

**ITEM FOR PLANNING COMMISSION AGENDA**

COMMISSION MEETING DATE: September 10, 2019

NAME & NUMBER OF PROJECT: 10111 Dobbin Drive

NAME OF APPLICANT OR ORGANIZATION: Jerry Perales
Perales Land Development, LLC

LOCATION: 10111 Dobbin Drive

COUNCIL DISTRICT: 5

ENVIRONMENTAL REVIEW STAFF: Atha Phillips, Environmental Officer's Office
(512)974-2132, atha.phillips@austintexas.gov

WATERSHED: Slaughter Creek Watershed, Barton Springs Zone, Drinking Water Protection Zone

REQUEST: In response to Council Resolution 20190207-030, consider a site-specific amendment to Save Our Springs Initiative regulations (Land Development Code Chapter 25-8, Subchapter A, Article 13 "SOS") to allow for the creation of a single-lot subdivision and development of a single-family home.

STAFF RECOMMENDATION: Staff recommended with conditions.

RECOMMENDED CONDITIONS:

A. Development associated with C8-2018-0057.0A, located at 10111 Dobbin Drive, shall comply with current code at the time of permit application except as modified below.

1. Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow impervious cover for the site to be calculated as 15% of the gross site area of the water quality transition zone. The water quality transition zone

- calculated in C8-2018-0057.0A is 19,696 square feet. The maximum allowable impervious cover is 2,995 square feet.
2. Section A of 25-8-482 (*Water Quality Transition Zone*) shall be modified to allow development of a single-family residence in the Water Quality Transition Zone as specified in C8-2018-0057.0A.
 3. Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow water quality control requirements to be satisfied with on-site controls capturing roof runoff. Water quality controls shall be sized to capture the first half-inch of runoff from the roof area. The water quality control shall be designed per the Environmental Criteria Manual to discharge the water quality volume within 72 hours through an irrigation or infiltration system located only within the Water Quality Transition Zone.
- B. Additionally, development associated with C8-2018-0057.0A shall comply with the following requirements:
1. Development shall be prohibited within the Critical Water Quality Zone and drainage easement.
 2. The Critical Water Quality Zone shall be restored per Standard Specification 609S (*Native Seeding and Planting for Restoration*).

ACTION HISTORY:

Environmental Commission June 19, 2019
Vote: 7-0 Recommended

Code and Ordinances Joint Committee August 21, 2019
Vote: 4-0-1 Recommended to Planning Commission by
Commissioner Duncan, seconded by Commissioner Anderson.
Vote: 4-0-1 (Commissioner Kenny abstaining, Commissioners
Azhar and Barrera-Ramirez absent).

RESOLUTION NO. 20190207-030

WHEREAS, the Save Our Springs Initiative regulations (Land Development Code Chapter 25-8, Subchapter A, Article 13 “SOS”) are vital to protecting the Hill Country’s rich network of aquifers and to Austin’s long-term water management plan; and

WHEREAS, alongside the City’s vitally important commitment to SOS and longstanding tradition of environmental stewardship, there is also a need for consideration of the unique challenges that development of particular tracts can present; and

WHEREAS, the lot at 10111 Dobbin Drive is located within an existing built-out subdivision, but this particular lot was not part of the original subdivision and remains undeveloped; and

WHEREAS, the lot at 10111 Dobbin Drive is comprised entirely of both water quality transition and critical water quality zones, leaving no allowable impervious cover development and difficulty meeting SOS water quality control requirements; and

WHEREAS, the current owner of the tract is interested in developing the tract for a personal residence and is committed to minimizing the impervious cover and negative environmental impacts; and

WHEREAS, in order to develop the tract, site specific variances and amendments to the Land Development Code, including SOS, would be required;
NOW, THEREFORE,

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

The City Manager is directed to initiate site specific variances and amendments to the Land Development Code, including Chapter 25-8, Subchapter A, Article 13 (*Save Our Springs Initiative*), as minimally required to address proposed development of the lot located at 10111 Dobbin Drive.

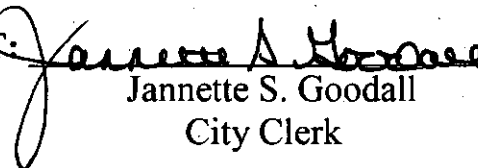
BE IT FURTHER RESOLVED:

Once a complete application for development has been filed by representatives of 10111 Dobbin Drive, the City Manager is directed to work with the representatives of 10111 Dobbin Drive to minimize departure from code requirements while maximizing environmental protection and return to Council with an ordinance that:

- a. minimizes driveway and other impervious cover;
- b. strives to incorporate additional environmental and resource-efficient strategies; and
- c. allows the tract to develop in a manner consistent with the surrounding subdivision, such as including dedication of drainage easement and setback along the critical water quality zone boundary.

ADOPTED: February 7, 2019

ATTEST:


Jannette S. Goodall
City Clerk

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A SITE-SPECIFIC AMENDMENT TO CITY CODE SECTION 25-8-514 AND GRANTING A VARIANCE TO CITY CODE SECTION 25-8-482 TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 10111 DOBBIN DRIVE AND ESTABLISHING CONDITIONS FOR THE CONSTRUCTION.

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

PART 1. The site-specific amendment and variance approved in this ordinance are limited to the construction of a single-family residence in the water quality transition zone of Slaughter Creek for the property located at 10111 Dobbin Drive, subject to Plat No. C8-2018-0057.0A.

PART 2. IMPERVIOUS COVER

Section 25-8-514 (*Pollution Prevention Required*) is amended to allow no more 2,995 square feet of impervious cover on the site, to be located entirely in the water quality transition zone.

PART 3. WATER QUALITY CONTROLS

Section 25-8-514 (*Pollution Prevention Required*) is amended to allow water quality control requirements to be satisfied with on-site controls capturing roof runoff. These water quality controls must be:

- (A) sized to capture the first half-inch of runoff from the roof area; and
- (B) designed per the Environmental Criteria Manual to discharge the water quality volume within 72 hours through an irrigation or infiltration system located entirely within the water quality transition zone.

PART 4. WATER QUALITY TRANSITION ZONE

A variance is granted to Section 25-8-482 (*Water Quality Transition Zone*) to allow construction of a single-family residence in the water quality transition zone.

PART 5. CONDITIONS

The amendment and variance granted in this ordinance are subject to the following conditions:

- 1 (A) Development shall be prohibited within the critical water quality zone and
2 drainage easement.
3 (B) The critical water quality zone shall be restored per the City of Austin Standard
4 Specifications Manual, Standard Specification 609S (*Native Seeding and Planting*
5 *for Restoration*).

6 **PART 6.** The requirements of Section 25-8-41 (*Land Use Commission Variances*) are
7 waived to the extent of a conflict with the site-specific amendment and variance adopted
8 by this ordinance.

PART 7. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 §
 §
 § _____
 Steve Adler
 Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

**ENVIRONMENTAL COMMISSION MOTION 20190619 008a**

Date: June 19, 2019

Subject: In response to Council Resolution 20190207-030, consider a site-specific amendment to Save Our Springs regulations to allow for the creation of a single-lot subdivision and development of a single-family home at 10111 Dobbin Drive.

Motion by: Linda Guerrero

Seconded by: Mary Ann Neely

RATIONALE:

WHEREAS, Council Resolution 20190207-030 requested consideration of a site-specific amendment to Save Our Springs Initiative regulations (Land Development Code Chapter 25-8, Subchapter A, Article 13 “SOS”; and

WHEREAS, Watershed Protection Department staff recommends the amendment with specific conditions related to SOS Initiative regulation; and

WHEREAS, the Council Resolution requested for an allowance for the creation of a single-lot subdivision and development of a single-family home.

THEREFORE, the Environmental Commission recommends approval of the site-specific amendment to allow a single-family lot subdivision and development of a single-family home with the following staff conditions:

Staff Conditions:

Development associated with C8-2018-0057.0A, located at 10111 Dobbin Drive, shall comply with current code at the time of permit application except as modified below.

1. Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow impervious cover for the site to be calculated as 15% of the gross site area of the water quality transition zone. The water quality transition zone calculated in C8-2018-0057.0A is 19,696 square feet. The maximum allowable impervious cover is 2,995 square feet.
2. Section A of 25-8-482 (*Water Quality Transition Zone*) shall be modified to allow development of a single-family residence in the Water Quality Transition Zone as specified in C8-2018-0057.0A.
3. Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow water quality control requirements to be satisfied with on-site controls capturing roof runoff. Water quality controls shall be sized

to capture the first half-inch of runoff from the roof area. The water quality control shall be designed per the Environmental Criteria Manual to discharge the water quality volume within 72 hours through an irrigation or infiltration system located only within the Water Quality Transition Zone.

VOTE 7-0

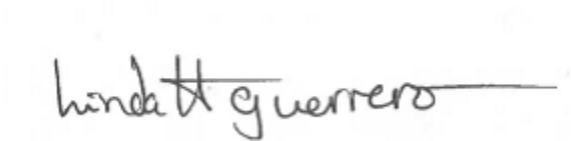
For: C. Smith, Thompson, Neely, Guerrero, Gordon, Coyne, and Ramberg

Against: None

Abstain: None

Absent: Creel, B. Smith, and Maceo

Approved By:

A handwritten signature in black ink, reading "Linda Guerrero", with a horizontal line extending to the right.

Linda Guerrero, Environmental Commission Chair



June 19, 2019

Via Electronic Delivery
Austin Environmental Commission
301 W. 2nd St., Second Floor
Austin, TX 78701

Re: SOS Waiver for 10111 Dobbin Drive

Dear Commissioners,

Tonight, you will be considering a proposed waiver to the Save Our Springs Initiative Ordinance (“SOS Ordinance”) for a private development located at 10111 Dobbin Drive. **We urge you to support the staff recommendation**, as delineated in the [posted backup material](#), which would grant the landowner its requested waiver.

The SOS Ordinance is one of our City’s most effective tools in protecting the water quantity and quality of Barton Creek, Barton Springs and the Edwards Aquifer (our future drinking water source). The ordinance is grounded on two basic principles: (i) mitigating pollution caused by development by enhancing water quality controls; and (ii) promoting aquifer infiltration and minimizing environmental impacts by reducing overall impervious cover within the Barton Springs zone. Both components of the ordinance are critical on their own but also work in concert with one another in achieving the ordinance’s—and the voter’s—intent. As such, proposed waivers or amendments to the SOS Ordinance should receive the highest level of scrutiny and public review.

Earlier this year, Council Member Kitchen’s office contacted us, as environmental stakeholders, to discuss this property. Due to the unique particularities of this site, it is unsuitable for development. The lot is located entirely within the water quality transition and critical water quality zones, leaving no allowable impervious cover for the development. However, recognizing that there are property rights interests to be considered, it was clear that some solution needed to be generated that could provide the landowners sufficient entitlements to develop a reasonable use on the property.

Given our obvious concern for the integrity of the SOS Ordinance, we were not thrilled with proceeding with a waiver to the SOS Ordinance; nonetheless, we acknowledged the difficult spot the landowners were put in. Thus, we offered to meet with the applicants and suggested to the Council Member’s office three potential conditions to place on the agreement: (i) the calculation of 15% impervious cover should exclude the CWQZ; (ii) a drainage easement should be applied over the CWQZ to prevent development; and (iii) a meaningful setback buffer should be applied from the CWQZ.

In response to the situation presented, the Austin City Council passed Resolution [20190207-030](#), initiating a site-specific ordinance for the site. Specifically, the resolution asked staff to work with the owners on a proposal that would “**minimize departure from code requirements while maximizing environmental protection**” and return to Council with an ordinance that:

- a. minimizes driveway and other impervious cover;
- b. strives to incorporate additional environmental and resource-efficient strategies; and
- c. allows the tract to develop in a manner consistent with the surrounding subdivision, such as including dedication of a drainage easement and setback along the critical water quality zone boundary.” (emphasis added)

In early March, on behalf of SOS, we met with the landowners and their representatives. Based on that conversation and recognizing the situation that they were in, we proposed the following, which is summarized in email correspondence following the meeting:

“As we discussed, if that impervious cover gets limited to 15% IC of the transition zone, I believe we (SOS) can get on board with the solution that y’all are proposing. This is in addition to the drainage easement y’all have already agreed to (thank you for that) and some sort of a buffer from the critical zone. I understand it wouldn’t be anywhere close to the standard 50 ft, but it looks like y’all were showing about 30 ft.”

With the exception of the buffer from the Critical Water Quality Zone, the staff recommendation is consistent with what we requested the landowners to consider. We still believe that this should be a condition applicable to the agreement, because the current plans for the property show a swimming pool to be located behind the house, immediately adjacent to the CWQTZ. A swimming pool is not a need that rises to the level of necessity for obtaining waivers to the City’s environmental regulations¹. A meaningful setback from the CWQTZ would prohibit unnecessary amenities such as swimming pools. However, in the spirit of compromise, we are willing to support the staff recommendation.

It is a rare occasion that the Save Our Springs Alliance would support a waiver to the SOS Ordinance, especially for private development; but in this circumstance, we believe the Environmental Officer struck the appropriate balance. The staff recommendation represents the minimal departure from code requirements, as per the direction of the City Council, and affords the landowners almost 3,000 square feet of impervious cover to build a single-family residence (note: this is almost 500 sq. ft. of allowable impervious cover more than a standard SF-3 lot).

Please support the staff recommendation. Should you have any questions regarding our position or like to discuss this further, please do not hesitate to give me a call.

Best regards,



Bobby Levinski
Attorney,
Save Our Springs Alliance
Bobby@sosalliance.org
512-636-7649 (mobile)

¹ It should be noted that, under the City’s current legal interpretation, swimming pools are not counted as impervious cover under the Land Development Code. This remains an issue for us, as it is entirely inconsistent with the intent of our environmental regulations. We hope this might be fixed in the upcoming code rewrite.

Staff Proposal for Site-Specific SOS Amendment for 10111 Dobbin Drive

In response to Austin City Council resolution [20190207-030](#), staff propose the following site-specific amendment to Austin City Code 25-8, Subchapter A, Article 13 (*Save Our Springs Initiative*).

- A. Development associated with C8-2018-0057.0A, located at 10111 Dobbin Drive, shall comply with current code at the time of permit application except as modified below.
 - 1. Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow impervious cover for the site to be calculated as 15% of the gross site area of the water quality transition zone. The water quality transition zone calculated in C8-2018-0057.0A is 19,696 square feet. The maximum allowable impervious cover is 2,995 square feet.
 - 2. Section A of 25-8-482 (*Water Quality Transition Zone*) shall be modified to allow development of a single-family residence in the Water Quality Transition Zone as specified in C8-2018-0057.0A.
 - 3. Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow water quality control requirements to be satisfied with on-site controls capturing roof runoff. Water quality controls shall be sized to capture the first half-inch of runoff from the roof area. The water quality control shall be designed per the Environmental Criteria Manual to discharge the water quality volume within 72 hours through an irrigation or infiltration system located only within the Water Quality Transition Zone.
- B. Additionally, development associated with C8-2018-0057.0A shall comply with the following requirements:
 - 1. Development shall be prohibited within the Critical Water Quality Zone and drainage easement.
 - 2. The Critical Water Quality Zone shall be restored per Standard Specification 609S (*Native Seeding and Planting for Restoration*).

10111 Dobbin Drive SOS Amendment

C8-2018-0057.0A

Briefing to the Planning Commission

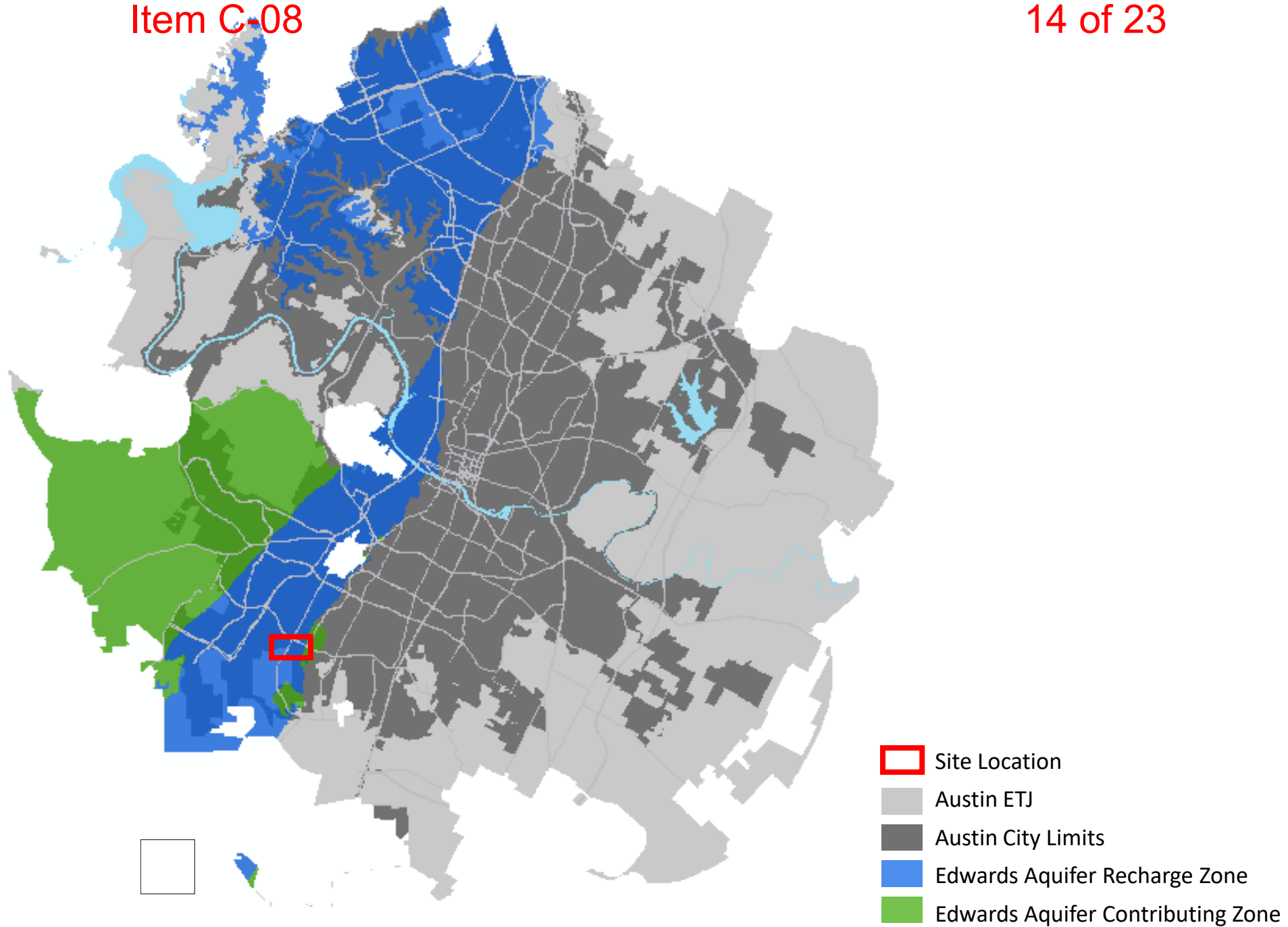
Atha Phillips

Environmental Officer's Office

August 27, 2019

What is an SOS Amendment?

- 1992 Save Our Springs ordinance adopted by citizen initiative
- Per 25-8-515, variances to SOS are not allowed
- Supermajority of Council must approve amendments to SOS
- Council Resolution #20190207-030 on February 7, 2019:
“ The City Manager is directed to initiate site specific variances and amendments to the Land Development Code, including Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to address proposed development of the lot located at 10111 Dobbin Drive.



MOPAC

Slaughter Lane

Brodie Lane

Dobbin Dr



Site

Single Family Lot

.991 acres

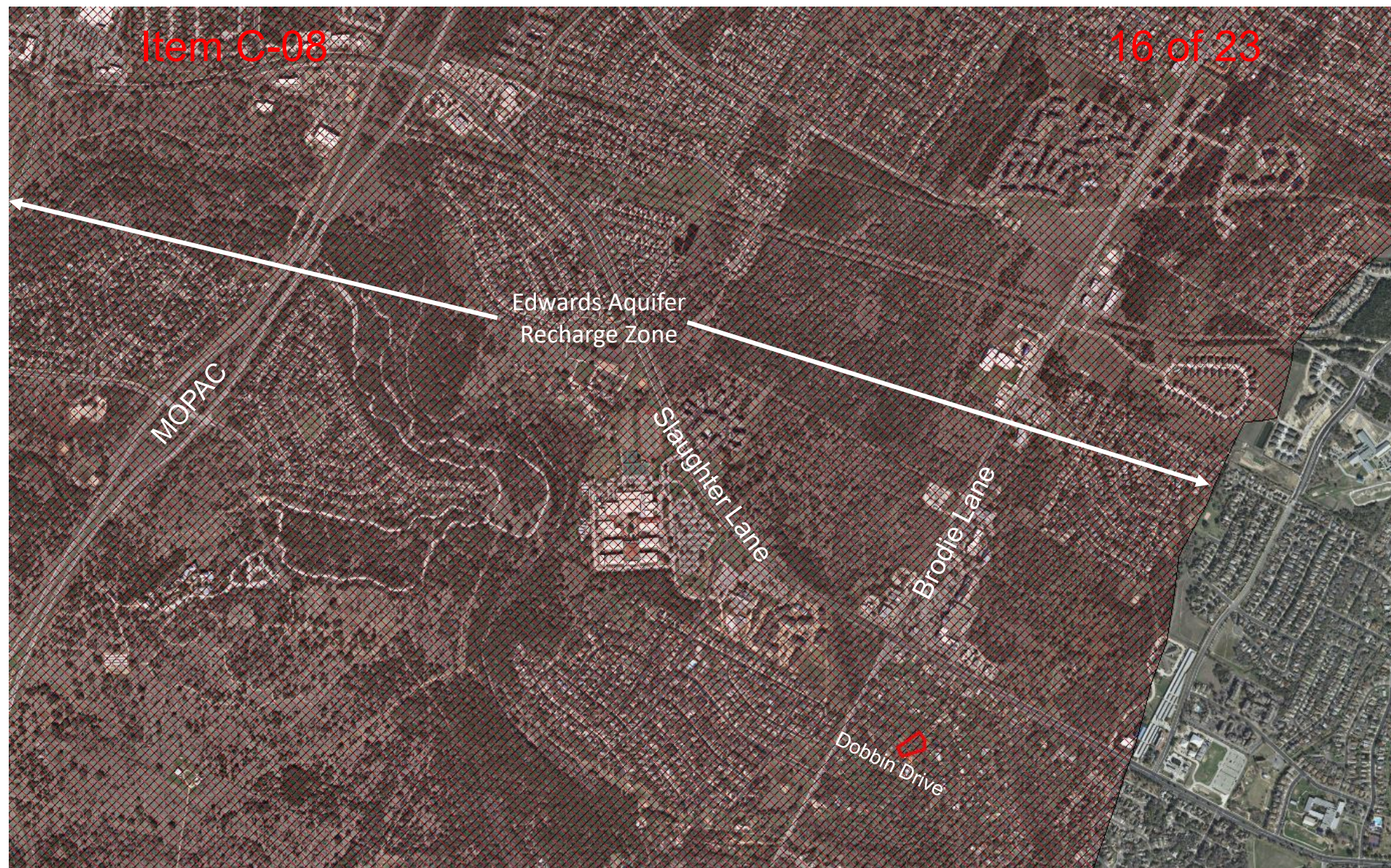
Slaughter Creek Watershed

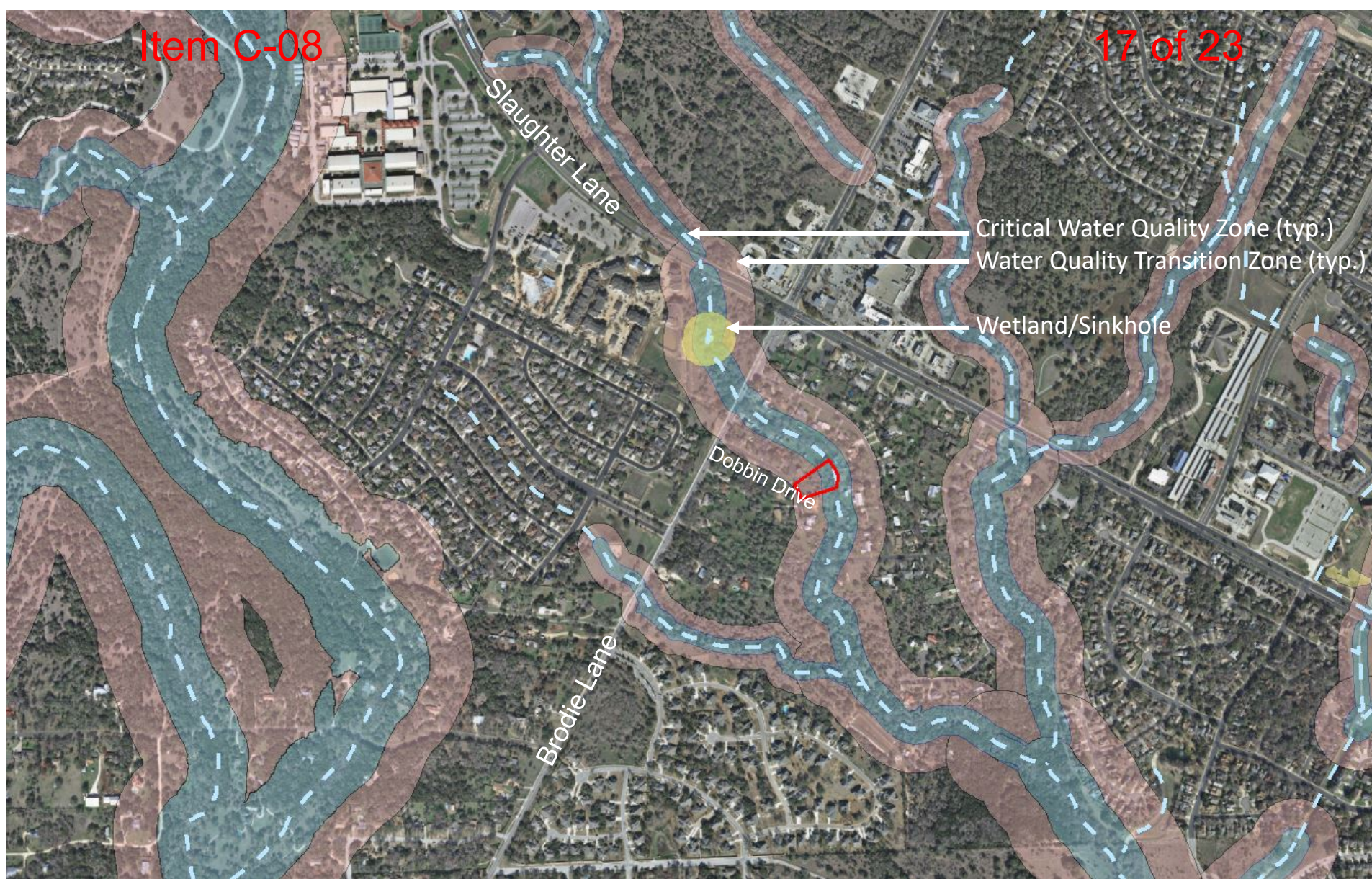
Barton Springs Zone

Drinking Water Protection Zone

Edwards Aquifer Recharge Zone

Full Purpose Jurisdiction





SOS Requirements

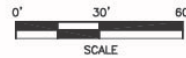
- Impervious cover in this location limited to 15% net site area
- Critical water quality zone and water quality transition zone are excluded from net site area calculations
- No residential building allowed in the critical water quality zone



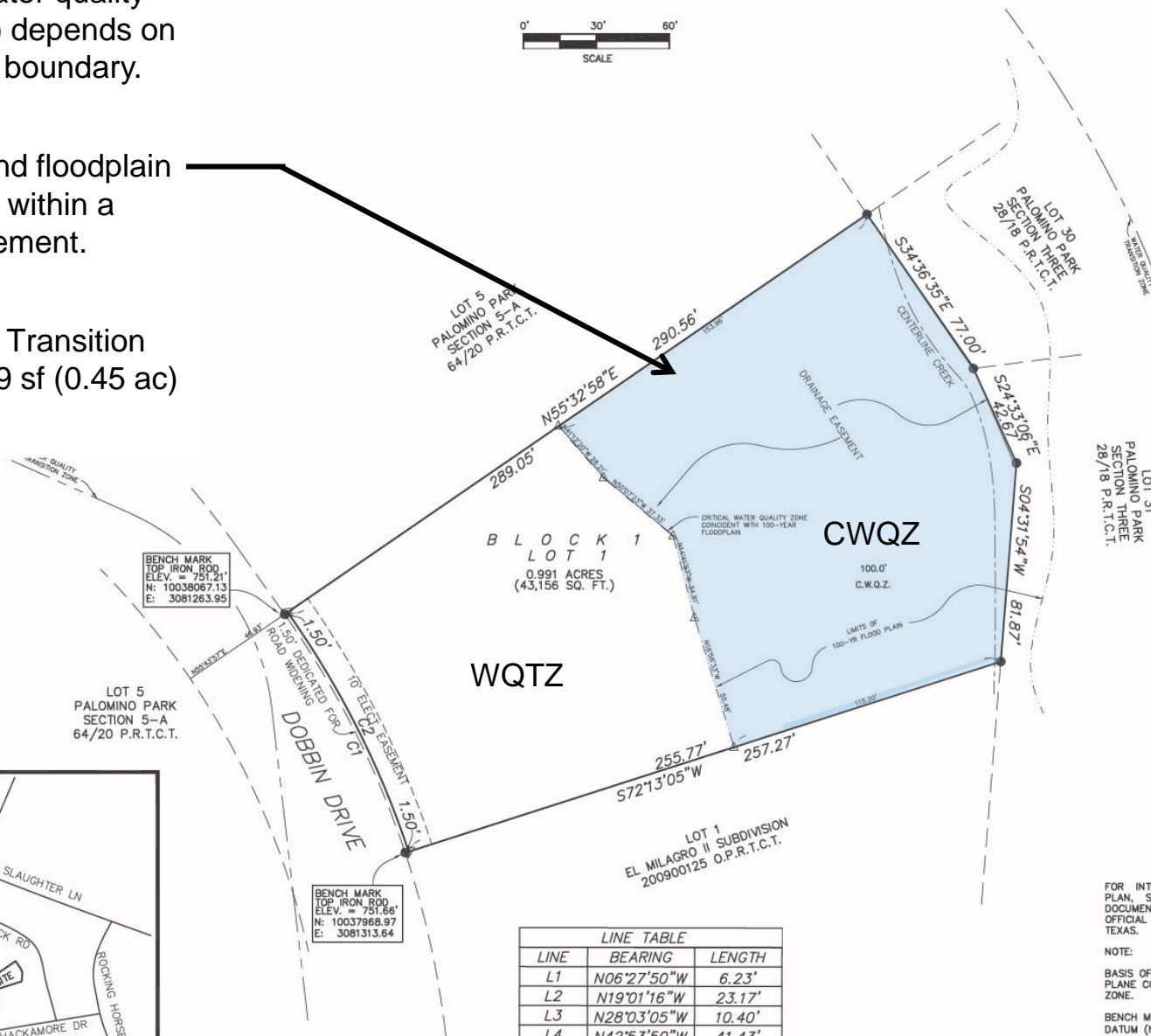
Net site area of 10111 Dobbin Drive is 0.0 acres

 Site Location

Water Quality Transition
Zone = 19,969 sf (0.45 ac)



LOCATION MAP
SCALE: NOT TO SCALE



LINE TABLE		
LINE	BEARING	LENGTH
L1	N06°27'50"W	6.23'
L2	N19°01'16"W	23.17'
L3	N28°03'05"W	10.40'
L4	N42°53'50"W	41.43'
L5	N28°26'17"W	41.23'

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	110.25'	375.00'	109.85'	N26°51'05"W	16°50'40"
C2	110.68'	376.50'	110.28'	N26°50'55"W	16°50'38"

FOR INTEGRATED PEST MANAGEMENT
PLAN, SEE AGREEMENT FILED IN
DOCUMENT NO. _____
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY,
TEXAS.

NOTE:

BASIS OF BEARING IS THE TEXAS STATE
PLANE COORINATE SYSTEM, NAD 83, CENTRAL
ZONE.

BENCH MARK PER NORTH AMERICAN VERTICAL DATUM (NAVD 88).

NO PORTION OF THIS TRACT OF LAND LIES
WITHIN THE 100-YR FLOOD PLANE, ZONE X,
PANEL NO. 48453C0590H, EFFECTIVE DATE
SEPTEMBER 26, 2008.

● = IRON ROD FOUND
 △ = CALCULATED POINT
 P.R.T.C.T. = PLAT RECORDS TRAVIS COUNTY, TEXAS
 W.Q.T.Z. = WATER QUALITY TRANSITION ZONE
 C.W.Q.Z. = CRITICAL WATER QUALITY TRANSITION ZONE

Item C-08 Staff Recommendation

21 of 23

Recommended with the following conditions:

- Limit impervious cover to 15% of the water quality transition zone area (equal to 2,995 square feet)
- Require water quality treatment of roof with on-site controls per Environmental Criteria Manual (first ½ inch, irrigated within 72 hours in WQTZ)
- Prohibit development in the Critical Water Quality Zone
- Restore the Critical Water Quality Zone per Standard Specification 609S (*Native Seeding and Planting for Restoration*)

Environmental Code Modifications:

Current Code shall apply except:

- Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow impervious cover for the site to be calculated as 15% of the gross site area of the water quality transition zone. The water quality transition zone calculated in C8-2018-0057.0A is 19,696 square feet. The maximum allowable impervious cover is 2,995 square feet.
- Section A of 25-8-482 (*Water Quality Transition Zone*) shall be modified to allow development of a single-family residence in the Water Quality Transition Zone as specified in C8-2018-0057.0A.
- Section A of 25-8-514 (*Pollution Prevention Required*) shall be modified to allow water quality control requirements to be satisfied with on-site controls capturing roof runoff. Water quality controls shall be sized to capture the first half-inch of runoff from the roof area. The water quality control shall be designed per the Environmental Criteria Manual to discharge the water quality volume within 72 hours through an irrigation or infiltration system located only within the Water Quality Transition Zone.

Questions?

Contact Information:

Atha Phillips

Environmental Officer's Office

(512) 974-2132

Atha.Phillips@austintexas.gov