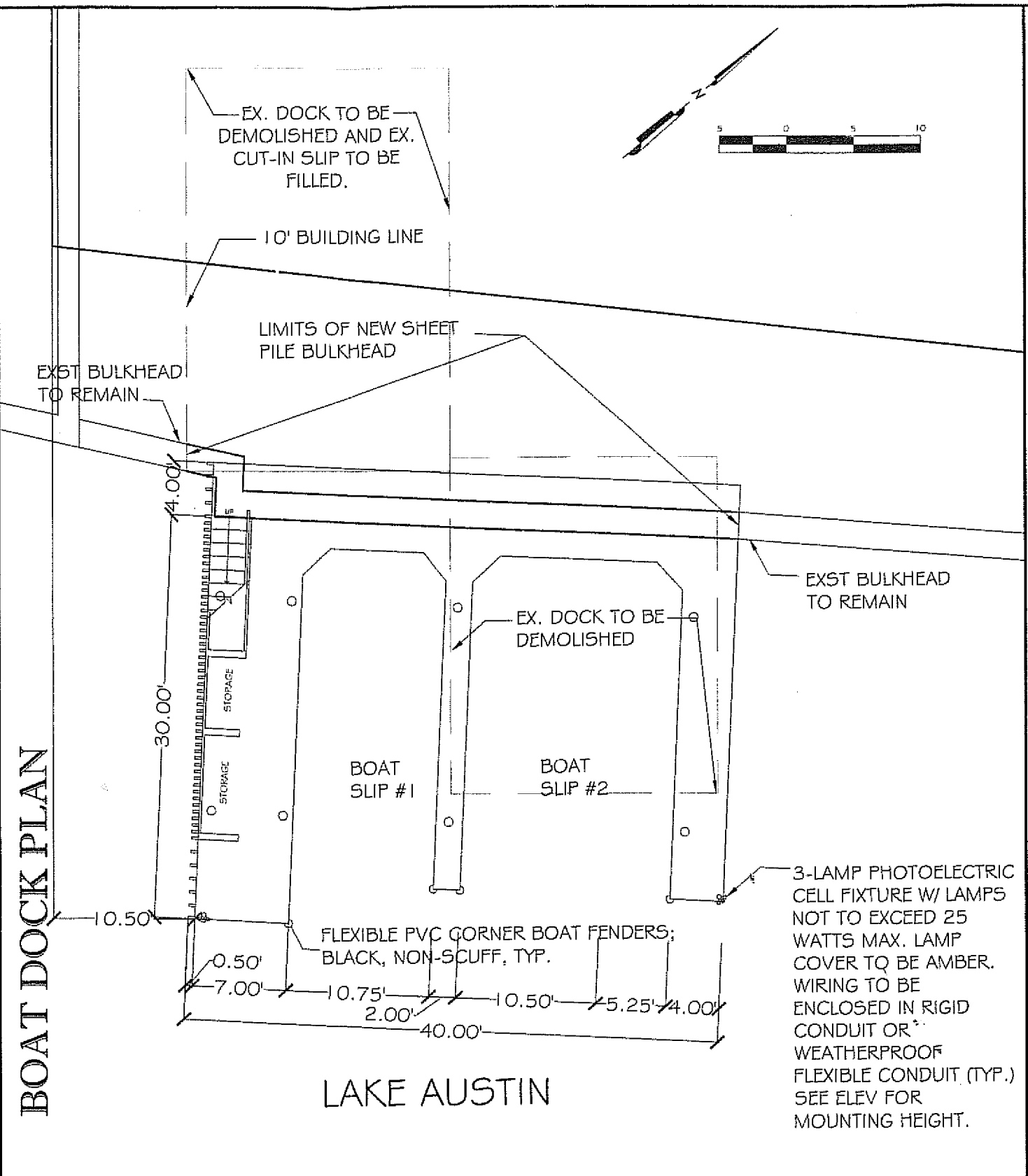
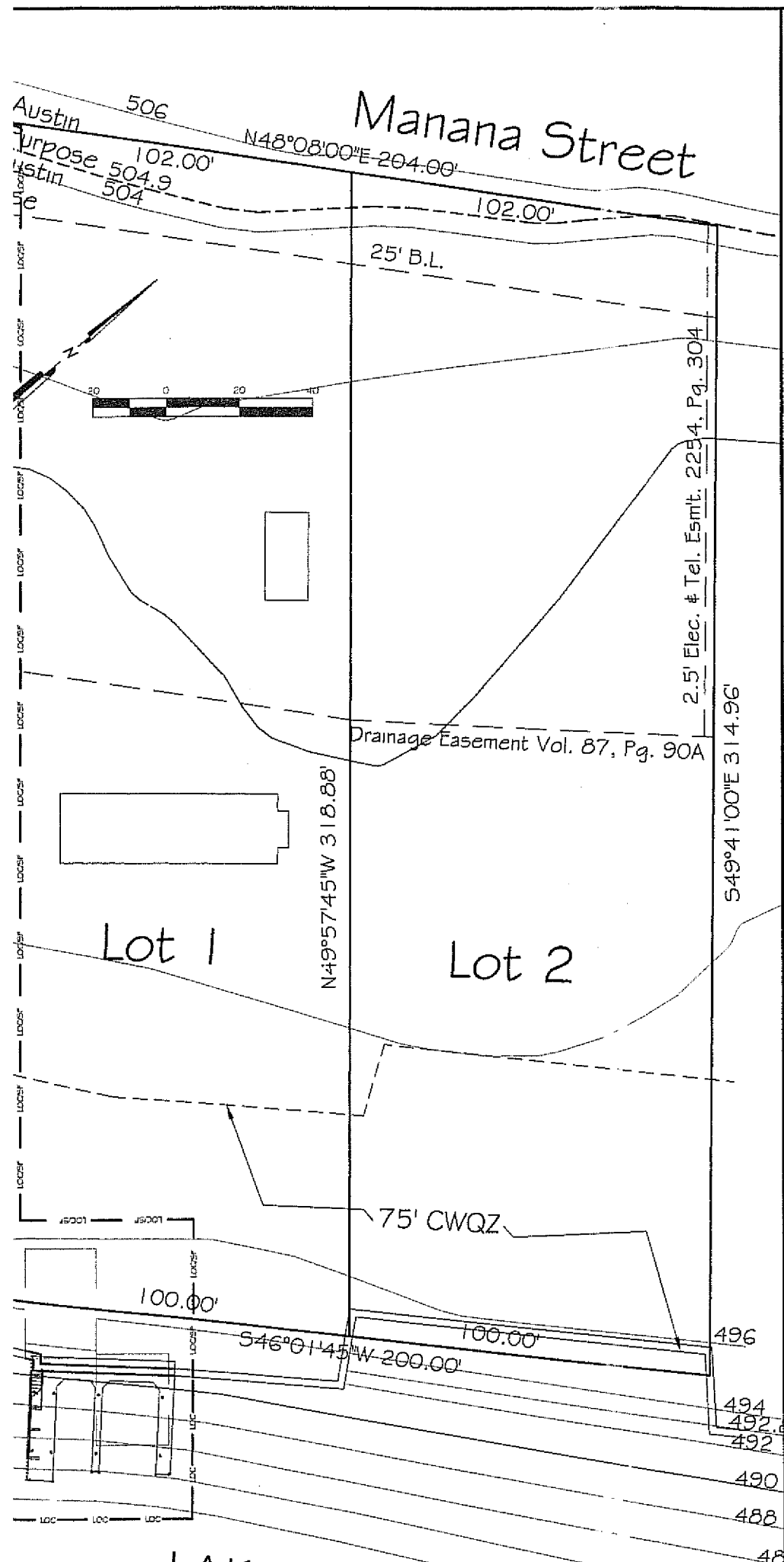
Approved By:


Dave Anderson P.E., CFM
Environmental Board Chair



All responsibility for the adequacy of these plans remain with the engineer who prepared them. In approving these plans, the City of Austin must rely upon the adequacy of the work of the design engineer.

2203 MANANA STREET SITE PLAN & BOAT DOCK PLAN	AUPPERLE COMPANY Engineering, Planning & Development Services 10088 Circleview Drive Austin, Texas 78733 512 422-7838		NO.	DATE	REVISION	APPROVED



All responsibility for the adequacy of these plans remain with the engineer who prepared them. In approving these plans, the City of Austin must rely upon the adequacy of the work of the design engineer.

2203 MANANA STREET	APPROVED
SITE PLAN & BOAT DOCK PLAN	REVISION
	DATE
	NO.
<p>AUPPERLE COMPANY Engineering, Planning & Development Services 10088 Circleview Drive Austin, Texas 78733 512 422-7838</p>	



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: January 16, 2008

NAME/PROJECT NUMBER The Venue at Lake Travis / CD-2007-0012

**NAME OF APPLICANT
OR ORGANIZATION:** Clark, Thomas and Winters, P.C.
(John M. Joseph - Phone 495-8895)

LOCATION: 6710-1/2 N. R.M. 620 Road

PROJECT FILING DATE: July 6, 2007.

**WPDR/ENVIRONMENTAL
STAFF:** Teresa Alvelo, 974-7105 / teresa.alvelo@ci.austin.tx.us

WPDR CASE MGR. Jorge Rousselin, 974-2975 / Jorge.rousselin@ci.austin.tx.us

WATERSHED: Lake Travis (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

EXCEPTIONS TO CODE:

1. To include wastewater irrigation acreage in the net site area calculation [LDC 25-8-62],
2. To reduce or eliminate the setback buffer from a critical environmental feature (CEF) [LDC 25-8-281],
3. To allow construction on slopes [LDC 25-8-301/302],
4. To allow cut/fill to exceed four feet [LDC 25-8-341/342],
5. To exceed the maximum allowable impervious cover limits [LDC 25-8-454 (D)(1)].

STAFF RECOMMENDATION: Not recommended.

Reason for Recommendation: The proposal does not provide for a superior project.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Teresa Alvelo, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: January 16, 2008.

SUBJECT: The Venue at Lake Travis Planned Unit Development (PUD)
6710-1/2 N FM 620 Road
CD-2007-0012

This PUD application is comprised of two tracts. The proposed PUD will present a Town Center concept that will include high-density retail, office space, residential-above-retail, and a hotel, along with an amphitheater, baseball/softball fields, parks and walking trails.

Description of Project Area

The subject area is located in the City of Austin's two-mile ETJ at the intersection of R.M. 620 and F.M. 2222 in Travis County. Tract one is a 42-acre tract located on the northwest side of R.M. 620 at F.M. 2222, and tract 2 is a 36-acre tract immediately adjacent to tract 1. The tracts lie within the Drinking Water Protection Zone, and are located over the Edwards Aquifer Recharge Zone. There are critical environmental features (CEF's) located on this site. There is no floodplain, Critical Water Quality Zone (CWQZ), or Water Quality Transition Zone (WQTZ) associated with this site. This project is not subject to tree preservation, landscaping or Hill Country Roadway ordinances, as it is located outside the City of Austin's zoning jurisdiction.

The net site area is 47.53 acres. Much of the undevelopable acreage is due to slopes exceeding 15%. Current code allows a maximum allowable impervious cover of 20% (9.52 acres). The applicant is proposing to develop up to 50% (23.78 acres) net site area impervious cover. The applicant seeks to include uplands wastewater irrigation acreage in the net site area calculation, which is disallowed by LDC 25-8-62. The applicant has requested an exception to construction on slopes (LDC 25-8-301/302) in order to construct a driveway over slopes exceeding 15%, and a parking structure on slopes

exceeding 25%. In addition, cut/fill is proposed for depths up to 20 feet in order to meet engineering specifications for construction of this project.

In order to address some of the excess in proposed impervious cover, the applicant has proposed to preserve a 15-acre tract (mitigation tract) of land as undeveloped. The land preservation can take effect by way of a conservation easement. In 2006, the applicant filed a site plan application that received Chapter 245 determination for the 15-acre tract. The determination grandfathered the tract back to 1970. The tract was granted a maximum of 5.74 acres (250,000 sf) of impervious cover. That application has expired. The location address is 3845 F.M. 2222. It is located in the Dry Creek North watershed / Water Supply Suburban. This lot is not located over the Edwards Aquifer Recharge Zone, and there is no floodplain associated with this property.

The Venue at Lake Travis project proposes to comply with current landscaping, Hill Country Roadway, and tree preservation ordinances. In addition, state-of-the-art water quality will be provided, Green Building Rating of at least 3.0 for all buildings, rainwater collection and irrigation from all buildings, and an IPM Plan.

Hydrogeologic Report

Tarrant soils (TaD) dominate the site, occurring on moderate (5-18 percent) slopes in the upland portions of the site. These are very shallow, stony clay soils formed on hard limestone. Soils are typically less than 6 inches thick, interrupted by frequent boulders and bedrock exposures.

Brackett-Rock outcrop complex (BoF) occurs on the steep (12-60 percent) slopes found along the canyons at the site. The unit includes Brackett thin clay loam mixed with limestone cobble and boulders. The soils attain thicknesses of 18 inches and are moderately permeable.

Water and Wastewater

Part of this site is served by wastewater irrigation (on-site septic), and has accessibility to WCID #17. The applicant is unclear at this time which wastewater system may be utilized for wastewater services.

Vegetation

Native vegetation noted within the subject area includes mostly Ashe juniper, some live oak, Spanish oak, hackberry, greenbriar, cedar elm, and common grasses.

Critical Environmental Features

There are a total of sixteen critical environmental features associated with this site. The features most affected by proposed development are two solution cavity/sinkholes (K06 and COA 13), and K14 (rimrock). The solution cavity/sinkholes will receive 50-foot setbacks, and the rimrock feature will receive a 150-foot setback. The remaining CEF features are located a distance from development and are protected from encroachment via the rimrock setback. The COA Hydrogeologist has not completed her analysis of this project. A survey of the features is required in order to determine the proximity of

proposed development to each feature. Also, she will provide input addressing the PUD requirements of an abandoned landfill located near the head of the tributary just south of Bullick Hollow Road, among other items.

Zoning and Platting Commission Variance Request(s)

The applicant is requesting exceptions to the following code:

1. **Exception from Land Development Code Section 25-8-62 (A) – Net Site Area**
Net site area includes only the portions of a site that lie in an uplands zone and have not been designated for wastewater irrigation.

The applicant wishes to include uplands wastewater irrigation acreage in the net site area calculation.

2. **Exception from Land Development Code Section 25-8-281 (C) (1) – Critical Environmental Features**
A buffer zone is established around each critical environmental feature.

Proposed development may encroach on one or more CEF setbacks.

3. **Exception from Land Development Code Section 25-8-301/302 – Construction on Slopes**
301: *A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent....*
302: *A person may not construct a building or parking structure on a slope with a gradient of more than 25 percent...*

The applicant has requested exceptions to this code to construct a driveway over slopes exceeding 15%, and a parking structure on slopes exceeding 25%.

4. **Exception from Land Development Code Section 25-8-341/342 – Cut/Fill Exceedances**
Cut/fill shall not exceed four feet.

In order to adequately construct drives, parking, and structures, cut/fill up to 20 feet is required in order to construct drives and structures.

5. **Exception from Land Development Code Section 25-8-454 (D) (1) - Uplands Zone**
Impervious cover may not exceed 20% for commercial or multi-family use.

The applicant is proposing a maximum allowable impervious cover of 50% net site area.

The applicant is proposing the following in seeking support for this PUD:

- 1) To comply with current COA Hill Country Roadway, Landscaping, and Tree Preservation ordinances.
- 2) To preserve a large, undeveloped 15-acre tract to remain undisturbed and undeveloped.
- 3) To provide an IPM Plan.
- 4) To provide a minimum 3.0-star Green Building rating for all buildings.
- 5) To provide a rainwater collection and irrigation system from all buildings.

Recommendations:

Staff does not recommend approval of this project. The PUD project seeks to develop up to a maximum 50% (23.78 acres) of impervious cover, net site area; 30% (14.26 acres) over the code allowable of 20% (9.52 acres). The proposed mitigation tract offers approximately 5.74 acres of impervious cover, but this acreage falls short in accounting for the 14.26-acre overage. Also, the proposed mitigation tract is located in a less-sensitive watershed, thereby not providing conservation acreage in a watershed that is at least as sensitive as the PUD watershed. Lastly, the mitigation tract is not located in close proximity to the proposed PUD.

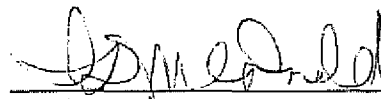
Staff does not support approval of this PUD application.

If you have any questions or need additional information, please contact Teresa Alvelo at 974-7105.

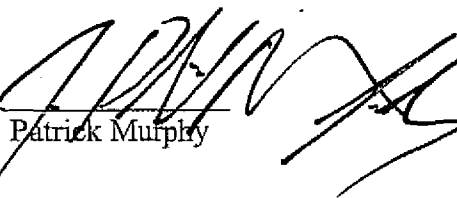


Teresa Alvelo, Environmental Reviewer
Watershed Protection and Development Review Department

Environmental Program Coordinator:


Ingrid McDonald





Environmental Officer:


Patrick Murphy

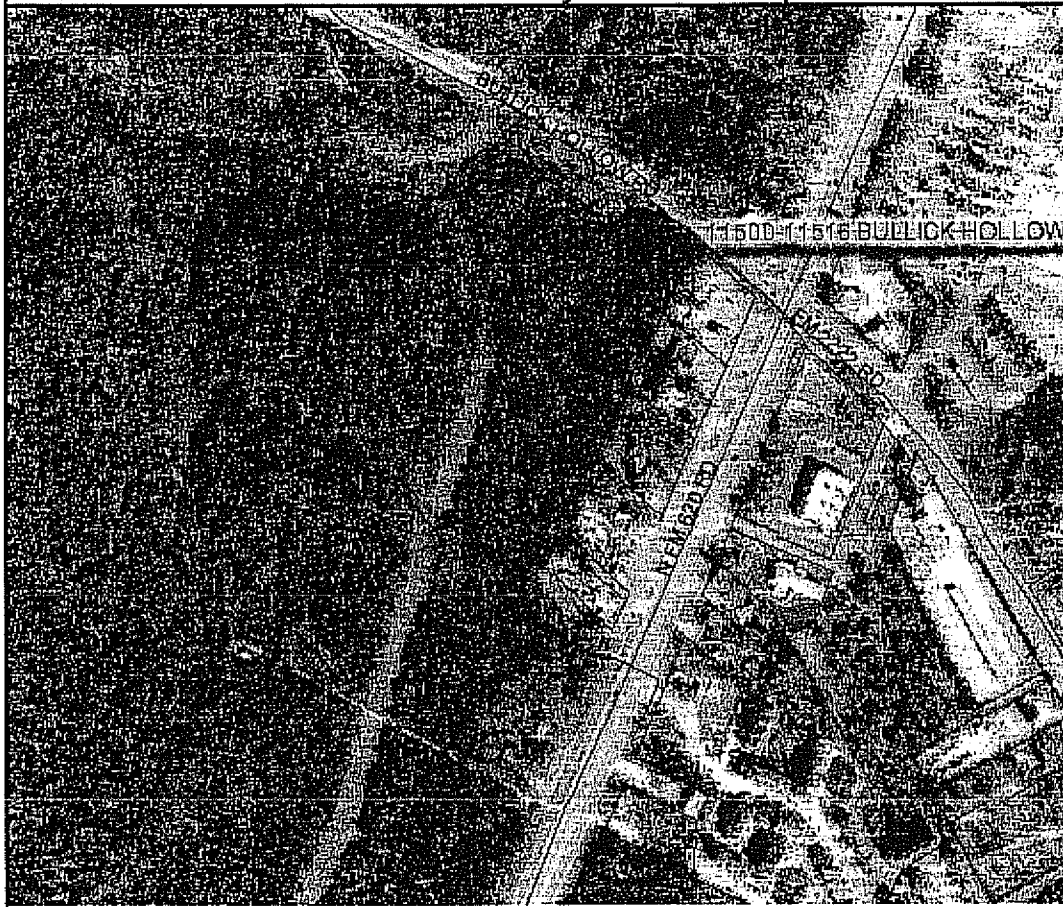
City of Austin Map

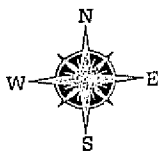


Legend

-  Street Center Line
-  Lot Line
-  Creeks
-  Lakes and Rivers

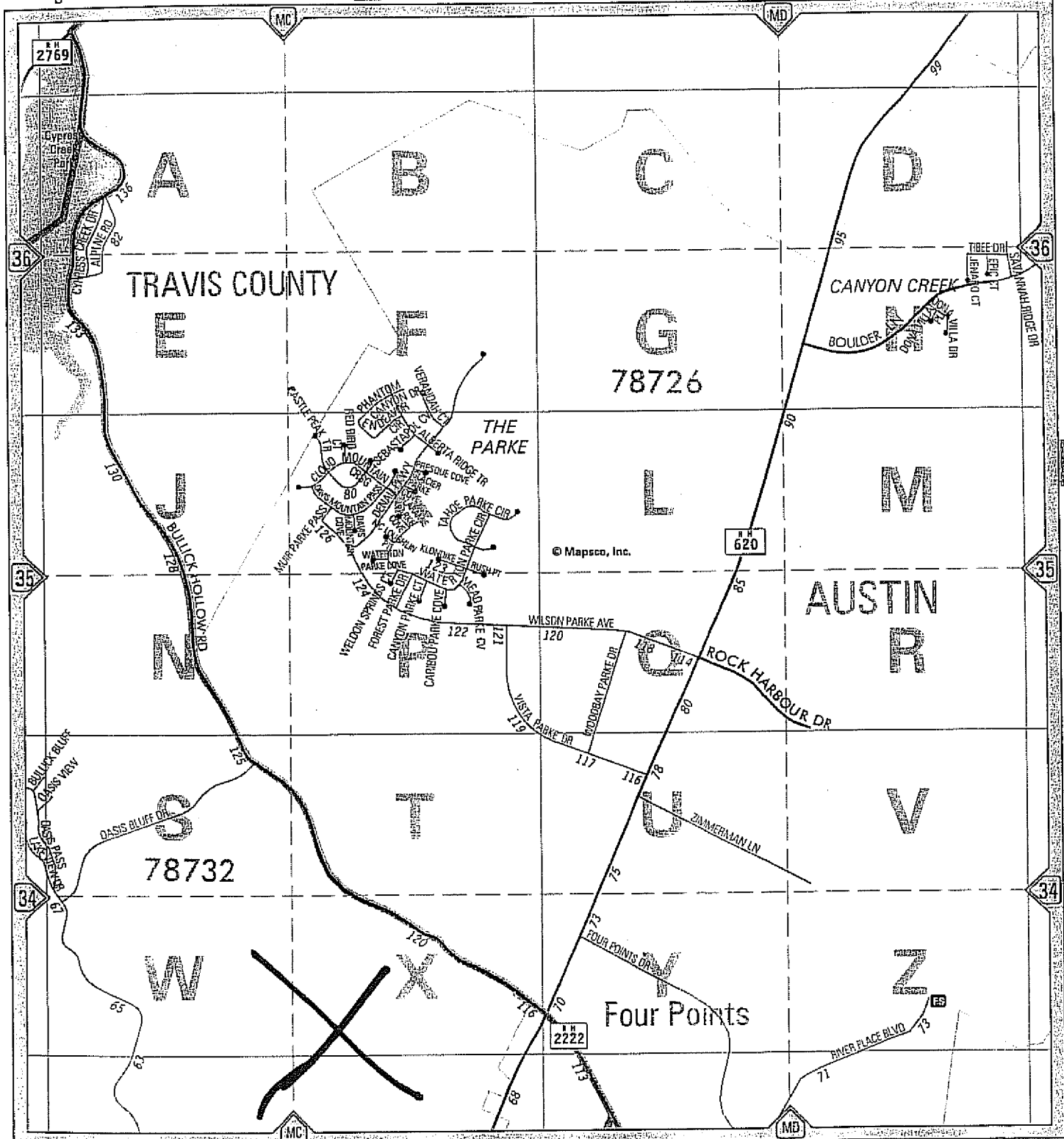
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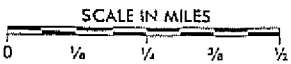


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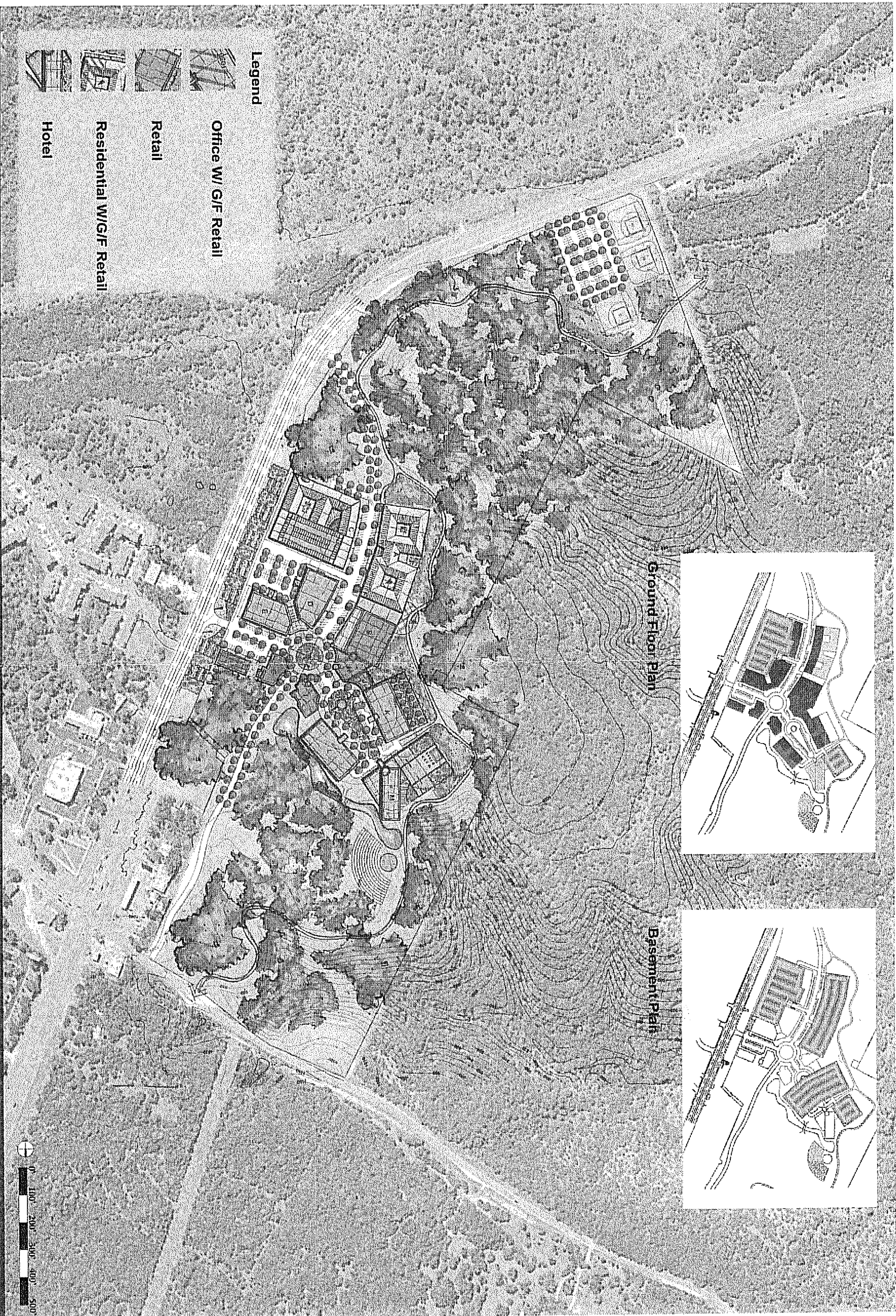
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Legend



Office W/ G/F Retail



Retail

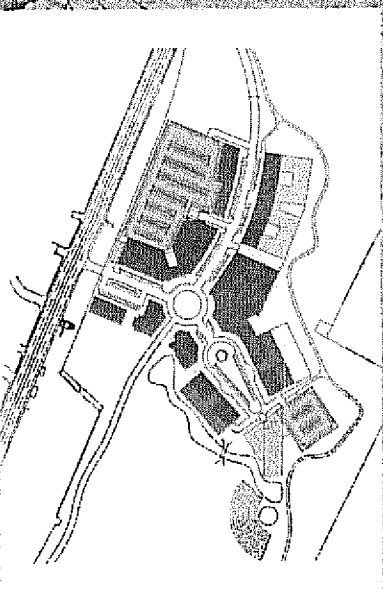


Residential W/G/F Retail

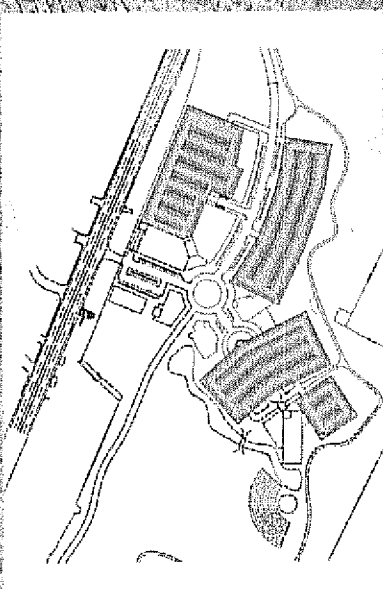


Hotel

Ground Floor Plan



Basement Plan



The Venue
Austin Texas 10/17/2007

Overall Site Plan - (No Grocery Option 1)

RTKL

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 25-8-92 AND 30-5-92 OF THE CITY CODE RELATING TO CRITICAL WATER QUALITY ZONES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-8-92 (*Critical Water Quality Zones Established*) of the City Code is amended to add a new Subsection (C) to read as follows and reletter existing Subsection (C) as Subsection (D):

(C) Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Town Lake.

(1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).

(2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency, except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

PART 2. Section 30-5-92 (*Critical Water Quality Zones Established*) of the City Code is amended to add a new Subsection (C) to read as follows and reletter existing Subsection (C) as Subsection (D):

(C) Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Town Lake.

(1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).

(2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency, except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

1 **PART 3.** Part 1 of this ordinance takes effect on _____, 2006.
2 Part 2 of this ordinance takes effect on the effective date of a Travis County ordinance
3 enacting a similar provision.

4 **PASSED AND APPROVED**

5 _____, 2006 §
6
7 §
8 §
9 _____

Will Wynn
Mayor

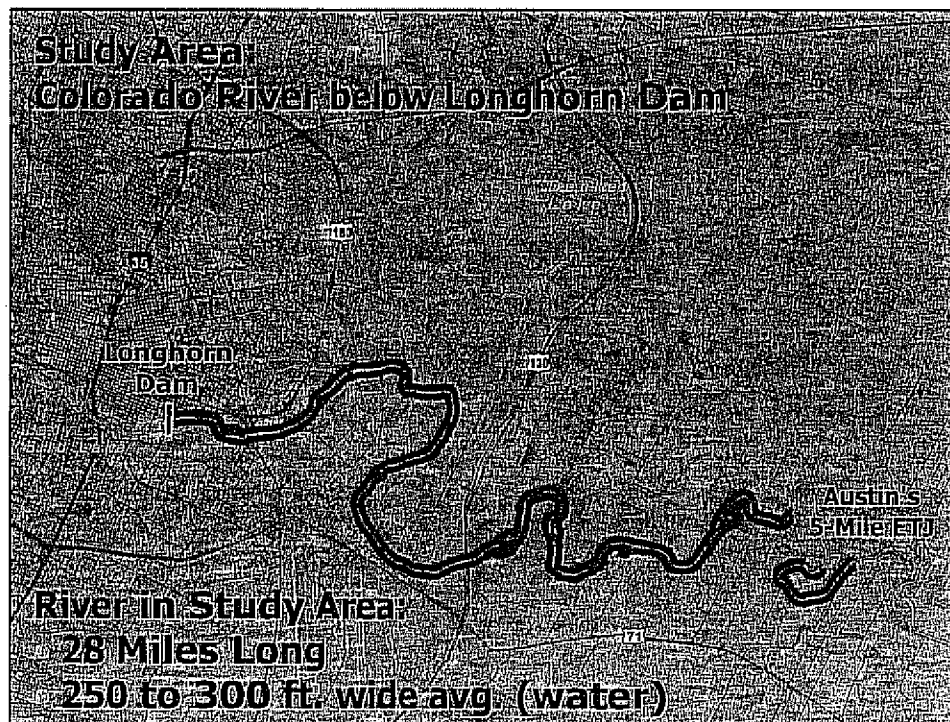
10
11
12
13 **APPROVED:** _____
14 David Allan Smith
15 City Attorney
16
17
18

ATTEST: _____
Shirley A. Gentry
City Clerk

Colorado River Critical Water Quality Zone: Proposed Regulatory Improvements

Executive Summary

January 16, 2008



Goals:

- **Protect the physical & ecological integrity of the Colorado River.**
- **Preserve recreational & economic value of the Colorado River.**

Proposal: Adjust Colorado River Buffers

- Set **Critical Water Quality Zone (CWQZ)** starting point of buffer at river's **ordinary high water mark**—not the stream centerline.
- CWQZ width **200 to 400 feet on land**, depending on 100-year flood plain.

Benefits of Stream Buffers

- **Water Quality**

- ☐ Temperature moderation.
- ☐ Nutrient cycling & uptake (soils, plants).
- ☐ Sediment control via filtration (soils).
- ☐ Baseflow maintenance (soils, plants).

- **Flood & Erosion Control**

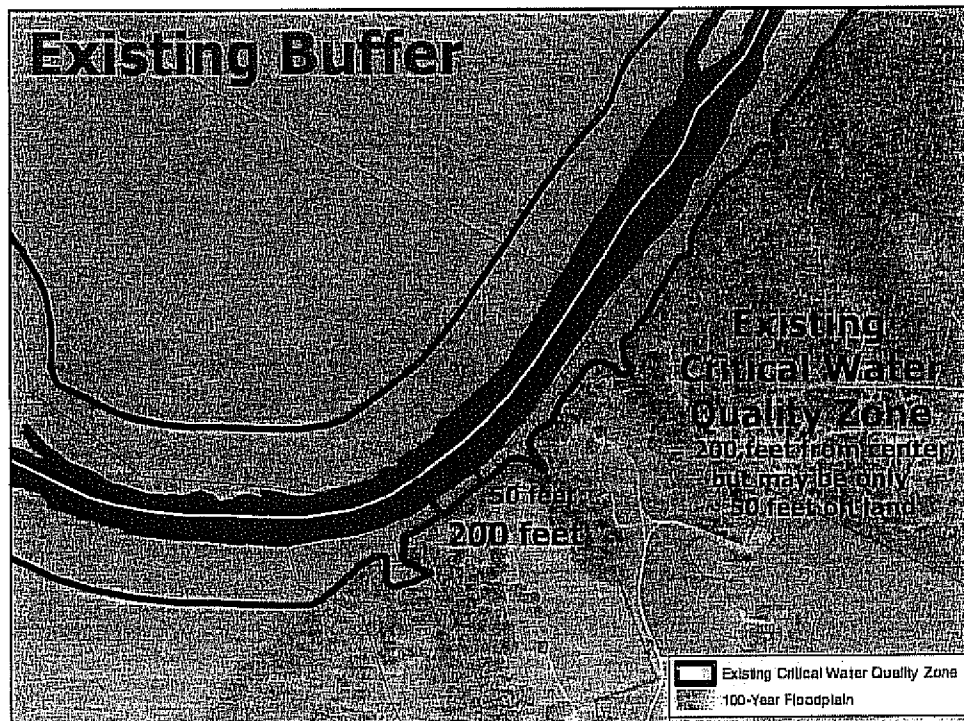
- ☐ Moderate extreme flows & damage.
- ☐ Intercept & store rainfall, runoff.
- ☐ Prevent short-circuiting of flows.

- **Wildlife Habitat/Unique Ecosystem Protection**

- ☐ Protect riparian trees, vegetation, soils (including nationally endangered bottomland hardwood forests).
- ☐ Preserve Wildlife Corridors.
- ☐ Prevent Encroachment (from foot & vehicle traffic, trash dumping, etc.).
- ☐ Provide visual & sound buffer for sensitive species.

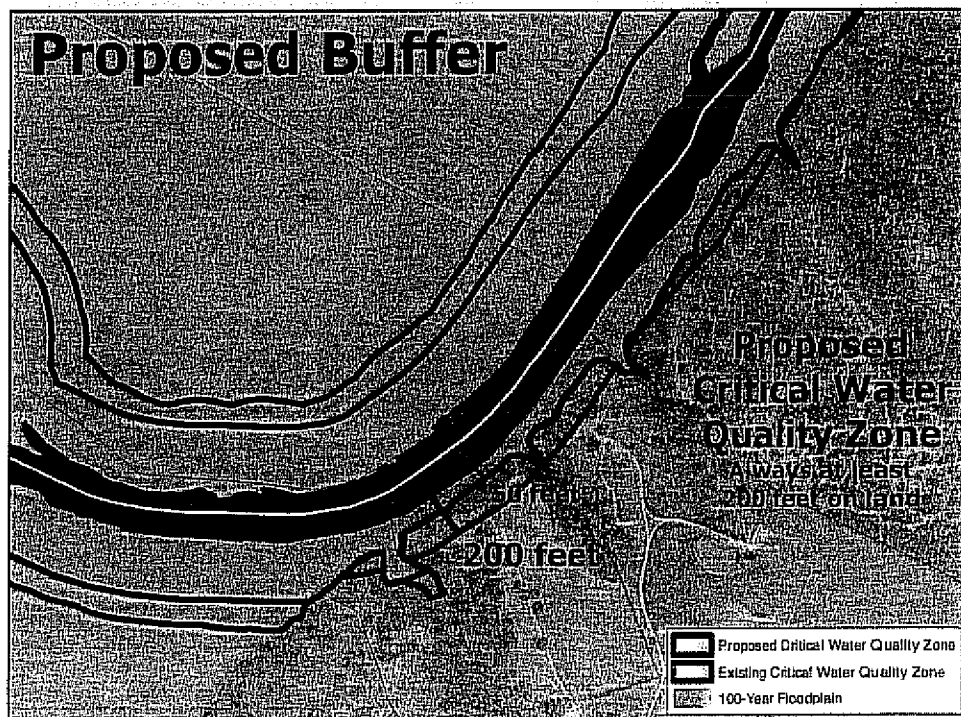
- **Aesthetics/Recreation**

- ☐ Preserve river aesthetics & recreational opportunities.
- ☐ Preserve potential for greenbelts & trails.
- ☐ Preserve unique natural heritage in East Austin



Inadequate buffer setback results in:

- Encroachment by mining & development.
- Damage to trees & riparian health.
- Lowered property values, aesthetics.
- Bank destabilization & property loss.
- Risk of unnatural river course changes.



Impact of Increased Buffers

Today: CWQZ = **13%** of undeveloped tracts
With regulatory change: **17%**

Sand & gravel properties would lose about
4% of land available for mining.

Limited impact to other uses due to existing
floodplain impacts.

Summary of Benefits

- New buffer provides intended protection.
- Protects bank integrity and prevents loss of property from river bank erosion.
- Preserves riparian habitat.
- Minimal overall impact to property.
- Provides recreation and trail opportunities.
- Preserves the historic character of the Colorado River.



ENVIRONMENTAL BOARD MOTION 011608-C1

Date: January 16, 2008

Subject: Amend the City Code relating to Critical Water Quality Zones

Motioned By: Dave Anderson, P. E.

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommends the Austin City Council adopt the changes to Land Development Code 25-8-92 and LDC 30-5-92 relating to Critical Water Quality Zones.

Rationale

The revised Critical Water Quality Zone boundaries provide needed riparian zone protection (including water quality, erosion, flooding, and habitat) not currently possible along the Colorado River downstream of the Longhorn Dam.

Vote 6-0-0-0-1

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

Against:

Abstain:

Absent:

Recused: *Moncada

Approved By:


Dave Anderson P.E., CFM P.E.
Environmental Board Chair

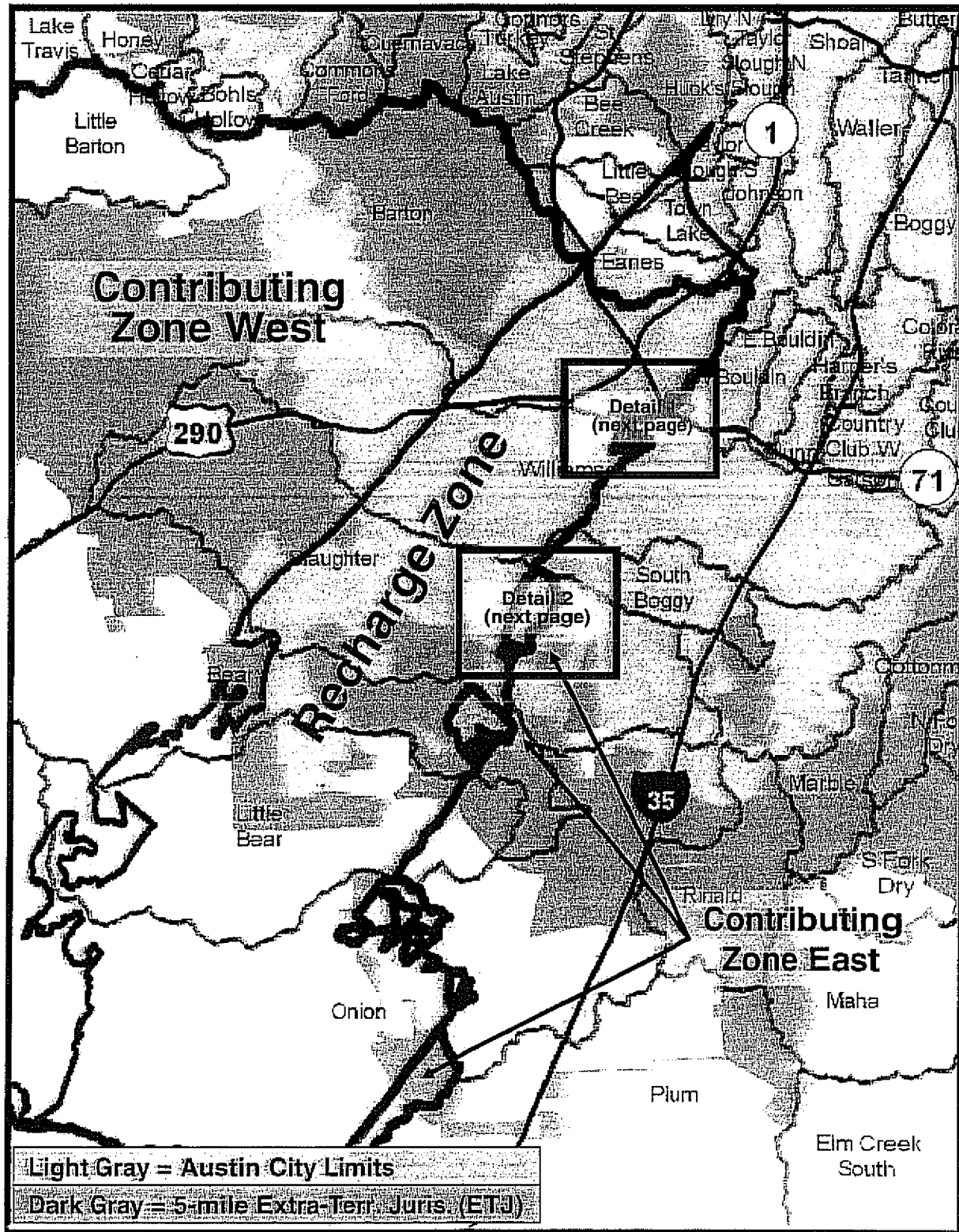
* Phil Moncada recused himself due to a conflict of interest.

Map Revision for Barton Springs segment of Edwards Aquifer

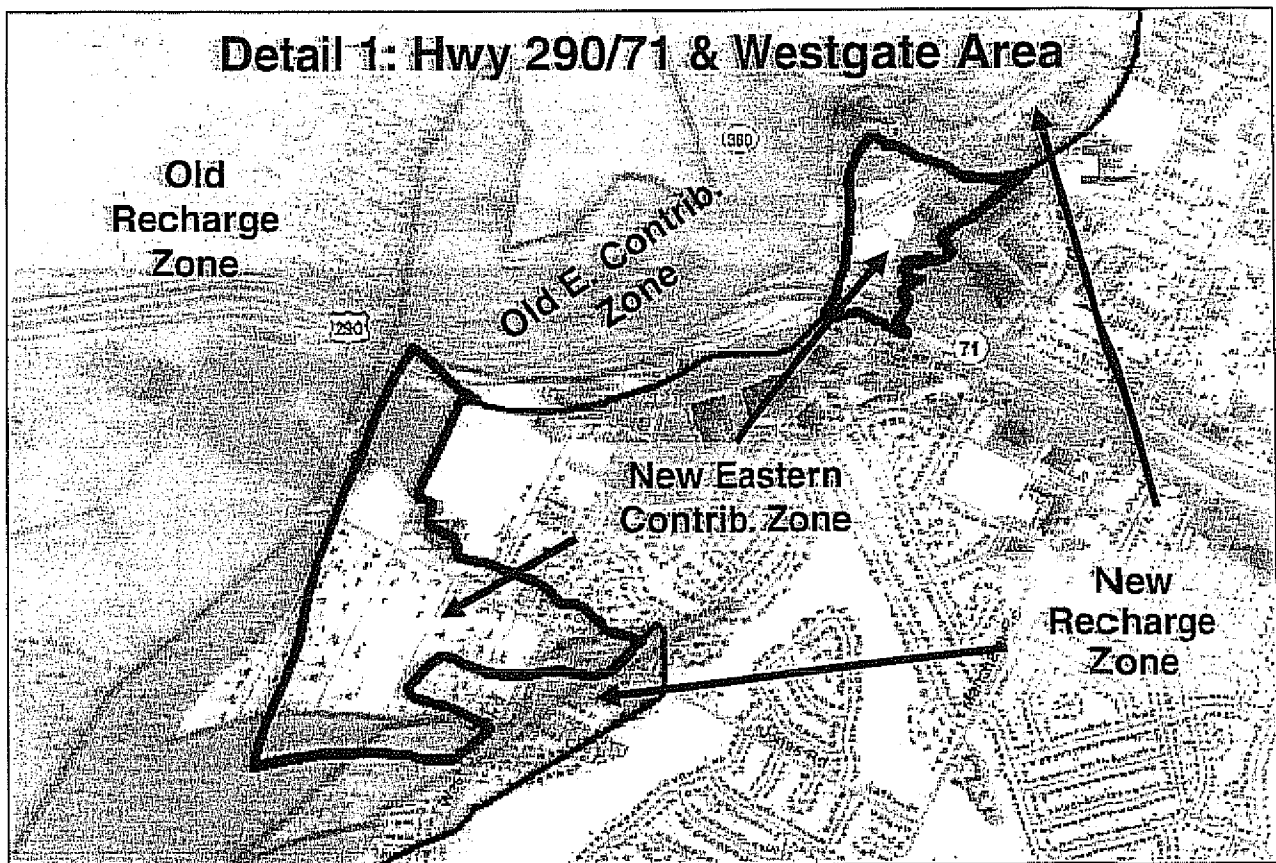
Description. Section 25-8-2 (C) of the City of Austin Land Development Code requires that the City Council determine the boundaries of the recharge zone after receiving a recommendation from the Director of the Watershed Protection and Development Review Department (WPDR). (Note: No code amendment is required.)

The current, official recharge zone map for the Barton Spring segment of the Edwards Aquifer was created in 1986 and is now out of date. Therefore, in 2002, the Barton Springs/Edwards Aquifer Conservation District (BSEACD) petitioned the TCEQ to delineate an updated map. The BSEACD and WPDR participated with TCEQ in this project. This new map has been completed and approved by TCEQ and now WPDR is seeking to formally adopt the map.

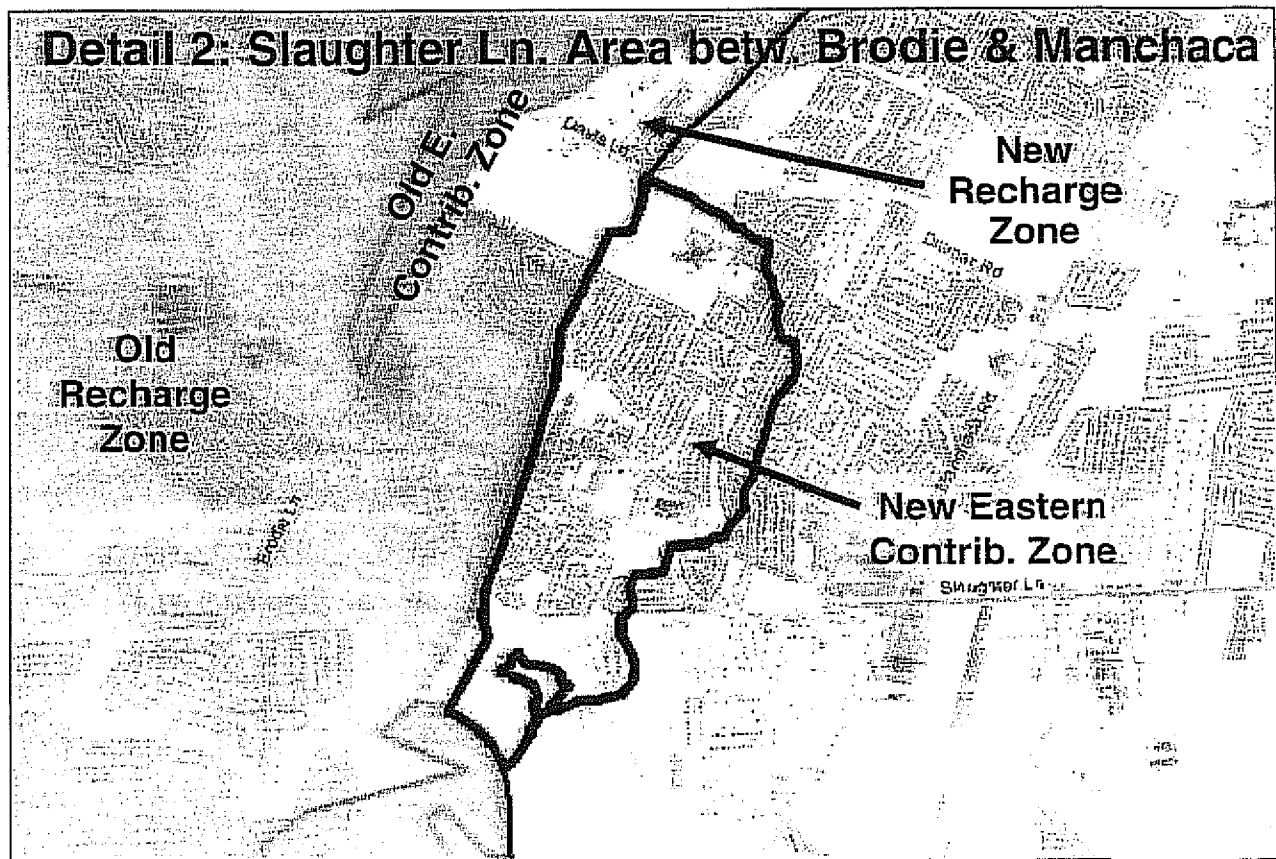
Revised Recharge Zone Map for the Barton Springs Segment of the Edwards Aquifer



Detail 1: Hwy 290/71 & Westgate Area



Detail 2: Slaughter Ln. Area betw. Brodie & Manchaca



Note: Overall area within Barton Springs Zone (outcrop & eastern + western contributing) in the City of Austin jurisdiction increases about 2% compared to the old map.



MEMORANDUM

TO: Dave Anderson, P.E.
Chairman
City of Austin Environmental Board

FROM: Robert B. Botto, AICP
Environmental Planner
Watershed Protection and Development Review Department

DATE: January 10, 2008

SUBJECT: Stoneridge Terrace
Water Service Extension Request (No. 2716 & No. 2717)

I have completed my review for the Stoneridge Terrace water service extension requests and recommend their approval. The tracts are not contiguous, so Stoneridge Terrace submitted two separate water service extension requests. The applicant will use individual, onsite systems, to treat wastewater so neither request is accompanied by a wastewater service extension request. Request No. 2716 is for water service to an 11 acre, unplatted tract where six single family residences will be built. Request No. 2717 is for water service to a two acre, platted tract where one single family residence will be built.

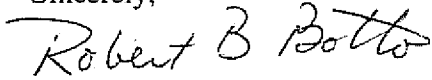
Both tracts are located near one another in an area just east of Hwy 360 and south of Westbank Drive. Both tracts are found in the Eanes Creek Watershed and in the Edwards Aquifer recharge zone. No. 2716 is in the city's ETJ, while No. 2717 is in the city's limited purpose annexation area. Preliminary indications are that development on either tract will be subject to the Austin's Water Supply Suburban Watershed Regulations.

The development that could occur on the Stoneridge Terrace tracts absent water service from the city is not any different from that that could occur with centralized service. Because onsite wastewater systems limit residential density, as well as the watershed regulations, the ensuing impervious cover should remain relatively low. As long as the proposed uses for the individual tracts do not change, then I recommend approval for the Stoneridge Terrace water service extension

extension requests. If the applicant proposes a change in land use, then they should be required to resubmit their water service extension requests for evaluation.

Please feel free to contact me at 974-2821 with your questions or comments.

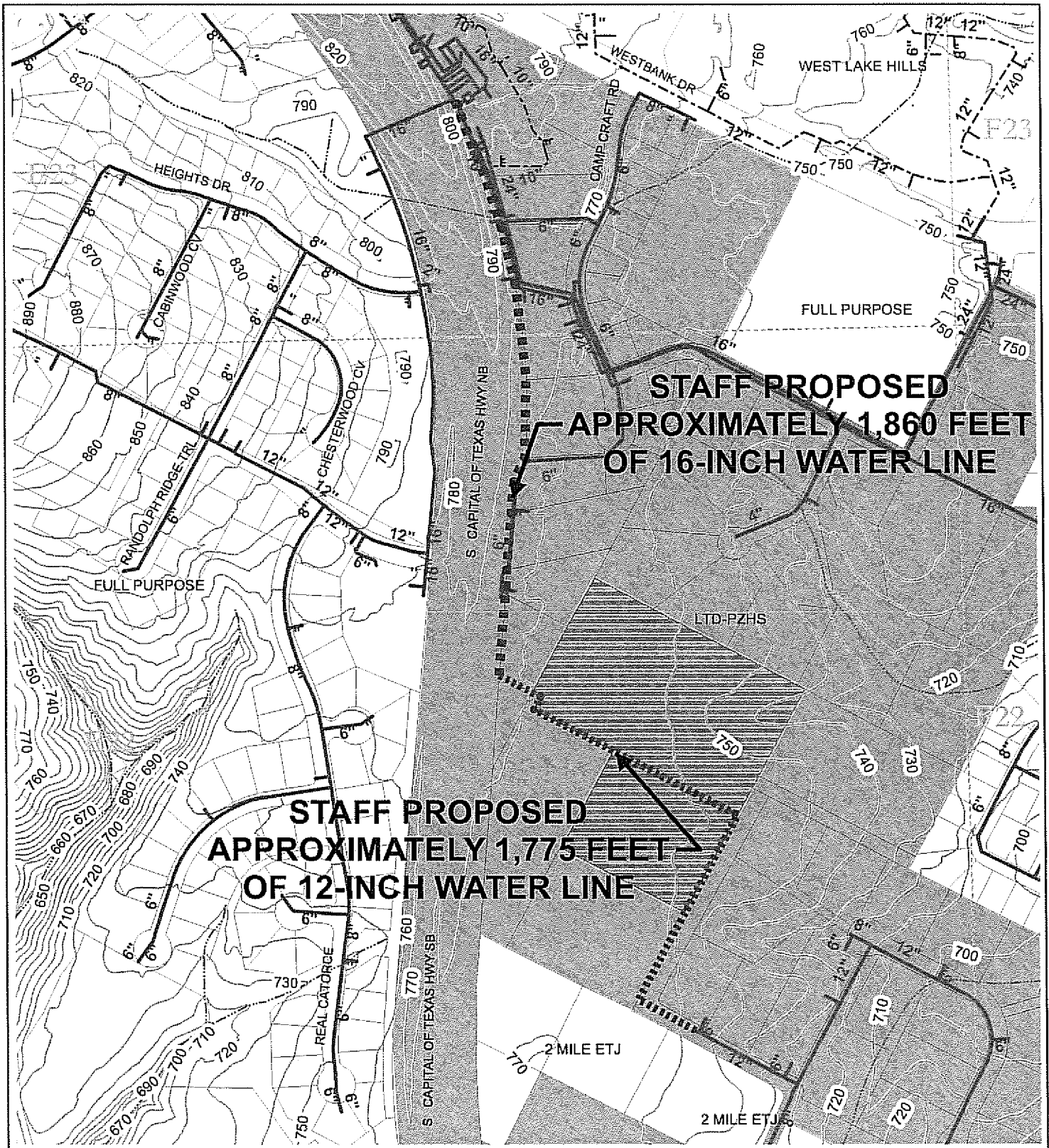
Sincerely,

A handwritten signature in black ink that reads "Robert B. Botto". The signature is written in a cursive style with a large, stylized "B".

Robert B. Botto, AICP
Environmental Planner
Watershed Protection and Development Review Department

RB

cc: James Grabbs, P.E.
Austin Water Utility



520 260 0 520 Feet



Subject Tract

Full-purpose City Limit



Limited-purpose City Limit

2 Mile ETJ

W. S.E.R. Name: Stoneridge Terrace Water Line
W. S.E.R. Number: 2716

DRAFT

WATER AND WASTEWATER
SERVICE EXTENSION
REQUEST FOR
CONSIDERATION

Name: Stoneridge Terrace Water Line

Service Requested: Water

SER-2716

Date Received: 10/09/2007

Location: 1700 STONERIDGE TER AUSTIN TX 78746- STONERIDGE TERRACE WATER LINE (1700 & 1910 STONERIDGE TER)

Acres: 10.98

Land Use: SINGLE FAMILY

Alt. Utility Service or S.E.R. Number: Onsite Sewage Facilities

Quad(s): E22

DDZ: NO

Drainage Basin: EANES

Pressure Zone: SO1

DWPZ: YES

Flow: (Estimated Peak Hour Flow, Gallons per Minute) 14 GPM

% Within City Limits: 0

Cost Participation: \$0.00

% Within Limited Purpose: 100

Description of Improvements:

Applicant will construct approximately 1,775 feet of 12-inch water line from the existing 12-inch water line (Project 2006-0692) in STONERIDGE TER southeast of the subject tract, west along STONERIDGE TER then north on STONERIDGE TER then west within an easement through the subject tract and an adjacent property to S CAPITAL OF TEXAS HWY NB; applicant will then construct approximately 1,860 feet of 16-inch water line north along S CAPITAL OF TEXAS HWY NB to then connect to the existing 16-inch water line (Project 93-0591) which crosses S CAPITAL OF TEXAS HWY.

NOTE: 1) Fire Flow Requirement of 1,500 gpm based on Engineering Calculations from Steve King, P.E. received on 10/09/2007. 2) Pressure Reducing Valves (PRV's) may be required at each property connection.

Completion and acceptance of the improvements described above and the conditions set forth below:

- 1) Construction of all Service Extensions is subject to all environmental and planning ordinances.
- 2) Service Extensions are subject to the guidelines established in the Land Development Code, Section 25-9, Water and Wastewater Utility Service.
- 3) The level of service approved by this document does not imply commitment for land use.
- 4) Approval of a site plan that meets the Fire Department requirements for fire control.
- 5) Proposed public water improvements will be dedicated to The City of Austin for ownership, operation, and maintenance.
- 6) Proposed public water improvements must be placed in the public right-of-way or Approved Utility Easements. Utility Easements must be in place prior to Construction Plan approval.
- 7) The approved Service Extension will automatically expire 120 days after date of approval unless a development application has been accepted by the Watershed Protection and Development Review Department. The Service Extension expires on the date the development expires, or if approved, on the date the development application approval expires.
- 8) Approval by the City Council will be required based on City of Austin Ordinance § 25-9-34.

Prepared By Utility Development Services Date

Division Manager, Utility Development Services Date

Division Manager, Systems Planning Date

Assistant Director, Water Resources Management Date

Division Manager, Facility Engineering Date

Assistant Director, Engineering Program Date

Watershed Protection Date

Director, Austin Water Utility Date

Hansen Service Request Number 323564

DRAFT

WATER AND WASTEWATER
SERVICE EXTENSION
REQUEST FOR
CONSIDERATION

Name: 2008 Stoneridge Terrace

Service Requested: Water

SER-2717

Date Received: 10/09/2007

Location: 2008 STONERIDGE TER AUSTIN TX 78746- 2008 STONERIDGE TERRACE

Acres: 2.07

Land Use: SINGLE FAMILY

Alt. Utility Service or S.E.R. Number: Onsite Sewage Facilities

Quad(s): E22

DDZ: NO

Drainage Basin: EANES

Pressure Zone: SO1

DWPZ: YES

Flow: (Estimated Peak Hour Flow, Gallons per Minute) 3 GPM

% Within City Limits: 0

Cost Participation: \$0.00

% Within Limited Purpose: 0

Description of Improvements:

Applicant will construct approximately 760 feet of 12-inch water line from the existing 12-inch water line (Project 2006-0692) in STONERIDGE TER east of the subject tract, west along STONERIDGE TER then west within an easement through the subject tract and an adjacent property to S CAPITAL OF TEXAS HWY NB; applicant will then construct approximately 2,680 feet of 16-inch water line north along S CAPITAL OF TEXAS HWY NB to then connect to the existing 16-inch water line (Project 93-0591) which crosses S CAPITAL OF TEXAS HWY.

NOTE: 1) Fire Flow Requirement of 1,500 gpm based on Engineering Calculations from Steve King, P.E. received on 10/09/2007. 2) Pressure Reducing Valves (PRV's) may be required at each property connection.

Completion and acceptance of the improvements described above and the conditions set forth below:

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- 3) The level of service approved by this document does not imply commitment for land use.
- 4) Approval of a site plan that meets the Fire Department requirements for fire control.
- 5) Proposed public water improvements will be dedicated to The City of Austin for ownership, operation, and maintenance.
- 6) Proposed public water improvements must be placed in the public right-of-way or Approved Utility Easements. Utility Easements must be in place prior to Construction Plan approval.
- 7) The approved Service Extension will automatically expire 120 days after date of approval unless a development application has been accepted by the Watershed Protection and Development Review Department. The Service Extension expires on the date the development expires, or if approved, on the date the development application approval expires.
- 8) Approval by the City Council will be required based on City of Austin Ordinance § 25-9-34.

Prepared By Utility Development Services Date

Division Manager, Utility Development Services Date

Division Manager, Systems Planning Date

Assistant Director, Water Resources Management Date

Division Manager, Facility Engineering Date

Assistant Director, Engineering Program Date

Watershed Protection Date

Director, Austin Water Utility Date

Hansen Service Request Number 323571



ENVIRONMENTAL BOARD MOTION 011608-C4

Date: January 16, 2008

Subject: Stoneridge Terrace Service Extension Request #2717

Motioned By: Phil Moncada

Seconded by: John Dupnik, P. G.

Recommendation

The Environmental Board recommends **approval with conditions** to Stoneridge Terrace Service Extension Request #2717.

Board Conditions:

1. The Austin Water Utility will make an effort to build one 12 inch water line to service lots if possible. If all three sites are served (both SER #2716 and #2717), only one line should be constructed (instead of two).

Rationale

Reduces opportunities to excavate more than is needed in an environmentally sensitive area.

Vote 7-0-0-0-0

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

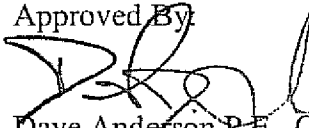
Against:

Abstain:

Absent:

Recused:

Approved By:


Dave Anderson P.E., CFMP
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 011608-C3

Date: January 16, 2008

Subject: Stoneridge Terrace Service Extension Request #2716

Motioned By: Phil Moncada

Seconded by: John Dupnik, P. G.

Recommendation

The Environmental Board recommends **approval with conditions** to Stoneridge Terrace Service Extension Request #2716.

Board Conditions:

1. The Austin Water Utility will make an effort to build one 12 inch water line to service lots if possible. If all three sites are served (both SER #2716 and #2717), only one line should be constructed (instead of two).

Rationale

Reduces opportunities to excavate more than is needed in an environmentally sensitive area.

Vote 7-0-0-0-0

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

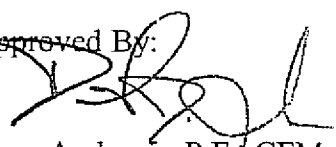
Against:

Abstain:

Absent:

Recused:

Approved By:


Dave Anderson P.E., CFM *P.E.*
Environmental Board Chair

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-1-23 OF THE CITY CODE
RELATING TO IMPERVIOUS COVER MEASUREMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-1-23(B) (*Impervious Cover Measurement*) of the City Code is amended to read:

(B) Impervious cover excludes:

(1) pools;[;]

(2) ponds;[;]

(3) fountains;[;and]

(4) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians; and

(5) a subsurface portion of a structure if the director determines that:

(a) the subsurface portion of the structure:

(i) is located within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*);

(ii) is below the grade of the land that existed before the construction of the structure;

(iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and

(iv) does not have a significant adverse effect on groundwater hydrology; and

(b) any discharge or impoundment of groundwater resulting from the structure will be managed so as to avoid significant adverse effects on public health and safety, the environment, and adjacent property.

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6 **PART 2.** This ordinance takes effect on _____, 2008.

7 **PASSED AND APPROVED**

8
9
10 _____, 2008

§
§
§

Will Wynn
Mayor

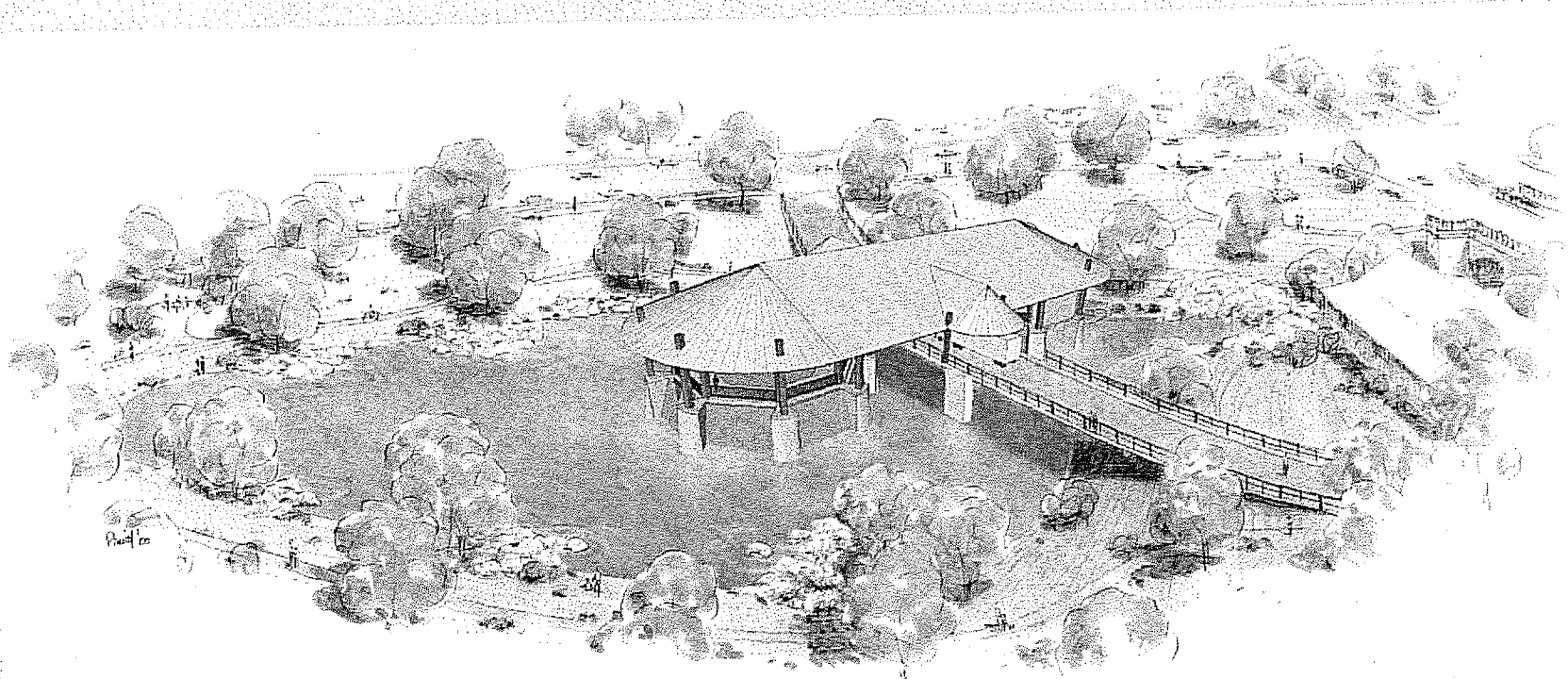
15
16 **APPROVED:**

17 _____
18 David Allan Smith
19 City Attorney

20 **ATTEST:**

Shirley A. Gentry
City Clerk

Waller Creek Tunnel Project



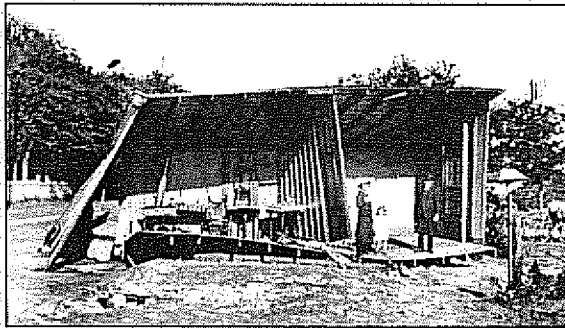
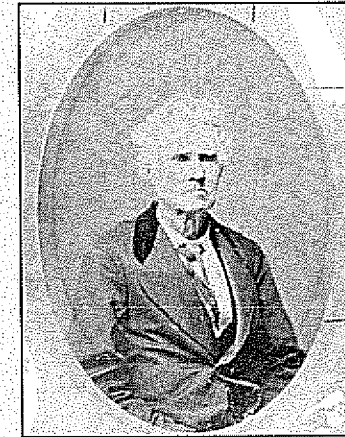
Presentation Outline

- Significance of Waller Creek
- Flooding
- Pollution and Environment
- Project Benefits
- Connections
- Tunnel Structure
- Funding: Waller Creek TIF
- District Master Plan
- Timeline

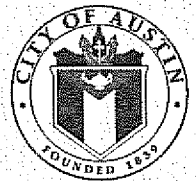


Significance of Waller Creek

- 1839: Pres. Mirabeau Lamar selected Edwin Waller to oversee the design of the capital of Texas between the banks of Shoal Creek and Waller Creek.
- Waller Creek became a center of business and industry for the area
- 1871: Houston and Texas Central Railroad reached Austin, making the city the westernmost rail terminus in Texas, at the time, and beginning the semi-industrialization of the lower Waller Creek area.

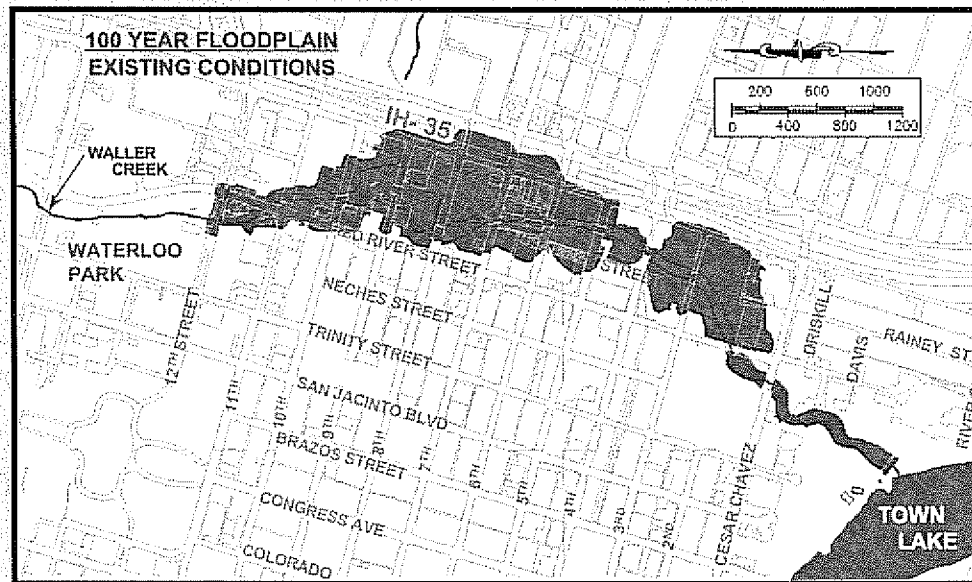


- 1883: University of Texas established on Waller Creek.
- 1915: Flooding along Waller Creek kills 13 people, 35 in Central Texas.
- Major flood events also in 1921, 1974, Memorial Day 1981, 1991, 1998, 2004 and 2007.



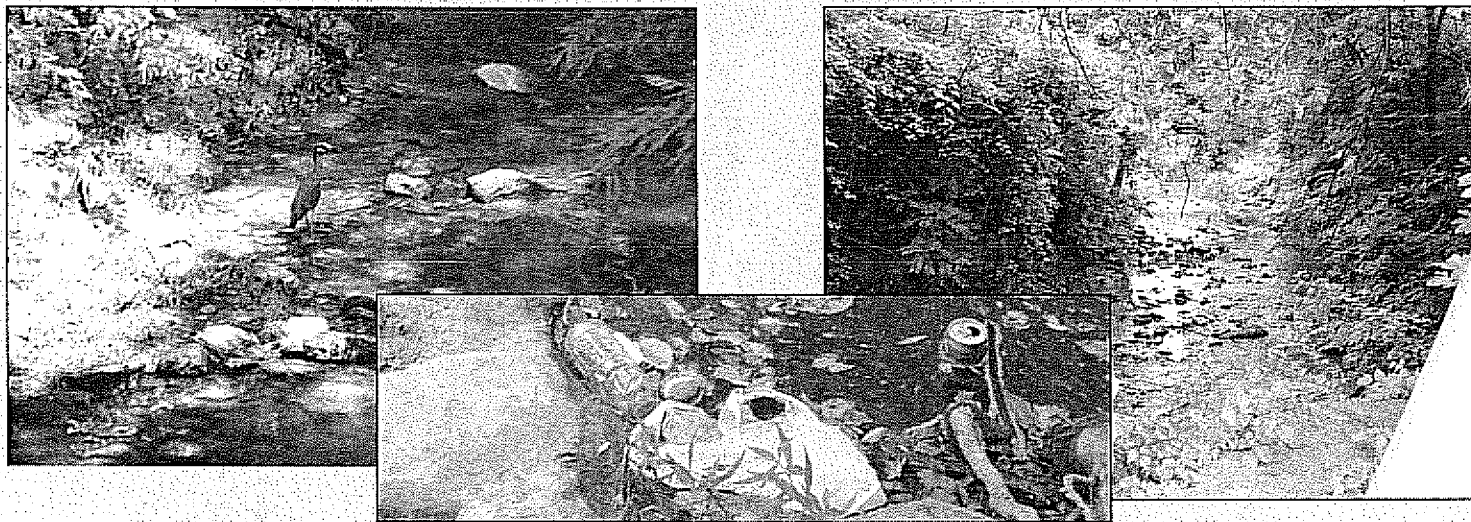
Flooding in Waller Creek

- Flooding has been an ongoing and serious problem in the creek
- The area's 100-year floodplain is up to 800 feet wide
- During flood events, the area experiences rampant bank erosion
- Previous trail and creek improvements have literally washed away



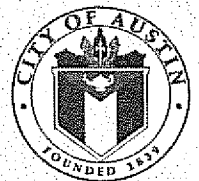
Pollution and Environment

- Visible signs of trash, debris, sediment and wastewater
- The Creek is home to extensive plant and wildlife
- Tunnel will provide constant water flow, reduce trash and other debris, increase overall water quality and improve conditions for plant and wildlife



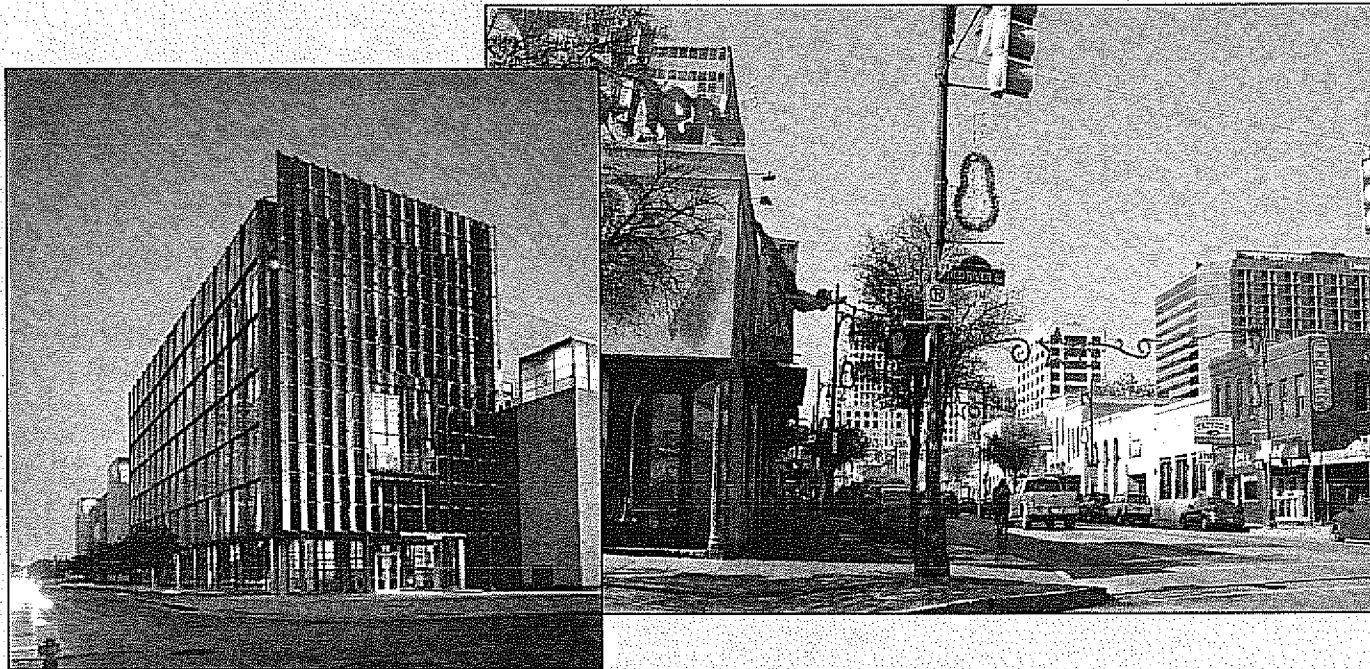
Project Benefits

- The construction of the tunnel will substantially reduce the size of the 100-year floodplain. As a result, 42 commercial and residential structures, 12 roadways, and over 1,000,000 square feet of land will no longer be in the 100-year floodplain, thus allowing development on previously unusable land in the downtown area.
- The creek environment will be able to thrive without risk of severe flooding or erosion. Debris and pollutants will be substantially reduced.
- Allows great opportunities for development of amenities along the creek, such as hike and bike trails.



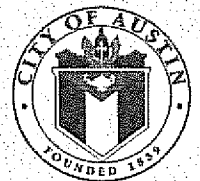
Sixth Street & Convention Center

- Encourages area for outdoor entertainment venues along creek that connect to Red River/Sixth Street area
- Usable creek will be an asset to tourists and conventioners
- Potential for footbridge to connect Convention Center and east side of the creek



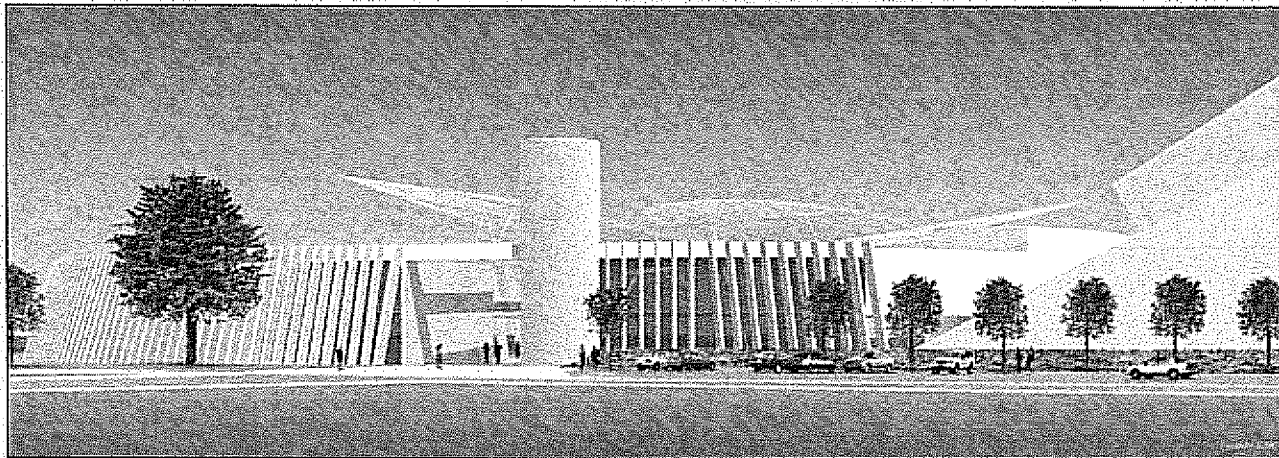
Parks and Trails

- Palm Park is one of the most underutilized parks in the city; Project will remove the park from the floodplain
- Current floodplain encompasses 21 acres of existing parks and trails that are frequently washed out
- Pedestrian trail from the Univ. of Texas to downtown and Lady Bird Lake



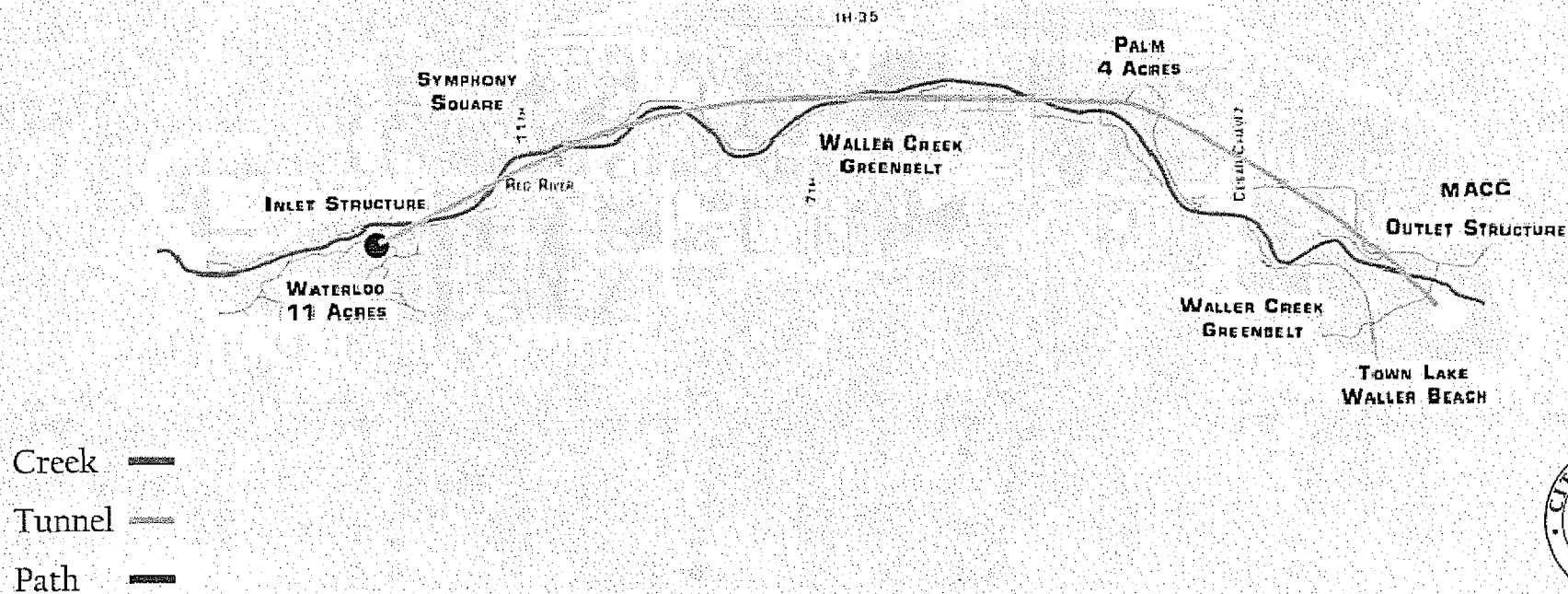
Culture and Arts

- The Mexican American Cultural Center is dedicated to the preservation, creation, presentation, and promotion of Mexican American cultural arts and heritage.
- Located on the banks of both Waller Creek and Lady Bird Lake, the MACC includes:
 - 2 Theaters
 - An outdoor plaza
 - A 2 story building for education and exhibitions
 - Parking



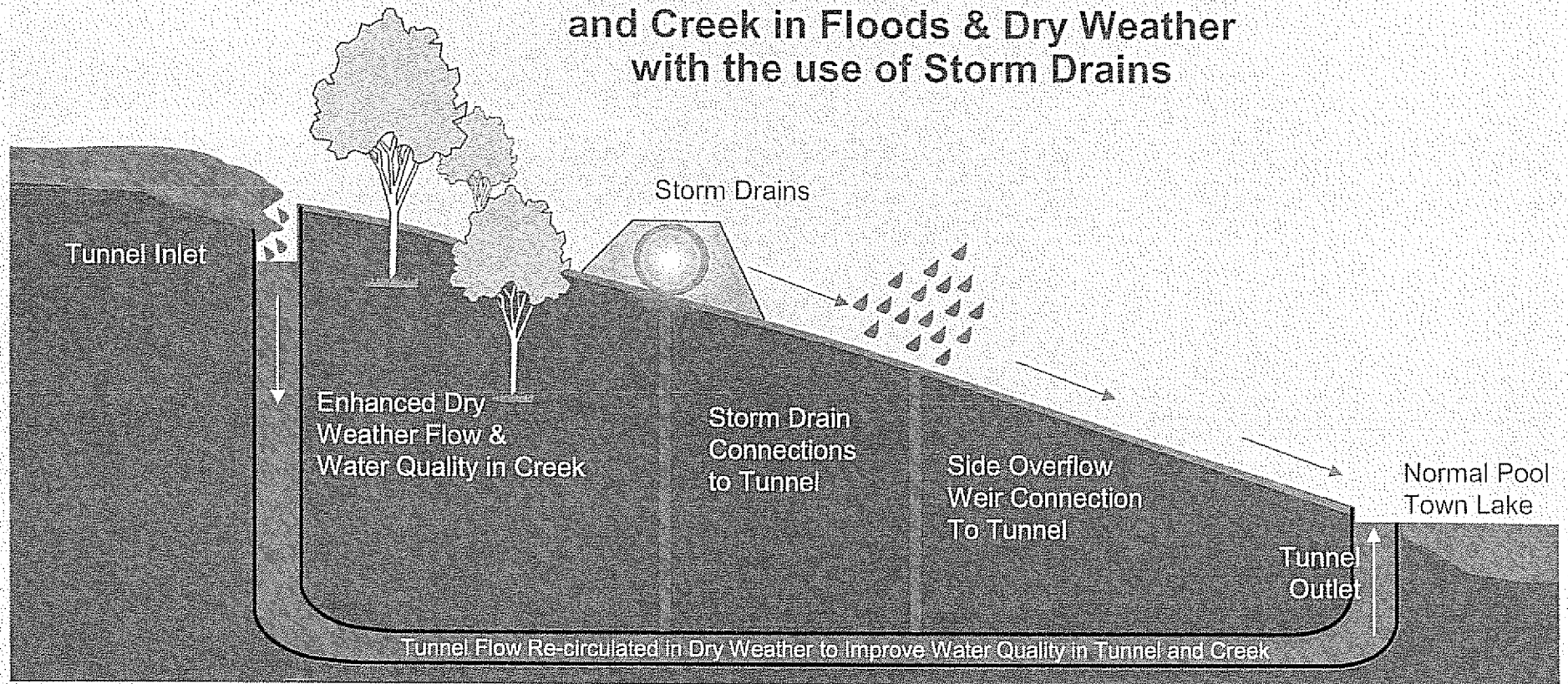
Tunnel Structure

- Waller Creek drainage area is 6 square miles
- Tunnel will be approximately 5,400 feet long, 22 feet in diameter, and 60-70 feet underground
- In dry conditions, water will be pumped, via the tunnel, from Town Lake keeping 3-4 feet of constant and pure water flowing through the creek at all times



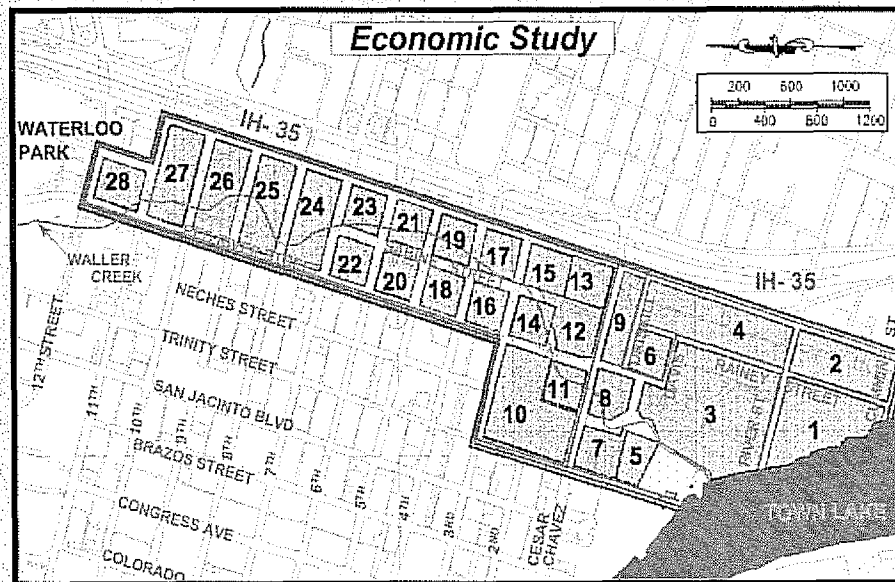
Tunnel Structure

Trash & Debris Removed from Tunnel
and Creek in Floods & Dry Weather
with the use of Storm Drains



Waller Creek TIF

- City Council approved the Waller Creek TIF on June 21, 2007
- TIF will be in place for 20 years
- City will contribute 100% of the tax increment and the County will contribute 50%
- The City will issue debt to finance the design and construction of the tunnel to be reimbursed through proceeds of the TIF; Proceeds are also expected to cover the costs of operations and maintenance for the tunnel



Waller Creek District Master Plan

- The tunnel construction will allow for development of the Waller Creek District
- Consultant will create a master plan that:
 - Assesses baseline conditions
 - Identifies the community vision
 - Identifies challenges and opportunities
 - Collects all the information into a report that includes an implementation plan with cost estimates
- Planning expected to take approximately two years
- RFQ for consultant was issued in November 2007 and responses are due January 10, 2008



Timeline

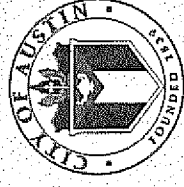
- June 2007: Waller Creek TIF approved by City Council
- August 2007: City Council approves negotiation of tunnel design contract
- October 2007: Tunnel design began
- November 2007:
 - First public input workshop held on November 17th
 - RFQ issued for Waller Creek District Master Plan
- January 2008: Master Plan RFQ Responses due 1/10/08
- Late 2010: Anticipated tunnel design completion
- Late 2014: Anticipated construction completion



Questions?



www.cityofaustin.org/wallercreek



(x axis view)



ENVIRONMENTAL BOARD MOTION 011608-D2

Date: January 16, 2008

Subject: Waller Creek Tunnel Project

Motioned By: Mary Ann Neely

Seconded By: Jon Beall

Recommendation

The Environmental Board makes the following recommendations regarding the environmental goals of the Waller Creek redevelopment, recognizing that these goals may be modified or added to as citizen input continues during the planning process of the Redevelopment project.

Board Conditions:

1. Plan and implement a corridor that balances the natural environment with the need for economic redevelopment;
2. Ensure that the development components adjacent to Waller Creek are sustainable;
3. Ensure that the redevelopment promotes improved water quality;
4. Utilize reach-based natural channel design techniques where possible to keep Waller Creek in a stable, natural state in those areas not appropriate for significant economic redevelopment;
5. Ensure that the redevelopment of this area results in both the cleanup of the debris seen in the channel today;
6. Ensure that the channel includes areas of riparian habitat (including aquatic plants) that will promote the establishment of other native flora/fauna along the corridor, due to the fact that the flood conveyance of the channel will no longer be a major issue;
7. Strictly control the outlet/Amphitheater for sound orientation away from neighborhoods across the lake; and
8. Keep the redevelopment to scale, that is, it should not overwhelm or out scale the creek itself, or the pedestrian/bike facilities adjacent to the creek.
9. Require that Watershed Protection and Development Review Department be involved with Neighborhood Planning Zoning Department throughout the

redevelopment to attain the goal of environmental improvements to the Waller Creek Tunnel.

Rationale

In late October 2007, members of the Waller Creek Citizens Advisory committee (WCCAC) began the process of seeking input from the following Environmental organizations in order to solicit community feedback regarding the environmental goals of the Waller Creek Redevelopment:

- Sierra Club
- SOS Alliance
- Save Barton Creek Association
- South River City Citizens
- Ladybird Wildflower Research Center
- National Wildlife Federation

Future responses from the interested citizens are anticipated, although the WCCAC has received little response to date. With that knowledge, the Environmental Board decided to make conceptual recommendations knowing that there will be changes as more citizens provide input into the plan.

The Environmental Board realizes that the Waller Creek Redevelopment project and the ongoing Downtown Austin Master Planning initiative, have the capacity to significantly change the face of downtown Austin. Waller Creek is the natural backdrop for these important projects, and represents such an amazing city. It is vital to provide users with the option of a natural experience along the creek (or portions of the creek) in addition to the wide range of more developed areas. Setbacks should be designed such that the users have a sense of respite when accessing the trails and development along Waller Creek.

Sustainable development components should include: Water conservation measures, water reuse ("purple Pipe"), a minimum level of LEED Certification or City of Austin Green-Building standards for new building, etc.

Provisions for improved water quality should include: the option for recirculation of water stored in the tunnel to provide aerated base flow to Waller Creek to offset low-flow conditions. This also includes modifying to reduce nutrient loading/biological oxygen demand and improve dissolved oxygen.

By improving the water quality of Waller Creek itself, and the environmental integrity of the Waller Creek corridor as a whole, this redevelopment project will reflect the high value Austinites place on environmental protection and sustainability.

Ask The Austin City Council to allow an opportunity for the American Youth Association or similar agencies to participate in the construction of this project and future project that offset the overall integrity of this community.

Vote 6-0-0-0-1

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

Against: None

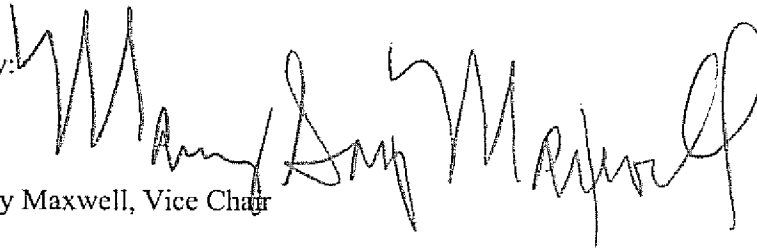
Abstain: None

Absent: None

Recused: *Anderson

Approved By:

Dr. Mary Gay Maxwell, Vice Chair

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is written in a cursive, flowing style with large, connected letters.

*Dave Anderson recused himself due to a potential conflict of interest.