ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-735 RELATING TO REGULATION OF SENIOR HOUSING AND MIXED USE DEVELOPMENT WITHIN THE WATERFRONT OVERLAY.

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

PART 1. City Code Section 25-2-785 (*Festival Beach Subdistrict Regulations*) is amended to read as follows:

§ 25-2-735 - FESTIVAL BEACH SUBDISTRICT REGULATIONS.

(A) This section applies in the Festival Beach subdistrict of the WO combining district.

(B) The primary setback line is located 100 feet landward from the Town Lake shoreline.

(C) The secondary setback line is located 50 feet landward from the primary setback line.

(D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is:

(1) 40 percent[.]; or

(2) 70 percent, for a site that:

(a) contains congregate care and retail uses on 15 or more acres;

(b) is adjacent to 1.5 or more acres of parkland or publically accessible open space;

(c) includes, within the congregate care use, at least:

(i) 310 rental housing units that serve residents earning at or below 60% of area median family income; and

(ii) 140 rental housing units that serve residents earning at or below 30% of area median family income; and

(d) contains the following enhanced water quality features:

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(i) water quality treatment utilizing green water quality controls sized at ½-inch or greater, based on assumed impervious cover of 68%;

(ii) at least 30,000 square feet of porous pavement for pedestrian areas;

(iii) at least 8,126 cubic feet of rainwater harvesting sufficient to capture 1.3 inches of runoff from 75,000 square feet of impervious cover; and

(iv) onsite water quality ponds sufficient to treat a minimum of 6,200 cubic feet of off-site drainage.

(E) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

PART 2. This ordinance takes effect on_____, 2016.

PASSED AND APPROVED

§
§
_____, 2016 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk

draft

Proposed Amendments to the Waterfront Overlay Regulations for RBJ Senior Center

Margaret Shaw, Economic Development Department
Chuck Lesniak, Watershed Protection Department

Background

- RBJ Senior Center is a 16 story residential facility located at 15 Waller Street
- Constructed between 1968 and 1972 led by Lyndon B. Johnson
- Variety of nearby land uses: parkland, Health Dept. building, small multi-family, and single family
- Property is within the Festival Beach subdistrict of the Waterfront Overlay, which limits impervious cover to 40%

RBJ Campus – Northeast corner IH35 and Lady Bird Lake. Austin Geriatric Center owns 19 acres. The City of Austin owns almost 9 acres.

Background

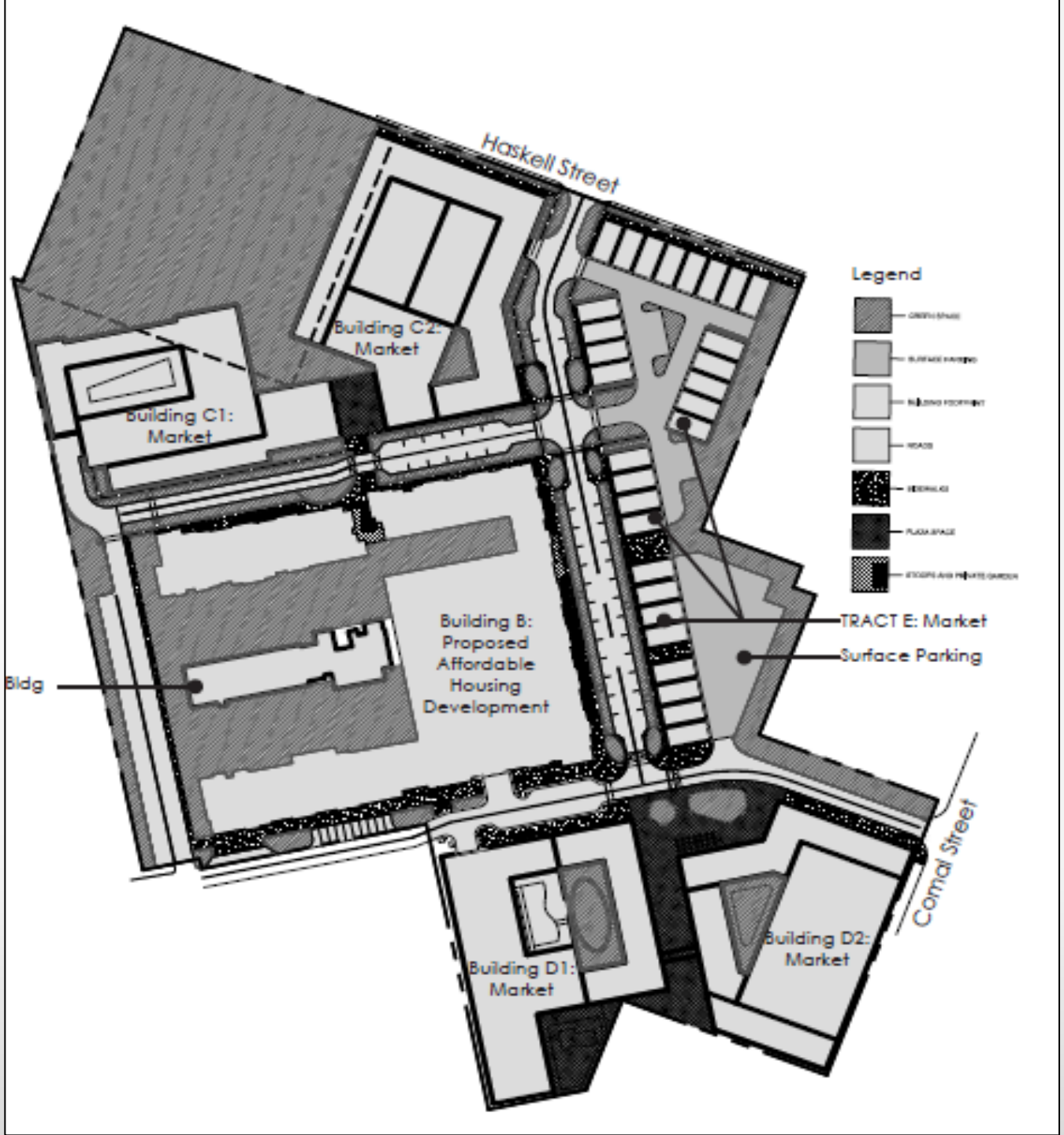
- **City of Austin**
  - 2010 – Council directed City Manager to evaluate the future use of city property and potential for master plan for joint campus in partnership with RBJ (Res. 20100513-033)
  - 2010 – 2015 Economic Development, Planning & Development Review, Parks, Neighborhood Housing, and Building Services evaluate numerous site issues
  - 2015 - Council initiates and approves neighborhood plan amendment from MF to MU (allowing 60' height)
- **Austin Geriatric Center, nonprofit owner of RBJ site**
  - 2010 - Hired HS&A & TBG to develop site plan options with community engagement by residents and neighborhoods
  - 2011 – RBJ Board selects site plan Option C from 5 options presented by HS&A
  - 2013 -- AGC pays off HUD mortgage; selects master development team
  - 2014 -- Executes master development agreement with development team
  - 2015 – Initiates neighborhood plan amendment; Team revises Option C to meet compatibility, heritage tree, affordability goals yet **cannot meet impervious cover cap**

Current Proposal

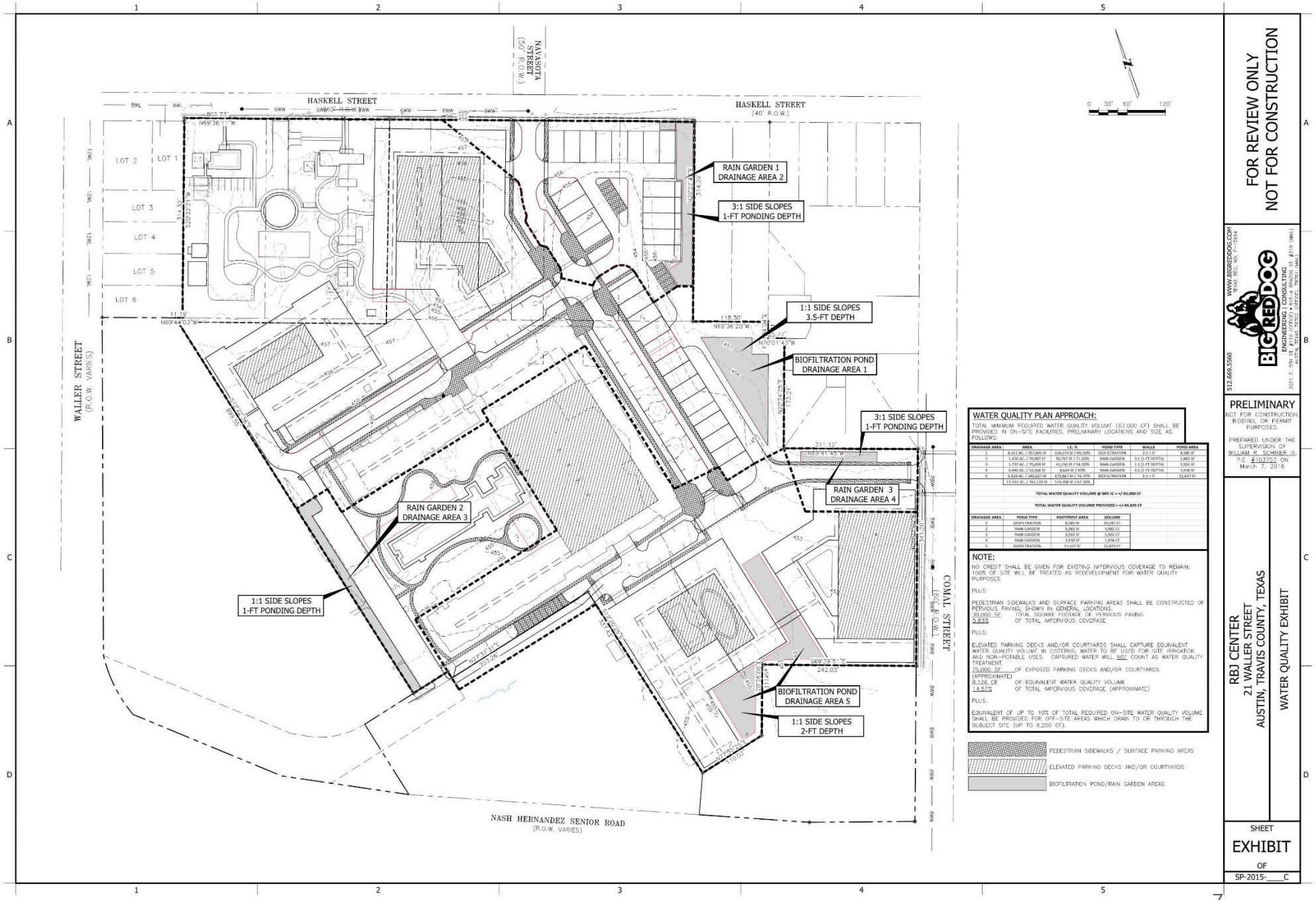
Dec. 2015 - Council initiates amendments to Waterfront Overlay regulations and directs Watershed and Planning and Zoning Department staff to work with developer towards current code impervious cover and water quality to "maximum extent feasible"

- Discussions between staff and developer result in current proposal:
  - 68% impervious cover (40% allowed, approx. 70% increase)
  - Water quality ponds (bio-filtration and rain gardens) sized for 68% impervious cover
  - 30,000 SF of porous pavement for pedestrian areas, but included in WQ pond sizing
  - 8126 CF of rainwater harvesting cisterns to capture 1.3 inches of runoff from 75,000 SF of Impervious surface
  - Treatment of unspecified off-site drainage in the on-site water quality ponds (min. 6200 CF)
  - Porous paving, rainwater harvesting, and off-site treatment result in 35% increase in water quality treatment over code minimum
- Otherwise compliant with current code for tree protection and other environmental regulations

Proposed redevelopment



Proposed redevelopment including water quality controls



Current Proposal

Is current proposal the "maximum extent feasible"? Development team asserts that it is.

- Exceeds current impervious cover limit (40%) by approx. 70%
- Increases water quality treatment by 35% by including existing impervious cover and pervious pedestrian areas
- Engineer estimates cost of water quality enhancements to be $450-560,000 above minimum
- Developer estimates approx. $4.0M in land sales with 41% impervious cover and $12.3M in sales based on 68% impervious cover
- Developer has said that the increased impervious cover is necessary to fund critical improvements to RBJ residential tower and construction of affordable senior housing

Basis for financial projections was not provided to City so staff is unable to confirm that it is maximum extent feasible and still have an economically viable project

Questions?

M E M O R A N D U M

TO: James Shieh, Chair of the Small Area Planning Joint Committee, and Commissioners

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: May 5, 2016

SUBJECT: Proposed Amendment to Waterfront Overlay Regulations

On December 17th, 2015the Austin City Council approved Resolution No. 20151217-057 (attached), initiating amendments to the Waterfront Overlay Festival Beach Subdistrict regulations (LDC 25-2-735). The resolution is related to a proposed redevelopment of the RBJ Senior Residential Center at 15 Waller Street to provide for rehabilitation of the existing senior center facilities and add other new housing and mixed uses at the site. The resolution also directed the City Manager to engage staff to "identify any strategies available, to the maximum extent feasible, to meet current code for impervious cover and water quality." Council also directed the proposed ordinance to be "vetted" by the Environmental Commission and Planning Commission.

The RBJ property is located just east of IH-35 and north of and nearly adjacent to Edward Rendon Sr. Park at Festival Beach along Lady Bird Lake. The development to the north is primarily single family housing. Martin Middle School is to the east. The Waterfront Overlay regulations limit the site to 40% impervious cover. Water quality regulations are the same as those for an Urban watershed and other areas within the Desired Development Zone.

The potential developer had been contemplating impervious cover up to 78%. Since passage of the resolution staff have been working with the developer to identify options to reduce impervious cover and enhance water quality treatment to mitigate the impacts of the higher impervious cover. As a result of those discussions the current proposal by the developer include:

- Water quality ponds (bio-filtration and rain gardens) that meet the ½ inch plus sizing for 68% IC (65,000 CF)
- 30,000 SF of porous pavement (as shown in Exhibit__) for pedestrian areas
- 8126 CF of rainwater harvesting cisterns to capture 1.3 inches of runoff from 75,000 SF of Impervious surface (as shown in Exhibit__)
- Treatment of unspecified off-site drainage in the on-site water quality ponds (up to 6200 CF)

The ½ inch plus ponds to treat on-site runoff represent the minimum requirements to comply with current regulations. The additional water quality features represent a 35% increase in water quality volume. The porous pavement would be considered impervious for purposes of determining water quality treatment requirements and meeting impervious cover limits, however, this type of paving will reduce runoff volume and enhance on-site infiltration.

The Council resolution directed staff to find strategies to meet water quality treatment and impervious cover requirements in current code to the "maximum extent feasible" (MEF). In this case MEF is primarily related to two constraints; first, the area of the tract available for water quality controls, and, second, financial ability of the project to absorb the cost of reduced impervious cover and enhanced water quality treatment. The engineer for the developer has shown that the project can be designed to incorporate the water quality enhancements on site. With the current design, there is not room for very much additional treatment. Significant increases in treatment capacity would likely begin to reduce developable area.

The developer provided information estimating proceeds from sale of market rate land at 68% impervious cover to be $12.3M and from 41% impervious cover to be $4.0M, a difference of approximately $8.3M. Their engineer estimates that the enhanced treatment would likely cost $450,000-560,000 above the cost of complying with the City's minimum requirements. The basis for the sales figures and cost estimates was not provided to the City.

Summary

Council directed staff to work with the developer to get impervious cover and water quality treatment as close to current code as possible. The developer is proposing an approximate 70% increase in impervious cover over the current 40% limit and is increasing water quality volume by roughly 35%. Because of the limited financial data provided, staff cannot fully evaluate whether the proposal for impervious cover and water quality treatment gets as close to code to the "maximum extent feasible". However, based on the proposed design and representations by the developer that this level of impervious cover is necessary to make project financially viable, the proposal could be considered to be at the limits of feasibility.

RESOLUTION NO. 20151217-057

WHEREAS, the Austin Geriatrics Center, Inc., a 501(C)(3) nonprofit, more commonly known as the RBJ Senior Residential Center, was built in 1972 as an affordable housing development for seniors at 15 Waller Street, in East Austin; and

WHEREAS, Austin City Council Resolution 20100513-033 directed the City Manager to coordinate the City's participation in partnership with the RBJ Center Board of Directors and the community stakeholder group to evaluate the future use of the adjacent City property and the potential to participate in the development of a master plan for the 26.78 contiguous acres.

WHEREAS, the RBJ Center Strategic Master Plan Report, for the development of the property was completed on October 31, 2011, and includes the following priorities: continue to provide safe, affordable housing on-site; provide upgraded amenities; double the affordable housing for the elderly; add other affordable/mixed-income housing and mixed uses consistent with the neighborhood plan; and be good stewards of the land; and

WHEREAS, the RBJ site is located adjacent to City of Austin owned parkland; and

WHEREAS; the Water Front Overlay, particularly Land Development Code § 25-2-735 (*Festival Beach Subdistrict Regulations*), limits impervious cover at this site to 40 percent, which would prevent redevelopment of the RBJ site consistent with the goals of the master plan; **NOW, THEREFORE,**

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

1. The City Council initiates amendments to the Waterfront Overlay, Land Development Code § 25-2-735 (*Festival Beach Subdistrict Regulations*), to increase allowable impervious cover from 40% to 78% for congregate living and related land uses within the Festival Beach Subdistrict, consistent with the goals and objectives described in this resolution.

2. The City Manager is directed to process an ordinance, as required by this resolution, and present it to the City Council for consideration following completion of the required public process.

BE IT FURTHER RESOLVED:

Prior to presenting this ordinance to the City Council for consideration, the City Manager is directed to engage the expertise of staff from the Watershed Protection and Planning and Zoning Departments to identify any strategies available, to the maximum extent feasible, to meet current code for impervious cover and water quality. The proposed ordinance shall be vetted by both the Environmental Board and Planning Commission prior to coming before Council for approval.

ADOPTED: December 17, 2015 **ATTEST:** Jannette S. Goodall

Jannette S. Goodall
City Clerk