



## MEMORANDUM

**TO:** Jolene Kiolbassa, Chair, and Members of the Zoning and Platting Commission

**FROM:** Brent Lloyd, Development Officer  
Development Services Department

**DATE:** June 4, 2019

**SUBJECT:** Ranch Road 620 Apartments Project Consent Agreement (PCA)

Discussion and possible action on a recommendation regarding a proposed Project Consent Agreement for property located at FM 620 at Storm Drive in the 2-mile ETJ.

### Attachments

Attachment 1: Environmental Commission back-up, presentation, and recommendation  
Attachment 2: Project Consent Agreement(PCA) term sheet

# Attachment 1

**ENVIRONMENTAL COMMISSION MOTION 20190417 008c**

**Date:** April 17, 2019

**Subject:** Ranch Road 620 Project Consent Agreement

**Motion by:** Hank Smith

**Seconded by:** Mary Ann Neely

**RATIONALE:**

**WHEREAS**, in consultation with the Law Department, staff has determined that the project meets the standards for consideration of a potential project consent agreement (PCA). Accordingly, staff is working with the Environmental Officer and the applicant to assess the feasibility of the PCA terms that would provide drainage, tree, and water quality protections consistent with current standards while reducing the limitations imposed by certain other regulations; and

**WHEREAS**, the site of the proposed development contains no critical environment features or critical water quality zone; and

**WHEREAS**, the project will meet current code with the following modifications:

- impervious cover is limited to 56% based on a gross site area;
- cut is limited to 7 feet with some cut on slopes greater than 15%;
- fill is limited to 11 feet with some fill on slopes greater than 15%;
- tree protection will be in accordance with current code for trees identified in 25-8-602;
- dark-sky requirements will be in accordance with full purpose current code;
- Hill Country Roadway requirements apply only to the extent that all landscaped areas within 40 feet of Ranch Road (RR) 620 will be restored to Hill Country Roadway requirements.

**THEREFORE**, the Environmental Commission recommends support of the request for the RR 620 PCA with the following;

**Staff Conditions:**

1. 56% Gross Site Area Maximum Impervious Cover
2. The project shall comply with 25-8 Subchapter B, Article 1 (Tree and Natural Area Protection), for the tree species identified in 25-8-602 (Definitions)
3. Lots 81 and 82 shall be protected as Open Space
4. The Project shall comply with dark-sky exterior lighting standards in 25-2 Subchapter E, Article 2, 2.5 (*Exterior Lighting*)
5. All landscaped areas within 40 feet of RR 620 shall utilize restorative vegetation standards for Hill Country Roadways relating to the use of native species, type of trees and shrubs to be planted, and

density of plantings, as described in the Environmental Criteria Manual Appendix A (Special Revegetation Criteria for Hill Country Roadway Sites)

6. For the purposes of compliance with Local Government Code Chapter 245, the project shall be deemed complete upon completion of the development described in the site plan associated with this PCA.

### **Environmental Commission Conditions:**

1. The site plan as presented to staff is the basis for this support so any changes to the site plan may require approval from the Environmental Commission as determined appropriate by the Environmental Officer.

### **VOTE 7-0**

For: Creel, Thompson, Neely, Coyne, Neely, H. Smith and B. Smith

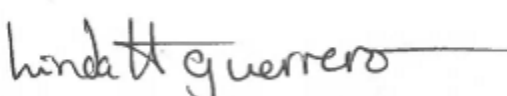
Against: None

Abstain: None

Recuse: None

Absent: C. Smith, Guerrero, and Maceo

Approved By:

A handwritten signature in black ink that reads "Linda H. Guerrero". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Linda Guerrero, Environmental Commission Chair

**ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

<b>COMMISSION MEETING DATE:</b>	April 17, 2019
<b>NAME &amp; NUMBER OF PROJECT:</b>	Ranch Road 620 PCA
<b>NAME OF APPLICANT OR ORGANIZATION:</b>	Michael Whellan Armbrust & Brown, PLLC
<b>LOCATION:</b>	FM 620 at Storm Drive
<b>COUNCIL DISTRICT:</b>	N/A 2-mile ETJ
<b>ENVIRONMENTAL REVIEW STAFF:</b>	Atha Phillips, Environmental Officer's Office (512)974-2132, atha.phillips@austintexas.gov
<b>WATERSHED:</b>	Running Deer Creek Watershed, Water Supply Rural, Drinking Water Protection Zone
<b>REQUEST:</b>	Consider a project consent agreement (PCA) to allow for the construction of an affordable rental housing development of approximately 180 units.
<b>STAFF RECOMMENDATION:</b>	Staff recommended with conditions.
<b>RECOMMENDED CONDITIONS:</b>	<ol style="list-style-type: none"><li>1. 56% GSA Maximum Impervious Cover</li><li>2. The Project shall comply with 25-8 Subchapter B, Article 1 (<i>Tree and Natural Area Protection</i>), for the tree species identified in 25-8-602 (<i>Definitions</i>)</li><li>3. Lots 81 and 82 shall be protected as Open Space</li><li>4. The Project shall comply with dark-sky exterior lighting standards in 25-2 Subchapter E, Article 2, 2.5 (<i>Exterior Lighting</i>).</li><li>5. All landscaped areas within 40 feet of Ranch Road 620 shall utilize restorative vegetation standards for Hill Country</li></ol>

Roadways relating to the use of native species, type of trees and shrubs to be planted, and density of plantings, as described in the Environmental Criteria Manual Appendix A (*Special Revegetation Criteria for Hill Country Roadway Sites*).

6. For the purposes of compliance with Local Government Code Chapter 245, the Project shall be deemed complete upon completion of the development described in the site plan associated with this Project Consent Agreement.

# Ranch Road 620 Apartments Project Consent Agreement (PCA)

Briefing to the Environmental Commission

Atha Phillips






Environmental Officer's Office

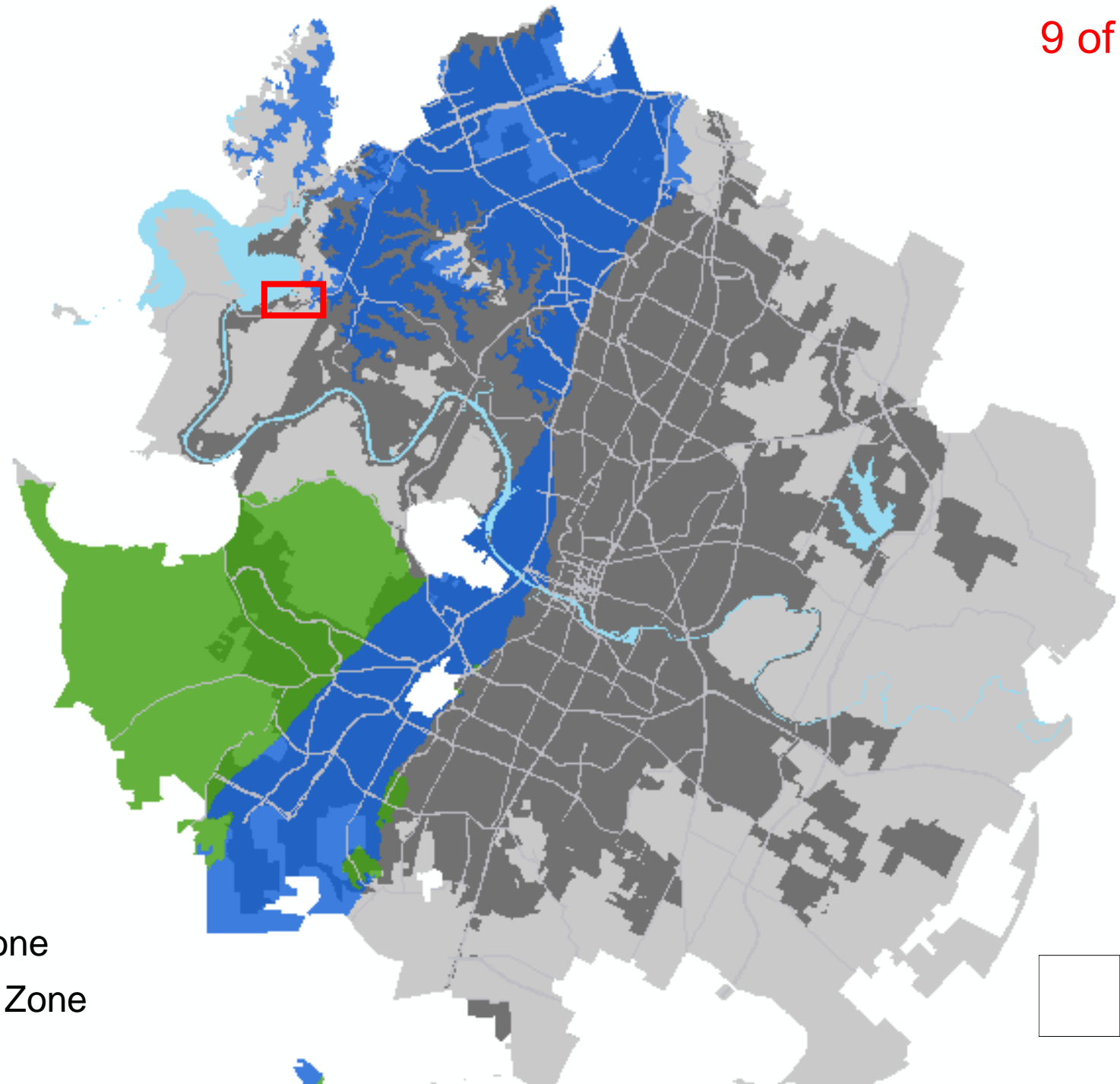
April 17, 2019

# What is a PCA?

- PCA = Project Consent Agreement
- PCAs are part of the 245 process detailed in 25-1-544
- PCAs are considered when the extent of a project's vested rights are unclear and for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations
- The 245 process lives within the Development Services Department
- DSD has determined that this project is a candidate for a PCA



-  Site Location
-  Austin ETJ
-  Austin City Limits
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Contributing Zone





 Site Location







## Site Data:

- Running Deer Creek Watershed
- Water Supply Rural Classification
- Drinking Water Protection Zone
- Not located over Edwards Aquifer Recharge Zone
- 2-mile ETJ
- No authority to regulate trees

# Environmental Code Modifications:

## Construction of Slopes

- 25-8-301 Construction of a roadway or driveway
- 25-8-302 Construction of a building or parking area

## Cut, Fill, and Spoil

- 25-8-341 Cut Requirements
- 25-8-342 Fill Requirements

## Water Supply Rural Watershed Requirements

- 25-8-453 Uplands Zone

# Code Comparison Chart:

(Project will meet current code on all requirements not mentioned)

	1970 Regulations	Current Code	Negotiated
Impervious Cover	None	20% NSA*	56% GSA*
Cut	None	Limited to 4 feet	Cut up to 7 feet**
Fill	None	Limited to 4 feet	Fill up to 11 feet**
Tree Protection	None	None-ETJ	Current Code Tree Protection for trees Identified in 25-8-602
Dark Skies	None	None-ETJ	Full Purpose Current Code
Hill Country Roadway	None	100' buffer/40% Natural Area/Tree Preservation	All landscaped areas within 40' of 620 will preserve and restore per Hill Country Roadway requirements

\* Site has very little slope, making NSA and GSA differ by only .1 acre

\*\*Some cut and fill will be located on slopes greater than 15%

# Item D-02

## Trees:

135 Hardwood Trees

1550 Total Caliper Inches

573 Inches Removed (37%)

977 Preserved (63%)



15 of 20

TREE LIST	TREE SIZE/TYPE	TREE LIST	TREE SIZE/TYPE
507	12" LIVEOAK	577	13" LIVEOAK
508	16" LIVEOAK	578	9" LIVEOAK
509	10" LIVEOAK	579	13" LIVEOAK
510	10" LIVEOAK	580	9" LIVEOAK
511	8" LIVEOAK	581	10" LIVEOAK
512	8" LIVEOAK	582	9" LIVEOAK
513	9" LIVEOAK	583	12" LIVEOAK
514	8" LIVEOAK	584	10" LIVEOAK
515	16" LIVEOAK DBL	585	19" LIVEOAK
516	9" LIVEOAK	586	19" LIVEOAK
517	13" ELM	587	12" LIVEOAK
521	8" LIVEOAK	588	15" LIVEOAK
522	10" LIVEOAK	589	13" LIVEOAK
523	8" LIVEOAK	590	22" LIVEOAK
524	11" LIVEOAK DBL	591	13" LIVEOAK
525	9" LIVEOAK	592	13" LIVEOAK
526	9" LIVEOAK	593	10" LIVEOAK
527	17" LIVEOAK	594	12" LIVEOAK
528	17" LIVEOAK TRPL	595	12" LIVEOAK
529	10" LIVEOAK	596	12" LIVEOAK
530	8" LIVEOAK	597	15" LIVEOAK
531	9" LIVEOAK	598	10" LIVEOAK
532	12" LIVEOAK	599	11" LIVEOAK
533	10" LIVEOAK	600	14" LIVEOAK
534	13" LIVEOAK	601	14" LIVEOAK
535	9" LIVEOAK	602	19" LIVEOAK DBL
536	9" LIVEOAK	603	10" LIVEOAK
537	9" LIVEOAK	604	10" LIVEOAK
538	9" LIVEOAK	605	9" HACKBERRY
539	8" LIVEOAK	606	20" LIVEOAK DBL
540	8" LIVEOAK	607	15" LIVEOAK
541	8" LIVEOAK	608	17" LIVEOAK DBL
542	8" LIVEOAK	609	15" LIVEOAK
543	8" LIVEOAK	610	12" LIVEOAK
544	9" LIVEOAK	611	10" LIVEOAK
545	9" LIVEOAK	612	15" LIVEOAK
546	8" LIVEOAK	613	12" LIVEOAK
547	10" LIVEOAK	614	12" LIVEOAK
548	17" LIVEOAK	615	10" LIVEOAK
549	9" LIVEOAK	616	9" LIVEOAK
550	8" LIVEOAK	617	14" LIVEOAK
551	8" LIVEOAK	618	12" LIVEOAK
552	8" LIVEOAK	619	14" LIVEOAK
553	8" LIVEOAK	620	10" LIVEOAK
554	10" LIVEOAK	621	10" LIVEOAK
555	8" LIVEOAK	622	9" LIVEOAK
556	8" LIVEOAK	623	11" LIVEOAK
557	10" LIVEOAK	624	15" LIVEOAK DBL
558	12" LIVEOAK DBL	625	8" LIVEOAK
559	8" LIVEOAK	626	8" LIVEOAK
560	8" LIVEOAK	627	8" LIVEOAK
561	12" LIVEOAK	628	12" LIVEOAK
562	12" LIVEOAK	629	11" LIVEOAK
563	15" LIVEOAK	630	11" LIVEOAK
564	10" LIVEOAK	631	15" LIVEOAK
565	15" LIVEOAK	632	15" LIVEOAK
566	17" LIVEOAK	633	9" LIVEOAK
567	19" LIVEOAK	634	12" LIVEOAK
568	19" LIVEOAK QUAD	635	10" LIVEOAK
569	16" LIVEOAK TRPL	636	12" LIVEOAK
570	27" OAK SIX	637	10" LIVEOAK
571	15" LIVEOAK	638	17" LIVEOAK
572	12" LIVEOAK	639	9" LIVEOAK
573	12" LIVEOAK	640	11" LIVEOAK
574	12" LIVEOAK	641	10" LIVEOAK
575	12" LIVEOAK DBL	642	10" LIVEOAK
576	12" LIVEOAK		

# Staff Recommendation

## Recommended with the following conditions:

- 56% GSA Maximum Impervious Cover
- The Project shall comply with 25-8 Subchapter B, Article 1 (*Tree and Natural Area Protection*), for the tree species identified in 25-8-602 (*Definitions*)
- Lots 81 and 82 shall be protected as Open Space
- The Project shall comply with dark-sky exterior lighting standards in 25-2 Subchapter E, Article 2, 2.5 (*Exterior Lighting*).
- All landscaped areas within 40 feet of Ranch Road 620 shall utilize restorative vegetation standards for Hill Country Roadways relating to the use of native species, type of trees and shrubs to be planted, and density of plantings, as described in the Environmental Criteria Manual Appendix A (*Special Revegetation Criteria for Hill Country Roadway Sites*).
- For the purposes of compliance with Local Government Code Chapter 245, the Project shall be deemed complete upon completion of the development described in the site plan associated with this Project Consent Agreement.



# Questions?

## Contact Information:

Atha Phillips

Environmental Officer's Office

(512) 974-2132

[Atha.Phillips@austintexas.gov](mailto:Atha.Phillips@austintexas.gov)

## Attachment 2

**Ranch Road 620 Apartments, Project Consent Agreement  
Proposed Term Sheet**

A.) The development shall comply with current code at the time of site development permit application, except for the following modifications:

1. 25-8-301 (*Construction of a Roadway or Driveway*) and 25-8-302 (*Construction of a Building or Parking Area*) shall be modified to allow construction on slopes as follows:

Slope Catagories	Gross Site Area (acres)	Gross Site Area (%)	Proposed Impervious Cover (acres)	Proposed Impervious Cover (%)
0-15%	6.87	97.30%	3.95	57%
15-25%	0.17	2.40%	0.031	18.20%
25-35%	0.02	0.30%	0.004	2%
Over 35%	0	0%	0	0%
Total Site Area	7.06	100	3.89	56%

2. 25-8-341 (*Cut Requirements*) shall be modified to allow cut up to 7 feet for an area less than 600 square feet and to allow cut in excess of 4 feet for construction of a water quality control or detention facility located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway.
3. 25-8-342 (*Fill Requirements*) shall be modified to allow fill up to 11 feet for an area less than 29,000 square feet.
4. 25-8-453 (*Uplands Zone*) shall be modified to allow impervious cover on the site up to 56% on a gross site area basis.
5. 25-1-21(105) the definition of "SITE" shall be modified to allow inclusion of lots across a right-of-way.

B.) The Project shall comply with 25-8 Subchapter B, Article 1 (*Tree and Natural Area Protection*), but only for the tree species identified in 25-8-602 (*Definitions*).

C.) Lots 81 and 82 shall be included in the site development permit application, protected as Open Space by a Restrictive Covenant, and any impervious cover for recreational development shall count against the total allowable impervious cover for the Project.

D.) The Project shall comply with dark-sky exterior lighting standards in 25-2 Subchapter E, Article 2, 2.5 (*Exterior Lighting*).

E.) All landscaped areas within 40 feet of Ranch Road 620 shall utilize restorative vegetation standards for Hill Country Roadways relating to the use of native species, type of trees and shrubs to be planted, and density of plantings, as described in the Environmental Criteria Manual Appendix A (*Special Revegetation Criteria for Hill Country Roadway Sites*).

- F.) For the purposes of compliance with Local Government Code Chapter 245, the Project shall be deemed complete upon completion of the development described in the site plan associated with this Project Consent Agreement.