ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	AUGUST 7, 2013
NAME & NUMBER OF PROJECT:	SPICEWOOD SPRINGS OFFICE PROJECT SP-2013-0018C
NAME OF APPLICANT OR ORGANIZATION:	Longaro and Clarke (Alex Clarke, PE 512-306-0228)
LOCATION:	4714 Spicewood Springs Rd
PROJECT FILING DATE:	January 15, 2013
WPDR/ENVIRONMENTAL STAFF:	Mike McDougal, 512-974-6380 mike.mcdougal@ci.austin.tx.us
WPDR/ CASE MANAGER:	Brad Jackson, 512-974-3410 brad.jackson@austintexas.gov
WATERSHED:	Bull Creek Watershed, Water Supply Suburban Drinking Water Protection Zone
ORDINANCE:	Comprehensive Watershed Ordinance (current Code)
REQUEST:	Variance requests as follow: 1 – To allow construction of a driveway on slopes in excess of 15% [LDC 25-8-301(A)] 2 – To allow construction of a building on slopes in excess of 25% [LDC 25-8-302(A)(1)] 3 – To allow construction of 0.14 acres of a building on slopes from 15 to 25% [LDC 25-8-302(B)(1)] 4 – To allow cut to exceed 4 feet [LDC 25-8-341(A)] 5 – To allow fill to exceed 4 feet [LDC 25-8-342(A)] 6 – To reduce a CEF setback [LDC 25-8-281(C)(1)(a)]

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION: Findings of fact have been met.

MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Mike McDougal, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: August 7, 2013

SUBJECT: Spicewood Springs Plaza Office Project – SP-2013-0018C

On the August 7, 2013 agenda is a request for the consideration of six variances that have been requested for the construction of a proposed 3-story office project.

Description of Property

The subject property is a 5.19 acre tract located at 4714 Spicewood Springs Road. It is located in the Bull Creek Watershed, which is classified as a Water Supply Suburban watershed and is located within the Drinking Water Protection Zone. The property is located over the Edwards Aquifer Recharge Zone. The property does not include the 100-year Floodplain, Critical Water Quality Zone (CWQZ) or Water Quality Transition Zone (WQTZ).

The property has steep terrain with elevations ranging from 738 feet to 869 feet MSL. In addition, the site has approximately 2.6 acres of net site area with five noncontiguous areas of slopes with a gradient of 15% or less; three of these areas are only accessible by crossing slopes with a gradient of more than 25%; the other two areas alone lack sufficient buildable area. There exists extensive fill placement located in the southern, eastern, and central portions of the property which appears to have been the result of construction of Spicewood Springs Road and the result of prior development of the property for residential use. The original topography and the amount of grading on the property resulting from this previous development are unknown.

Description of Proposed Development

The applicant proposes to construct a 3-story office project with underground parking. Access to the site will be from Spicewood Springs Road. An outdoor amenity center for employees of the office building will be located on the eastern portion of the site. In addition the applicant will clear the invasive plants and shrubs located on the eastern portion of the site. All construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction and minimize the construction footprint. The project will also incorporate a partial sedimentation bio-filtration pond to help provide enhanced water quality controls.

Critical Environmental Features

Watershed Protection Department Environmental Resource Management (ERM) staff have identified two rimrock Critical Environmental Features. One rimrock is located centrally in the property. This rimrock has a height of 5

to 6 feet and a length of 56 feet. The second rimrock is located in the western portion of the site. This rimrock has a height of 6 to 7 feet and a length of 81 feet.

Variance Requests

The following variances to the Land Development Code have been requested:

1 – LDC 25-8-301(A) states that a driveway cannot be constructed on slopes in excess of 15%. This portion of the Land Development Code offers some exceptions, however none are applicable to this project. The proposed driveway alignments cross slopes up to 27%.

2 – LDC 25-8-302(A)(1) states that a building cannot be constructed on slopes in excess of 25%. Portions (approximately 0.03 acres) of the building are proposed to be constructed on slopes from 25 to 35%.

3 – LDC 25-8-302(B)(1) states that impervious cover for building or parking structures on slopes from 15 to 25% cannot exceed 10% of the total area of the slopes. There are 1.18 acres of slopes from 15 to 25%; 10% of this area equals 0.12 acres. The applicant proposes to construct approximately 0.14 acres of building / parking structure impervious cover on slopes from 15 to 25%.

4 – LDC 25-8-341(A) limits cut to 4 feet. The applicant proposes cut up to 14 feet in a 3,733 square foot area.

5 – LDC 25-8-342 (A) limits fill to 4 feet. The applicant proposes fill up to 13 feet in a 7,066 square foot area.

6 – LDC 25-8-281(C)(1)(a) establishes a 150 foot setback for rimrock CEFs. The applicant proposes to reduce the setback to 50 feet for the centrally located rimrock and 8 feet for the rimrock located in the western portion of the site.

Conditions for Staff Approval

1 – The applicant will remove the enormous brush pile that is located adjacent to the downslope side of the western canyon rimrock CEF.

2 -The applicant will remove the invasive plants and shrubs located on the eastern portion of the site.

3– All construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize the construction footprint.

4 – The project will also incorporate a partial sedimentation bio-filtration pond to help provide enhanced water quality controls.

Recommendation

Staff recommends approval of the variances because staff believes the Findings of Fact have been met and the conditions for approval mitigate impacts of the variances requested.

Findings of Fact for Spicewood Springs Plaza Office Project, SP-2013-0018C

Variance Request 1

A variance from **LDC 25-8-301(A)** is requested to allow construction of a driveway and turnaround area / fire access drive on slopes in excess of 15%. As required in LDC Section 25-8-41, the Land Use Commission may grant a variance from a requirement after determining:

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 property is 5.19 acres with approximately 2.6 acres of net site area distributed among 5 noncontiguous areas. Three of these areas are only accessible by crossing slopes greater than 25%. To develop the property to a density (based on net site area) similar to adjacent properties requires construction on slopes in excess of 15%.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.
Yes, the condition is not chosen by the applicant and is a result of other City requirements. The location of the driveway accessing Spicewood Springs Road is required by the Transportation Criteria Manual to align with the existing driveway located on the opposite side of Spicewood Springs Road. In addition, the size of the turnaround area / fire access drive size is dictated by fire truck maneuverability requirements.

3. The variance 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 location of the proposed Spicewood Springs Road access is required for traffic safety. The turnaround area / fire access drive proposed is the minimum departure from Code requirements based on site conditions.

4. The variance does not create a significant probability of harmful consequences.
Yes, sufficient erosion / sedimentation control is required prior to construction activities. In addition, all construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize construction footprints.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, the project will incorporate a partial sedimentation bio-filtration pond to provide enhanced water quality controls.

Variance Request 2

A variance from **LDC 25-8-302(A)(1)** is requested to allow construction of 0.03 acres of a building on slopes from 25 to 35%. As required in LDC Section 25-8-41, the Land Use Commission may grant a variance from a requirement after determining:

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 property is 5.19 acres with approximately 2.6 acres of net site area distributed among 5 noncontiguous areas. To develop the property to a density (based on net site area) similar to adjacent properties requires construction on slopes from 25 to 35%.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.
Yes, the proposed development is designed to be predominantly located on slopes from 0 to 15% while minimizing construction on slopes in excess of 15%.

3. The variance 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 proposed development minimizes construction on slopes in excess of 15% will provide for a development density similar to adjacent uses.

4. The variance does not create a significant probability of harmful consequences.
Yes, sufficient erosion / sedimentation control is required prior to construction activities. In addition, all construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize construction footprints and prevent slope failure.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, the project will incorporate a partial sedimentation bio-filtration pond to provide enhanced water quality controls.

Variance Request 3

A variance from **LDC 25-8-302(B)(1)** is requested to allow construction of 0.14 acres of a building on slopes from 15 to 25% (this portion of the Code permits construction of 0.12 acres of a building on slopes from 15 to 25%). As required in LDC Section 25-8-41, the Land Use Commission may grant a variance from a requirement after determining:

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 property is 5.19 acres with approximately 2.6 acres of net site area distributed among 5 noncontiguous areas. Due to its size and placement, development on one of these areas is not feasible; so the applicant proposes to develop 2 adjacent noncontiguous areas with slopes from 0 to 15%. However, this requires some construction on slopes in excess of 15%. This construction on slopes in excess of 15% has been minimized. The development density is comparable to similarly situated property with approximately contemporaneous development.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.
Yes, the proposed development is designed to be predominantly located on slopes from 0 to 15% while minimizing construction on slopes in excess of 15%.

3. The variance 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 proposed development minimizes construction on slopes in excess of 15% will provide for a development density similar to adjacent uses.

4. The variance does not create a significant probability of harmful consequences.

Yes, sufficient erosion / sedimentation control is required prior to construction activities that will prevent impacts during construction. In addition, all construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize construction footprints.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, the project will incorporate a partial sedimentation bio-filtration pond to provide enhanced water quality controls.

Variance Request 4

A variance from **LDC 25-8-341(A)** is requested to allow cut up to 14 feet. As required in LDC Section 25-8-41, the Land Use Commission may grant a variance from a requirement after determining:

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, cut up to 14 feet is necessary for the construction of a water quality / detention pond. Cut associated with a water quality / detention pond is commonly granted administratively by Staff due to drainage-related engineering constraints and to minimize the pond footprint. Cut up to 14 feet is necessary to provide fire access as required by Austin Fire Department for building construction.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.
Yes, water quality / detention pond capacity is mandated by the City of Austin. Pond depth is routinely in excess of 4 feet in order to minimize the pond footprint (and the construction footprint). Minimizing the construction footprint is environmentally superior. In addition, this amount of cut is necessary to remove fill placed by the prior owner of this property to construct a driveway providing access for Austin Fire Department.

3. The variance 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 proposed cut minimizes the pond footprint. Cut associated with a water quality / detention pond is commonly granted administratively by Staff due to drainage-related engineering constraints and to minimize the pond footprint. Cut associated with the driveway is the minimum amount necessary to construct a fire access driveway to the building.

4. The variance does not create a significant probability of harmful consequences.
Yes, sufficient erosion / sedimentation control is required prior to construction activities. In addition, all construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize construction footprints.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, the project will incorporate a partial sedimentation bio-filtration pond to provide enhanced water quality controls.

Variance Request 5

A variance from **LDC 25-8-342(A)** is requested to allow fill up to 13 feet. As required in LDC Section 25-8-41, the Land Use Commission may grant a variance from a requirement after determining:

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, fill up to 13 feet is necessary for the construction the Spicewood Springs Road access driveway. This placement of this driveway on the property is required for traffic safety (the driveway is required to be located across Spicewood Springs Road from an existing driveway for traffic safety). In addition, 13 feet of fill is required for construction of the fire access driveway.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.
Yes, due to the distribution of slopes of 15% or less and the prior grading activities on this property, there is no single contiguous area sufficiently large for construction. The applicant has designed the development to be located on the two areas with slopes of 15% or less that are located closest to Spicewood Springs Road to minimize construction on slopes over 15% and to minimize the amount of fill necessary.

3. The variance 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, due to the distribution of slopes of 15% or less and the prior grading activities on this property, there is no single contiguous area sufficiently large for construction. The applicant has designed the development to be located on the two areas with slopes of 15% or less that are located closest to Spicewood Springs Road to minimize construction on slopes over 15% and to minimize the amount of fill necessary.

4. The variance does not create a significant probability of harmful consequences.
Yes, sufficient erosion / sedimentation control is required prior to construction activities. In addition, all construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize construction footprints.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, the project will incorporate a partial sedimentation bio-filtration pond to provide enhanced water quality controls.

Variance Request 6

Two rimrock CEFs have been identified. A variance from **LDC 25-8-281(C)(1)(a)** is requested to reduce one rimrock CEF setback to 8 feet and the second rimrock CEF setback to 50 feet. As required in LDC Section 25-8-41, the Land Use Commission may grant a variance from a requirement after determining:

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, due to the distribution of slopes of 15% or less and the prior grading activities on this property, there is no single contiguous area sufficiently large for construction. Adjacent properties have similar development density.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.

Yes, the applicant has designed the development to be located on the two areas with slopes of 15% or less that are located closest to Spicewood Springs Road to minimize construction on slopes over 15%. This requires a reduction of rimrock CEF setbacks.

3. The variance 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, adjacent properties have similar development density. Due to the distribution of slopes of 15% or less and the prior grading activities on this property, there is no single contiguous area sufficiently large for construction. The applicant has requested the minimum CEF setback reduction necessary based on site constraints.

4. The variance does not create a significant probability of harmful consequences.
Yes, sufficient erosion / sedimentation control is required prior to construction activities. In addition, all construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction to minimize construction footprints.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
Yes, the project will incorporate a partial sedimentation bio-filtration pond to provide enhanced water quality controls.

Environmental Review Specialist Senior: _____
Mike McDougal

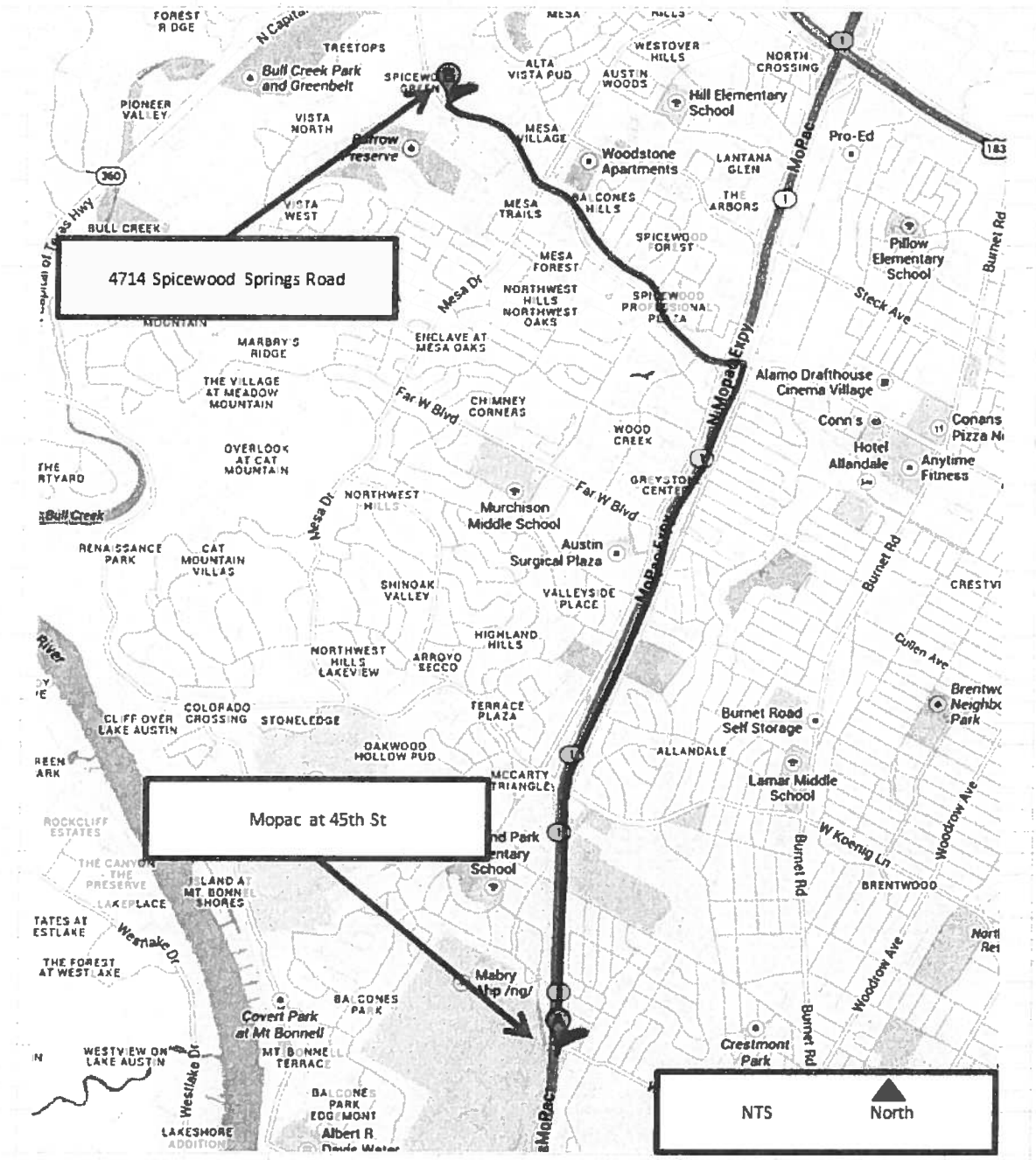
Environmental Program Coordinator: _____
Sue Barnett

Environmental Officer: _____
Chuck Lesniak

Driving Directions to 4714 Spicewood Springs Road

Beginning at Mopac and 45th St:

1 – Continue north on Mopac for 2.6 miles
2 – Exit Anderson Lane / Spicewood Springs Road
3 – Turn left onto Spicewood Springs Road
4 – Continue 1.6 miles, 4714 Spicewood Springs Road will be on the right



LONGARO & CLARKE
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July 26, 2013

Mike McDougal
City of Austin
Planning and Development Review Department
505 Barton Springs Road
4th Floor
Austin, Texas 78701

RE: Spicewood Springs Plaza Office Project (SP-2013-0018C)
Environmental Variances
Longaro & Clarke, L.P. Project #075-08-40

Dear Mr. McDougal:

I am writing this letter to you on behalf of the applicant in the above referenced site plan application. The following information is being provided to introduce the project, outline the environmental variances being requested f rom the Land Use Commission, and justify the requested variances.

INTRODUCTION

The site is a 5.19 acre tract of land located at 4717 Spicewood Springs Road (the "Property") in Austin, Texas 78750. The Property is located in the Bull Creek watershed which is classified as a water supply suburban watershed. It was previously developed in 1968 for residential use. Surrounding uses include residential and commercial development to the east and west, and undeveloped land to the north.

The Property has steep terrain with elevations ranging from 738 to 869 feet above mean sea level. Consequently the site has approximately two (2) acres of net site area with five noncontiguous areas of slopes with a gradient of 15% or less; three of these areas are only accessible by crossing slopes with a gradient of more than 25%; the other two areas alone lack sufficient buildable area. There is extensive fill placement located in the southern, eastern and central portions of the site, which we believe resulted from the construction of Spicewood Springs Road and development of the property as a residential use.

The applicant proposes to construct a 3-story office project with underground parking. Access to the site will be from Spicewood Springs Road. An outdoor amenity area for employees of office building will be located on the eastern portion of the site. In addition the applicant will clear the invasive plants and shrubs located on the eastern portion of the site and restore it to Hill County standards. All construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction. The project will also incorporate a partial sedimentation bio-filtration pond to help provide enhanced water quality controls. In order for the applicant to develop the Property as proposed a number of environmental variances are required. Below is a list of the variances being requested which require Land Use Commission approval, along with the findings of fact for each variance.

VARIANCES

Variances #1 for Construction on Slopes
A variance from Section 25-8-301(A)(1) is requested to allow construction of the driveway and turnaround area/fire access drive for the Austin Fire Department on slopes with a gradient of more than 15%. Justification for this variance is described as follows:

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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, construction on slope variances in order to develop. It should also be noted that this project is comparable in size and scope to other projects in the area.

   This property is 5.19 acres with approximately two (2) acres of net site area that consists of five noncontiguous areas with slopes less than 15%; three of these areas are only accessible by crossing slopes greater than 25%. The other two areas alone lack sufficient buildable space. It should also be noted that the property consists of numerous manmade slopes due to existing developed conditions which created the steep slopes within the area of the main driveway and the turnaround area/fire access 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 There are two driveways proposed that will provide adequate ingress/egress to the project and for emergency service vehicles. The main driveway is required by the Transportation Criteria Manual to align with the driveway into the existing multifamily development adjacent to the site. Additionally the Austin Fire Department standards require a turnaround area/fire access drive adequate in size that meets the required slope percentages for a fire truck to maneuver safely. The location of the turnaround area/fire access drive is essentially dictated by the properties limited buildable area and the requirement to align the main driveway with the multifamily driveway. The location of the driveway and the turnaround area/fire access drive results in safer traffic circulation on a busy and substandard Spicewood Springs Road.

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 In addition to the requirement to align the driveway with the adjacent multifamily project, which dictates its location, we determined that the other possible locations for the driveway and turnaround area/fire access drive would create a larger departure from the requirements and provide a greater impact on slopes in excess of 15%. This is evidenced by the five noncontiguous areas of land with 0-15% slopes. Three of which are only accessible by crossing slopes in excess of 25%, and in one case building a bridge to cross a steep ravine.

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

Yes The construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction; this will also help to minimize any disturbance of vegetation along the slopes.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Variances #2 for Construction on Slopes
A variance from Section 25-8-302(A)(1) is requested to allow construction of the building on slopes with a gradient of more than 25%. This project is requesting approval to construct 0.03 acres on slopes 25-35%. Justification for this variance is described as follows:

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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, construction on slope variances in order to develop. It should also be noted that this project is comparable in size and scope to other projects in the area.

The placement of the building is dictated by the sites limited buildable area due to its steep topography, noncontiguous areas of 0-15% slopes, and the location of the driveway. Consequently the building impacts slopes in excess of 25%.

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 As evidenced by the slope map there are only two (2) areas adjacent to Spicewood Springs Road that consist of 0-15% slopes. The area located along the eastern property line is not suitable for construction since it mainly consists of approximately 40 feet of unconsolidated fill material leftover from when Spicewood Springs Road was realigned many years ago. Additionally, to develop this area a variance to construct on slopes in excess of 35% would be required, which would result in a greater environmental impact. Consequently the only suitable area left to develop are two (2) areas located along the western property line with 0-15% slopes that are in close proximity to each other. However, this area has manmade slopes that were created when the property was developed for residential use in 1968.

   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 Considering the sites steep topography the location chosen has the least impact from an environmental standpoint. The other areas of the site with 0-15% slopes are either not accessible because of steep topography, require construction of a bridge to cross a ravine, or do not have sufficient buildable area.

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

      Yes The construction on slopes will be structurally contained by the building which will stabilize the area of construction; this will also help to minimize any disturbance of vegetation along the slopes.

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

   Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Variances #3 for Construction on Slopes

A variance from Section 25-8-302(B)(1) is requested to allow more than 10% impervious cover on slopes with a gradient between 15-25%. This project is requesting approval to construct 0.14 acres more than the 10% allowed in the Land Development Code. Justification for this variance is described as follows:

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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, construction on slope variances in order to develop. It should also be noted that this project is comparable in size and scope to other projects in the area.

   The placement of the building is dictated by the properties limited buildable area due to its steep topography, noncontiguous areas of 0-15% slopes, and the location of the driveway. Consequently the building impacts slopes with a gradient of 15-25%.

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 property is comprised of 1.18 acres of 15-25% slope. The Land Development Code allows 0.12 acres of impervious cover, which is no more than 10%, of the total area of slopes greater than 15% but not more than 25%. The project proposes a total of 0.26 acres of impervious cover, which is 0.14 acres more than allowed by the Land Development Code. As evidenced by the slope map there are only two (2) areas adjacent to Spicewood Springs Road that consist of 0-15% slopes. The area located along the eastern property line is not suitable for construction since it consists of approximately 40 feet of unconsolidated fill material leftover from when Spicewood Springs Road was realigned many years ago. Additionally, to develop this area a variance to construct on slopes in excess of 35% would be required, which would result in a larger departure from City Code and create a greater environmental impact. Consequently the only suitable area left to develop are two (2) areas located along the western property line with 0-15% slopes that are in close proximity to each other. However, this area mainly consists of manmade slopes that were created when the property was developed for residential use in 1968.

   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 extent of construction on slopes is relatively small in scope and should be considered minimum departure from slope requirements. There are only two areas that are suitable for development but yet still

require a variance to allow more than 10% impervious cover on slopes more than 15% but not more than 25%. However, considering the properties steep topography the location chosen has less impact from an environmental standpoint. The other areas of the site with 0-15% slopes are either not accessible because of the steep topography, require construction of a bridge to cross a ravine, or do not have sufficient buildable area.

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

Yes The construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction; this will also help to minimize any disturbance of vegetation along the slopes.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Every effort has been made to comply with the Hill County Roadway requirements. All cut and fill areas will be terraced and structurally contained. All terraced areas shall be revegetated with native vegetation.

Variances #4 from Section 25-8-341(A) to allow more than 4 feet of Cut

A variance from Section 25-8-341(A) is requested to allow fourteen feet of cut for the construction of the detention pond and water quality pond, to provide a 4:1 maintenance/access ramp to the pond, and to provide safe and reasonable access for the Austin Fire Department. Justification for this variance is described as follows:

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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, cut and fill variances. It should also be noted that this project is comparable in size and scope to other projects in the area.

Given the sites steep topography there are only two areas that are suitable for development, however these areas consist of numerous manmade slopes and fills due to existing developed conditions. Consequently a variance to allow 4-14 feet of cut is necessary to construct the detention pond and water quality pond, to provide a 4:1

maintenance/access ramp to the pond, and to provide safe and reasonable access for the Austin Fire Department to access the perimeter of the building in case of a fire.

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 prior landowner altered the natural terrain to create a home site which created areas of manmade fill. Consequently a variance to allow 4-14 feet of cut is necessary to provide a 4:1 maintenance/access ramp to the detention and water quality pond, to provide safe and reasonable access for the Austin Fire Department to access the perimeter of the building in case of a fire, and the construction of the pond. According to Austin Fire Department standards, the slope has to be no more than 4:1 thus necessitating the variance.

   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 area of cut in excess of 4 feet in depth is relatively small, 3,733 square feet, and should be considered a minimum departure from the requirements. It should be noted that the pond is located in an area that has fairly flat slopes and no trees. The placement of the building and the pond are dictated by the sites limited buildable area due to its steep topography, noncontiguous areas of 0-15% slopes, and the location of the driveway. The location of the pond, its access ramp, and access for the Austin Fire Department cannot be altered without creating a greater environmental impact.

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

      Yes The area of cut will be stabilized either by 3:1 slopes revegetated to City of Austin standards with temporary erosion control matting to prevent erosion while revegetation is taking place, or will be stabilized by concrete retaining systems. In addition, a Texas licensed geologist will oversee excavation for the access drive, pond, and building.

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

   Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Variances #5 from Section 25-8-342(A) to allow more than 4 feet of Fill
A variance from Section 25-8-342(A) is requested to allow thirteen feet of fill for the construction of a driveway and turnaround area/fire access drive for the Austin Fire Department. Justification for this variance is described as follows:

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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, cut and fill variances. It should also be noted that this project is comparable in size and scope to other projects in the area.

   Given the sites steep topography there are only two areas that are suitable for development; however, these areas consist of numerous manmade slopes due to existing developed conditions. Consequently a variance to 4-13 feet of fill is necessary for the construction of a driveway and a turnaround area/fire access drive adequate in size for a fire truck to maneuver.

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 There are two driveways proposed that will provide adequate ingress/egress to the project and for emergency service vehicles. The main driveway is required by the Transportation Criteria Manual to align with the driveway into the existing multifamily development adjacent to the site. Additionally the Austin Fire Department standards require a turnaround area/fire access drive adequate in size that meets the required slope percentages for a fire truck to maneuver safely. Given the sites limited buildable area there is only one logical location to place the building, which in essence dictates the location of the turnaround area/fire access drive. Consequently because the driveway and the fire access drive are on slopes in excess of 15% a variance to exceed more than 4 feet of fill is required to meet the Austin Fire Department standards for cross slopes and driveway grades.

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 area of fill in excess of 4 feet in depth is relatively small, 7,066 square feet of fill 4-13 feet, and should be considered minimum departure from the requirements. Given the sites limited buildable area due to its steep topography the construction of a driveway and a turnaround area/fire access drive cannot be altered without creating a greater environmental impact.

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

Yes The area of fill will be stabilized either by 3:1 slopes revegetated to City of Austin standards with temporary erosion control mattering to prevent erosion while revegetation is taking place, or will be stabilized by concrete retaining systems. In addition, a Texas licensed geologist will oversee construction of the fill for the driveway and turnaround area/fire access drive.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Variances #6 to reduce the 150' buffer zone from a Critical Environmental Feature
A variance from Section 25-8-281(C)(1)(a) is requested to allow construction of the building, detention pond and water quality pond within the 150' buffer zone from a critical environmental feature. Justification for this variance is described as follows:

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 It is common for property located in the Bull Creek Watershed with steep topography to have geological conditions that warrant critical environmental features ("CEF") such as rimrock. It is also common for properties with limited buildable area because of topographic conditions which have known CEF's to receive a variance to reduce the required 150 foot buffer zone from the CEF. In this case there two canyon rimrocks located on the site (i) 56 foot rimrock located in the central portions of the property, and (ii) 81 foot rimrock located in the western portion of the

property. A portion of the building and detention/water quality pond are located within the required 150 foot buffer zone from both CEF's.

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 property has two (2) acres of land that consist of five noncontiguous areas with slopes less than 15%, as a result there are only two areas that are suitable for development; however this is also the area where the canyon rimrocks are found. Other site constraints that affect the placement of the building and detention/water quality pond are (i) a requirement for the primary access point to align with the adjacent multifamily development, and (ii) the eastern portion of the property is not suitable for construction since it consist of approximately 40 feet of unconsolidated fill material leftover from when Spicewood Springs Road was realigned main years ago. Because of the site constraints, a portion of the building and detention/water quality pond are located within 8 feet and 15 feet from the closest point of the rimrock located in the western portion of the site. As for the rimrock located in the central portion of the site, the building and water quality facilities are located no closer than 50 feet from the nearest point of the CEF.

   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 Given the sites limited buildable area due to its steep topography and the location of the driveway, the placement of the building and detention/water quality pond cannot be altered without creating a greater environmental impact.

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

      Yes In the case of canyon rimrocks, the preservation method consist of minimizing concentrated flows from the development across the feature. For this development the applicant proposes that during construction water filled traffic barriers will be placed along the limits of construction ("LOC") to divert the majority of the storm water runoff away from the CEF's. In addition it is proposed that a filter sock will be placed on the downstream side of the water filled traffic barriers in the event small amounts of runoff percolate under the barriers. Any slopes steeper than 4:1 upstream of the CEF's will be overlain with erosion control matting to assist in the revegetation process to minimize erosion. After construction is complete the drainage areas to the CEF's will consist of very small non-

impervious sheet flow areas due to the fact the entire developed area will be captured by the roof drains and inlets which will then be diverted to the water quality facility. Discharge from the water quality facility will be at a location that is not upstream of the CEF's.

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

   Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond. It should be noted that the pond will be discharged at an area of flatter slopes and will not contribute runoff to the CEF's.

The applicant proposes the following mitigation measures to provide enhanced environmental protection of the CEF's:

- Removal of the brush pile that is adjacent to the western canyon rimrock CEF and restore the area to its natural condition.
- Preconstruction; traffic barriers and mulch bags will be installed to prevent any sediment from impacting the ridge; and
- Post construction; divert storm water runoff away from the CEF's, install geo-matting around the detention pond, and revegetate prior to removing the traffic barriers and mulch bags.

I respectfully request the Environmental Review Board and Land Use Commission review the material provided and approve the proposed variances as requested. Should you have any questions or comments, please do not hesitate to contact me.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President

Enclosures

cc: Scott Taylor, Tierra Concepts
Amanda Morrow, Armbrust & Brown

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July 26, 2013

ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Scott Taylor
Street Address	8917 Old Lampasas Trial #28
City State ZIP Code	Austin, Texas 78750
Work Phone	512-619-1846
E-Mail Address	taylor@tierra-concepts.com

Variance Case Information

Case Name	Spicewood Springs Plaza Office
Case Number	SP-2013-0018C
Address or Location	4714 Spicewood Springs, Austin, Texas 78759
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	Current code
Watershed Name	Bull Creek
Watershed Classification	☐Urban ☐ Suburban XWater Supply Suburban ☐Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone	☐ Barton Springs Segment X Northern Edwards Segment ☐ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☐ Yes X No

Distance to Nearest Classified Waterway	+/- 3,000 feet
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows: Variance from Sections: *25-8-301(A)(1)* to allow construction of a driveway on slopes with a gradient of more than 15%, *25-8-302(A)(1)* to allow a building on slopes with a gradient of more than 25%, *25-8-302(B)(1)* to allow .14 acres of impervious cover on slopes between 15%-25%, *25-8-341(A)* to exceed 4 feet of cut, *25-8-342(A)* to exceed 4 feet of fill, and Administrative variance from *25-8-281(C)(1)(a)* to reduce the 150' buffer zone from a critical environmental feature.

Impervious cover	Existing	Proposed
square footage:	4,129	40,878
acreage:	0.09	.94
percentage:	3.6 NSA	35.3% NSA
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	The property consist of 5.19 acres with two (2) acres of land that consist of five noncontiguous areas with slopes less than 15%; three of these areas are only accessible by crossing slopes greater than 25%, and the other two areas alone lack sufficient buildable space. There is extensive fill placement in the southern, eastern, and central portions of the site from when Spicewood Springs Road was realigned and from when the property was developed in 1968 as a residential home site. The site lies within the Bull Creek watershed. The elevation of the subject site ranges from approximately 738 feet to 869 feet above mean sea level. The site is not located within or near a classified waterway. The site is not located within a CWQZ or WQTZ. Vegetation species include, but are not limited to; (i) Texas oak, (ii) ashe juniper, (iii) possumhaw, (iv) turk's cap, (v) greenbrier, (vi) frostweed, (vii) hackberry, (viii) cedar elm and other native grasses. There is only one heritage tree on the site, which will be preserved. The site lies within the Upper Glen Rose Formation, Walnut Formation and Edwards Limestone. There are two canyon rimrock located on the site. There are no known endangered species.	

July 26, 2013

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	(i) variances to allow construction on slopes greater than 15%, but not to exceed 35%; (ii) cut and fill variances for the construction of a driveway, detention pond/water quality pond, access for emergency service vehicles and access to the detention pond/water quality pond, and (iii) variance to reduce a CEF buffer zone.

FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Spicewood Springs Plaza Office

Ordinance: Current Code (Section 25-8-301(A)(1)

A. Land Use Commission variance determinations from Chapter 25-8-41 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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, construction on slope variances in order to develop. It should also be noted that this project is comparable in size and scope to other projects in the area.

This property is 5.19 acres with two (2) acres of land that consists of five noncontiguous areas with slopes less than 15%; three of these areas are only accessible by crossing slopes greater than 25%; the other two areas alone lack sufficient buildable space. It should also be noted that the property consists of numerous manmade slopes due to existing developed conditions which created the steep slopes within the area of the main driveway and the turnaround area/fire access 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 There are two driveways proposed that will provide adequate ingress/egress to the project and for emergency service vehicles. The main driveway is required by the Transportation Criteria Manual to align with the driveway into the existing multifamily development adjacent to the site. Additionally the Austin Fire Department standards require a turnaround area/fire access drive adequate in size that meets the required slope percentages for a fire truck to maneuver safely. The location of the turnaround area/fire access drive is essentially dictated by the properties limited buildable area and the requirement to align the main driveway with the multifamily driveway. The location of the driveway and the turnaround area/fire access drive results in safer traffic circulation on a busy and substandard Spicewood Springs Road.

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 In addition to the requirement to align the driveway with the adjacent multifamily project, which dictates its location, we determined that the other possible locations for the driveway and turnaround area/fire access drive would create a larger departure from the requirements and provide a greater impact on slopes in excess of 15%. This is evidenced by the five noncontiguous areas of land with 0-15% slopes. Three of which are only accessible by crossing slopes in excess of 25%, and in one case building a bridge to cross a steep ravine.

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

Yes The construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction; this will also help to minimize any disturbance of vegetation along the slopes.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Ordinance: Current Code (Section 25-8-302(A)(1))

A. Land Use Commission variance determinations from Chapter 25-8-41 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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, construction on slope variances in order to develop. It should also be noted that this project is comparable in size and scope to other projects in the area.

The placement of the building is dictated by the sites limited buildable area due to its steep topography, noncontiguous areas of 0-15% slopes, and the location of the driveway. Consequently the building impacts slopes in excess of 25%.

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 As evidenced by the slope map there are only two (2) areas adjacent to Spicewood Springs Road that consist of 0-15% slopes. The area located along the eastern property line is not suitable for construction since it mainly consists of approximately 40 feet of unconsolidated fill material leftover from when Spicewood Springs Road was realigned many years ago. Additionally, to develop this area a variance to construct on slopes in excess of 35% would be required, which would result in a greater environmental impact. Consequently the only suitable area left to develop are two (2) areas located along the western property line with 0-15% slopes that are in close proximity to each other. However, this area has manmade slopes that were created when the property was developed for residential use in 1968.

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 Considering the sites steep topography the location chosen has the least impact from an environmental standpoint. The other areas of the site with 0-15% slopes are either not accessible because of steep topography, require construction of a bridge to cross a ravine, or do not have sufficient buildable area.

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

Yes The construction on slopes will be structurally contained by the building which will stabilize the area of construction; this will also help to minimize any disturbance of vegetation along the slopes.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Ordinance: Current Code Section 25-8-302(B)(1)

A. Land Use Commission variance determinations from Chapter 25-8-41 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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, construction on slope variances in order to develop. It should also be noted that this project is comparable in size and scope to other projects in the area.

The placement of the building is dictated by the properties limited buildable area due to its steep topography, noncontiguous areas of 0-15% slopes, and the location of the driveway. Consequently the building impacts slopes with a gradient of 15-25%.

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 property is comprised of 1.18 acres of 15-25% slope. The City Code allows 0.12 acres of impervious cover, which is no more than 10%, of the total area of slopes greater than 15% but not more than 25%. The project proposes a total of 0.26 acres of impervious cover. As evidenced by the slope map there are only two (2) areas adjacent to Spicewood Springs Road that consist of 0-15% slopes. The area located along the eastern property line is not suitable for construction since it consists of approximately 40 feet of unconsolidated fill material leftover from when Spicewood Springs Road was realigned many years ago. Additionally, to develop this area a variance to construct on slopes in excess of 35% would be required, which would result in a larger departure from City Code and create a greater environmental impact. Consequently the only suitable area left to develop are two (2) areas located along the western property line with 0-15% slopes that are in close proximity to each other. However, this area mainly consists of manmade slopes that were created when the property was developed for residential use in 1968.

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 extent of construction on slopes is relatively small in scope and should be considered minimum departure from slope requirements. There are only two areas that are suitable for development but yet still require a variance to allow more than 10% impervious cover on slopes more than 15% but not more than 25%. However considering the properties steep topography the location chosen has less impact from an environmental standpoint. The other areas of the site with 0-15% slopes are either not accessible because of the steep topography, require construction of a bridge to cross a ravine, or do not have sufficient buildable area.

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

Yes The construction on slopes will be structurally contained by vertical retaining systems that will stabilize the area of construction; this will also help to minimize any disturbance of vegetation along the slopes.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Ordinance: Current Code (Section 25-8-341(A))

A. Land Use Commission variance determinations from Chapter 25-8-41 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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, cut and fill variances.. It should also be noted that this project is comparable in size and scope to other projects in the area.

Given the sites steep topography there are only two areas that are suitable for development, however these areas consist of numerous manmade slopes and fills due to existing developed conditions. Consequently a variance to allow 4-14 feet of cut is necessary to construct the detention pond and water quality pond, to provide a 4:1 maintenance/access ramp to the pond, and to provide safe and reasonable access for the Austin Fire Department to access the perimeter of the building in case of a fire.

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 prior landowner altered the natural terrain to create a home site which created areas of manmade fill. Consequently a variance to allow 4-14 feet of cut is necessary to provide a 4:1 maintenance/access ramp to the detention pond and water quality pond, to provide safe and reasonable access for the Austin Fire Department, and the construction of the pond. According to Austin Fire Department standards, the slope has to be no more than 4:1 thus necessitating the variance.

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 area of cut in excess of 4 feet in depth is relatively small, 3,733 square feet, and should be considered a minimum departure from the requirements. It

should be noted that the pond is located in an area that has fairly flat slopes and no trees. The location of the pond, its access ramp, and access for the Austin Fire Department cannot be altered without creating a greater environmental impact.

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

Yes The area of cut will be stabilized either by 3:1 slopes revegetated to City of Austin standards with temporary erosion control matting to prevent erosion while revegetation is taking place, or will be stabilized by concrete retaining systems. In addition, a Texas licensed geologist will oversee excavation for the access drive, pond, and building.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Ordinance: Current Code (Section 25-8-342(A))

A. Land Use Commission variance determinations from Chapter 25-8-41 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 properties located along Spicewood Springs Road with steep topography, similar to this site, that have limited buildable area require, and are granted, cut and fill variances.. It should also be noted that this project is comparable in size and scope to other projects in the area.

Given the sites steep topography there are only two areas that are suitable for development, however these areas consist of numerous manmade slopes due to existing developed conditions. Consequently a variance to 4-13 feet of fill is necessary for the construction of a driveway and a turnaround area/fire access drive adequate in size for a fire truck to maneuver.

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 There are two driveways proposed that will provide adequate ingress/egress to the project and for emergency service vehicles. The main driveway is required by the Transportation Criteria Manual to align with the driveway into the existing multifamily development adjacent to the site. Additionally the Austin Fire Department standards require a turnaround area/fire access drive adequate in size that meets the required slope percentages for a fire truck to maneuver safely. Given the sites limited buildable area there is only one logical location to place the building, which in essence dictates the location of the turnaround area/fire access drive. Consequently because the driveway and the fire access drive are on slopes in excess of 15% a variance to exceed more than 4 feet of fill is required to meet the Austin Fire Department standards for cross slopes and driveway grades.

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 area of fill in excess of 4 feet in depth is relatively small, 7,066 square feet of fill 4-13 feet, and should be considered minimum departure from the requirements. Given the sites limited buildable area due to its steep topography the construction of a driveway and a turnaround area/fire access drive cannot be altered without creating a greater environmental impact.

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

Yes The area of fill will be stabilized either by 3:1 slopes revegetated to City of Austin standards with temporary erosion control mattering to prevent erosion while revegetation is taking place, or will be stabilized by concrete retaining systems. In addition, a Texas licensed geologist will oversee construction of the fill for the driveway and turnaround area/fire access drive.

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

Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond.

Ordinance: Current Code (Section 25-8-281(C)(1)(a))

A. Land Use Commission variance determinations from Chapter 25-8-41 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 It is common for property located in the Bull Creek Watershed with steep topography to have geological conditions that warrant critical environmental features ("CEF") such as rimrock. It is also common for properties with limited buildable area because of topographic conditions which have known CEF's to receive a variance to reduce the required 150 foot buffer zone from the CEF. In this case there two canyon rimrocks located on the site (i) 56 foot rimrock located in the central portions of the property, and (ii) 81 foot rimrock located in the western portion of the property. A portion of the building and detention/water quality pond are located within the required 150 foot buffer zone from both CEF's.

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 property has two (2) acres of land that consist of five noncontiguous areas with slopes less than 15%, as a result there are only two areas that are suitable for development; however this is also the area where the canyon rimrocks are found. Other site constraints that affect the placement of the building and detention/water quality pond are (i) a requirement for the primary access point to align with the adjacent multifamily development, and (ii) the eastern portion of the property is not suitable for construction since it consist of approximately 40 feet of unconsolidated fill material leftover from when Spicewood Springs Road was realigned main years ago. Because of the site constraints, a portion of the building and detention/water quality pond are located within 8 feet and 15 feet from the closest point of the rimrock located in the western portion of the site. As for the rimrock located in the central portion of the site, the building and water quality facilities are located no closer than 50 feet from the nearest point of the CEF.

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 Given the sites limited buildable area due to its steep topography and the location of the driveway, the placement of the building and detention/water quality pond cannot be altered without creating a greater environmental impact.

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

Yes In the case of canyon rimrocks, the preservation method consist of minimizing concentrated flows from the development across the feature. For this development the applicant proposes that during construction water filled traffic barriers will be placed along the limits of construction ("LOC") to divert the majority of the storm water runoff away from the CEF's. In addition it is proposed that a filter sock will be placed on the downstream side of the water filled traffic barriers in the event small amounts of runoff percolate under the barriers. Any slopes steeper than 4:1 upstream of the CEF's will be overlain with erosion control matting to assist in the revegetation process to minimize erosion. After construction is complete the drainage areas to the CEF's will consist of very small non-impervious sheet flow areas due to the fact the entire developed area will be captured by the roof drains and inlets which will then be diverted to the water quality facility. Discharge from the water quality facility will be at a location that is not upstream of the CEF's.

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

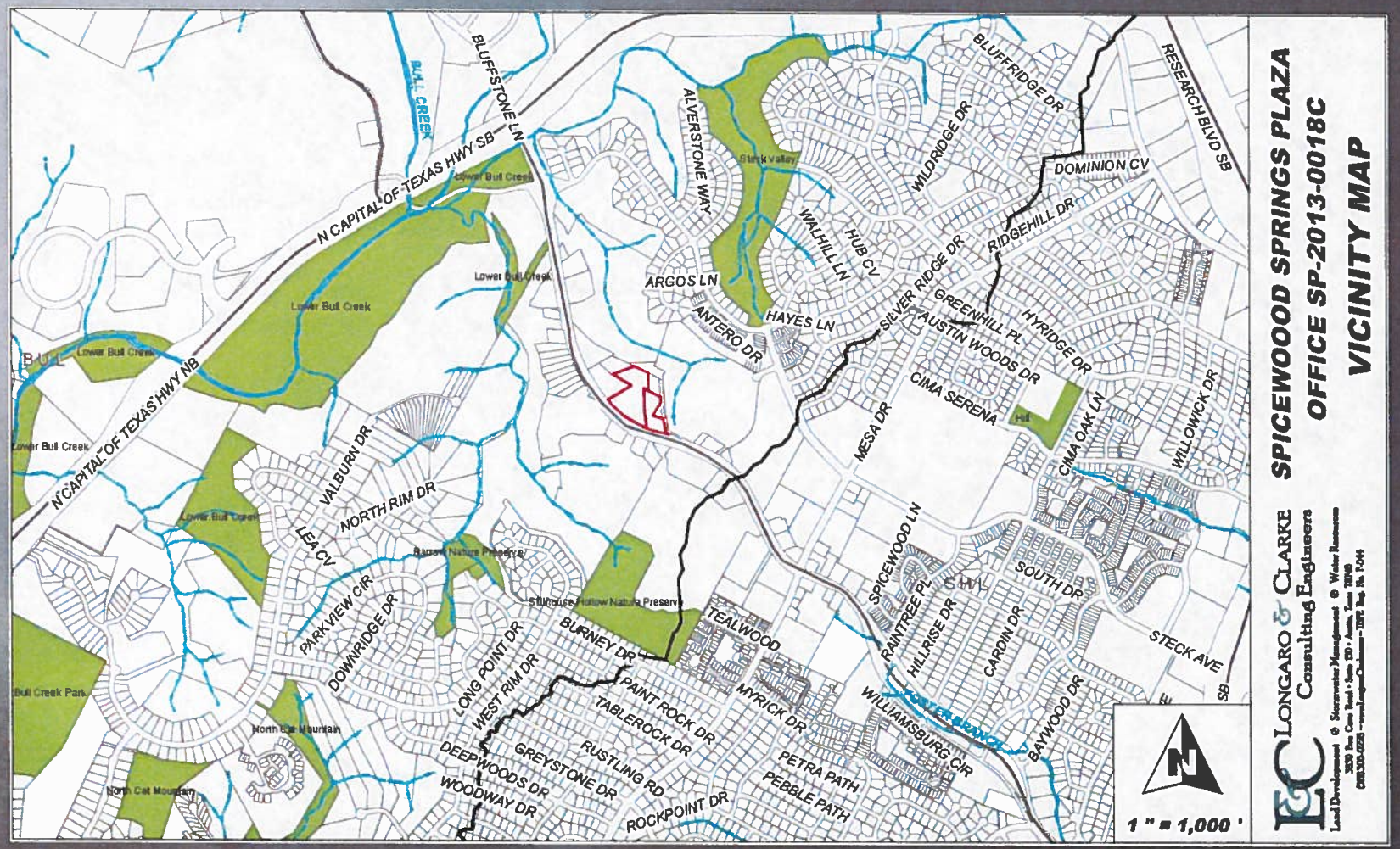
Yes Run off from the impervious cover will be captured and routed to the detention pond and water quality pond, which is a partial sedimentation bio-filtration pond. It should be noted that the pond will be discharged at an area of flatter slopes and will not contribute run to the CEF's.

SPICEWOOD SPRINGS PLAZA OFFICE

SP-2013-0018

CITY OF AUSTIN ENVIRONMENTAL BOARD VARIANCE REQUESTS

VICINITY MAP



SPICEWOOD SPRINGS PLAZA
OFFICE SP-2013-0018C
VICINITY MAP

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AERIAL PHOTO

AERIAL PHOTO

Site Photos



1 - Natural slope from the lower half of the site
2 - Start of fill area
3 - Rock retaining wall for fill
4 - Rock retaining wall for fill

Site Photos



5 - Profile of fill
6 - Profile of fill for road
7 - Profile of fill
8 - Fill on the east tract

Site Photos



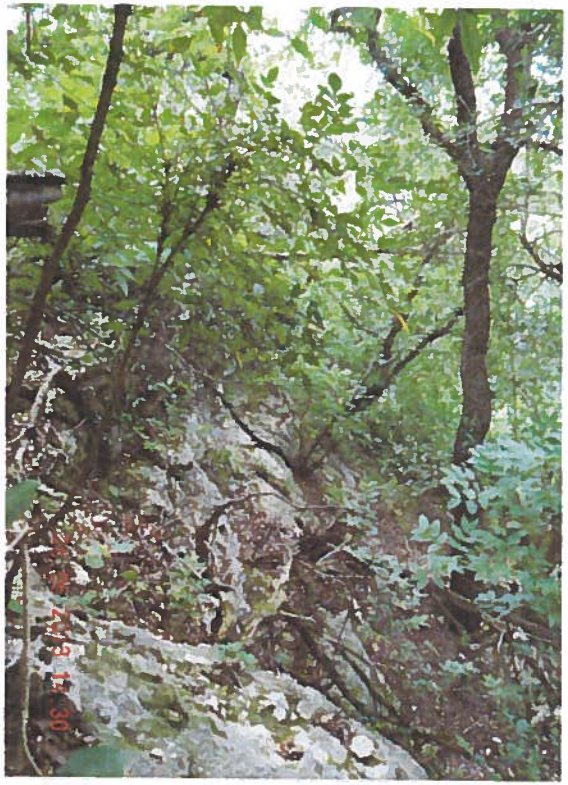
9 - Fill on the east tract
10 - Fill in the ROW
11 - Project's required driveway alignment with multifamily complex
12 - Fill on the east tract

Site Photos



13 - Fill on the east tract
14 - Fill on the east tract
15 - Fill on the east tract

Site Photos



Central Rimrock



Western Rimrock