



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED:	February 6, 2019
NAME & NUMBER OF PROJECT:	West Harbour Marina SP-2018-0221C
NAME OF APPLICANT OR ORGANIZATION:	G4 Interests LLC 979-412-0324
LOCATION:	2503 Westlake Dr., Austin, TX 78745
COUNCIL DISTRICT:	District 10
PROJECT FILING DATE:	June 15, 2018
DSD/ENVIRONMENTAL STAFF:	Pamela Abee-Taulli Environmental Review Specialist Senior 512-974-1879, pamela.abee-taulli@austintexas.gov
WPD/ERM STAFF	Not applicable for this variance.
WATERSHED:	Lake Austin Watershed Water Supply Rural classification Drinking Water Protection Zone
ORDINANCE:	Watershed Protection Ordinance (current code)
REQUEST:	Variance request is as follows: 1. Request to vary from 25-8-368(E) to allow more than 25 cubic yards of dredging in Lake Austin.
STAFF DETERMINATION:	Staff determination is that the findings of fact have been met. Staff recommends the following conditions: 1) install cofferdams before beginning dredging on the 4 slips adjacent to Heritage tree roots; 2) provide additional mitigation, beyond the requirements, for wetlands (32 additional plants), riparian restoration (7 additional 609S plants), and tree replacement (38 additional inches).



Development Services Department
Staff Recommendations Concerning Required Findings

Project: West Harbour Marina, SP-2018-0221C
Ordinance Standard: Watershed Protection Ordinance (current code)
Variance Request: Request to vary from 25-8-368(E) to allow more than 25 cubic yards of dredging in Lake Austin.

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes The project proposes to modify an existing cluster dock, built prior to 1962, by replacing the existing 28 slips with 26 code-compliant slips, within the existing footprint.

LDC 25-2-1176(B) allows construction of a cluster dock. LDC 25-2-963(D) allows modification and maintenance of non-complying docks. LDC 25-8-368(E) allows up to 25 cubic yards of dredging in a lake for a single plan permit application. That is, a similar project could be built new or modified under current code; and dredging up to 25 cubic yards would be permitted for construction of a single boat dock.

The variance is required to allow a quantity of dredging that is dictated by the number of boat slips, and is less than the quantity of dredging allowed by code for a single boat slip.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes, the amount of dredge requested is the minimum amount needed to maintain an existing cluster dock.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes The code allows up to 25 cubic yards of dredging associated with construction of a single-slip dock. The project proposes 16.2 cubic yards per slip.

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

Yes, silt boom will be installed prior to construction and maintained for the duration of the project.

3. 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 proposes to provide bank stabilization and wetland mitigation. The bulkhead layout and planting plan raise the floodplain rating from fair to excellent and are designed to protect the trees on-site while providing permanently protected wetlands. Improved floodplain and riparian function will positively impact water quality.

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Quality Transition Zone*), Section 25-8-452 (*Water Quality Transition Zone*), Section 25-8-482 (*Water Quality Transition Zone*), Section 25-8-652 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

1. The criteria for granting a variance in Subsection (A) are met; Yes
The dredge request is the minimum amount needed to maintain an existing cluster dock that has been silted in over the years. The variance request is not a result of a design choice and will take measures to block silt from escaping into the lake. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes The amount of dredge requested is the minimum amount needed to maintain an existing cluster dock.

2. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes The amount of dredge requested is the minimum amount needed to maintain an existing cluster dock.

Staff determination is that the findings of fact have been met. Staff recommends the following conditions: 1) install cofferdams before beginning dredging on the 4 slips adjacent to Heritage tree roots; 2) provide additional mitigation, beyond the requirements, for wetlands (32 additional plants), riparian restoration (7 additional 609S plants), and tree replacement (32 additional inches).

Environmental Reviewer: *Pamela Abee-Taulli* Date 1/22/19
Pamela Abee-Taulli

Environmental Review Manager: *Michael McDougal* Date 11-28-2018
Mike McDougal

Environmental Officer: *CH* Date 1/22/2019
Chris Herrington

Exhibits for Variance Conditions

West Harbour Marina

SP-2018-0221C

Environmental Commission

February 6, 2019

- | | |
|--|------|
| 1. Cofferdam Locations for Heritage Tree Protection | p. 6 |
| 2. Table of Required and Proposed Mitigation Plantings | p. 7 |

Architectural section drawing of a building facade. The drawing shows a series of vertical fins and horizontal bands. Dimensions are indicated: 35'-6" (width of a fin), 32'-6" (width of a band), 149'-10" (total width), and 27'-8" (height). A label "COFFER WALLS TYP" points to a wavy line pattern. A yellow highlighted section shows a detail of the wall and floor junction.

[illegible]

018-0221C

TOTAL REQUIRED WETLAND PLANTS = 660 LF (BULKHEAD) / 3
+ 75 (WETLAND)= 295 PLANTS.

327 WETLAND PLANTS PROPOSED 32 extra wetland plants

TOTAL 609S SHRUBS REQUIRED = 92 SHRUBS

99 SHRUBS ARE PROPOSED

TOTAL 609S UNDERSTORY TREES REQUIRED = 19 TREES

19 UNDERSTORY TREES ARE PROPOSED

TOTAL 609S SHADE TREES REQUIRED = 19 TREES

19 TREES ARE PROPOSED.

TOTAL 609S PLANTS REQUIRED = 130 PLANTS. 137 PLANTS PROPOSED

7 extra 609S (riparian restoration) plants

TREE MITIGATION BREAKDOWN:

1. 114" OF TREES ARE PROPOSED TO BE PLANTED (38 TREES AT 3 CALIPER INCHES EACH);
2. 19" SATISFY 609S RESTORATION REQUIREMENT (0.5 INCHES EACH FROM 19 UNDERSTORY AND 19 SHADE TREES);
3. 57" SATISFY TREE REMOVAL MITIGATION REQUIREMENT (1.5 INCHES EACH FOR 38 TREES).

* 38" TO SATISFY VARIANCE CONDITION REQUIREMENT
(1 INCH EACH FROM 38 TREES) 38 extra inches mitigation for tree removal