

Oct. 10, 2019

Re: Case C15-2019-0056
1400 W Oltorf, Austin TX 78704

To the Board of Adjustment:

The Zoning Committee of the Zilker Neighborhood Association has reviewed the variance request. We previously reviewed a similar request in 2014, before it was withdrawn, and the latest site plan application SP-2019-0210C, submitted about six months ago and now listed as inactive.

We have attached a selection of staff comments concerning various drainage and floodplain issues on the site plan. Based on these comments and our previous experience with this site, we believe that any variance application is premature, as long as the site does not meet the requirements for a Redevelopment Exception and any increase in the impervious cover is prohibited. The most that can be allowed on this site is preservation of the existing building that is not in the floodplain; any expansion of the commercial space is likely to require additional parking and impervious cover, which is currently not permitted in the floodplain. Regardless, the floodplain variances are not within the Board of Adjustment's purview.

Under the circumstances, the ZNA Zoning Committee must oppose this variance. We request that the Board of Adjustment deny the variance.

ZNA appreciates your service to our community.

David Piper,
President, Zilker Neighborhood Association

From Master comments for 1400 W Oltorf site plan SP-2019-0210C, June 2019 (inactive)

Drainage review:

It appears that there are concentrated flows and/or floodplain through the property. [LDC 25-7-152] A drainage easement is required to the limits of the 100 year fully developed flow elevation. A drainage easement will be required. Please submit the easement with exhibits to this reviewer for processing.

The proposed development does not meet the requirements for Redevelopment Exception under LDC 25-8-25. Per LDC 25-8-25(C)(1), the redevelopment [must] not increase the existing impervious cover. The existing impervious cover is 18.6% and 1.9% within the Critical Water Quality Zone, the proposed development will increase the impervious cover to 27.3% and 1.4% within the CWQZ. The project may apply LDC 25-8-42(B)(2) if all conditions are met under this section.

Reviewer Notes: Site is located on the NW corner of Oltorf at West Bouldin Creek. A portion of the property is within the FEMA floodplain per FIRM 48453C0585H effective date 9/26/2008. WSELs which affect the site are as follows: 25yr: upstream 543.72, downstream: 538.55; 100yr: upstream: 544.32, downstream 539.42; 500yr: upstream: 545.20, downstream: 540.38. The development as shown has a small portion of the proposed building located in the 100-yr floodplain, because of this, it may count as a floodplain modification and will need to be approved by ERM review. As currently shown, site will require a floodplain variance to be developed unless building encroachment is removed from the floodplain.

FYI: Please note that the current floodplain regulations require that the FFE of the proposed buildings adjacent to the 100-year floodplain must be 1' greater than the 100-year WSEL. City of Austin staff has proposed changes to the floodplain regulations to require FFE's be 2' above the current FEMA 500-year floodplain or Atlas 14 100-yr floodplain. FFE requirements will be based on current code at time of application.

FP10. The proposed development as submitted will require a floodplain variance. A variance may be avoided if encroachments are removed from the floodplain. Comment will be cleared when plan has been brought into compliance with current code and criteria or a floodplain variance has been granted.

The site plan currently shows parking encroaching into the 100-year and 25-year City of Austin regulatory floodplains. Per LDC 25-7-92, parking is not allowed to encroach in the 100-year floodplain UNLESS it qualifies under the exceptions in LDC 25-7-93.A and is in compliance with LDC 25-7-95. No parking is allowed in the 25-year floodplain.

- a. Please adjust site plan accordingly to remove the parking spaces in the 25-year floodplain
- b. Please provide calculations showing the average depth and maximum depth of flooding in the parking spaces in compliance with 25-7-95.B.

It is recommended that the Applicant and the Applicant's Engineer discuss flood resiliency and alterations which could be made to plan to reduce the risk of flooding of the proposed development (e.g. elevation of Finished Floors to be above current 500-year floodplain, floodproofing of areas below current 500-year floodplain, utilizing 500-year floodplain in place of the 100-year floodplain, etc.