

**ZONING AND PLATTING COMMISSION SITE PLAN
ENVIRONMENTAL VARIANCE REVIEW SHEET**

CASE NUMBER: SP-2015-0454D **ZAP COMMISSION DATE:** 11-15-2016

ADDRESS: 609 River Road

WATERSHED: Lake Austin Watershed (Water Supply Rural)

AREA: .955 Acres

EXISTING ZONING: LA, Single Family

PROJECT NAME: 609 River Road

PROPOSED USE: Boat Dock

AGENT: Aupperle Company
2219 Westlake Drive, # 110
Austin, TX 78746
(512) 329-8241

APPLICANT: Forza Holdings Lake LLC
2601 Dominion Hill
Austin, TX 78753

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive watershed ordinance

EV VARIANCE REQUESTED: LDC Sections 25-8-342 (A) , To allow fill greater than four feet.

SUMMARY STAFF RECOMMENDATION: Recommended for consent, with conditions

EV BOARD RECOMMENDATION: Recommended with Conditions:

Staff Conditions:

1. Add wave abatement along the entire bulkhead in accordance with ECM 1.13;
2. Remove the steps from the lake;
3. Restore the floodplain on the lower terrace of the site, and

Environmental Commission Conditions:

1. (Provide) Additional vine growth on the face of the wall;
2. Provide additional 30% planting density to the critical water quality zone;
3. Add additional 20" of trees planted in the upland area or participate by paying a mitigation fee in lieu.

ZONING AND PLATTING COMMISSION ACTION: 11-15-2016

CASE MANAGER: Lynda Courtney, 512-974-2810

ENVIRONMENTAL REVIEW: Atha Phillips, 512-974-6303

PROJECT INFORMATION: .955 Acres

NUMBER OF PROPOSED UNITS: 1 existing residence

EXIST. ZONING: LA

MAX. BLDG. CVRG ALLOWED: N/A

PROPOSED BLDG. CVRG: N/A

MAX. IMPERV. CVRG.: N/A

PROPOSED IMP. CVRG: N/A

MAX HEIGHT ALLOWED: N/A

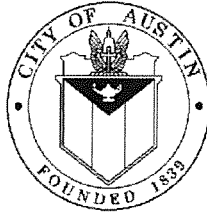
PROPOSED HEIGHT: N/A

REQUIRED PARKING: N/A

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The proposed site plan is for the construction of a boat dock. Previously filled retaining walls were not permitted; construction occurred approximately thirty years ago. A new permit cannot be issued for a proposed boat dock until the unpermitted work is reviewed and permitted through the City of Austin. That existing fill requires an environmental permit for fill over 4', according to LDC Section 25-8-342 (A).

Environmental: This site is located in the Lake Austin watershed, classified as Water Supply Rural, and is not located over the Edwards Aquifer Recharge Zone.

**ENVIRONMENTAL COMMISSION MOTION 20160921 008A**

Date: September 21, 2016

Motion by: Hank Smith

Seconded by: Mary Ann Neely

Subject: 609 River Road SP-2015-0454DS

RATIONALE:

Whereas, the applicant is requesting a boat dock permit and COA staff noted that fill in excess of 4' was placed on the property behind a wall that is approximately 10' tall without a permit. A majority of the fill for this site was brought in during the 1980's and there was some recent repair work completed in 2009. The applicant is not the owner that performed the majority of the unpermitted work; and

Whereas, the permit cannot be issued for a new boat dock without granting the variance; however, the findings of fact have not been met for the variance.

Therefore, the Environmental Commission recommends Support of the request with the following:

Staff Conditions:

- Add wave abatement along the entire bulkhead in accordance with ECM 1.13
- Remove the steps from the lake
- Restore the floodplain on the lower terrace of the site

Environmental Commission Conditions:

- Additional vine growth on face of wall
- Provide additional 30% planting density to the critical water quality zone
- Add additional 20" of trees planted in upland area or participate by paying a mitigation fee in lieu

VOTE 7-1-2

For: Perales, Thompson, Neely, H. Smith, Maceo, B. Smith, Grayum
Against: None
Abstain: Guerrero
Recuse: None
Absent: Moya, Creel

Approved By:

Marisa Perales, Environmental Commission Chair

**ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

Commission Meeting Date Requested:	September 21, 2016
Name & Number of Project:	609 River Road SP-2015-0454DS
Name of Applicant or Organization:	Janis J. Smith (512) 914-3729
Location:	609 River Road
Project Filing Date:	October 7, 2015
City Council District:	6
DSD/Environmental Staff:	Atha Phillips, 974-6303 atha.phillips@austintexas.gov
Watershed:	Lake Austin (Water Supply Rural), Drinking Water Protection Zone
Ordinance:	Watershed Protection Ordinance
Request:	1) To allow fill greater than four feet. [LDC 25-8-342(A)]
Staff Recommendation:	Recommended for approval
Reasons for Recommendation:	Age of unpermitted development and agreed to mitigation



M E M O R A N D U M

TO: Marisa Perales, Chair and Members of the Environmental Commission

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department
Atha Phillips, Environmental Review Specialist Senior
Development Services Department

DATE: September 13, 2016

SUBJECT: 609 River Road SP-2015-0454DS

On your September 21, 2016 agenda is a request for consideration of one variance to allow the permitting of existing fill greater than four feet within the critical water quality zone (CWQZ).

Description of Property

The subject property is a .955 acre platted lot located in the Lake Austin watershed, which is classified as Water Supply Rural, and is located in the Drinking Water Protection Zone. According to City of Austin GIS, the site is not located over the Edwards Aquifer Recharge Zone. The lot is located within the Limited Purpose Planning Jurisdiction and is zoned LA. According to Travis County Appraisal District records, there is an existing house and boat dock.

Existing Topography/Soil Characteristics/Vegetation

According to City of Austin GIS, the lot elevation ranges from the Lake Austin shoreline at 492.8 feet mean sea level (msl) to approximately 560 feet msl, an elevation change of 67.2 feet. The soils on this site were identified in the Environmental Resource Inventory as Altoga Silty Clay series which have a moderate infiltration rate when thoroughly wetted. The vegetation consists of Italian cypress, live oaks, St. Augustine turf grass, and box wood and rose shrubs. There is a 36" caliber Cypress on the southwest corner of the adjacent lot.

Critical Environmental Features

There are no Critical Environmental Features (CEFs) located on the property and no endangered species were identified within the Environmental Resource Inventory.

Project Background

The site plan under review was submitted on October 7, 2015 and proposes the construction of a boat dock. When conducting a site visit the reviewers noticed large retaining walls had been built within the CWQZ. From historical aerials, it appears there were walls in existence previous to 1997 and these retaining walls and fill were expanded in 2009. The applicant or staff were unable to find any evidence that the work was done under an approved City of Austin permit. Walls within a CWQZ are allowed when stabilizing a hillside but fill above 4' is not allowed within the Water Supply Rural/Drinking Water Protection Zone watershed classification. As a result, staff requested the applicant to include the unpermitted development in the boat dock site plan.

Environmental Code Variance Request

To allow fill greater than 4 feet and up to 9.6 feet associated with retaining walls. [25-8-342(A)]

Recommendation

Because the variance does not meet the Findings of Fact Environmental Review staff is not making a recommendation for this project. However, the Environmental Officer recommends approval of the variances because:

- It is clear that a previous owner did the original grading without a permit and that work likely occurred thirty years ago or more.
- The current owner was not responsible for the expansion of the fill without a permit that occurred approximately 10 years ago.
- The current owner is willing to restore the shoreline riparian area, remove structures within the lake, and improve the existing bulkhead to provide a more natural character to the shoreline to mitigate the impacts of the unpermitted development.
- Incorporation into the current site plan provides a record of the development and clarity for future reviewers and applicants.

Conditions

1. Add wave abatement along the entire bulkhead in accordance with ECM 1.13.
2. Remove the steps from the lake.
3. Restore the floodplain on the entire lower terrace of the site.



**Development Services Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project: 609 River Road SP-2015-0454DS

Ordinance Standard: Land Development Code Section 25-8-342(A)

Variance Request: To allow fill greater than four feet.

Findings:

- 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.
No. Although other properties along this stretch of the lake have added retaining walls, other owners have dealt with the grades on the property by constructing stairs or a gangway from the second story of the boat dock. Similar retaining walls that were constructed in 2007 at 613 River Road resulted in an environmental code violation that has not been resolved to date.
 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;
No. Retaining walls existed on site prior to the 2009 wall construction. However, the later construction brought additional fill over the allowed four feet further into the floodplain and brought the lower retaining walls much closer to the shoreline.
 - 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;
No. While several neighbors appear to have constructed retaining walls, not all of them were properly permitted. Had the owner requested a fill variance prior to construction, staff would have been able to work with the applicant to reduce the amount of fill to below four feet.
 - c) Does not create a significant probability of harmful environmental consequences; and
No. The original wall construction would have triggered a floodplain modification.

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

Yes, keeping what is in place could be the best solution. The ground is stable and no erosion is occurring. A condition of the variance is to restore floodplain in the lower terrace which will increase the rating of the floodplain from poor to good.

- 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.

Environmental Reviewer:

Atha Phillips
Atha Phillips

Environmental Program Coordinator:

Sue Barnett

Environmental Officer:

Chuck Lesniak

Date: September 13, 2016

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

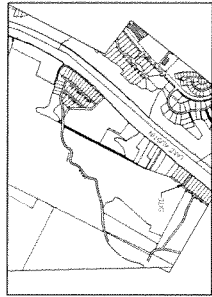
Signature: Susan Barnett
Susan Barnett (Sep 15, 2016)

Email: sue.barnett@austintexas.gov

ADDITION TO EXISTING DOCK at 609 RIVER ROAD

OWNER:
FORZA ITALIANO INC LLC
2401 S. MCKINNEY AVE
AUSTIN, TX 78753

ENGINEER:
HUGO D. AUFFREY, P.E.
AUSTIN, TEXAS
AUSTIN, TEXAS 78724
PHONE (512) 422-7266
FAX (512) 327-7641



VICINITY MAP

- CITY OF AUSTIN STANDARDS FOR TREE AND NATURAL AREA PROTECTION**
- ARTICLE 1. PURPOSE AND SCOPE**
1. The purpose of this ordinance is to protect the natural resources of the City of Austin, including its trees and natural areas, and to ensure that any development or construction project is consistent with the City's goals and objectives for the protection of these resources.
2. This ordinance applies to all development or construction projects within the City of Austin, regardless of whether the project is located in a residential, commercial, or industrial area.
3. The City of Austin is committed to the protection of its natural resources, and this ordinance is intended to ensure that any development or construction project is consistent with the City's goals and objectives for the protection of these resources.
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- ARTICLE 2. DEFINITIONS**
- 2.1. "Natural Area" means any area of land that contains native plants, animals, or other natural resources, and that is not currently being used for agricultural or commercial purposes.
- 2.2. "Tree" means any plant with a woody stem that is at least 10 years old and has a diameter of at least 4 inches at breast height.
- 2.3. "Development or Construction Project" means any project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area.
- 2.4. "City of Austin" means the City of Austin, Texas, and its various departments and agencies.
- 2.5. "City Engineer" means the City Engineer of the City of Austin, Texas.
- 2.6. "City Council" means the City Council of the City of Austin, Texas.
- 2.7. "City Manager" means the City Manager of the City of Austin, Texas.
- 2.8. "City Clerk" means the City Clerk of the City of Austin, Texas.
- 2.9. "City Auditor" means the City Auditor of the City of Austin, Texas.
- 2.10. "City Treasurer" means the City Treasurer of the City of Austin, Texas.

- ARTICLE 3. STANDARDS FOR TREE AND NATURAL AREA PROTECTION**
- 3.1. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.
- 3.2. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.
- 3.3. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.
- 3.4. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.
- 3.5. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.
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- 3.9. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.
- 3.10. Any development or construction project that involves the clearing, grading, or construction of a structure, or the installation of a utility, or the excavation of a trench, or the removal of a tree, or the alteration of a natural area, shall be subject to the standards for tree and natural area protection set forth in this ordinance.

ATTACHMENT 1 - REVISIONS / CORRECTIONS

NO.	DESCRIPTION	REVISION #	DATE	BY	APPROVED BY
1	Added revision 1 to the plan sheet.	1	10/15/15	HA	HA
2	Added revision 2 to the plan sheet.	2	10/15/15	HA	HA
3	Added revision 3 to the plan sheet.	3	10/15/15	HA	HA
4	Added revision 4 to the plan sheet.	4	10/15/15	HA	HA
5	Added revision 5 to the plan sheet.	5	10/15/15	HA	HA
6	Added revision 6 to the plan sheet.	6	10/15/15	HA	HA
7	Added revision 7 to the plan sheet.	7	10/15/15	HA	HA
8	Added revision 8 to the plan sheet.	8	10/15/15	HA	HA
9	Added revision 9 to the plan sheet.	9	10/15/15	HA	HA
10	Added revision 10 to the plan sheet.	10	10/15/15	HA	HA

REVISIONS / CORRECTIONS

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8. Added revision 8 to the plan sheet.

9. Added revision 9 to the plan sheet.

10. Added revision 10 to the plan sheet.

PLAN SHEET LIST

1. COVER SHEET

2. SITE PLAN AND DIMENSIONED CONSTRUCTION PLAN

3. PLAN

4. DETAILS

Approved By:

For Engineer: Planning & Development Review Department

Date:

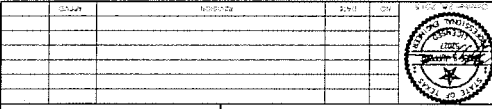
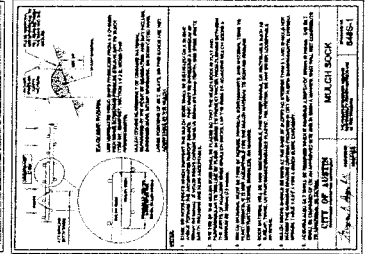
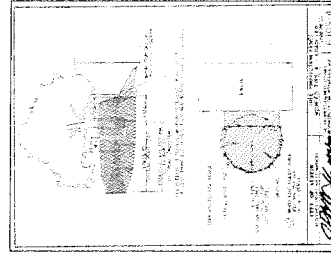
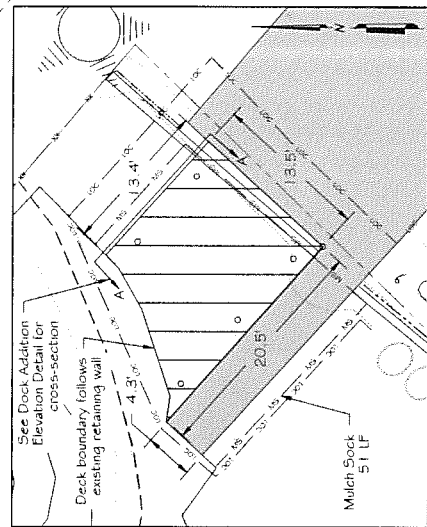
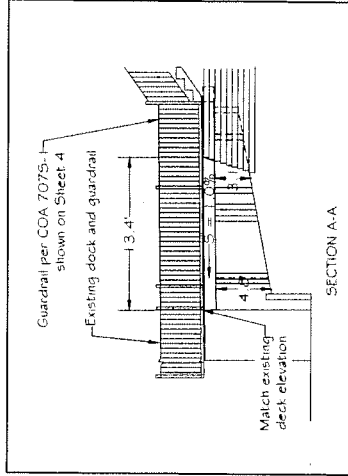
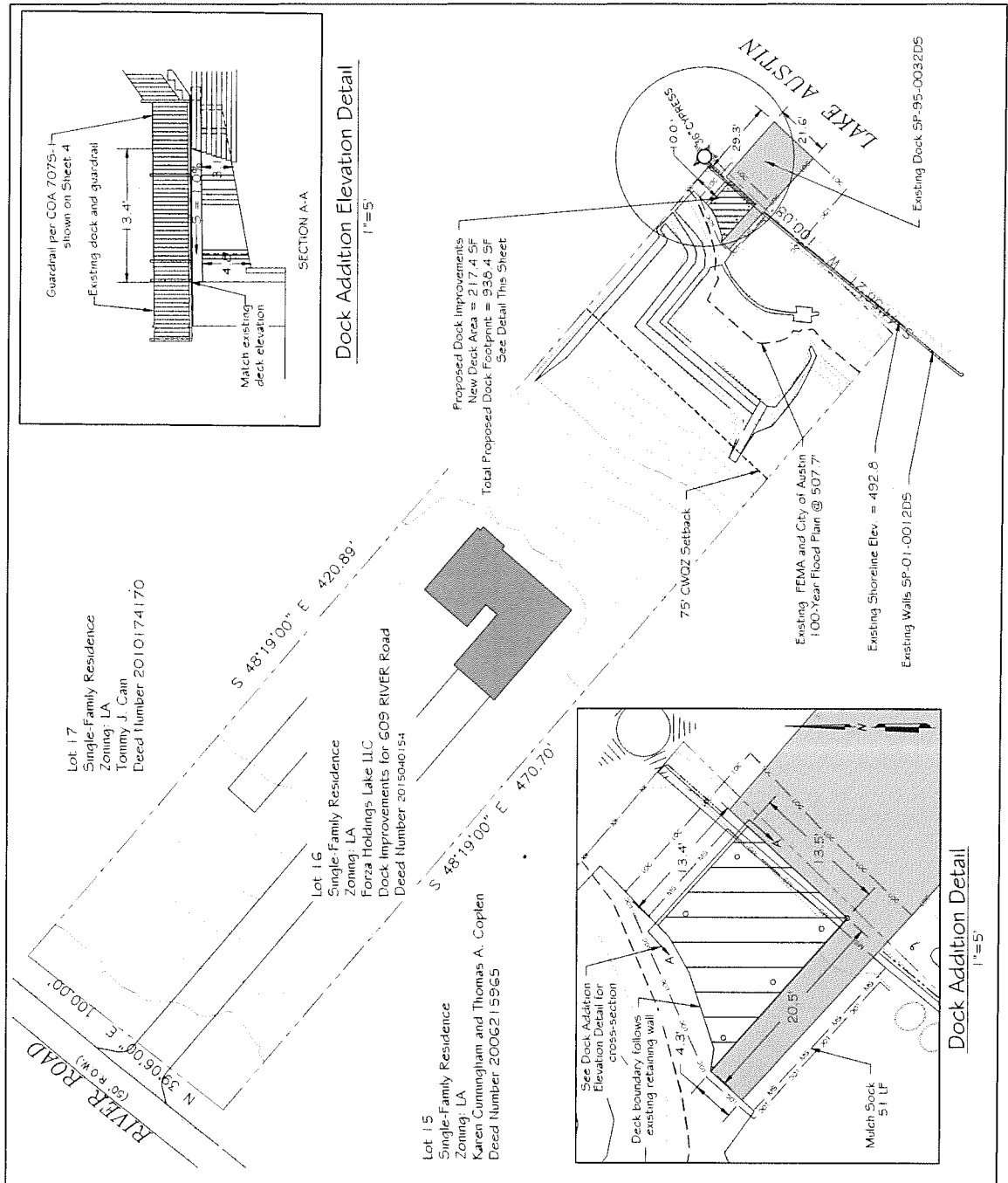
SP 2015-000000

Permit Number:

October 20, 2015

Supervisor Date:

ADDITION TO EXISTING DOCK at 609 RIVER ROAD



NO.	DATE	REVISION
1	10/1/15	Initial Design
2	10/1/15	Final Design
3	10/1/15	Final Design
4	10/1/15	Final Design
5	10/1/15	Final Design
6	10/1/15	Final Design
7	10/1/15	Final Design
8	10/1/15	Final Design
9	10/1/15	Final Design
10	10/1/15	Final Design

LEGEND

- Existing Structures
- Proposed Structures
- Proposed Dock
- Proposed Deck
- Proposed Guardrail
- Proposed Erosion Control
- Proposed Sedimentation Control
- Proposed Mulch Sock
- Proposed 5' LF
- Proposed 10' LF
- Proposed 15' LF
- Proposed 20' LF
- Proposed 25' LF
- Proposed 30' LF
- Proposed 35' LF
- Proposed 40' LF
- Proposed 45' LF
- Proposed 50' LF
- Proposed 55' LF
- Proposed 60' LF
- Proposed 65' LF
- Proposed 70' LF
- Proposed 75' LF
- Proposed 80' LF
- Proposed 85' LF
- Proposed 90' LF
- Proposed 95' LF
- Proposed 100' LF

NOTES:

- ALL WORK SHALL BE DONE WITHIN THE LIMITS OF THE EXISTING DOCK AND SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE CONTRACT.
- THE EXISTING DOCK SHALL BE MAINTAINED IN GOOD CONDITION AND SHALL BE USED FOR THE SAME PURPOSE AS THE EXISTING DOCK.
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**Aupperle Company**

2219 Westlake Drive #110, Austin, Texas 78746

Phone & Fax (512) 329-8241

Email Aupperle@att.net

Texas Board of Professional Engineers Registration Number F-1994

October 5, 2015

Director of Development Services Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Engineer's Summary Letter and Report
Addition to Existing Dock at 609 River Road

Dear Director:

This project proposes to expand the boat dock decking on an existing boat dock on Lake Austin. A general description of the proposed project follows.

Overview

This project is located at 609 River Road and is situated approximately three miles east of the intersection of RM 620 and Murfin Road. The property is located within the city limits of the City of Austin and is a single-family residence located within the Lake Austin watershed. The proposed project entails expanding landward the upper-level decking of the existing dock but does not include any modifications lakeside to the dock. The proposed dock width will remain unchanged at 13.5 ft., and the proposed footprint will be increased by 217 sq. ft. to 924 sq. ft.. All access for construction activities will be by water. All piles will be 6-5/8" driven steel piles. All piles will be driven to 0.5" refusal per blow. These improvements will be built this coming winter/spring.

Environmental Assessment

The project site is not located over a karst aquifer, is not within an area draining to a karst aquifer or reservoir, is not within a water quality transition zone, is within a critical water quality zone, is not located on slopes with a gradient more than 15 percent, and is located within the 100-year flood plain of Lake Austin. The Environmental Resource Inventory is submitted with the application.

Hydrogeologic Element: The topographic slope under the dock is a grade less than 15 percent. The site is located in Lake Austin and the soils are predominantly sedimentary with some boulders. There are no known springs, bluffs, canyon rimrocks, caves, sinkholes, point recharge features, karst or other critical environmental features within 150 feet of the boat dock. The project is 100% over Lake Austin and runoff from the boat dock should not propose any harm to the quality or quantity of recharge at significant point recharge features, since there are none.

Vegetation Element: The proposed construction preserves, to the greatest extent practicable, the significant trees and other vegetation at the single-family site. No trees will be removed during the construction of the proposed dock.

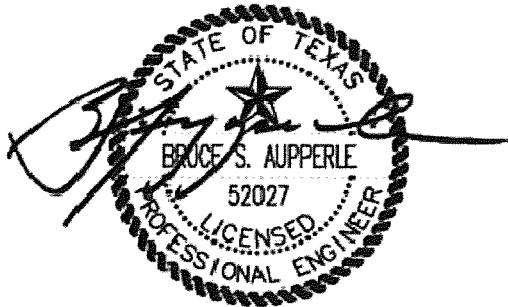
Wastewater Element: No wastewater or water service is proposed for this project. Therefore, justifications, explanations, descriptions, techniques, standards or calculations regarding wastewater service are not included herein.

Conclusions

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

Very truly yours,

Aupperle Company



Bruce S. Aupperle, P.E.