



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

**COMMISSION MEETING
DATE:** 4/17/19

**NAME & NUMBER OF
PROJECT:** Valla Djafari
SP-2018-0028D

**NAME OF APPLICANT OR
ORGANIZATION:** Jennifer Hanlen
Permit Partners, LLC

LOCATION: 2009 Lakeshore Dr, Austin, 78746

COUNCIL DISTRICT: District 10

**ENVIRONMENTAL
REVIEW STAFF:** Pamela Abee-Taulli, Environmental Review Specialist Senior, DSD,
512.974.1879, pamela.abee-taulli@austintexas.gov

Scott Hiers, Environmental Scientist Senior; WPD, 512.974.1916,
scott.hiers@austintexas.gov

WATERSHED: Lake Austin Watershed, Water Supply Rural Classification, Drinking
Water Protection Zone

REQUEST: Variance request is as follows:
Request to vary from LDC 25-8-281(C)(2)(b) to allow the construction
of a boat dock, a shoreline access, and shoreline stabilization within a
150-foot Critical Environmental Feature (CEF) buffer for a Rimrock
CEF.

**STAFF
RECOMMENDATION:** Staff recommends the Findings of Fact to have been met.

**STAFF
CONDITIONS:**

1. Construction access will occur from Lake Austin by barge.
2. Staircase will span the rimrock and posts will not be located closer than 5' from the crest and base of the rimrock critical environmental feature.
3. Staircase shall be preassembled in sections off-site, which will reduce the amount construction activities near the rimrock critical environmental feature.
4. Additional wetland mitigation and shoreline stabilization will be installed per Landscape Plan Sheet 10.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name &

Case Number: **Valla Djafari SP-2018-0028D**

Ordinance Standard: **Watershed Protection Ordinance**

Variance Request: **To allow the construction of a boat dock, a shoreline access, and shoreline stabilization within a 150-foot Critical Environmental Feature (CEF) buffer for a Rimrock CEF - 25-8-281(C)(2)(b).**

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. A variance from 25-8-281(C)(2)(B) allowing for construction of a boat dock, shoreline access, and shoreline stabilization has been granted for similarly situated properties with approximately contemporaneous development subject to similar code. 25-2-893(G)(3) allows for non-mechanized access including a staircase, pedestrian bridge, gangway, and gates. This project is proposing to construct a stairway in order to access the shoreline.

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 variance is not necessitated by the design. No alternative locations are available on site for shoreline access; and the applicant has designed the stairway to span the rimrock critical environmental feature. Additionally, the applicant is proposing additional shoreline stabilization and wetland planting that will reduce runoff in order to mitigate the shoreline disturbance.

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

Yes. The variance is a minimum deviation from the code requirement and is allowing for a reasonable use of the property. The staircase, a non-mechanized means of access, is permitted under 25-2-893(G)(3), and the conditions recommended by staff for construction provide additional protection. The Land Development Code requires a 150-foot critical environmental feature buffer and this buffer has not been modified.

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

Yes. The variance along with the staff recommended conditions does not create significant harmful environmental consequences. Construction access will occur from Lake Austin by barge. The proposed staircase will span the rimrock and post will not be located closer than 5' from the crest and base of the rimrock critical environmental feature. The staircase shall be preassembled in sections off-site, which will reduce the amount construction activities near the rimrock critical environmental feature. The applicant is providing shoreline stabilization and wetland plantings along the shoreline that will reduce shoreline erosion and sediment-laden surface runoff from discharging into the lake.

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 variance will result in water quality that is at least equal to the water quality achievable without the variance. The construction activities will minimize disturbance to the rimrock critical environmental feature and the terrestrial vegetation. The proposed shoreline stabilization and wetland planting along the shoreline will reduce soil erosion along the shoreline and provide filtration of sediment-laden runoff from upgradient areas, thereby, providing water quality that is at least equal to or greater than the water quality achievable without the variance.

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*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 / No **N/A**

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

Yes / No **N/A**

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

Yes / No N/A

Staff Recommendation: Staff recommends the Findings of Fact have been met.

Staff Conditions:

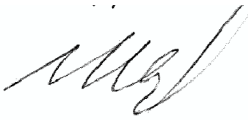
1. Construction access will occur from Lake Austin by barge.
2. Staircase will span the rimrock and posts will not be located closer than 5' from the crest and base of the rimrock critical environmental feature.
3. Staircase shall be preassembled in sections off-site, which will reduce the amount construction activities near the rimrock critical environmental feature.
4. Additional wetland mitigation and shoreline stabilization will be installed per Landscape Plan Sheet 10.

Environmental Reviewer
(DSD)


(Pamela Abee-Taulli)

Date 3/13/19

Environmental Review
Manager (DSD)


(Mike McDougal)

Date 3/13/19

Wetland Biologist /
Hydrogeologist Reviewer
(WPD)


(Scott Hiers)

Date 03/18/19

Environmental Officer
(WPD)


(Chris Herrington)

Date 03/27/19

PERMIT PARTNERS, LLC
105 W. Riverside Dr., Suite 225
Austin, Texas 78704
Office: 512.593.5361
info@permit-partners.com

February 5, 2019

Attention: Mrs. Pamela Abee-Taulli and Mr. Scott Heirs

Re: EV variance for 2009 Lakeshore Drive Bldg “B”, SP-2018-0028D

Dear Mr.s Abee-Taulli and Mr. Heirs,

Please find my cover letter for the environmental variance at the aforementioned address.

The request is to install an elevated stairway over an existing CEF that spans the subject site lot 16. The stair’s footings will not be installed within the rim rock CEF. The proposed location of the stairs is the most reasonable and least impactful to the CEF.

It should be noted there are 2 fringe wetlands and 1 regular wetland CEFs on this property and the adjoining lots 14 & 15 which comprise 2009 Lakeshore Drive Bldg “A”. The City staff has cleared all wetlands comments.

As such we are submitting variance request for installation of the elevated walkway creating approximately 300 SF, or 1%, of impervious cover on lot 16’s approximate 30,000 SF lot size.

I ask that you recommend approval of this variance to the Zoning and Platting Commission so my client can continue the site plan process and eventually seek residential permits to erect a single family project to be utilized by his family for owner-occupied use.

Thank you in advance for your time.

Respectfully,

David Cancialosi
President, Permit Partners LLC



ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Permit Partners (David Cancialosi)
Street Address	2009 Lakeshore Dr. Building B
City State ZIP Code	Austin, TX 78746
Work Phone	512-593-5361
E-Mail Address	david@permit-partners.com

Variance Case Information

Case Name	2009 Lakeshore Dr Bldg B dock
Case Number	SP-2018-0028D
Address or Location	2009 Lakeshore Drive Bldg B Austin Texas
Environmental Reviewer Name	Pamela Abee-Taulli
Applicable Ordinance	LDC 25-8-281-C-2-b
Watershed Name	Lake Austin
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Springs Zone <input checked="" type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment X <input type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones		
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No		
Distance to Nearest Classified Waterway	Roughly 50' or less to main body of Lake Austin from east / rear of property.		
Water and Waste Water service to be provided by	City of Austin		
Request	The variance request is as follows: Variance from 25-8-281-C-2-b to construct an <u>elevated stairway over a rim rock CEF</u> in order to access a proposed boat dock.		
Impervious cover square footage:		Existing 0.00 SF	Proposed 304 SF or 1% IC
acreage:			
percentage:			
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)	<p>A roughly 30,000 SF site that has various levels of steep topography. This block of lakeshore Drive has several steep lots. The current site plan encompasses lots 14&15 at 2009 Lakeshore Dr Bldg A and this subject site at 2009 Lakeshore Drive Bldg B for construction of an elevated stairway that spans a RIM ROCK CEF for a total IC of 304 SF or 1% of the 30,064 SF lot.</p> <p>There are 2 fringe wetland and 1 wetland CEFs on the combined sites of lots 14 & 15 plus this subject site lot 16. The EV variance to construct an elevated walkway made of grated steel which spans the rim rock CEF is specific to lot 16.</p>		

February 28, 2013

Clearly indicate in what way the proposed project	
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does not comply with current Code (include maps and exhibits)	
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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: 2009 Lakeshore Dr Bldg B Dock

Site plan SP-2018-0028D

Ordinance: 25-8—281-C-2-b

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. Denial of variance request would deny access to Lake Austin dock.

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. The proposed elevated stairway is the most reasonable way to access 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;

Yes. The spanned stairway does not touch the actual Rim Rock CEF.

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

No. Elevated walkway is made of grated steel so rain can pass through it.

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 elevated stairway is grated metal which does not impact water quality.

- 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 criteria for granting a variance in Section A 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

****Variance approval requires all above affirmative findings.**

Exhibits for Board Backup and/or Presentation

Please attach and paginate.

- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant's variance request letter (backup only)