ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	August 15, 2007
NAME & NUMBER OF PROJECT:	HILLTOP PARK / SP-07-0101C
NAME OF APPLICANT OR ORGANIZATION:	Gray Capital Corp. (Alice Glasco)
LOCATION:	7015 W. US 290 Hwy.
PROJECT FILING DATE:	February 05, 2007
WPDR/ENVIRONMENTAL STAFF:	Teresa Alvelo, 974-7105 teresa.alvelo@ci.austin.tx.us
WPDR/ CASE MANAGER:	Sue Welch, 974-2767 Sue.welch@ci.austin.tx.us
WATERSHED:	Williamson Creek (Barton Springs Zone) Drinking Water Protection Zone
ORDINANCE:	Comprehensive Watershed Ordinance (current Code)
REQUEST:	Variance request is as follows: 1. LDC 25-8-341/342. To exceed maximum allowable cut/fill depths.

STAFF RECOMMENDATION: Recommended.

REASONS FOR RECOMMENDATION:	Findings-of-fact have been met.

MEMORANDUM

TO: Dave Sullivan, Chairperson
Members of the Planning Commission

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

DATE: August 15, 2007

SUBJECT: Hilltop Park / SP-07-0101C. 7005 US Hwy. 290 W.
Variance Request: To exceed maximum allowable cut/fill limits. LDC 25-8-341/342.

The applicant is requesting a variance in order to construct two drive-through banks, a coffee shop, and associated parking and drive at US Hwy. 290 W. and Wolfcreek Pass. Five lots are involved totaling 9.66 acres. However, 4.80 acres will be preserved as a natural area not subject to development. Proposed maximum depth for cut and fill is 11 feet.

Description of Property

This project is located in the COA's full-purpose jurisdiction, in the Slaughter Creek watershed, Barton Springs Zone. It is in the contributing zone of the Edwards Aquifer Recharge Zone, and in the Drinking Water Protection Zone. Slopes exceeding 15% are present on this project. The 100-year floodplain is not associated with this site. Zoning is CS-CO and SF-6-CO.

In order to satisfy engineering design standards for drives, parking, and structure development, a variance for cut and fill is required. The original proposed cut depth was 15 feet. However the applicant has worked closely with staff to lessen maximum cut depths to 11 feet in order to optimize preservation of the traditional and natural characteristic of the land.

The acreage proposed to be preserved as a natural area is currently zoned for condominium development. The natural area will serve as a large buffer between the proposed development and adjoining neighborhoods. Also, the natural area serves as a vegetative

filter strip for the pre-CWO development above it. A unified development agreement between the five lots will allow this project to meet the impervious cover limitation requirement of 25% net site area.

The project meets SOS requirements and also proposes to provide a rainwater collection system from the three commercial structures. These structures will meet a minimum 1.5 -star rating of Green Building Standards.

Vegetation and Site Characteristics

Vegetation includes juniper-oak savanna, which is dominated primarily by woodland and forest vegetation. Mesic (moist) slopes generally support deciduous woodlands dominated by Texas Oak, Plateau live oak, Ashe juniper, and Texas ash. Also present are Roosevelt weed, bumelia and flameleaf sumac, Chinaberry, Chinese privet and sugarberry.

Open areas associated with limestone out-crops are sparsely vegetated with twisted-leaf yucca and red yucca, accompanied by sparsely distributed native grasses and forbs.

Critical Environmental Features

There are no critical environmental features associated with this project.

Water/Wastewater

This project will be served by COA water and wastewater services.

Variance Request

The variance being requested by this project are as follows:

1. Variance from City Code Section 25-8-341 and 342-Cut/Fill Maximum Limits.

   Cut and fill is proposed to a maximum depth of eleven (11) feet. This variance is required to construct the improvements in a manner that satisfy engineering requirements.

Recommendation

Staff recommends approval of the variance request. The findings-of-fact have been met, and the applicant has worked to provide a plan that seeks to preserve the traditional and natural characteristic of the land to the greatest extent possible. The applicant has proposed to preserve a natural area, a rainwater collection system, and green building standards.

Conditions

Staff recommends granting the variance with the following conditions:

(1) The applicant will plant 100% COA native and/or adaptive plants and trees.
(2) A recorded restrictive covenant will preserve the natural area from development.
(3) The applicant will provide a rainwater collection system for the commercial structures.
(4) The applicant will provide staff with a signed copy of a Letter of Intent (to Austin Energy) that proposes a minimum 1.5-star rating for the commercial buildings.
(5) Cut and fill is limited to a maximum of 11 feet.

Similar Cases

Pedernales Electric Cooperative / SP-06-0066D.
March 15, 2006.
Slaughter Creek Watershed / Barton Springs Zone.
Circle Drive.
Variance: LDC 25-8-341/342. To exceed cut/fill limits of 4 feet.
Recommended with conditions:
(1) Applicant will provide dust control for caliche parking area.
(2) Applicant will utilize the Grow Green guide for landscaping.
(3) Applicant will provide 100% replacement for all Class I removed trees 8" or greater.
(4) Applicant will utilize an IPM plan.
(5) Applicant will not use coal tar sealants.

Environmental Board Conditions:
(See attached EV Board Motion for extensive conditions.)

Vote: 6-0-0-3.

If you have any questions or need additional information, please feel free to contact me at 974-7105.

Teresa Alvelo

Teresa Alvelo, Environmental Review Specialist
Watershed Protection and Development Review

Ingrid McDonald
Environmental Program Coordinator: _____

Environmental Officer: _____
J. Patrick Murphy

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

Application Name: *Hilltop Park*
Application Case No: *SP-07-0101C*
Code Reference: *LDC 25-8-341/342*
Variance Request: *To exceed maximum allowable 4' cut/fill limits.*

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 ***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. Cut/fill is a necessary component of this project in order to meet engineering specifications for parking, structures, and drive.***

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 variance is not based on a condition caused by the applicant. In addition, the applicant is proposing greater overall environmental protection to provide a natural area that will serve as a natural vegetative area for development upslope of the natural area.***

   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 ***The applicant will be deprived of reasonable use of the property if the variance is not granted. The cut/fill is necessary to enable adequate development of this lot.***

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

      Yes ***The development does not create a significant probability of harmful environmental consequences as SOS water quality standards will be met, and***

additional steps such as providing for a rainwater collection system, green building standards meeting at least a 1.5-star rating, and a natural area that will serve to provide water quality aspects for pre-CWO development upslope of the natural area.

3. 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 will meet SOS standards and also provide water quality treatment for off-site development.*

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;

   N/A

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

   N/A

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

   N/A

Reviewer Name: **Teresa Alvelo**

Reviewer Signature: Teresa Alvelo

Date: **August 15, 2007**

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

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

July 25, 2007

City of Austin
Watershed Protection and Development Review Department
Attn: Ms. Virginia Hsu, P.E.
PO Box 1088
Austin, Texas 78767

RE: Hilltop Park Variance Request for Cut and Fill in Excess of Four Feet
7005 US Highway 290 West
SP-07-0101C
V&A Job No. 2137-001

Dear Ms. Hsu:

This letter is to request a variance from Section 25-8-341 and 25-8-342, cut and fill in excess of four feet, for the above project. After reviewing many options, without this variance, this 9.66 acre site, which has over 6.7 acres of 0-15% land, cannot be developed. Areas of cut and fill in excess of four feet are shown on the attached slope map.

A restrictive covenant, which was a condition of the original zoning for this site, requires its driveway entrance on US 290 West to be at the intersection of Highway 71 West and 290 West. TxDOT later condemned and purchased from the owners an additional 95 feet of ROW at this point, and plans to build new frontage roads for 290 West at essentially the same existing grade (elevation 857+). The existing ground elevation at the ROW is approximately 866+, which places this required drive in nine feet of cut at its beginning entry. Currently, over 60,000 vehicles pass this location daily.

This entry drive continues into the site at 10%, which is as steep as a commercial drive can safely be designed. The same restrictive covenant requires that this drive connect with Wolf Creek Pass. The tie-in elevation for the drive at Wolf Creek is at approximately elevation 890+, which makes the slope of this portion of the drive an average of 7.5%. Engineering examined many options in reaching this requirement.

Even using these maximum slopes, cuts of up to 11 feet are needed for this site. We are pleased to note, the site is being developed so that over 6.6 acres remain in a natural state, creating a large buffer between this relatively small commercial development directly on US Highway 290 Frontage, and the adjoining neighborhood.

The original site plan submitted in February 2007 for this project required up to 15 feet of cut. After extensive counsel with staff, the site buildings were relocated forward toward US 290 West so the maximum cut required was reduced about 30% to the 11 feet requested. This cut occurs along the rear (south) of the project, and the retaining wall in this area has been redesigned as a staggered wall with separate rises, each no greater than four feet. Landscape planting areas separate these wall sections to provide a more appealing look, as seen in other Austin projects, and to avoid a monolithic structure.

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1209 West 5th Street, Suite 200 • Austin, Texas 78703 • 512-494-8014 • FAX 512-494-8054

Other than this variance, this development is being designed in accordance with all SOS requirements. Rainwater harvesting is also being provided for the three small proposed commercial buildings, which will be constructed to meet several Green Building Standards.

This variance request is not based on a condition caused by the method chosen to develop the property. It represents the minimum change needed to allow a reasonable use of the property and does not create a significant probability of harmful environmental consequences. Engineering reviewed many options in arriving at this decision.

Water quality is not compromised because this project is designed to meet SOS water quality standards by provision of a re-irrigation system. This project is also designed to provide a large natural area (over 69% of the total project acreage) upslope of the development rather than developing this area as condominiums, for which it is zoned. The large natural area provides a buffer between the development and the existing neighborhood, and also acts as a vegetative filter strip, providing water quality for the older neighborhood on the hillside above the property, which was constructed without any water quality features. Approval of this variance will allow this sensitively designed site plan by the owners to proceed and will preserve much of the sites natural area adjacent to private homes as an alternative to a much denser 19 unit condominium site.

Please contact me if you have any technical engineering questions concerning this important variance request. Thank you for this consideration.

Sincerely,

VICKREY & ASSOCIATES, INC.

Steven G. Frost

STATE OF TEXAS
STEVEN G. FROST
52396
REGISTERED PROFESSIONAL ENGINEER

Steven Frost
Senior Project Manager

SF/agt

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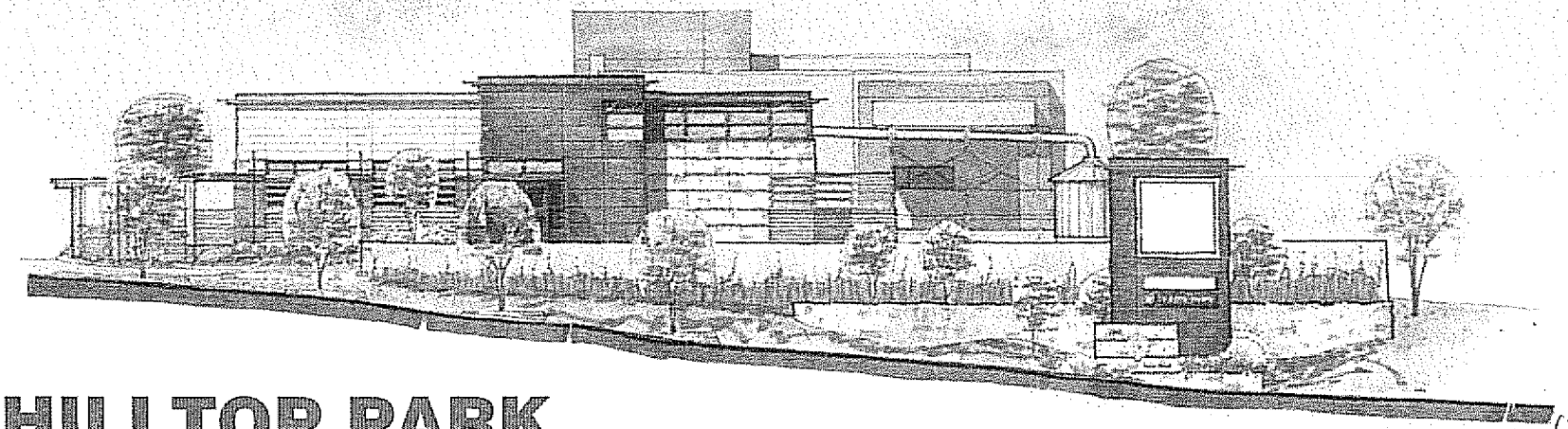
Confidential & Proprietary Information

CITY OF AUSTIN

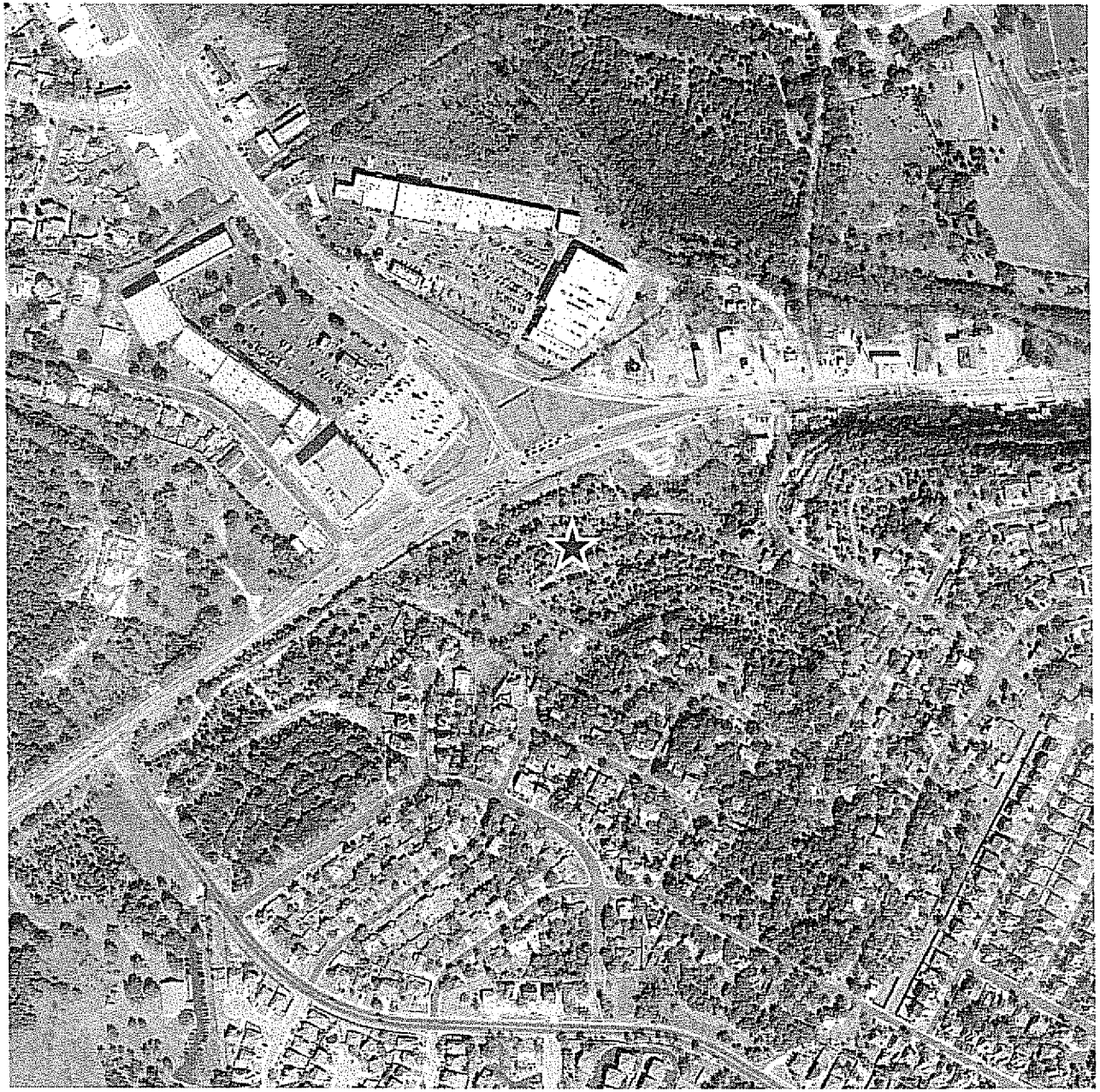
REQUEST FOR CUT/FILL VARIANCE



HILLTOP PARK

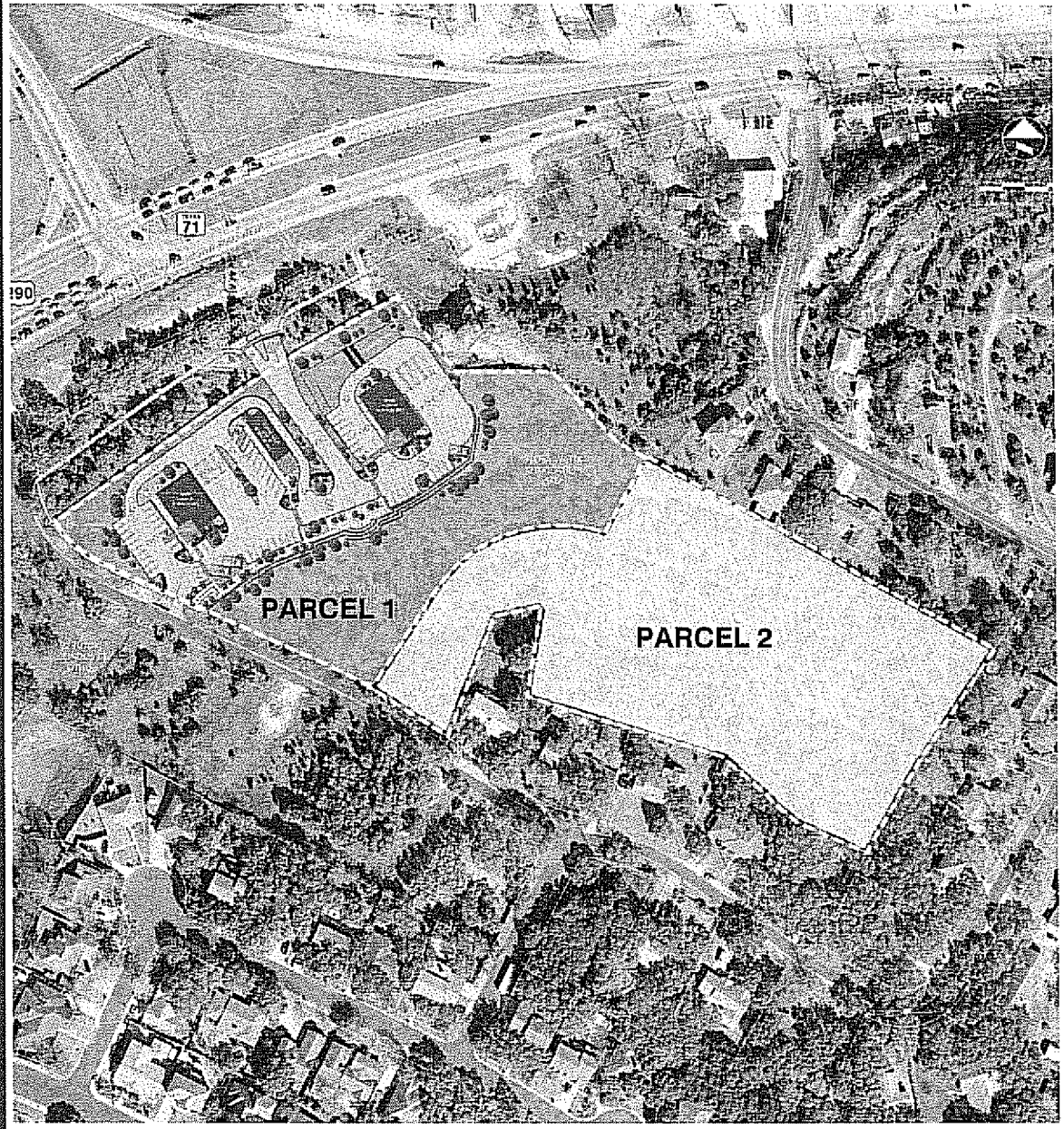
7005 US Hwy 290, Austin, Texas

File Copy
rec'd 8/15/07



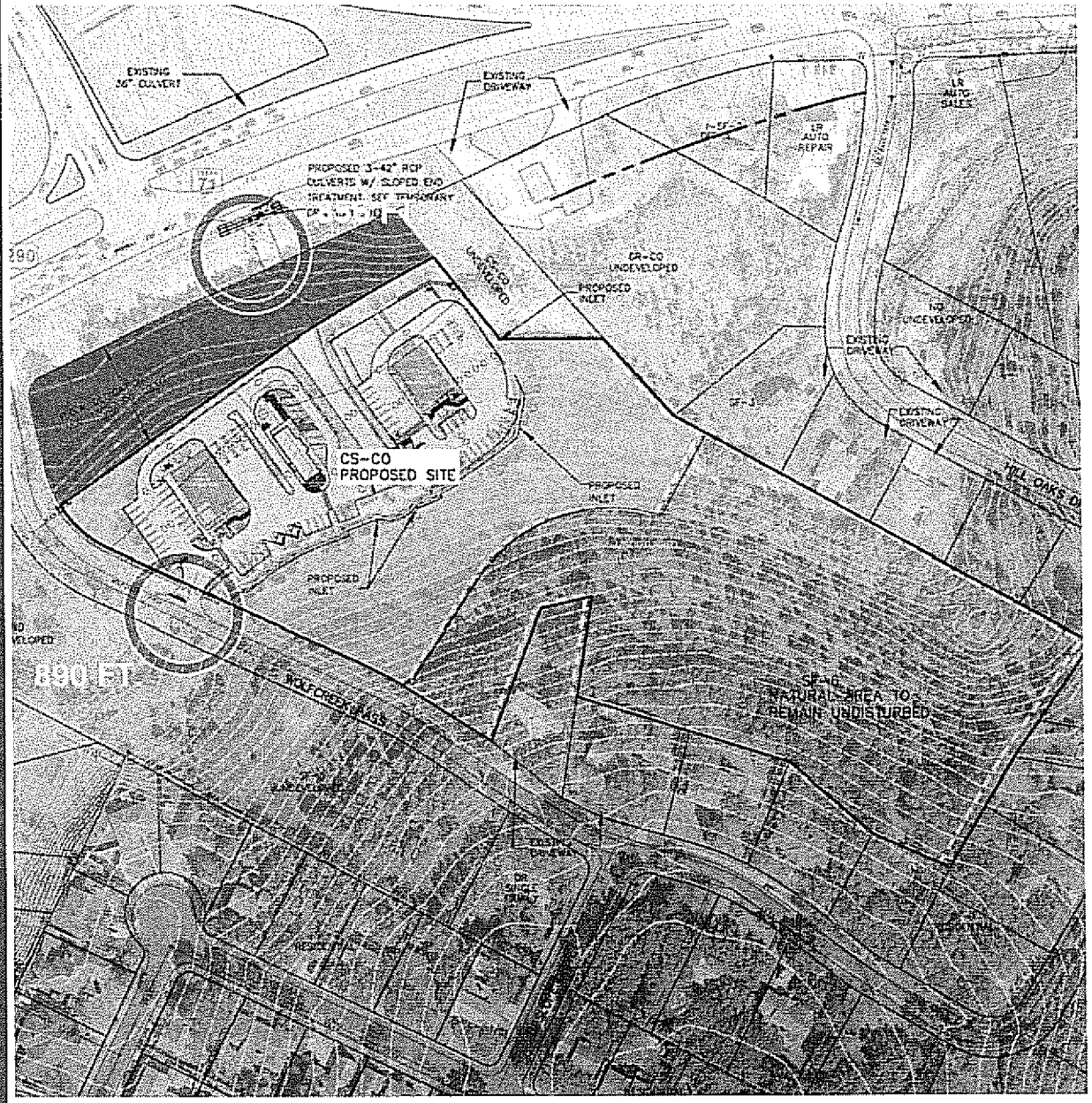
SITE INFORMATION

- Total Acreage: 9.6
- Parcel 1 - 4.812 acres zoned CS-CO allowing commercial uses
- Parcel 2 – 4.848 acres zoned SF6-CO allowing 19 condominiums
- Three pad sites totaling approximately 10,000 square feet, all concentrated as close as possible to US Highway 290

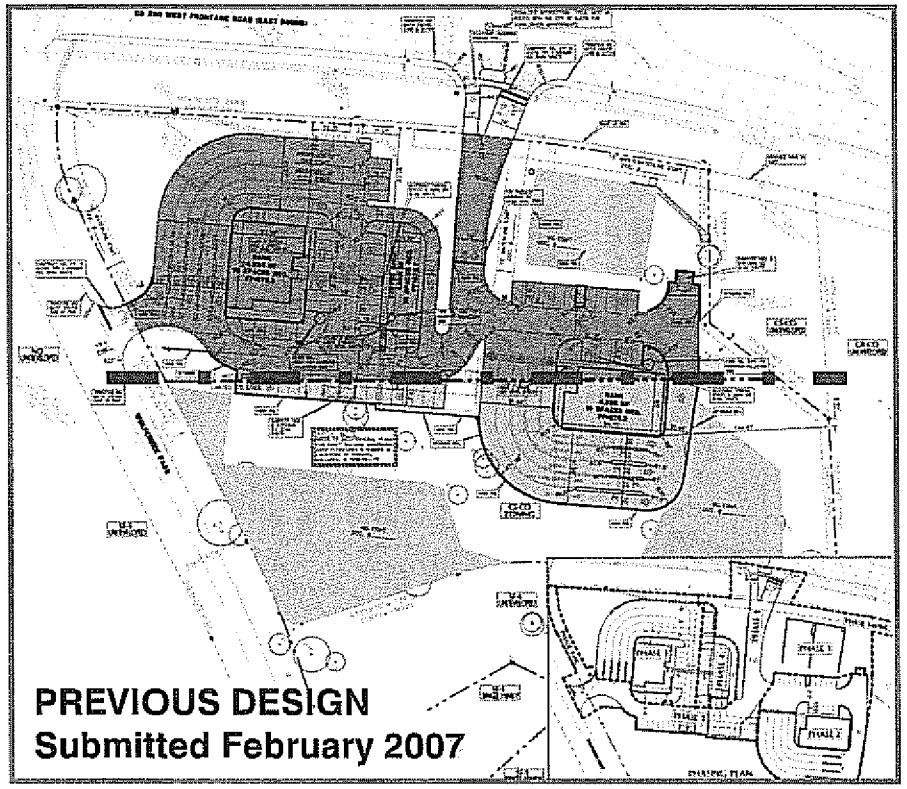


HARDSHIPS:

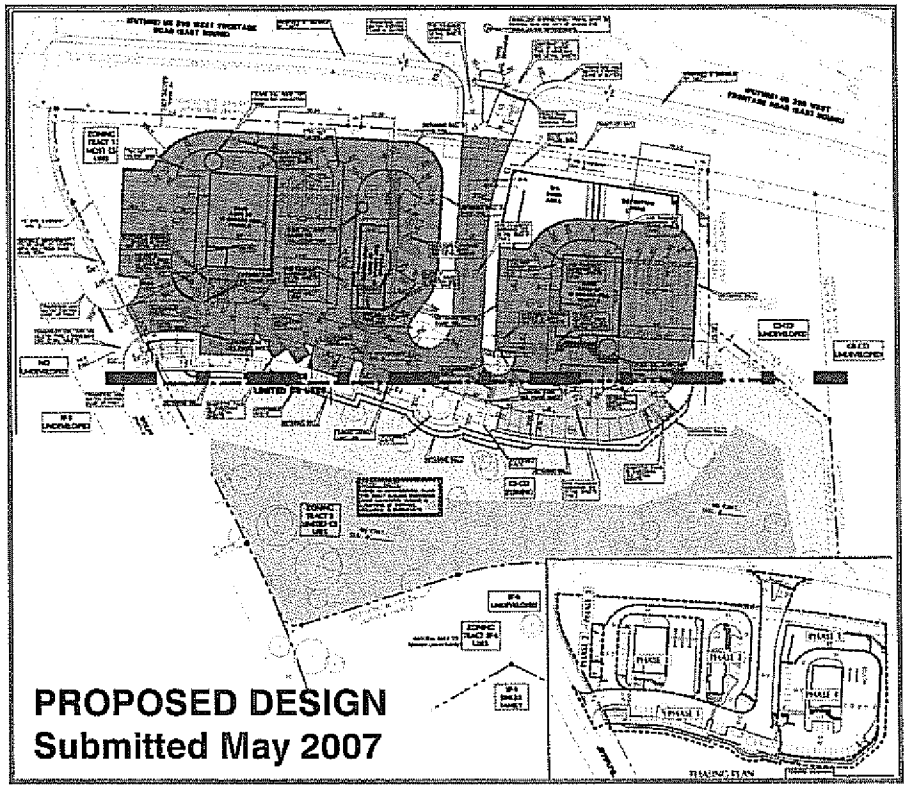
- Topography
- Restrictive Covenant requires driveway at 290W/71 intersection and Wolf Creek Pass
- TXDOT has condemned as much as 150 feet of R.O.W.
- SOS compliant project
- Complies with Commercial Design Standards



SOLUTION: DESIGN CHANGES



PREVIOUS DESIGN
Submitted February 2007

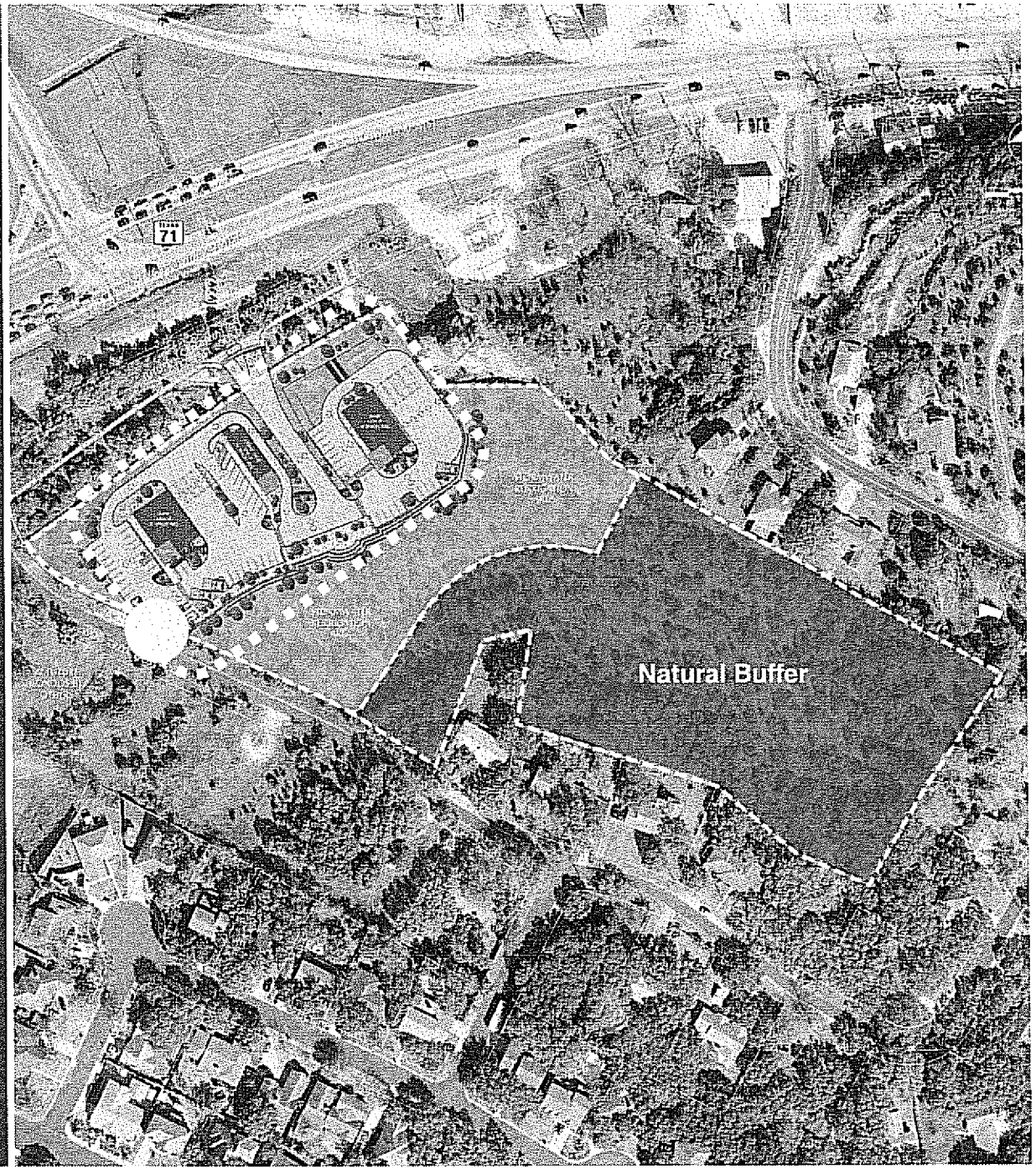


PROPOSED DESIGN
Submitted May 2007

SOLUTIONS:

NEIGHBORHOOD SENSITIVITY

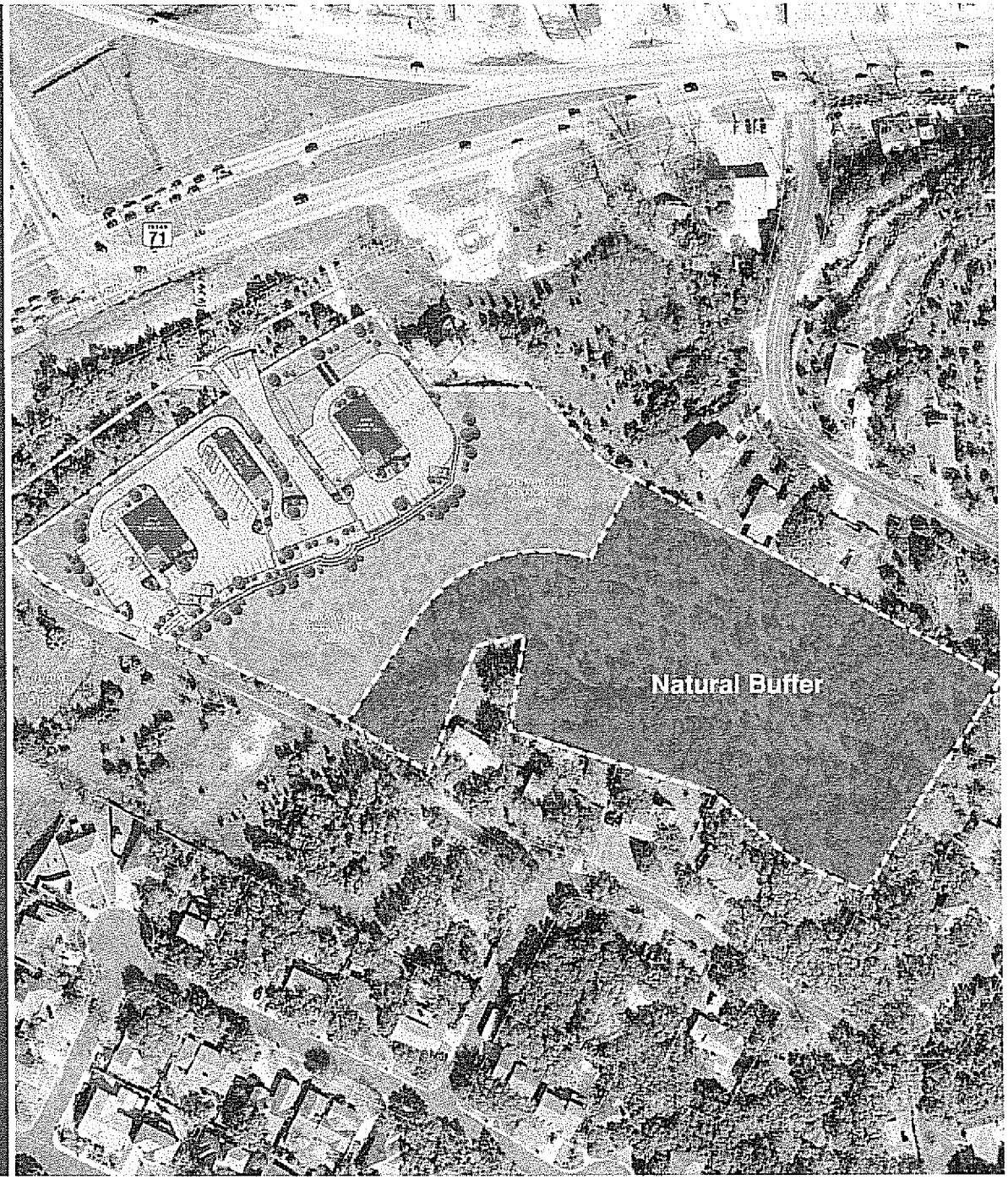
- Approximately 4.85 acres left in natural state (buffer to neighborhood)
- Cluster project development to minimize visual impact
- Provides pedestrian connectivity with neighborhood

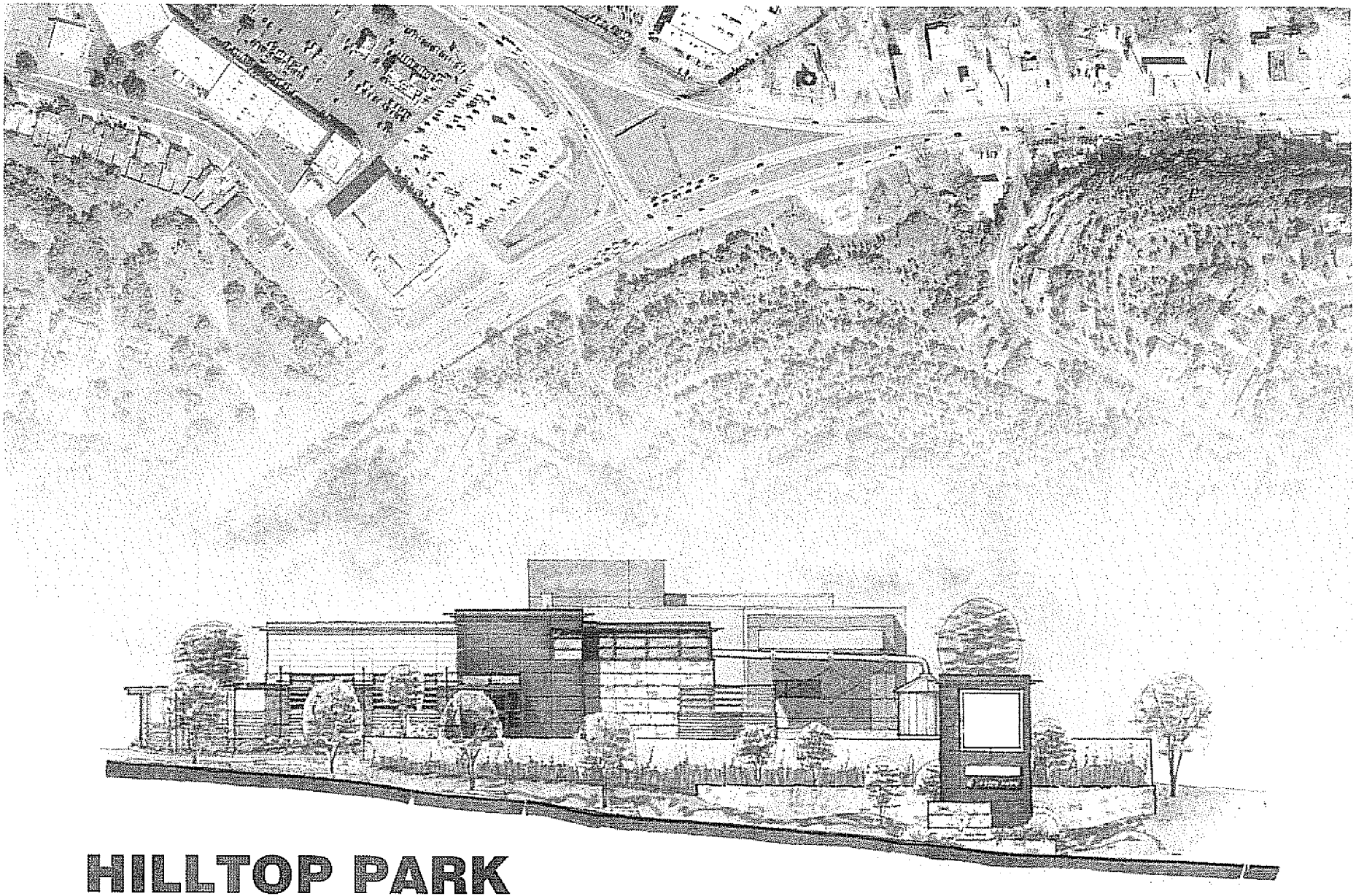


SOLUTIONS:

GREEN SITE DEVELOPMENT

- **Improved water quality**
  - vegetative filter strip
  - re-irrigation zone
- **Reduced site runoff through rainwater harvesting and reuse for landscape irrigation.**
- **Additional green building measures, including:**
  - Sustainable site selection
  - Dust control
  - Grow Green landscape design
  - Use of an IPM plan
  - No coal tar sealants





HILLTOP PARK

7005 US Hwy 290, Austin, Texas

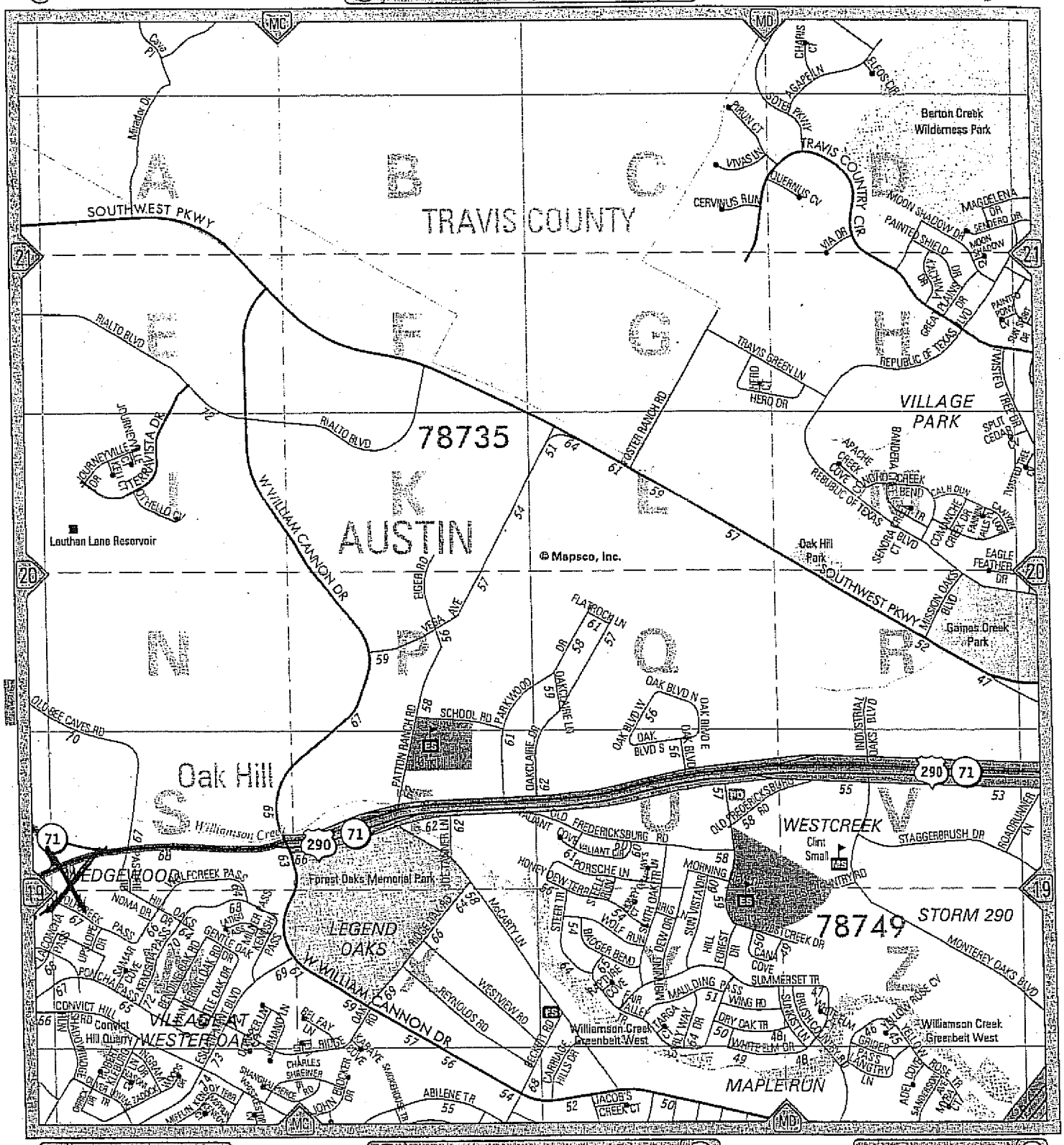
DIRECTIONS TO HILLTOP PARK

SP-07-0101C

Take US Hwy. 290 west to S.H. 71.

At the intersection of 290 and S.H. 71, see Wolf Creek Pass on the south side of that intersection.

CONTINUED ON MAP 582



CONTINUED ON MAP 611

CONTINUED ON MAP 642

CONTINUED ON MAP 613

SCALE IN MILES

0 ⅛ ¼ ⅜ ½

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SCALE IN FEET

0 1000 2000 3000

ENVIRONMENTAL BOARD MOTION 081507-B1

Date: August 15, 2007

Subject: Hilltop Park SP-07-0101C

Motioned By: Phil Moncada Seconded by: Rodney Ahart

Recommendation
The Environmental Board recommends **approval** with conditions of a variance request to Land Development Code 25-8-341 and 25-8-342 – To exceed the maximum allowable cut and fill.

Staff Conditions

1. The applicant will plant 100% City of Austin native and or adaptive plants and trees.
2. A recorded restrictive covenant will preserve the natural area from development
3. The applicant will provide a rainwater collection system for the commercial structures
4. The applicant will provide staff with a signed copy of a Letter of Intent (to Austin Energy) that proposes a minimum 1.5 –star energy rating for the commercial buildings.
5. Cut and fill is limited to a maximum of 11 feet.

Board Conditions
City of Austin staff will clarify condition number 2 to preserve both re-irrigation areas and natural areas to remain undisturbed.

Rationale
Findings of fact have been met. Applicant has worked closely with City of Austin staff to revise development application. 4.5 acres will remain as natural buffer and meets Save Our Springs ordinance. No Critical Environmental Features (CEF"S) on site, City of Austin Water and Wastewater service is the site.

Vote **7-0-0-1**

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

Against:

Abstain:

Absent: Beall

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair

Drawing: P:\783-001\dwg\working_drawings\exhibits\783001SL-6.dwg :layout1
User: DSCHEALER
Last Modified: Jul 24, 07 - 19:24
Plot Date/Time: Jul 25, 07 - 08:23:12

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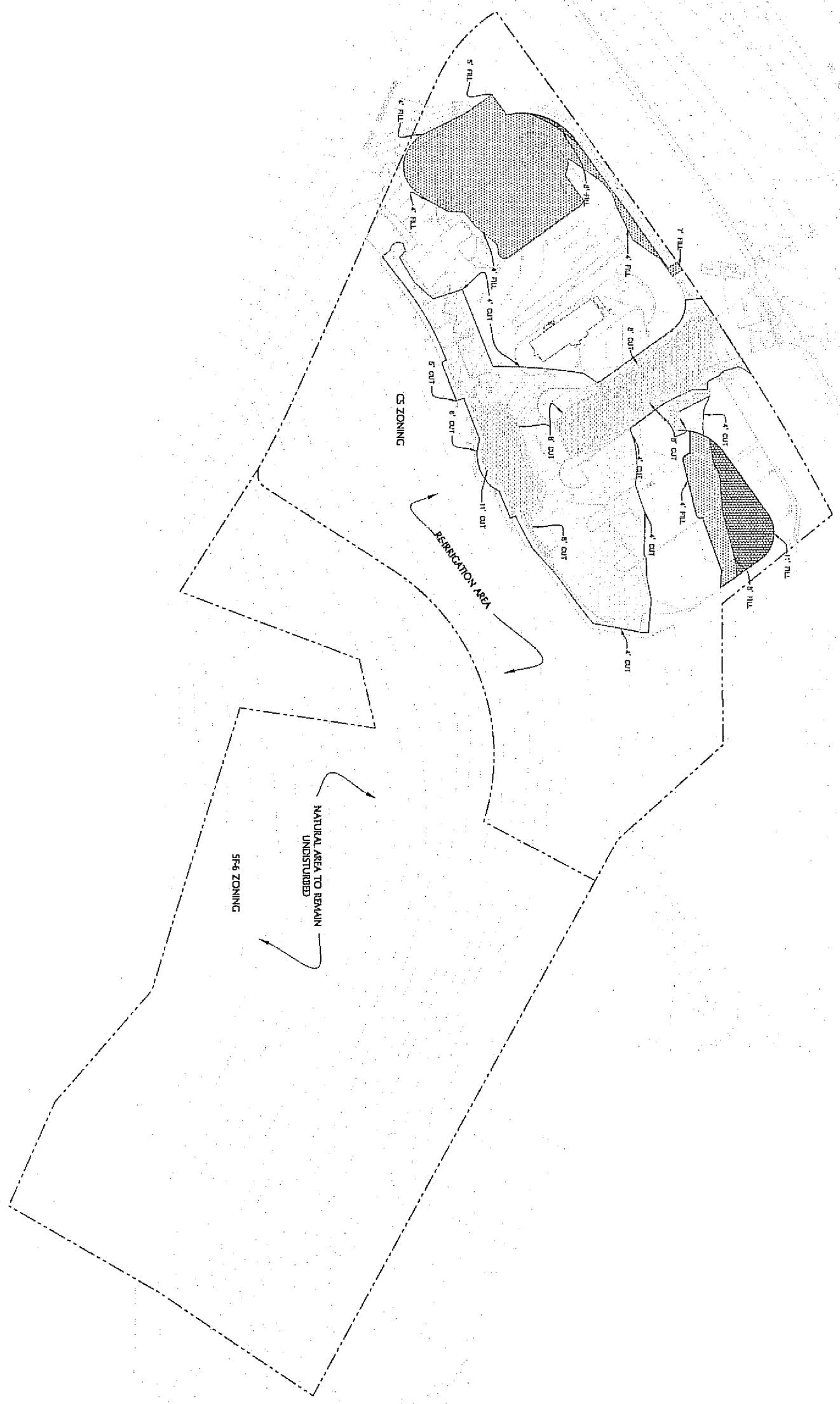

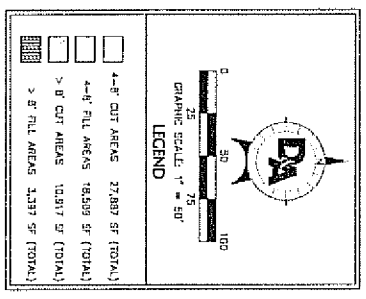

DATE: FEBRUARY 05, 2007

SP-07-0101C

CUMMINGS-BACCUS INTERESTS
HILLTOP PARK
7015 W. U.S. 290 HWY.
AUSTIN, TEXAS

CUT & FILL
HILLTOP PARK

NO.	DATE	REVISION	APP
1			
2			
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8			

Doucet & Associates, Inc.
7401 B Hwy. 71 W., Suite 160
Austin, Texas 78735, Phone (512) 583-2600 Fax (512) 583-2601
www.doucetandassociates.com
AUSTIN, TEXAS · EASTHAMPTON, MASSACHUSETTS · KONAWA, OAKLANDA

SHEET 1 OF 1

PROJECT NO: 783-001

DATE: FEBRUARY 05, 2007

SP-07-0101C

Rainwater Downspout Filter

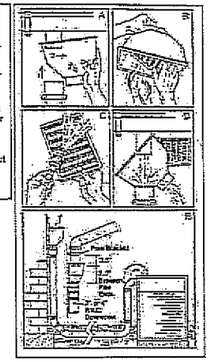
HOW TO USE

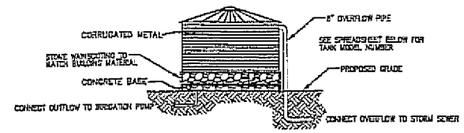
A. To remove Rainwater Downspout Filter, lift, slide across, then lower at an angle.

B. Tip out leaves and filter.

C. Use a hose to clean stainless steel filter.

D. While cleaning roof and gutters, place Rainwater Downspout Filter at 45-degree angle to block downspout, to divert dirty water, and keep out bugs and debris. Reassemble and replace.





RAINWATER COLLECTION TANK
SCALE N.T.S.

783-001 Oak Hill Y (Roof Area Capture Volumes)
Revised by LS 02/25/2007

Required Water Quality Capture Volume for Building 1 (4,054 sf)
- Compliance with Technical Requirements of the SOS Ordinance

Area draining to Storage Tank = 0.09 acres
Total Impervious Cover = 0.09 acres
Impervious Cover % = 100%

Per Table 1-12 ECM 1.6.9:
Capture Depth @ 100% 2.4 in
WQ Volume = 0.02 ac-ft
= 811 ft³
= 6,066 gallons
(x2)= 12,132 gallons
Use Model 1503 Spec - All Products, Inc. 13,500 Gallon Capacity Tank

Required Water Quality Capture Volume for Building 2 (1,800 sf)
- Compliance with Technical Requirements of the SOS Ordinance

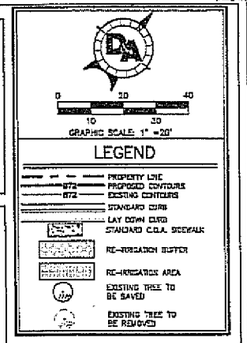
Area draining to Storage Tank = 0.04 acres
Total Impervious Cover = 0.04 acres
Impervious Cover % = 100%

Per Table 1-12 ECM 1.6.9:
Capture Depth @ 100% 2.4 in
WQ Volume = 0.01 ac-ft
= 360 ft³
= 2,693 gallons
(x2)= 5,387 gallons
Use Model 0504 Spec - All Products, Inc. 6,805 Gallon Capacity Tank

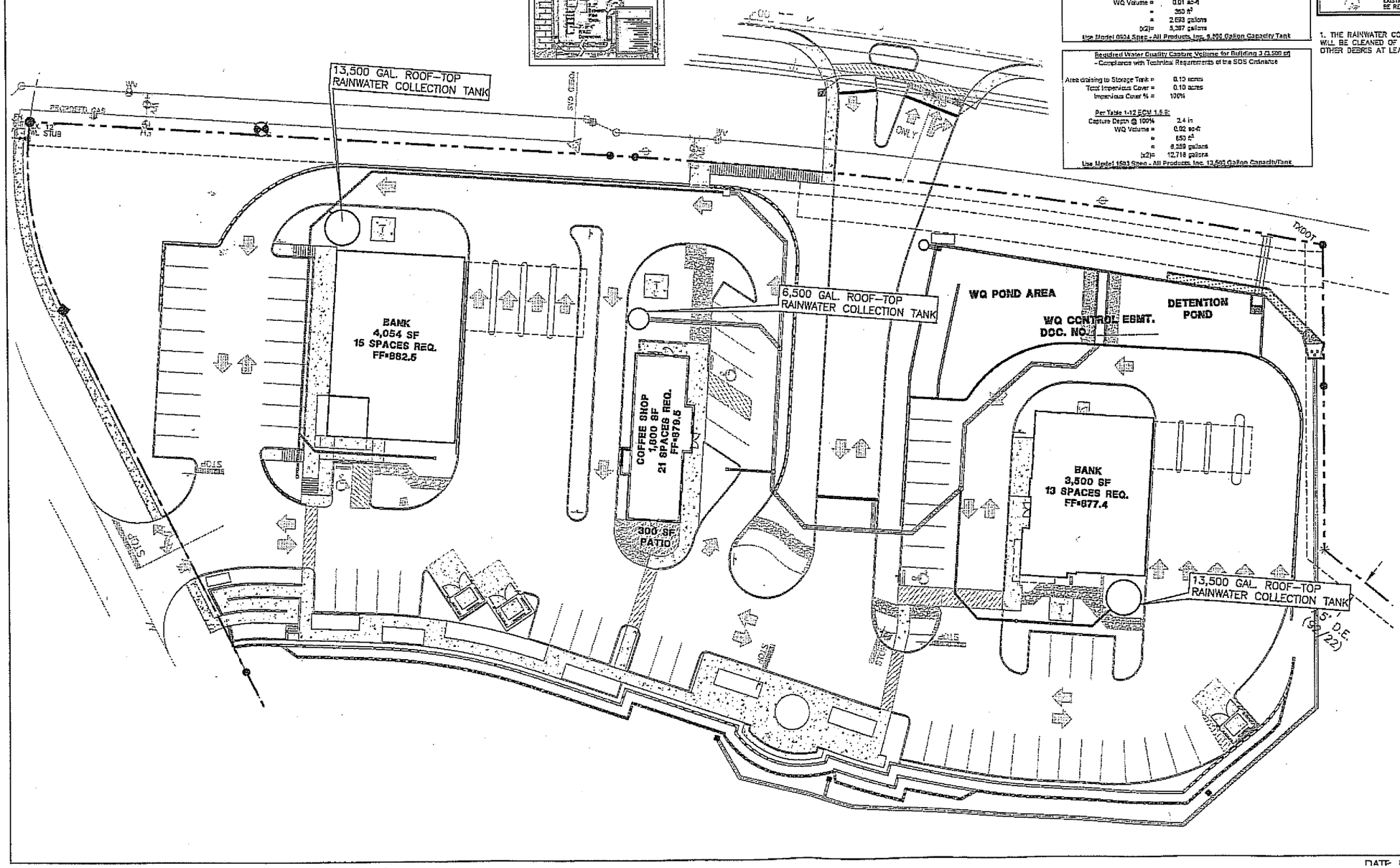
Required Water Quality Capture Volume for Building 3 (3,500 sf)
- Compliance with Technical Requirements of the SOS Ordinance

Area draining to Storage Tank = 0.10 acres
Total Impervious Cover = 0.10 acres
Impervious Cover % = 100%

Per Table 1-12 ECM 1.6.9:
Capture Depth @ 100% 2.4 in
WQ Volume = 0.02 ac-ft
= 850 ft³
= 6,359 gallons
(x2)= 12,718 gallons
Use Model 1503 Spec - All Products, Inc. 13,500 Gallon Capacity Tank



1. THE RAINWATER COLLECTION TANK WILL BE CLEANED OF ALL SEDIMENT AND OTHER DEBRIS AT LEAST ONCE A YEAR.



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Austin, Texas 78735, Phone: (512) 583-2600 Fax: (512) 583-2601
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No.	Date	Revision	Int.
1			
2			
3			
4			
5			

RAINWATER COLLECTION

CUMMINGS-BACCUS INTERESTS
HILLTOP PARK
7015 W. U.S. 290 HWY.
AUSTIN, TEXAS

Scale: AS SHOWN
Designed by: DAC/LS
Drawn by: DAC
Reviewed by: SCF
Date: 02/05/07

SHEET
1
1 OF 1

Project No: 783-001

DATE: FEBRUARY 05, 2007 SP-07-0101C

DATE: FEBRUARY 05, 2007 SP-07-0101C

The Y at Oakhill
AUSTIN, TEXAS

CUMMINGS-BACCUS INTERESTS

Doucet & Associates, Inc.
7401-B Highway 71 West, Suite 160, Austin, TX 78735
Phone : (512) 583-2600 Fax : 583-2601
www.doucetandassociates.com

MEMORANDUM

TO: Pervez Moheet, Acting Director
Austin Water Utility

FROM: Patrick Murphy, Environmental Officer
Watershed Protection and Development Review Department

DATE: August 31, 2007

SUBJECT: Overlook Estates Phase II SER #2644

We have completed our review and are recommending the proposed Overlook Estates Phase II SER to increase the capacity of an existing water line in order to meet current fire flow requirements. We have determined that the SER will not increase development intensity over current code requirements and will not create any additional water quality impacts.

You will find attached, a staff analysis of Overlook Estates' request for service. We will present our analysis of the request to the environmental board at their next meeting on September 5, 2007. Please do not hesitate to contact me at 974-2821or Robbie Botto at 974-2187 with your questions or comments.

Sincerely,

Patrick Murphy, Environmental Officer
Watershed Protection and Development Review Department

PM:rbb

cc: Victoria L. Li, P.E., Director WPDR
Nancy McClintock, Assistant Director, WPDR
Tom Ennis, P.E., Division Manager, ERM, WPDR

attachments

Agenda Item D-2

WATER AND WASTEWATER SERVICE EXTENSION REQUEST FOR CONSIDERATION

#310434

Name: OVERLOOK ESTATES PHASE 2

Service Requested: Water

S.E.R. No.: 2644

Date Received: 04/24/2007

Location: RAWHIDE TRL AUSTIN TX 78736- OVERLOOK ESTATES PHASE 2 (TCAD TAX PARCEL 0402580216)

Acres: 40.9

Land Use: SINGLE FAMILY

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

Quad(s): WZ20 WZ21

DDZ: NO

Drainage Basin: BARTON

Pressure Zone: SWC1

DWPZ: YES

Flow: (Estimated Peak Hour Flow, Gallons per Minute) 88 GPM

% Within City Limits: 0

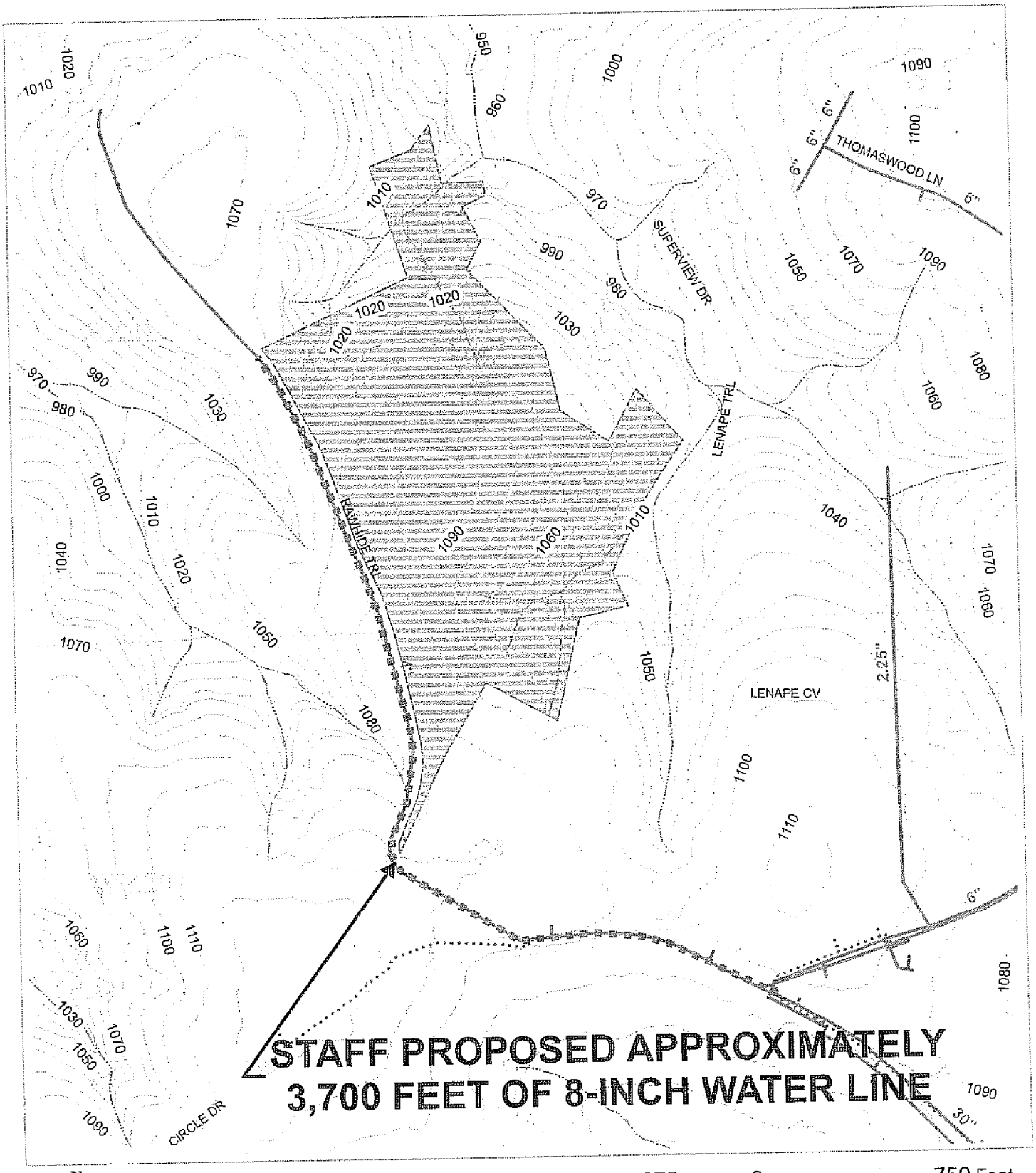
Cost Participation: $0.00

% Within Limited Purpose: 0

Description of Improvements:
Applicant will construct approximately 3,700 feet of 8-inch water line to replace the existing 6-inch water line in CIRCLE DR and RAWHIDE TRL from the proposed 30-inch water line (Project 2005-0010) in CIRCLE DR southeast of the subject tract, west along CIRCLE DR and then north along RAWHIDE TRL to the northern property line of the subject tract. Applicant will also reconnect all existing water services from the existing 6-inch water line along this path to the proposed 8-inch water line.

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) The proposed offsite water improvements will be dedicated to The City of Austin for ownership, operation, and maintenance.
6) The proposed offsite 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	Date	Division Manager, Utility Development Services	Date
Division Manager, System Planning	Date	Asst. Director Engineering Program, AWU	Date
Division Manager, Facility Engineering	Date	Director, Austin Water Utility	Date
Watershed Protection	Date		



N
W E
S

750 375 0 750 Feet

Subject Tract

W. S.E.R. Name: Overlook Estates Phase 2
W. S.E.R. Number: 2644

Utility Development Services Plotted 06/08/2007

Service Extension Request (Water)
Overlook Estates Phase II (SER #2644)

1) Will future development be required to comply with current code?

No, Overlook Estates Phase II will comply with the Barton Creek Watershed Ordinance in conformance with the approved preliminary plan.

2) Does the requested service result in more intense development than would be possible absent the service?

No, the development will utilize individual, onsite wastewater systems that limit the residential density to a minimum, one acre lots. This is consistent with the amount of development that could occur under current regulations with on-site wastewater systems. The existing water service does not provide adequate capacity for fire flow.

3) If so, is the development in an area in which we are encouraging development?

N/A

4) Would centralized service solve known or potential environmental problems?

Yes, centralized water service could reduce groundwater demand in an area of limited groundwater availability.

5) Is serving the area consistent with long term service area and annexation goals?

Yes, Overlook Estates Phase II is located within the city's CCN service area, but not in an area subject to near term annexation. City planners have indicated that it could be the subject of future, long-term annexation.

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C8F-79-067.RCA **Z.A.P. DATE:** August 14, 2007

ADDRESS: 4 Humboldt Lane

OWNER: James T. Vanderslice **AGENT:** Jim Bennett

EXISTING ZONING: LA

AREA: 8.386 acres

REQUEST: The owners of the property at 4 Humboldt Lane request to amend an existing restrictive covenant in order to construct a boat dock and tram. The conditions of the restrictive covenant prohibit this construction.

SUMMARY ENVIRONMENTAL BOARD RECOMMENDATION:

To Be Determined

SUMMARY PLANNING COMMISSION RECOMMENDATION:

To Be Determined

SUMMARY STAFF RECOMMENDATION:

Staff does not recommend termination of the existing restrictive covenant for the subject property. The termination of the existing restrictive covenant would eliminate restrictions placed on the lot under environmental regulations at the time of the subdivision's approval, and eliminate restrictions placed on the lot that were conditions of approval of six variances granted by the Planning Commission.

DEPARTMENT COMMENTS:

The subject property consists of approximately 8.386 acres fronting the cul-de-sac of Humboldt Lane. The lot is zoned LA and is in both the full and limited purpose jurisdiction of the City of Austin, with a portion that is also located in the 2-mile ETJ. A restrictive covenant was imposed on the entire subdivision that incorporated the environmental regulations set forth for single family development at the time of the Interim Lake Austin Ordinance. These restrictions included: building sites, building foundations, fills and cuts and driveway grades.

The conditions of the restrictive covenant that affect the construction of boat docks and trams are additional restrictions included in the covenant for all 18 lots that front Lake Austin. More specifically, a "Lake Austin Bluff Line" was defined and restrictions of "no development" were imposed below the bluff line delineation. The bluff was identified as a significant land feature meant for protection when the subdivision was approved and would be defined as a critical environmental feature under current environmental regulations. Six variances were approved by the Planning Commission for approval of the subdivision, and the restrictions related to the bluff line were imposed as conditions of approval.

EXISTING ZONING AND LAND USES:

LA zoning and residential land uses

WATERSHED: Lake Austin

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin City Park Neighborhood Association
Rob Roy Homeowners Association

SCHOOLS:

Eanes Independent School District

CASE HISTORIES:

Planning Commission Approval: The Planning Commission approved the subdivision along with certain conditions placed in the restrictive covenant as condition of the approval of six variances on April 24, 1979.

Restrictive Covenant: The restrictive covenant was recorded with the Rob Roy Phase 2 subdivision on August 29, 1979.

CITY COUNCIL DATE:

ACTION:

To Be determined

ORDINANCE READINGS:

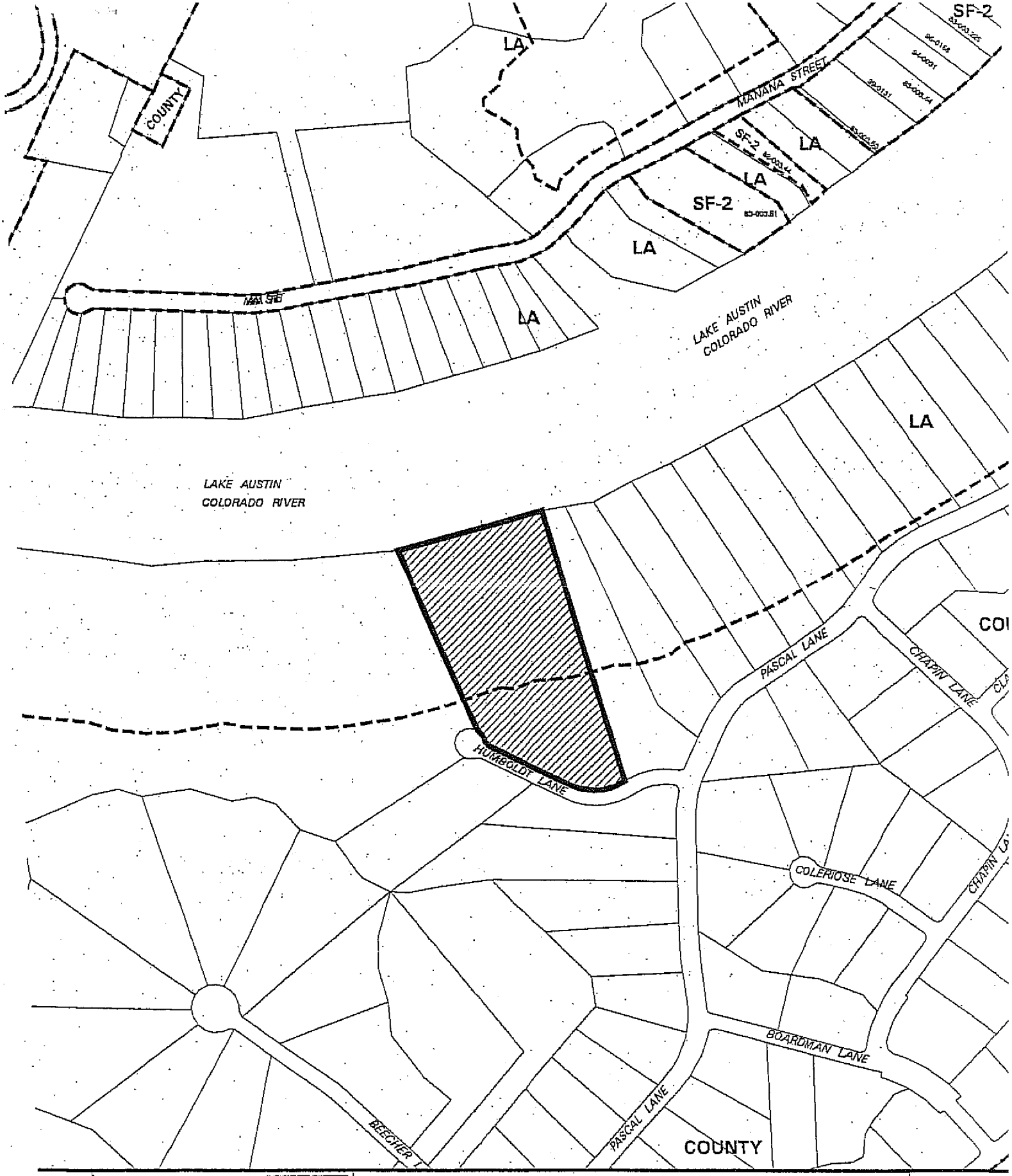
ORDINANCE NUMBER:

CASE MANAGER: John M. McDonald, WPDRD

PHONE: 974-9795

E-MAIL: john.mcdonald@ci.austin.tx.us

LOCATION MAP



N

1"=400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: J. MCDONALD

RESTRICTIVE COVENANT AMENDMENT

CASE #: C8F-79-067.RCA

ADDRESS: 4 HUMBOLDT LANE

DATE: 07-03

SUBJECT AREA (acres): N/A

INTLS: SM

CITY GRID REFERENCE NUMBER

E27

PROPOSED MODIFICATION

The proposed modification is to remove Lot 52 Block E from the restrictive covenant. This would eliminate any development restrictions placed on the property under the ordinance in which it was approved and any additional restrictions placed on the property through approval of variances received.

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT FOR
ROB ROY SUBDIVISION

9 00

THE STATE OF TEXAS AUG 29-79 6158 * 9.00 2-09-6643

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION, made this 14th day of August, 1979, by AUSTIN ROB ROY CORPORATION, a Texas corporation, hereinafter referred to as "Declarant".

RECITALS

1. Declarant is the owner of all that certain real property located in Travis County, Texas, described as follows:

> Rob Roy Subdivision, Block A, Lots 1 through 10; Block B, Lots 1 through 8; Block C, Lots 1 through 18; Block D, Lots 2 through 52; Block E, Lots 1 through 68; Block F, Lots 1 through 17; Block G, Lots 1 through 31; Block H, Lots 1 through 2 and Block I, Lots 1 through 34, an addition in Travis County, Texas, according to the map or plat thereof, recorded in Book _____, Page _____ of the Plat Records of Travis County, Texas.

2. Declarant will convey the above described Property, subject to certain restrictions as hereinafter set forth.

NOW, THEREFORE, it is hereby declared that all of the Property described above shall be held, sold and conveyed, subject to the following restrictions for the purposes set forth above and for protection of the value and desirability of the Property. The following restrictions shall run with the Property and shall be binding on all parties having any right, title or interest in or to the above described Property or any part thereof, and their heirs, successors and assigns; and which restrictions shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

1.01 "Owner(s)" shall mean and refer to the recorded Owner, whether one or more persons, associations or entites, of legal, equitable or beneficial title of or to any lot. Owner shall include purchaser of a lot under an executory contract for sale of

real property. The foregoing does not include persons or entities who hold interest in any lot merely for the security for the performance of an obligation.

1.02 "Property" shall mean and refer to that certain real property described in Recital 1 above. 2-09-6644

1.03 "Lot" shall mean each parcel of land shown as a lot on the recorded final plat map of the Property and designated on said map by a separate number, or any subsequent subdivision thereof.

1.04 "Improvements" shall mean the buildings, garages, carports, roads, antennas, driveways, parking areas, walls, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind and type affecting the natural condition of the land or the drainage of surface waters on, across or from the land.

1.05 "Single Family" shall mean a group of one or more persons related to each other by blood, marriage, or legal adoption, or a group of not more than three persons not all so related, together with their domestic servants to maintain a common household in a dwelling.

1.06 "Single Family Residential Use" shall mean the occupation or use of an Improvement by a Single Family in conformity with this Declaration and the requirements imposed by applicable zoning laws or any other State, County or Municipal laws, rules, regulations, codes or ordinances.

1.07 "Building Site" shall mean and refer to that portion of any of the above defined lots within the front setback and other lot lines upon which a single family residence may be constructed.

1.08 "Lake Austin Bluff Line" shall be the areas designated on the Plat as the Lake Austin Bluff Line, which shall be the 675 foot contour line.

ARTICLE II
RESTRICTIONS

2.01 Building Foundations: All building foundations on slopes of 15% or greater or on fill placed upon such slopes shall utilize design and construction practices certified by a registered professional engineer qualified to practice in this field and such design shall be placed on file with the City of Austin Engineering Department.

2-09-0545

2.02 Fills and Cuts: No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet.

2.03 Driveway Grades: Every lot shall be reasonably accessible by vehicle from the roadway to the probable Building Site. For a minimum travel distance of twenty-five feet from the roadway edge, the driveway grade may exceed (14%) only with specific approval of surface and geometric design proposals by the Director of the Engineering Department or his designee.

2.04 Lake Austin Bluff Lines: There shall be no development, Improvement, or Structure, temporary or permanent, below the line shown on the Plat as designating the Lake Austin Bluff Line. Such areas are to be left totally and completely in their natural state. All activity and Improvement, including, but not limited to, ladders, elevators, stairs, walkways, etc., are expressly prohibited.

ARTICLE III
MISCELLANEOUS

3.01 Modification: The restrictions of this restrictive covenant are derived from the City of Austin, Texas, Ordinance No. 780105-C. In the event that said ordinance becomes less restrictive concerning building foundations, building sites and driveways, this covenant shall be amended to follow such less restrictive ordinance, but in the event that such possible ordinance changes become more restrictive, the restrictions of this covenant shall remain in effect. This covenant may be modified, amended or terminated only by a majority vote of a quorum of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and joined by the undersigned Declarant.

3.02 Enforcement: If any persons, person, firm, corporation or entity of any other character shall violate or attempt to violate the restrictions contained herein, the City of Austin, a municipal corporation, its successors and assigns, shall have the right to enforce these restrictions by proceedings at law or in equity to prevent said violation or attempted violation thereof.

2-04-0646

EXECUTED this 14th day of August, 1979.

ATTEST:

AUSTIN ROB ROY CORPORATION

NO SEAL

By Gary Bradley
Secretary, Gary Bradley

By John C. Wooley
John C. Wooley

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared JOHN C. WOOLEY & GARY BRADLEY, President & Secretary of AUSTIN ROB ROY CORPORATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of August, 1979.

NOTARY SEAL

Patricia Langford
Notary Public, Travis County, Texas
Patricia Langford

My Commission Expires:
5-10-81

FILED
AUG 29 3 00 PM '79
COUNTY CLERK
TRAVIS COUNTY, TEXAS

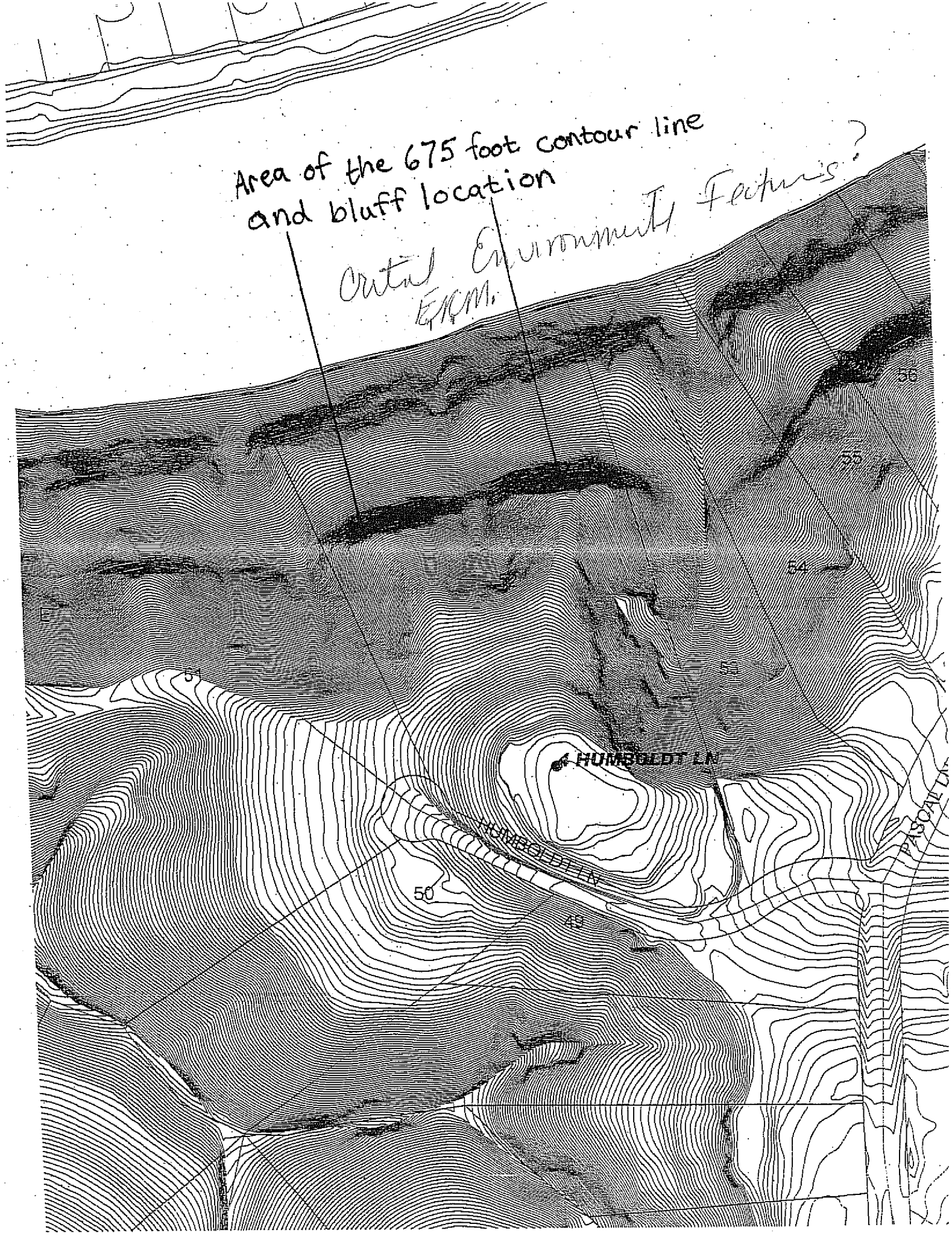
STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as stamped hereon by me, on

AUG 29 1979

COUNTY CLERK
TRAVIS COUNTY, TEXAS

5673 1700

CONTOUR MAP


Area of the 675 foot contour line
and bluff location
Critical Environmental Features?
EPCM.
56
55
54
53
52
51
50
49
HUMBOLDT LN
HUMBOLDT LN

PLANNING COMMISSION BACKUP FROM APRIL 24, 1979
(microfiche copies)

C8-79-28 Northwood V--continued

7. Subdivision is classified as urban and all streets, drainage, sidewalks, water and wastewater lines are required to be constructed to City standards with appropriate fiscal arrangements therefor. (Sec. 41-1 and 41-14)

8. Connection is required to the City of Austin water and wastewater systems. (Sec. 41-48 and 41-49)

I. Information:

1. This subdivision is located within Austin, in the Austin Independent School District and is in the Bull Creek watershed.

Mrs. Schechter asked about the discrepancy in the number of lots. Gordon Davis explained that 40 is correct, that single family residences will be built on the entire tract and that is the reason for the change in the number of lots.

COMMISSION VOTE

Mr. Dixon moved to grant approval subject to staff recommendations. Mrs. Schechter seconded the motion.

AYE: Unanimous

THE MOTION PASSED BY A VOTE OF 9-0.

C8-79-32 Rob Roy Phase Two
Loop 360

Walt Dabnyshire stated staff would recommend disapproval; delete Item B.3, to grant Variances 1, 2, 3 and 4, to disapprove Variance No. 5; to disapprove Variance No. 6. Applicant agrees with recommendations 1, 2, 3 and 7, for part of 2, 3, and does not agree with 4 and 5 due to problem with Lot 26 and 40, Block E.

A. Synopsis:

The staff recommends disapproval without conditions of this preliminary plan until ordinance requirements are fulfilled.

B. Ordinance Requirements--Preliminary Stage

1. The subdivision is classified as urban and all streets, drainage, sidewalks, water and wastewater lines are required to be constructed to City standards with appropriate fiscal arrangements. (Sec. 41-1; 41-14(d), 41-36 thru 41-53, 41-48, 41-49)

C8-79-32 Rob Roy Phase Two (Cont'd)

2. Identify sidewalk locations on both sides of Pascal Lane, one side of all residential streets, and the subdivision side of St. Stephens School Road unless variance is granted to delete sidewalks. (Sec. 41-42)

3. Austin/Travis County Health Department approval required for septic tank system use prior to preliminary plan approval. (Sec. 41-53)

C. Variances

1. Variance is required to delete fiscal requirements for City wastewater services.
Recommend: to grant, provided that septic tank use is approved as no City wastewater service is available. (See attached letters) (Sec. 41-14, 41-48)

2. Variances are required on the length of Cicero Lane (both ends), Beecher Lane, Humbar Lane, and Lejuridge Lane cul-de-sacs. (See attached letter) (Sec. 41-31)
Recommend: to grant, for reasons of topography, low density and to provide for future extension of Pascal Lane.

3. Variances are required on the length of blocks E, F, G and I. (See attached letter) (Sec. 41-20)
Recommend: to grant, for reasons of topography and low density.

4. Variance is required on the scale of the preliminary plan. (See attached letter) (Sec. 41-11)
Recommend: to grant, due to large plat size at the required scale of 1 inch to 100 feet.

5. Variances are requested to delete sidewalks, fiscal arrangements, and location note. (See attached letter) (Sec. 41-5).
Recommend: to disapprove, sidewalks are considered necessary by both Urban Transportation and Public Works. (See attached letter) (Sec. 41-42 and Pedestrian Plan)

6. Variance is requested to transfer fiscal arrangements from the City to the County for street and drainage improvements. (See attached letter - Gary L. Bradley, dtd. April 19, 1979) (Sec. 41-14)
Recommend: to disapprove until distribution and review can be completed by Engineering, Urban Transportation, Public Works and Legal Departments. Request for variance was submitted on April 19th; review should be complete for the May 8th hearing. (NOTE: postponement of this request need not delay conditional approval of the preliminary plan provided that all ordinance requirements hereof are satisfied by the applicant.)

C8-79-32 Rob Roy Phase Two--continued

D. Recommendations (Cannot be required unless agreed to by the owner):

1. Recommend modifications shown on Plat Review Print to modify cul-de-sac bubble on Pastal Lane.

2. Recommend a note on final plat prohibiting driveway access onto St. Stephens School Road and Pastal Lane for lots 4, 22, 26, 40, 49 and 53 Block D; lots 6, 10, 20 and 28 Block G; lots 3, 11, 12, and 17 Block C; and lots 1, 9, 14 and 22 Block L.

3. Recommend that common driveways and appropriate access easements be provided for lots 37, 38 and 39 Block E.

4. Recommend 64' R.O.W. for all collector streets.

5. Recommend that the owner postpone this preliminary plan until low density street standards are adopted so that this development may utilize such standards. Modifications required to comply with current proposed low density standards.

6. Recommend restriction on final plat to prohibit sewage holding tanks.

7. Recommend that restrictive covenants be placed on Lots 51 through 68 to address future development compatible with the intent and purpose of the Lake Austin Watershed Ordinance.

E. Notification of Ordinance Requirements--Final Plat

1. Fiscal arrangements and appropriate sidewalk location note is required with final plat outside city limits. (Sec. 41-42)

2. The 25-year flood plain is required to be dedicated as a drainage easement. (Sec. 41-44.1(e))

3. Submit two copies of the corrected approved preliminary plan with final plat. (Sec. 41-31)

4. Drainage and public utility easements as required. (Sec. 41-13; 41-29)

5. Minimum building slab elevation note is required on the final plat for lots adjacent to waterway(s). (Required by Travis County)

6. Waterway development permit is required prior to final plat approval. (Sec. 41-47.2; 41-47.10)

CB-79-32 Rob Roy Phase two-section two

7. Connection required to Water District #10 water system. Letter required from such district stating financial arrangements have been made by the owner to serve this subdivision with water and that service will be provided. (Sec. 41-52)

8. Show a restriction on the final plat prohibiting occupancy of any lot until connection is made to Water District #10 water system and to a septic tank system approved by the Austin/Travis County Health Department. (Sec. 41-13)

9. All cuts and fills are required to comply with the Lake Austin Ordinance. (Sec. 41-35.1)

10. Driveways are required not to exceed 14% grade for first 25 feet or as approved by the Engineering Department. (Sec. 41-35.3)

11. Restrictive covenants required for final plat(s) to include the following:

    A.* All building foundations on slopes of 15% and over and on fill placed upon such slopes shall utilize design and construction practices certified by a registered professional engineer qualified to practice in this field and such designs shall be placed on file with the City of Austin Engineering Department.

    B.* For a minimum travel distance of 25 feet from the roadway edge, driveway grades may exceed 14% only with specific approval of surface and geometric design proposals by the Director of the Engineering Department or his designee.

    C.* No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet.

12. Final plat(s) required to comply independently with the Lake Austin Ordinance and all materials for review required to be submitted. (Sec. 41-[illegible] (d) (5), 41-33, 41-35.3)

13. Sustained collector street grades required not to exceed 15%. Sustained resident al street grades required not to exceed 20% (Sec. 41-37) (Sustained grades are those which occur for a distance of greater than 300 feet.)

14. Boat docks and any shoreline modifications required to be approved by the City Council and State Navigation Board. (Council Ordinance)

15. Proposed access (street intersection) onto Loop 360 required to be approved by the State Highway Department. Need letter. (State requirement.)

C8-79-32 Rob Roy Phase Two - continued

16. Existing St. Stephen's School Road required to be vacated and quit claimed to this owner where it does not coincide with proposed alignment. (Sec. 41-18(h))

17. Pascal Lane out to Copp 360' required to be dedicated and constructed with the first phase of this subdivision for circulation and access. (Sec. 41-24)

* Subdivision ordinance requires compliance with these requirements. Legal Department advised that a restrictive covenant is the only means of enforcement.

F. Information

1. This subdivision is within the City of Austin, in the Eanes Independent School District and is located in the Lake Austin watershed.

Gary Bradley discussed the sidewalk requirements and pointed out that sidewalks would serve no purpose in this subdivision. He discussed the street and drainage requirements, as well as development requirements in the two-mile ETJ. He requested the same provisions for Phase Two as were granted for Phase One. There was discussion of the low density standards and when they would be implemented, also discussion of transferring fiscal requirements to the County. Sheila Finneran of the Legal Department stated she needed more time to determine whether or not the Planning Commission had the authority to transfer fiscal requirements to the County.

COMMISSION VOTE

Mrs. Shipman stated that sidewalks would make this subdivision impractical and moved to approve the preliminary subdivision granting all six variances as requested by the applicant, accepting the recommendation for items 1, 2, 3, 6 and 7 part of 2, with the exception of Item 2b and 4b. Mrs. Schechter seconded the motion.

Mr. Jagger offered a substitute motion that all variances be granted with the exception of the one relating specifically to the road; that Legal Department submit an opinion at the May 8 meeting; that the Commission does not require any more review or information to be submitted. The substitute motion died for the lack of a second.

The Commission then voted on the original motion.

AYE: Danze, Dixon, Overrand, Schechter, Shipman, Snyder and Stoll

NAY: Jagger and Yeh

THE MOTION PASSED BY A VOTE OF 7-2.

Mr. Snyder moved to establish a new subcommittee to act on low density standards and send it on to the Council. Mr. Stoll seconded the motion.

THE MOTION PASSED BY A VOTE OF 8-0.

Mr. Guerrero appointed a subcommittee to consist of Bernard Snyder as chairman, and Mr. Jagger and Mrs. Shipman.

CBs-79-015 Huebetter Subdivision
Old Bee Caves Road

Walt Darbyshire explained that the church had made the necessary fiscal arrangements and the request was withdrawn.

NO ACTION TAKEN.

R105-79 Subdivision Memorandum
Short Form and Final Subdivisions as listed on the Subdivision Memorandum. Action taken at the meeting.

The Planning Commission considered items listed on the Subdivision Memorandum and took the action as indicated (including variances as recommended), granting the variances on CB-79-22 but disapproving the plat.

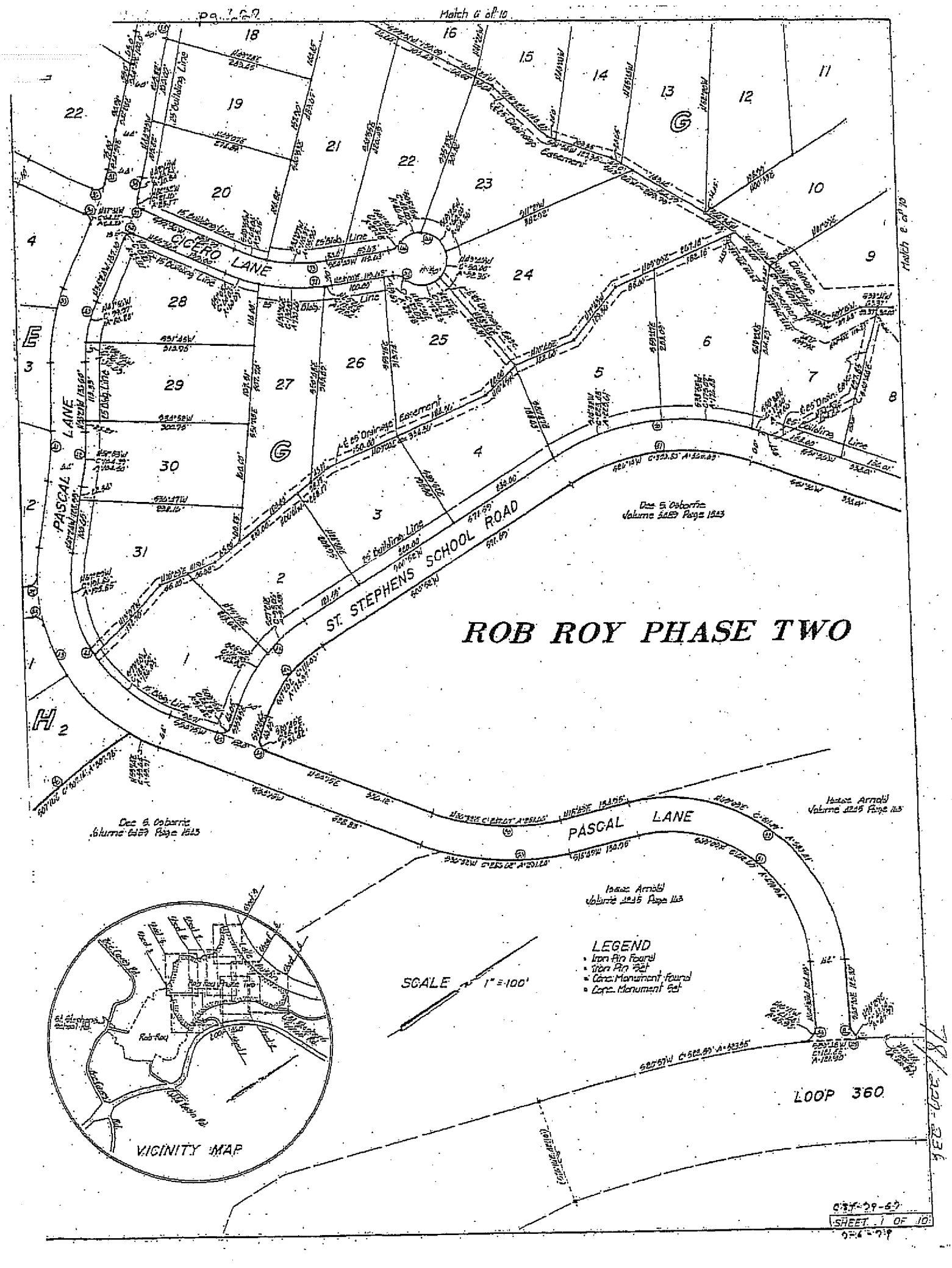
AYE: Danze, Dixon, Guerrero, Jagger, Schechter, Shipman, Stoll, and Vier.
OUT OF THE ROOM: Snyder.

THE MOTION PASSED BY A VOTE OF 8-0.

The meeting adjourned at 11:20 p.m.

Richard R. Lillie, Executive Secretary

ROB ROY PHASE TWO RECORDED SUBDIVISION


ROB ROY PHASE TWO
CICERO LANE
PASCAL LANE
ST. STEPHENS SCHOOL ROAD
LOOP 360
Drainage Easement
15' Building Line
25' Building Line
15' Bldg. Line
25' Bldg. Line
Dec. 5, Osborne
Volume 6289 Page 1543
Dec. 6, Osborne
Volume 6287 Page 1543
Isaac Arnold
Volume 1845 Page 113
LEGEND
Iron Pin Found
Iron Pin Set
Conc. Monument Found
Conc. Monument Set
SCALE 1" = 100'
VICINITY MAP
SHEET 1 OF 10

ROB ROY PHASE TWO

SCALE 1" = 100'

PASCAL LANE

COLERIDGE LANE

CHAPIN LANE

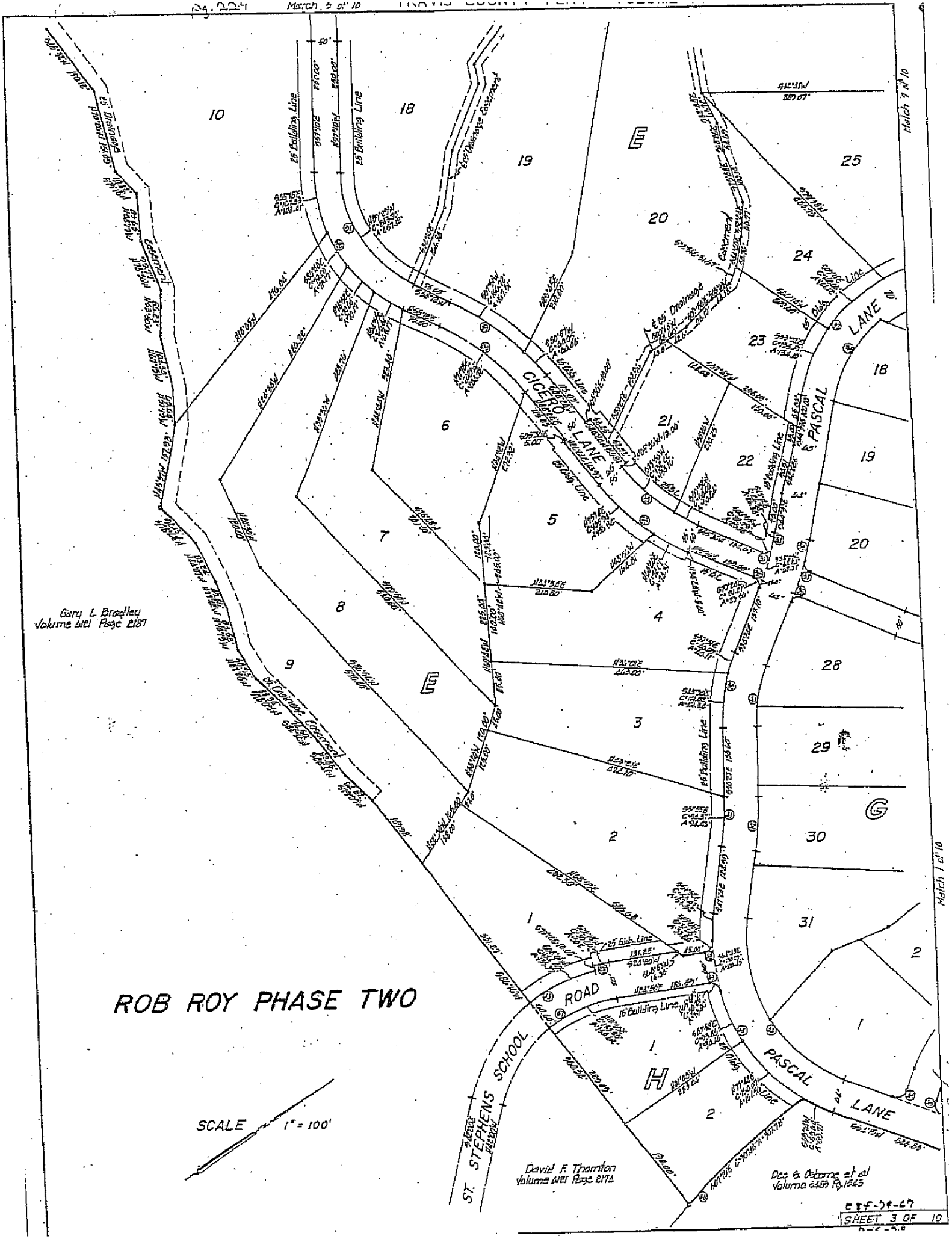
BOARDMAN LANE

CLARENDON LN

ST. STEPHENS SCHOOL ROAD

Dec 6. Osborne
Volume 8889 Page 1545

SHEET 2 OF 10


ROB ROY PHASE TWO
SCALE 1" = 100'
CICERO LANE
PASCAL LANE
ST. STEPHENS SCHOOL ROAD
Gary L. Bradley
Volume 11811 Page 2187
David F. Thornton
Volume 11811 Page 2174
Dec G. Osborne et al
Volume 6459 Pg. 1845
25' Building Line
15' Building Line
Drainage Easement
Match 1 of 10
SHEET 3 OF 10

ROB ROY PHASE TWO

SCALE: 1" = 100'

Lake Austin

58 59 60 61 62 63 64 65 66 67 68

E

25' Building Line

15' Bldg. Line

PASCAL LANE

CHAPIN LANE

22 21 20 19 18 17 16 15

23 24 25 26 27 28 29

D

CLARENDON LN.

11 12 10 13 9 8 7 6 5 14

STEGNER LANE

ST. STEPHENS SCHOOL ROAD

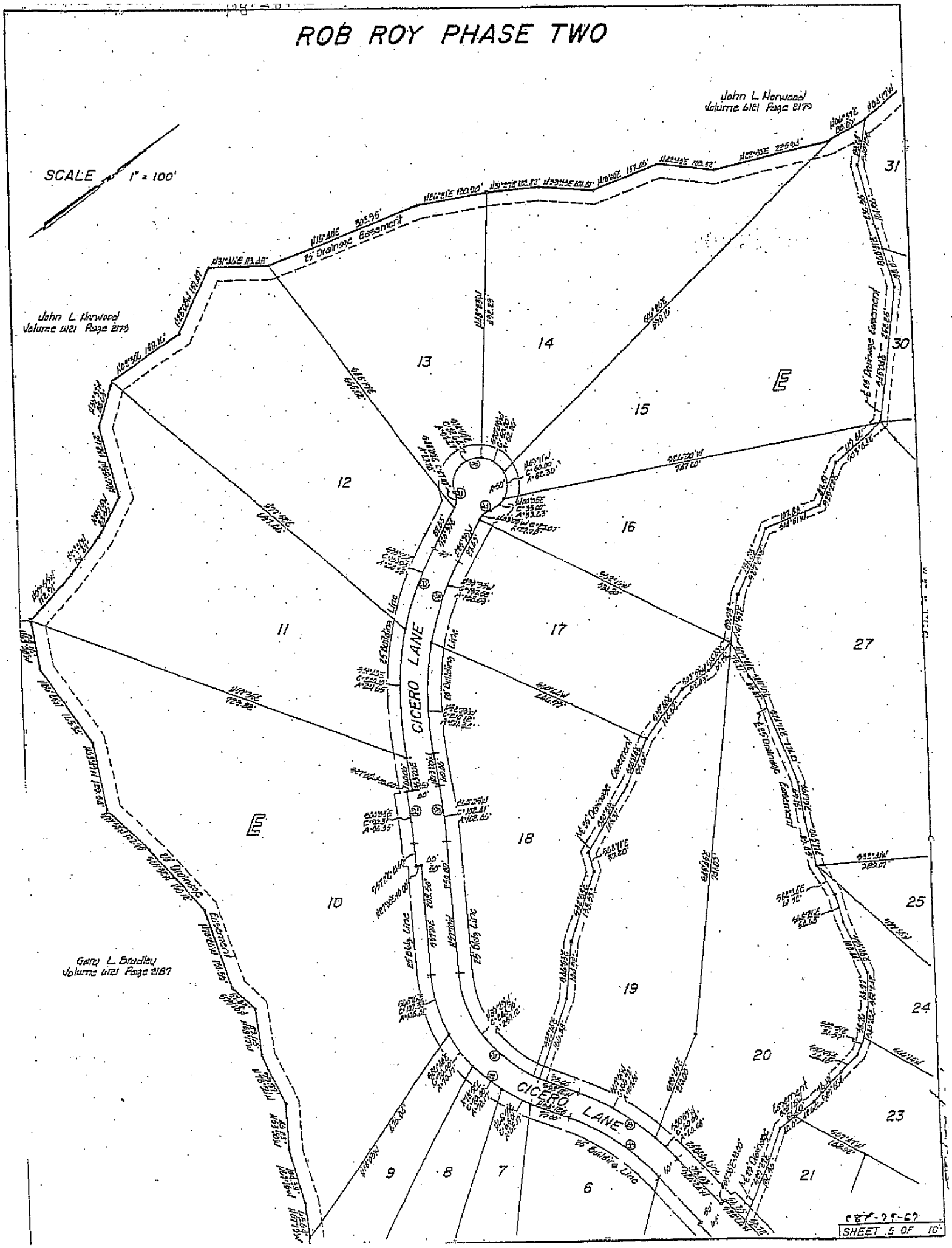
Drainage Easement

Dee G. Osborne
Volume 4159 Page 1545

Mona Arnold
Volume 4144 Page 1141

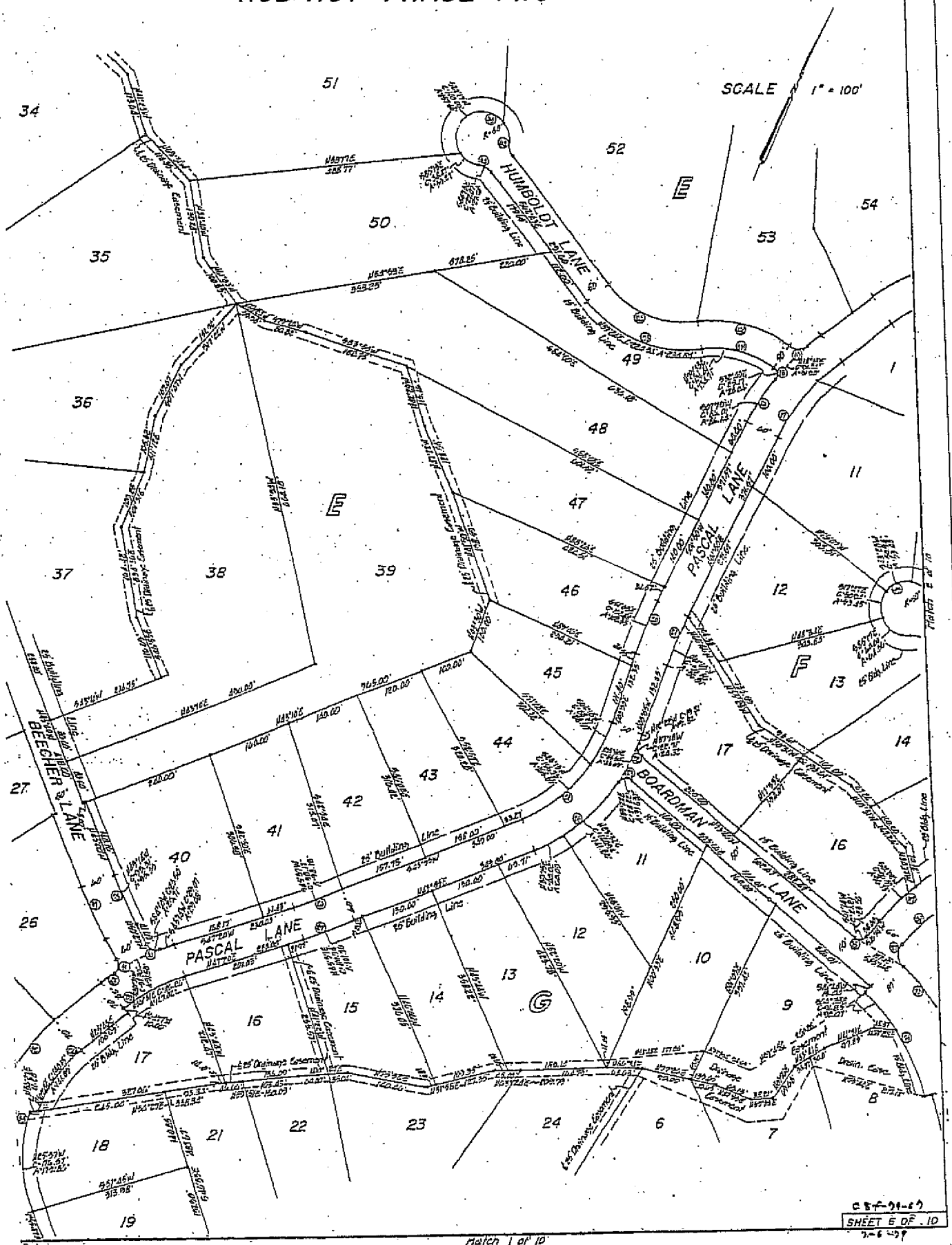
CBF-96-67
SHEET 8 OF 10
9-6-79

ROB ROY PHASE TWO



Match 9 of 10

ROB ROY PHASE TWO



SHEET 6 OF 10

ROB ROY PHASE TWO

SCALE 1" = 100'

John L Harwood
Volume 8121 Page 813

25' Drainage Easement

Match 5 of 10

Match 6 of 10

Match 6 of 10

BEECHER LANE

PASCAL LANE

25' Building Line

14 15 16 20 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 50 51

E

SHEET 7 OF 10

78-327-236

7-6-79

ROB ROY PHASE TWO

CURVE DATA

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
I	45°00'	109°20'	98°12'	15°39'	15°39'	06°32'	05°52'	26°05'	25°05'	21°04'	21°04'	93°10'	80°45'	20°55'	20°55'	62°47'	25°47'	91°13'	77°05'	05°45'	05°45'
R	42.42'	60.00'	60.00'	333.69'	333.69'	1145.05'	1025.03'	489.84'	489.84'	373.35'	373.35'	14.06'	27.46'	326.28'	326.28'	160.03'	520.03'	17.61'	20.65'	1025.61'	1025.61'
T	13.97'	78.17'	102.27'	45.83'	44.12'	48.23'	61.71'	107.60'	92.60'	69.25'	69.58'	16.92'	23.39'	93.03'	81.97'	107.12'	92.86'	13.99'	23.62'	67.51'	48.49'
A	35.31'	103.95'	102.83'	91.18'	107.67'	96.47'	103.91'	210.68'	181.28'	137.27'	139.31'	24.49'	36.68'	191.51'	100.16'	214.37'	182.38'	28.02'	39.69'	102.93'	96.91'
C	32.47'	95.20'	90.70'	90.90'	101.24'	96.42'	103.26'	208.58'	172.47'	136.52'	168.14'	21.88'	35.62'	182.29'	158.37'	208.86'	180.67'	25.17'	36.96'	102.38'	96.86'

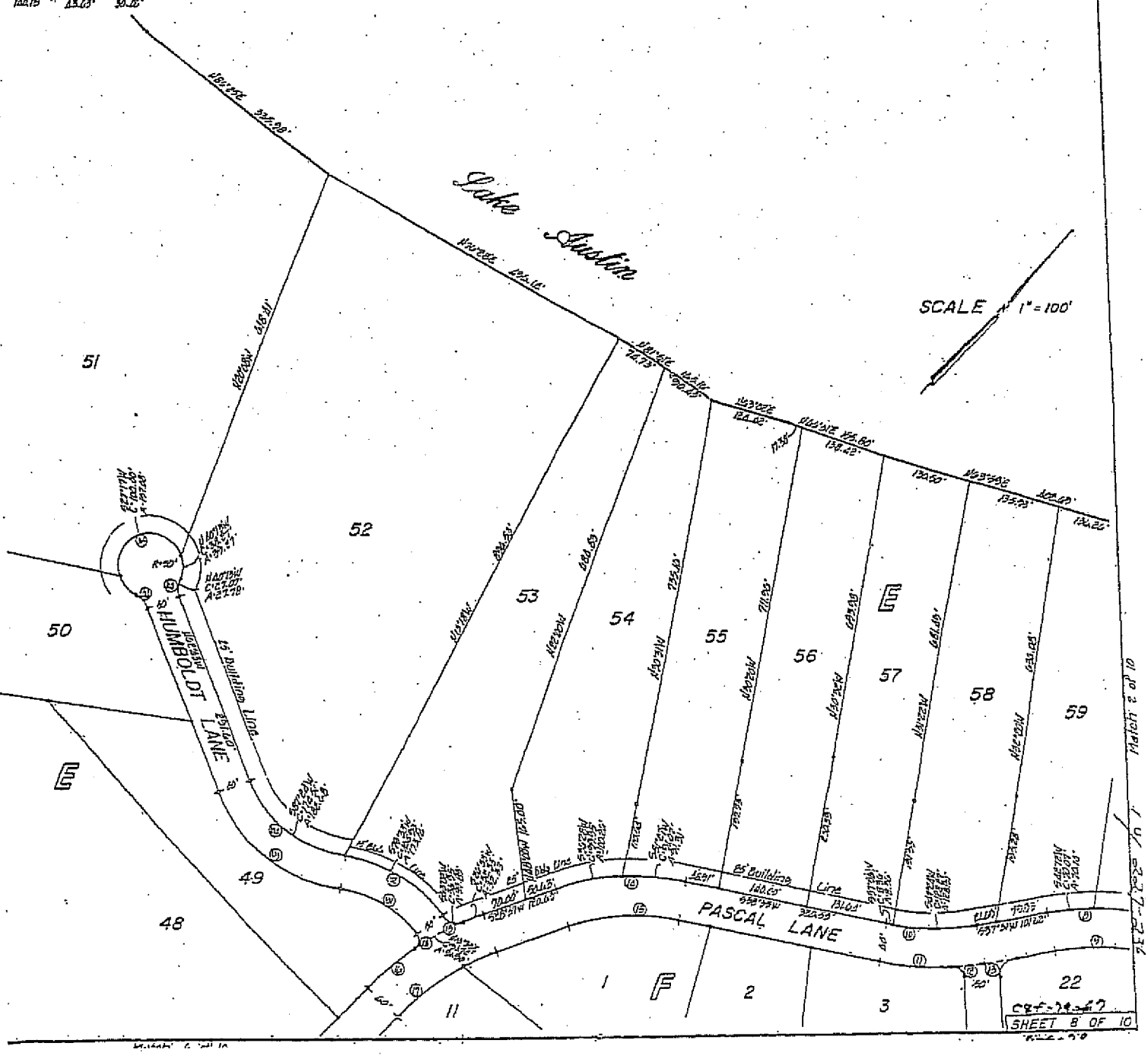
	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42
I	72°52'	95°48'	47°50'	47°50'	05°25'	03°25'	21°57'	21°57'	83°25'	83°28'	70°22'	38°01'	10°16'	107°5'	47°22'	63°24'	9°00'	21°49'	81°53'	08°59'	18°59'
R	19.11'	19.34'	345.23'	314.25'	1045.25'	1705.05'	325.16'	325.16'	17.46'	17.70'	325.71'	270.71'	523.47'	251.49'	15.17'	15.81'	15.00'	325.16'	502.42'	502.42'	450.69'
T	14.12'	20.04'	154.70'	165.31'	45.11'	50.59'	75.73'	64.27'	15.74'	19.75'	232.15'	95.39'	46.95'	52.60'	17.26'	14.21'	15.00'	71.64'	50.17'	47.33'	82.53'
A	24.30'	31.63'	257.35'	307.18'	92.18'	101.76'	169.66'	187.02'	95.71'	94.75'	405.15'	179.84'	93.65'	105.10'	23.78'	23.17'	23.56'	101.65'	116.57'	93.46'	131.63'
C	22.71'	28.22'	249.92'	298.57'	90.17'	101.72'	148.77'	185.26'	23.50'	23.50'	381.11'	176.97'	93.53'	104.90'	22.79'	21.16'	21.21'	100.52'	112.18'	93.37'	131.33'

	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
I	78°21'	78°21'	90°00'	23°30'	28°34'	50°37'	30°37'	93°14'	59°41'	19°46'	19°46'	12°15'	14°15'	12°25'	12°03'	45°46'	45°46'	85°07'	32°30'	51°10'	52°01'
R	330.20'	270.00'	20.00'	530.00'	570.00'	332.22'	212.22'	472.92'	418.02'	371.77'	431.77'	410.00'	470.00'	525.45'	668.83'	421.85'	421.85'	18.05'	18.05'	23.59'	23.45'
T	273.71'	237.51'	20.00'	148.44'	148.75'	109.92'	90.07'	224.22'	196.77'	64.77'	76.23'	70.25'	83.75'	65.17'	81.83'	252.07'	257.39'	14.53'	16.55'	20.42'	20.05'
A	449.47'	361.83'	31.42'	135.55'	134.02'	272.32'	173.97'	418.75'	326.03'	122.86'	145.90'	151.71'	164.64'	125.87'	113.25'	493.07'	442.10'	27.17'	27.14'	35.84'	33.00'
C	433.47'	352.81'	28.28'	134.40'	131.23'	268.72'	171.03'	405.27'	323.50'	121.08'	145.22'	151.32'	164.21'	125.44'	113.04'	483.04'	437.24'	24.68'	24.46'	31.08'	30.25'

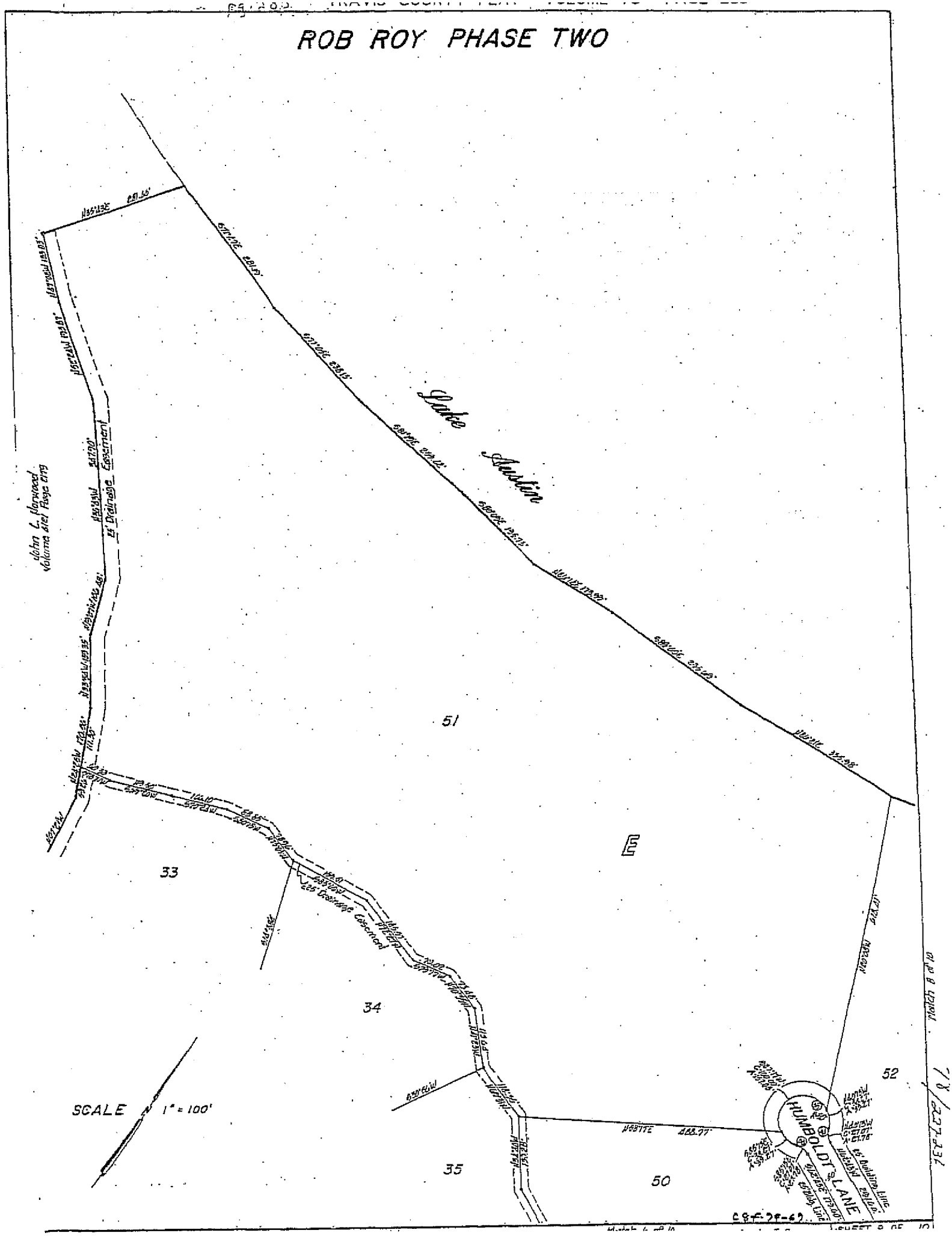
	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84
I	45°00'	270°00'	12°07'45"	22°31'	22°31'	81°59'	81°59'	25°55'	25°55'	31°36'	31°36'	55°24'	32°14'	59°46'	9°08'	55°24'	55°24'	100°41'	100°41'	56°38'	53°01'
R	35.37'	60.00'	1312.05'	472.12'	472.12'	324.70'	555.70'	2000.94'	550.94'	928.69'	918.59'	335.50'	452.50'	19.00'	15.00'	470.94'	405.94'	268.05'	332.05'	22.06'	20.94'
T	14.06'	~	154.64'	93.98'	93.03'	258.27'	311.72'	60.26'	80.76'	92.93'	103.07'	114.65'	130.75'	14.99'	15.01'	150.45'	130.03'	305.29'	300.42'	28.93'	28.92'
A	37.79'	235.62'	307.15'	107.50'	82.98'	441.71'	513.26'	155.12'	158.74'	151.11'	206.69'	225.62'	254.57'	23.55'	23.57'	591.84'	551.05'	470.94'	482.41'	45.93'	45.93'
C	27.07'	~	307.13'	169.30'	82.87'	401.98'	470.58'	154.97'	157.99'	178.83'	200.00'	222.85'	251.22'	21.21'	21.22'	555.02'	547.07'	412.65'	511.19'	43.48'	41.66'

	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105
I	90°00'	270°00'	28°46'	25°46'	20°12'	22°12'	64°35'	64°34'	05°50'	05°50'	37°21'	37°21'	62°27'	28°27'	05°27'	05°20'	44°04'	44°04'	63°46'	59°46'	(45°37)
R	25.00'	75.00'	314.27'	420.27'	497.70'	447.70'	237.03'	277.93'	920.56'	936.55'	800.72'	645.72'	705.85'	525.85'	1441.34'	711.94'	175.16'	225.15'	225.15'	175.15'	(1241.50)
T	18.43'	~	93.59'	107.70'	115.52'	102.18'	144.13'	175.81'	61.27'	46.22'	101.55'	208.46'	62.20'	47.75'	48.18'	61.82'	90.88'	91.12'	120.37'	100.64'	(371.57)
A	23.48'	392.70'	183.01'	210.65'	227.99'	204.72'	257.12'	313.66'	102.44'	93.35'	393.43'	302.03'	104.24'	95.39'	96.13'	103.46'	134.71'	173.16'	238.56'	182.68'	(836.17)
C	23.00'	~	181.25'	208.64'	225.01'	202.04'	245.70'	297.16'	102.41'	93.31'	342.95'	294.55'	103.15'	95.31'	96.10'	103.37'	131.41'	165.95'	220.34'	174.51'	(518.94)

	106	107	108
I	51°11'	82°50'	05°24'
R	224.77'	31.71'	1420.07'
T	112.05'	30.03'	15.04'
A	121.52'	48.10'	30.07'
C	117.15'	43.03'	30.06'



ROB ROY PHASE TWO



ENVIRONMENTAL BOARD MOTION 081507-D1

Date: August 15, 2007

Subject: Restrictive Covenant Amendment Review

Motioned By: Dave Anderson, P. E. Chair Seconded By: Mary Ann Neely

Recommendation
The Environmental Board recommends **disapproval** of the request to amend the existing Restrictive Covenant Amendment in order to construct a Boat Dock and Tram.

Staff Conditions
None.

Board Conditions
None.

Rationale
Applicant knew of existing of restrictions prior to purchase, and any subsequent development could only be more environmentally damaging than what exists currently.

Vote **7-0-0-1**

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

Against:

Abstain:

Absent: Beall

Approved By:

P.E.

Dave Anderson P.E., CFM
Environmental Board Chair

Howard
Joyce Pollitt
Budget

Watershed Protection & Development Review Department

FY2008 Proposed Budget

http://www.ci.austin.tx.us/budget/07-08/downloads/pb0708execsum.pdf
http://www.ci.austin.tx.us/budget/07-08/downloads/pb0708v1.pdf

1

One Stop Shop General Fund Budget

Revenue - $19.3 million
$4.6 million increase over current budget

Expenditures -$15.8 million 207 FTEs

- Adds 13 positions in the One Stop Shop:

Building Inspections	5 FTEs
Site/Subdivision Inspection	3 FTEs
Commercial Plan Review	1 FTE
Right-of-Way Management	2 FTEs
Permit Center	2 FTEs

2

Drainage Utility Budget

Revenue - $54.9 million
$2 million increase over current budget

Expenditures -$59.4 million 301 FTEs
11.5 new positions in:

Stream Restoration	1.0 FTE
Flood Hazard Mitigation	1.0 FTE
Water Quality Protection	5.5 FTEs
One Stop Shop	4.0 FTEs

3

Drainage Utility Budget Highlights

- Transfer to Capital Improvement Program is $17.3 million
- Accelerated voluntary buyouts in Onion Creek
- Funds increased commodity and contracted services costs in field operations
- Includes funding to
  - Maintain 91% of residential ponds
  - Control vegetation on 65 miles of creek
  - Stabilize 500 linear feet of stream channel
- Temporary staff and contract services to implement the City's records management plan
- Maintain fund ending balance of $4.8 million

4

Capital Improvement Program Budget Highlights

Some of the projects receiving new appropriation in FY2008 include:

- Fort Branch WMA –Truelight and Eleanor Drive
- Carson Creek –Upgrade Hoeke Lane Low Water Crossing
- Carson Creek voluntary flood buy-out
- Far West Dam modernization
- Central Business District Storm Drain Enhancement
- Boggy Creek Cherrywood Restoration
- Little Bear Creek Recharge Enhancement Facility

5

Watershed Protection and Development Review Department
FY2008 Proposed Budget

Drainage Utility Highlights
Revenue – No fee changes are proposed

Total of 301 FTEs with 11.5 New positions including:

2.0	Engineer positions for bond project coordination
0.5	Environmental Scientist Associate in Salamander Conservation
1.0	Project Coordinator for WTP4
1.0	Environmental Inspector for WTP4
2.0	Environmental Scientist Associates for WTP4
1.0	Environmental Inspector for commercial ponds
1.0	Administrative position (temp to permanent)
1.0	Environmental Review Specialist (oak wilt suppression)
1.0	Research Analyst Sr. in GIS Planning (temp to permanent)
1.0	Environmental Compliance Specialist for spills and complaint response

- $270,000 for temporary staff and contract services to implement records management action plan under City initiative
- $50,000 to supply ashtrays in the downtown area supporting the Council priority for improved Downtown Quality of Life
- Transfer to Utility CIP Fund is $17.3 million
- Transfer to RSMP is $554,184
- Information Systems Support transfer increases 38%
- Maintain ending balance of $4.8 million –greater than 30 day reserve requirement of $2.7 million

One Stop Shop (General Fund) Highlights
Revenue – No fee changes proposed
Proposed Revenue Budget is $19.3 million – a $4.6 mil or 31%

Total of 207 FTEs with 13 New positions including:

2.0	Engineering Tech C's in R-O-W Management (one reimbursed by ACWP)
3.0	Engineering positions in Site/Subdivision Inspection
1.0	Plans Examiner in Commercial Building Plan Review
5.0	Building inspectors (4 are temp to permanent conversions)
1.0	Review specialist in the Permit Center
1.0	Cashier (temp to permanent)

- $81,000 for AMANDA mobile tablet support and maintenance
- $28,000 for professional development travel and training

City-wide Highlights
- Pay for Performance increases
- City's contribution to health insurance increases 15%
- Service Incentive Pay of 2%
- Incremental increase in employees' retirement system contribution 1%

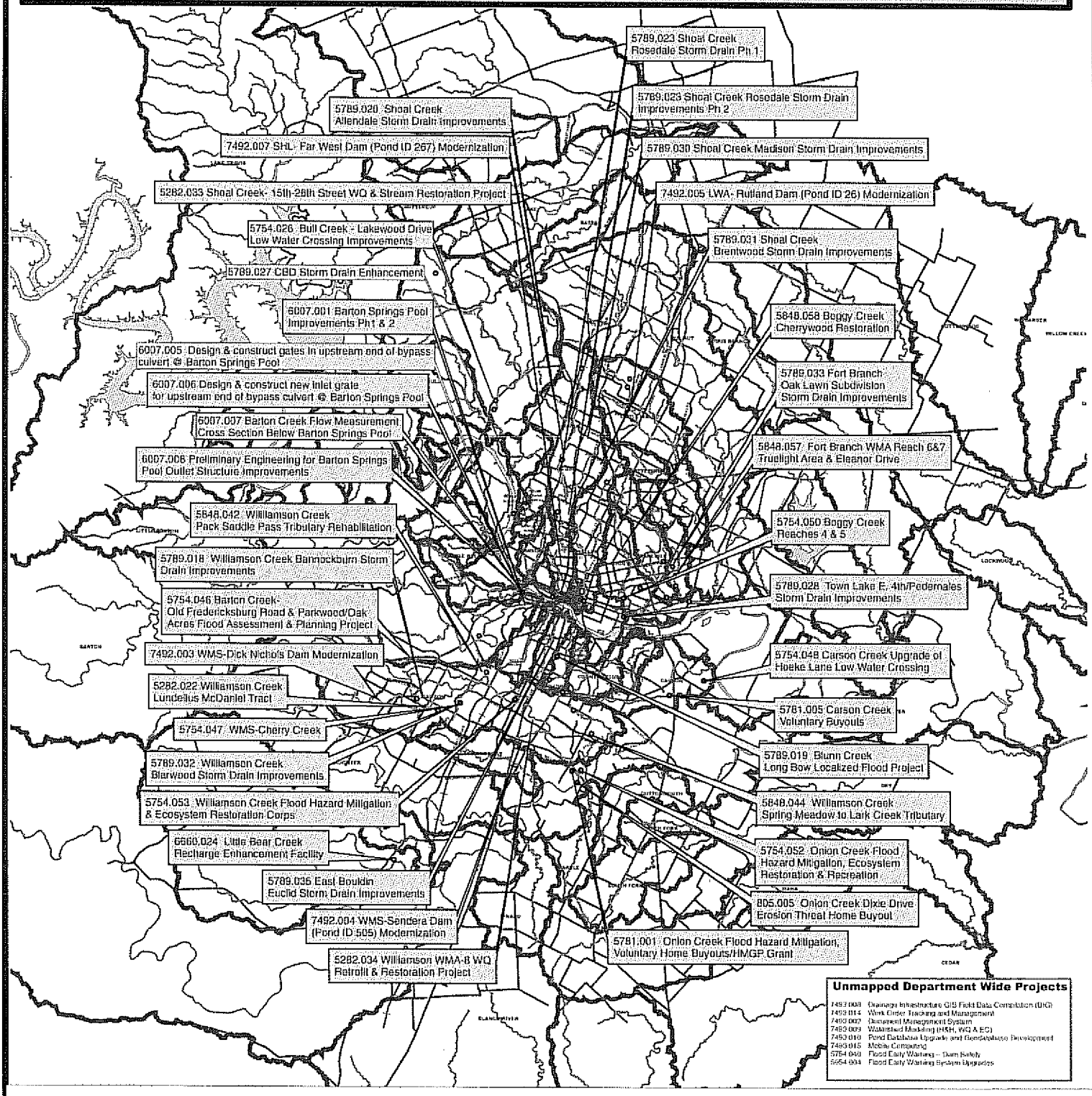
DRAINAGE UTILITY FUND

	2005-06 ACTUAL	2006-07 AMENDED	2006-07 ESTIMATED	2007-08 PROPOSED
BEGINNING BALANCE	6,947,972	7,270,360	9,633,789	9,295,510
REVENUE				
Drainage Fee				
Residential	26,034,539	26,404,826	26,657,882	26,658,732
Commercial/City	23,321,057	24,101,781	24,090,813	24,623,973
Storm Sewer Discharge Permits	119,288	121,560	121,560	123,560
Underground Storage Permits	72,262	34,000	34,000	34,000
Development Fees	748,471	714,508	754,403	780,500
Monitoring and Maintenance	48,780	35,000	14,000	16,000
Maple Run	58,159	63,198	63,198	58,159
Interest Income	1,960,633	1,100,000	2,146,500	1,900,000
Property Sales	18,624	18,000	18,000	20,000
Miscellaneous	16,809	11,000	11,000	12,000
TOTAL REVENUE	52,398,622	52,603,873	53,911,356	54,226,924
TRANSFERS IN				
Austin Water Utility	0	0	0	424,459
General Fund	298,504	298,504	298,504	298,504
TOTAL TRANSFERS IN	298,504	298,504	298,504	722,963
TOTAL AVAILABLE FUNDS	52,697,126	52,902,377	54,209,860	54,949,887
OPERATING REQUIREMENTS				
Stream Restoration	515,467	571,199	571,199	623,009
Flood Hazard Mitigation	3,005,782	3,545,640	3,545,639	3,907,920
Infrastructure & Waterway Maint.	9,105,358	10,157,864	9,759,417	10,489,854
Master Planning	160,945	552,650	522,960	641,973
One Stop Shop	4,224,609	4,771,003	4,740,983	5,119,309
Support Services	2,421,959	2,692,553	2,600,098	3,078,149
Water Quality Protection	6,399,674	7,276,615	7,099,881	8,200,216
TOTAL OPERATING REQUIREMENTS	25,833,794	29,567,524	28,840,177	32,060,430
OTHER OPERATING REQUIREMENTS				
Bad Debt	214,097	505,066	505,066	505,066
Hazardous Materials Response	222,515	222,515	222,515	222,515
Information Systems Support	1,060,436	1,408,915	1,408,915	1,949,214
PARD Flood Control	76,299	85,000	85,000	85,000
Transfer to AE-Greenbuilder Prgm.	0	17,835	17,835	17,835
UCSO Billing Sup. & LIS Upgrade	824,740	817,797	817,797	945,632
UWO Law Water Quality	65,990	66,000	66,000	66,000
Compensation Adjustment	31,025	45,235	45,235	161,004
TOTAL OTHER OPERATING REQUIREMENTS	2,495,102	3,168,363	3,168,363	3,952,266

DRAINAGE UTILITY FUND

	2005-06 ACTUAL	2006-07 AMENDED	2006-07 ESTIMATED	2007-08 PROPOSED
TOTAL EXPENSES	28,328,896	32,735,887	32,008,540	36,012,696
TRANSFERS OUT				
Austin Water Utility	216,000	108,000	108,000	0
Environmental Remediation Fund	241,500	241,500	241,500	241,500
General Obligation Debt Service	1,278,170	1,112,861	1,112,861	1,096,150
Other Enterprise CIP	16,552,000	17,113,450	17,113,450	17,315,000
RSMP Transfer	0	102,000	102,000	554,184
Radio Comm. Fund/Trunked Radio	42,644	56,675	56,675	57,386
Sustainability Fund	496,175	526,039	526,039	542,269
UWO Local Cntrl. Structural Match	664,038	750,000	750,000	750,000
TOTAL TRANSFERS OUT	19,490,527	20,010,525	20,010,525	20,556,489
OTHER REQUIREMENTS				
Accrued Payroll	198,720	29,000	29,000	110,000
Administrative Support - City-wide	1,997,471	1,976,390	1,976,390	2,210,901
Insurance - Fire/EC	0	3,535	3,535	6,613
Liability Reserve	90,000	269,455	269,455	269,000
Additional Retirement Contribution	0	138,694	138,694	149,620
Workers' Compensation	112,000	112,000	112,000	112,000
Disaster Relief Expenses	8,364	0	0	0
TOTAL OTHER REQUIREMENTS	2,406,555	2,529,074	2,529,074	2,858,134
TOTAL REQUIREMENTS	50,225,978	55,275,486	54,548,139	59,427,319
EXCESS (DEFICIENCY) OF TOTAL AVAILABLE FUNDS OVER TOTAL REQUIREMENTS	2,471,148	(2,373,109)	(338,279)	(4,477,432)
ADJUSTMENT TO GAAP	214,669	0	0	0
ENDING BALANCE	9,633,789	4,897,251	9,295,510	4,818,078

Watershed Protection and Development Review Department Active Projects FY 2008 Appropriations



Prepared by: City of Austin
Watershed Protection and Development Review Department
Environmental Resources Management Division

Plotted March 2007

EXCELLENT WASTEWATER TREATMENT: EXCEPTIONAL WATER QUALITY DOWNSTREAM

Presentation to the City of Austin Environmental Board
August 15, 2007

Jane Burazer
Assistant Director of Treatment
Raj Bhattarai, P.E., DEE, Manager
Environmental and Regulatory Services Division
Austin Water Utility

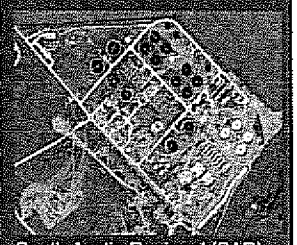
PRESENTATION OUTLINE

- Overview of Treatment Plants
- Definitions of Permit Parameters
- Permit Limits
- Effluent Quality
- Downstream Water Quality

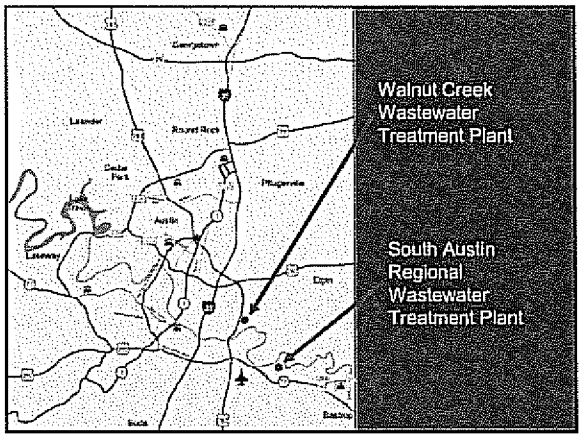
TREATMENT PLANTS

Two large plants, each rated at 75 MGD

Walnut Creek Wastewater Treatment Plant (1977)



South Austin Regional (SAR) Wastewater Treatment Plant (1986)



TREATMENT PLANTS

- Both Walnut Creek and SAR discharge their treated effluent to the Colorado River
- Both plants rated at 75 million gallons per day (MGD) – Annual Average Flow

5-day Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)

- A measure of the biodegradable organic pollutant concentration in wastewater and hence a measure of its impact on a body of water.
- The cleaner the effluent, the smaller its oxygen demand, which means the less it will deplete existing oxygen in a body of water.
- Measured in milligrams per liter (mg/l) or parts per million (ppm).

Total Suspended Solids (TSS)

- Amount of particulate matter in a water sample. The sample is filtered to capture the solids, which are dried and weighed.
- Solids affect the appearance and clarity of water and since many pollutants are associated with solids, smaller solids concentration implies cleaner water.
- Measured in mg/l or ppm.

Ammonia-Nitrogen (NH_3-N)

- A measure of the amount of ammonia, a common pollutant in wastewater, expressed as nitrogen.
- Ammonia can exert oxygen demand and at high concentrations may also be toxic to fish and other aquatic organisms.
- Measured in mg/l or ppm.

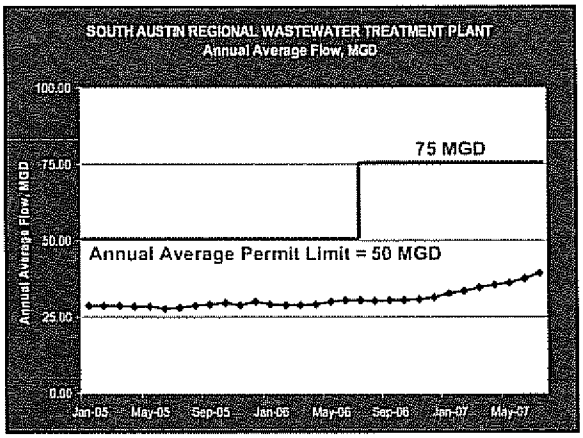
Dissolved Oxygen (D.O.)

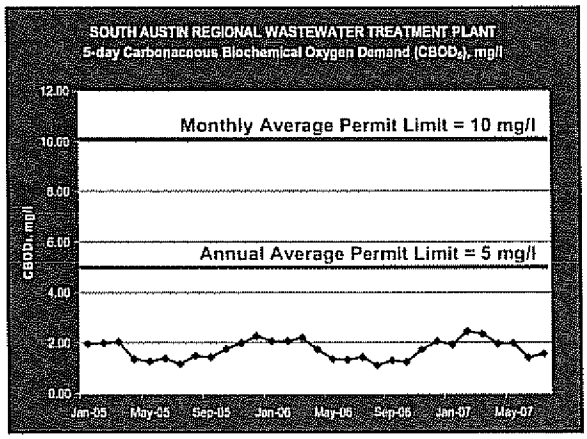
- Not a pollutant, but a positive resource for a natural body of water.
- Essential for fish and many other aquatic organisms.
- Generally higher D.O. is an indicator of better water quality.
- Measured in mg/l or ppm.

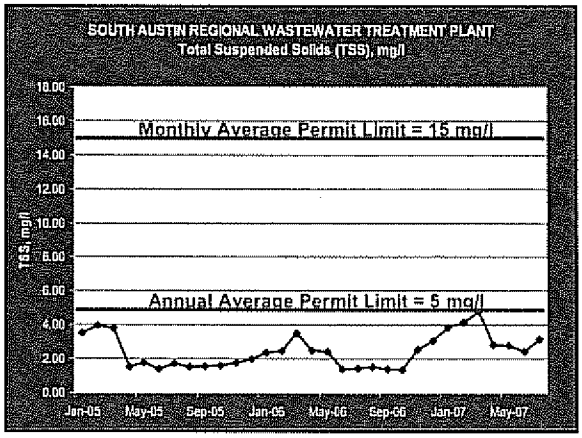
PERMIT LIMITS FOR WALNUT CREEK AND SAR

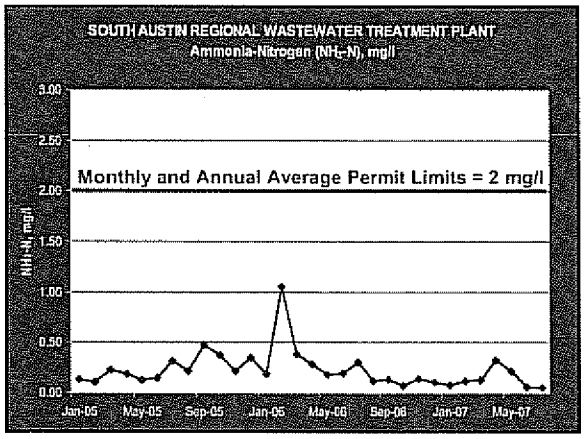
	Flow, MGD	$CBOD_5$, mg/l	TSS, mg/l	NH_3-N, mg/l	D.O., mg/l
Monthly Average	-	10	15	2	6*
Annual Average	75	5	5	2	-

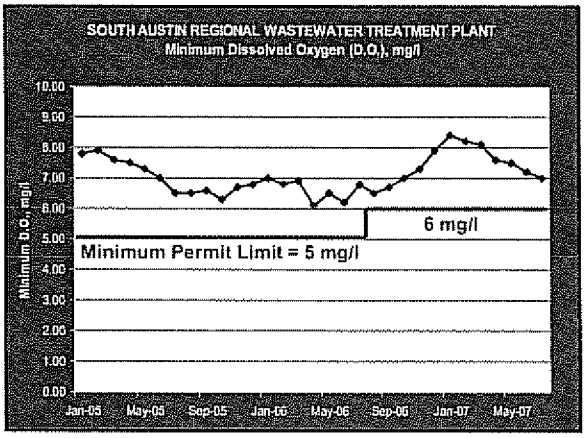
* minimum

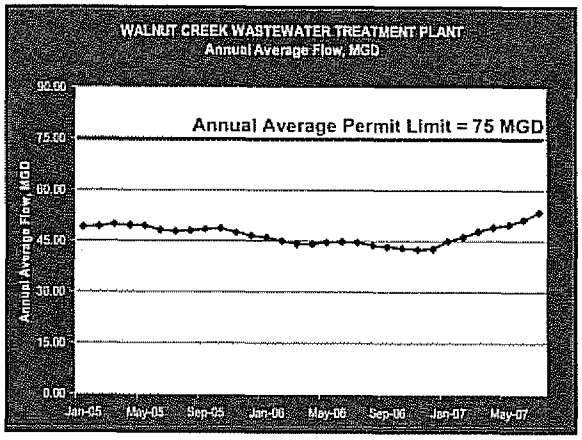


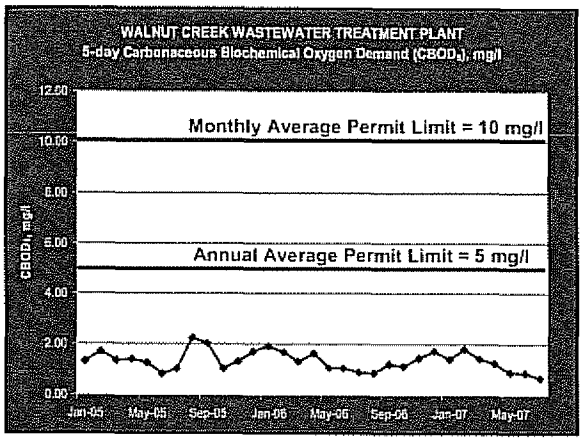


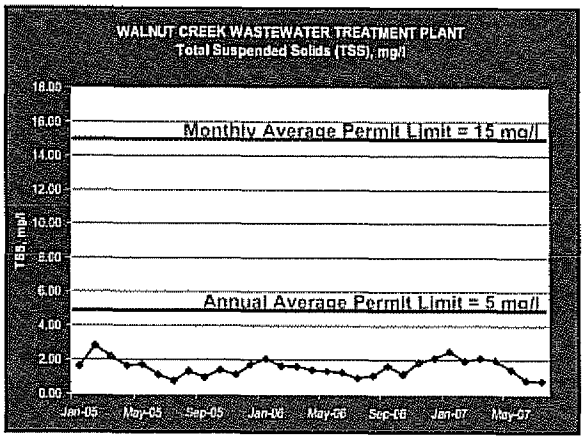

SOUTH AUSTIN REGIONAL WASTEWATER TREATMENT PLANT
Total Suspended Solids (TSS), mg/l
Monthly Average Permit Limit = 15 mg/l
Annual Average Permit Limit = 5 mg/l
TSS, mg/l
18.00
16.00
14.00
12.00
10.00
8.00
6.00
4.00
2.00
0.00
Jan-05
May-05
Sep-05
Jan-06
May-06
Sep-06
Jan-07
May-07

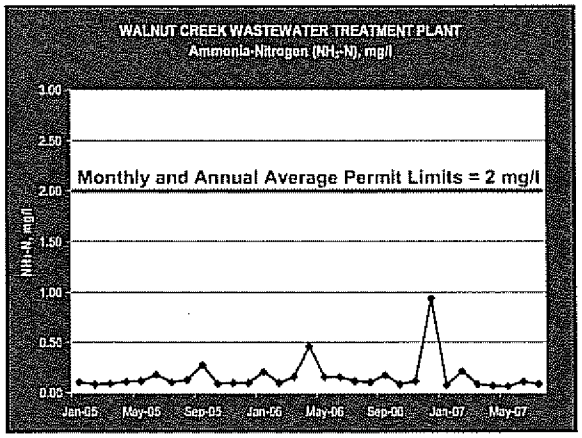

SOUTH AUSTIN REGIONAL WASTEWATER TREATMENT PLANT
Ammonia-Nitrogen (NH_3-N), mg/l
Monthly and Annual Average Permit Limits = 2 mg/l
NH_3-N, mg/l
3.00
2.50
2.00
1.50
1.00
0.50
0.00
Jan-05
May-05
Sep-05
Jan-06
May-06
Sep-06
Jan-07
May-07

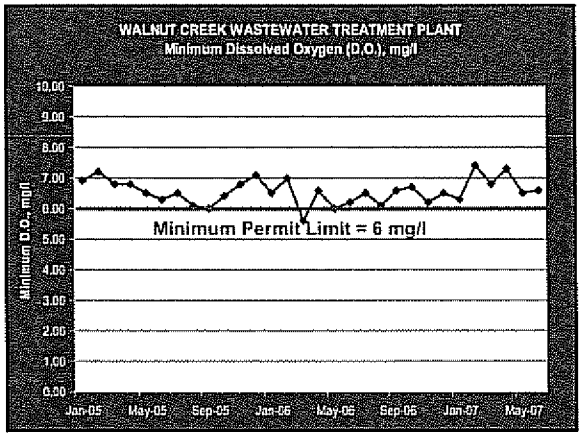

SOUTH AUSTIN REGIONAL WASTEWATER TREATMENT PLANT
Minimum Dissolved Oxygen (D.O.), mg/l
6 mg/l
Minimum Permit Limit = 5 mg/l
Minimum D.O., mg/l
10.00
9.00
8.00
7.00
6.00
5.00
4.00
3.00
2.00
1.00
0.00
Jan-05
May-05
Sep-05
Jan-06
May-06
Sep-06
Jan-07
May-07


WALNUT CREEK WASTEWATER TREATMENT PLANT
Annual Average Flow, MGD
Annual Average Permit Limit = 75 MGD
Annual Average Flow, MGD
90.00
75.00
60.00
45.00
30.00
15.00
0.00
Jan-05
May-05
Sep-05
Jan-06
May-06
Sep-06
Jan-07
May-07


WALNUT CREEK WASTEWATER TREATMENT PLANT
5-day Carbonaceous Biochemical Oxygen Demand (CBOD5), mg/l
Monthly Average Permit Limit = 10 mg/l
Annual Average Permit Limit = 5 mg/l
CBOD5, mg/l
12.00
10.00
8.00
6.00
4.00
2.00
0.00
Jan-05
May-05
Sep-05
Jan-06
May-06
Sep-06
Jan-07
May-07


WALNUT CREEK WASTEWATER TREATMENT PLANT
Total Suspended Solids (TSS), mg/l
Monthly Average Permit Limit = 15 mg/l
Annual Average Permit Limit = 5 mg/l
TSS, mg/l
18.00
16.00
14.00
12.00
10.00
8.00
6.00
4.00
2.00
0.00
Jan-05
May-05
Sep-05
Jan-06
May-06
Sep-06
Jan-07
May-07





NACWA Peak Performance Awards

- National Association of Clean Water Agencies (NACWA) Peak Performance Awards: Based strictly on compliance with discharge permits
- Walnut Creek WWTP – Platinum (2005): 5 years of perfect compliance, Silver (2006)
- SAR WWTP – Gold (2005), Platinum (2006): 5 years of perfect compliance
- Compliance Points : 4623/year

Texas Surface Water Quality Standards

- Promulgated by TCEQ after approval by EPA
- Lake Travis – Exceptional Quality
- Lake Austin – High Quality
- Town Lake – High Quality
- Colorado River downstream of Town Lake – Exceptional Quality (segment into which we discharge our treated effluent)

Downstream Water Quality

- Austin is the only city in Texas and one of only a few in the nation where the water quality downstream of a major urban area is exceptional and better than upstream.
- Our exceptional quality effluent is helping maintain the downstream water quality exceptional.
- We obtain our drinking water from Lake Austin and Town Lake (High quality segments) and help maintain Exceptional quality in the downstream segment into which we discharge our well-treated effluent.

Questions or Comments?

8/1/07 File Copy Handout from Bill Curry

Environmental Board Policy Statement Regarding Waterfront Overlay Ordinance

Environmental Board Functions as they Relate to Waterfront Overlay Ordinance

The functions of the Environmental Board (the "Board") codified at Article 27, Chapter 2-1 of the Austin City Code, include responsibilities relating to the Waterfront Overlay Ordinance (WOO). For example, WOO section §25-2-722 specifically directs the Environmental Board to review certain public works projects in the Waterfront Overlay District if the "project offers an opportunity for a major water quality retrofit." More generally, the Board's responsibilities in connection with the WOO relate to the Article 27 mandate to provide guidance concerning all "policies, projects and programs affecting quality of life, and impacting or possibly impacting the existing environment", including:

- urban runoff;
- improvement and protection of the Colorado River;
- ordinance effectiveness;
- growth management and land use planning;
- city environmental policy effectiveness;
- watershed protection as it relates to flood control, erosion control and water quality;
- beautification;
- recreational resources;
- revegetation and landscaping.

In addition, Article 27 charges the Board with:

- reviewing all variances to requirements for water quality-related environmentally sensitive areas;
- developing reports and recommendations for standards and criteria concerning any of the above-listed areas;
- serving as an advisory board to the city council, city manager, and Watershed Protection and Development Review Department in their efforts to oversee the protection and integrity of the natural environment, promote growth management and land use planning, minimize downstream areas, and promote recreational opportunities and environmental awareness.

Waterfront Overlay Ordinance, Relevant Background Information

The WOO was promulgated in response to the concern that uncontrolled development of waterfronts of Town Lake and certain tributary creeks, as well as the section of the Colorado River between Longhorn Dam and US 183 would result in undesirable aesthetic, recreational and environmental conditions along the waterfront. In addition, the WOO was intended to provide an incentive for responsible redevelopment of pre-existing commercial, institutional and residential improvements which did not conform to the code requirements of the WOO.

Much of the language pertaining to technical standards and the incentive strategies for responsible redevelopment were taken from the Town Lake Corridor Study (TLCS), which was

conducted by a city council-appointed citizen task force in 1985. The task force studied past and ongoing patterns of land use and building construction, and in response to undesirable practices that were identified, a set of 13 general goals and associated specific policies was developed. The goals and policies focused on:

1. protection of water quality;
2. promotion of land uses that are sympathetic to the water's edge of Town Lake and the urban creeks;
3. requiring city-owned land uses, programs, and operations to be compatible with Town Lake;
4. fostering a cooperative atmosphere for the city, neighborhoods and private landowners to work jointly to realize the potential of the waterfront;
5. improvement of zoning to achieve maximum pedestrian scale, highest degree of land use compatibility and extraordinary urban design;
6. providing maximum visual and physical access to the waterfront; encourage pedestrian access to and use of the corridor;
7. establishing Town Lake as a Great Central Park, serving as the centerpiece for the Austin Park System;
8. demonstrating a commitment to excellence in waterfront design and development;
9. establishing a spiritual as well as physical relationship between community and waterfront; enable citizens to develop a stronger waterfront ethic;
10. creating a rich and varied cultural environment in the corridor;
11. acquiring additional parkland and open space along Town Lake and the urban creeks;
12. recognizing the full potential of the Town Lake creeks;
13. protecting, enhancing and interpreting the landforms and natural and cultural values of the Town Lake Corridor.

These goals and policies served as the guiding principles of the resultant WOO. Also, conformance with the TLCS goals and policies was established as one of the specific criteria for allowing a variance to the WOO. Specifically, the requirements for a variance to the WOO set forth in subsection §25-2-713 must meet the following criteria:

1) the proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and
2) the variance is the minimum required by the peculiarities of the tract.

The most potent restriction of the WOO is the set back requirement, whereby no building construction is allowed within a prescribed distance from the Town Lake shoreline, the Colorado River shoreline, or the creek centerline. Because of the "redevelopment exception" of the Land Development Code (§25-8-26), the protection of the Critical Water Quality Zone can be ignored during redevelopment. Within the Waterfront Overlay District, this leaves only the WOO setback restriction to protect and restore these riparian resources.

Environmental Board Policy

- The Board supports the development and redevelopment requirements of the WOO as a means of recovering and maintaining the Town Lake waterfront as a "place of quiet beauty, dignity and pleasure." (Town Lake Comprehensive Plan, 1968)

- The Board supports the setback requirements of the WOO in redevelopment projects as a means of extending the sense of greenery and open space that exists in other reaches of the Town Lake Corridor. Accordingly, variances to setback requirements should be allowed only when a project meets a strict interpretation of the variance criteria set forth in Section §25-2-713. Regarding Criterion #2 – "the variance is the minimum required by the peculiarities of the tract" - is subjective; however, conformance with this criteria should not be based on the developer's confidential economic model, which is not available for staff and public evaluation.

- In no case should a variance be allowed for parking areas or structures (except for underground parking structures) within the primary setback area – except for park facilities including picnic tables, observation decks, trails, gazebos on public land.

- No variances should be allowed for greenfield sites (ie, sites that have not been previously developed)

- The emphasis on pedestrian-oriented development including outdoor restaurants and bars should be implemented harmoniously with the waterfront environment, with its high quality aquatic life use designation (TCEQ, 2006) and corridor for migratory water fowl, shore birds and raptors including peregrine falcons and bald eagles (Town Lake Study, 1992). Incompatible features may include, but are not limited to neon lights which can be seen from the opposite shore and other unnecessary fugitive light urban glare impacting the waterfront, and garish use of loudspeakers for example, as used in connection with seating restaurant customers.

- Preference for underground parking is inconsistent with the assessment of an impervious cover penalty corresponding to the area of the structure's footprint. The work-around – a skinny, deep parking garage – does not further the intents of environmental protection, open space and density control. Further, including the footprint area of an underground garage into the sizing of the WQ ponds may be inexact science as currently required by code. The Neighborhood Planning and Zoning Department is working on an improved analysis which accurately accounts for the impact of an underground garage, and it is the Board's policy that this initiative should be finalized and instituted as a standard practice.

- The use of direct supply natural gas is recommended in lieu of diesel fuel for emergency generators in underground parking garages within flood hazard areas of the Waterfront Overlay District.

- The Board supports the protection of Capitol View Corridors as an additional overlay onto the base zoning within the Waterfront Overlay District.