



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: May 20, 2020

NAME & NUMBER OF PROJECT: Vi Collina Multifamily
SP-2019-0529C.SH

NAME OF APPLICANT OR ORGANIZATION: Ryan Taylor
Kimley-Horn

LOCATION: 2401 E Oltorf St, 78741

COUNCIL DISTRICT: District 3

ENVIRONMENTAL REVIEW STAFF: Pamela Abee-Taulli, Environmental Review Specialist Senior, Development Services Department, 512-974-1879, pamela.abee-taulli@austintexas.gov.

WATERSHED: Country Club West Watershed, Suburban Classification, Desired Development Zone

REQUEST: Variance request is as follows:

1. Vary from 25-8-302(B)(1) to allow construction of a building on a slope between 15 and 25 percent, where impervious cover on slopes over 15 percent exceeds 10 percent of the total area of the slopes over 15 percent.
2. Vary from 25-8-302(A)(2) to allow construction of a parking area on a slope over 15 percent.
3. Vary from 25-8-341 to allow cut exceeding 4 feet on slopes over 15 percent.
4. Vary from 25-8-342 to allow fill exceeding 4 feet on slopes over 15 percent.

**STAFF
RECOMMENDATION:**

Staff recommends these variances, having determined the findings of fact to have been met.

STAFF CONDITION:

Staff recommends the following conditions.

1. Both the water quality pond and the detention pond will be moved to underneath the driveway.
2. 22 parking spaces will be removed.
3. Impervious cover will be slightly below the allowable 60 percent.
4. Sidewalks will be reduced to 4 feet in width.
5. 17 additional trees (greater than 8 inches diameter) will be saved in the southeast corner of the site. Two additional trees will be saved in the middle of the site near E Oltorf St.
6. Applicant will commit to removing invasive trees.
7. Applicant will commit to a tree care plan for the remaining trees.
8. Landscape plan will include COA Grow Green materials.
9. Property will be built to AEGB standards, which include but are not limited to, low flow toiled fixtures; irrigation/rain sensors; native plant material; high efficiently lighting including LED for all site lighting; E-Star appliances; low VOC paints and coatings; and filtration for indoor air quality.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Vi Collina
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Vary from 25-8-302(B)(1) to allow construction of a building on a slope between 15 and 25 percent, where impervious cover on slopes over 15 percent exceeds 10 percent of the total area of the slopes over 15 percent.

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 4.5 acre property has an average slope of 10 percent, with 4 areas of slopes between 15 and 25 percent distributed across the site. The developable area is further constrained by a Critical Water Quality Zone (CWQZ) buffer, which occupies over half an acre on the southeast corner. The presence of the creek buffer, along with the scattered distribution of the steeper slopes, make it challenging to develop a project of a scope expected at this location without variances from code.

The property is located on the edge of the Urban watershed classification area, and inside Austin Transportation Department's Urban Roadway boundary. It fronts on E. Oltorf St., which has a Level 3 designation in the Austin Strategic Mobility Plan (as do Riverside, Lamar, Burnet, Cesar Chavez, etc.).

Designing around the environmental restrictions to comply with Code requirements would be infeasible and would deprive the applicant of a privilege available to owners of similarly situation property.

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 design decisions made by the applicant. The scale and layout of the site have been adjusted to accommodate the existing environmental features to the maximum extent feasible. Design accommodations include placing water quality and detention ponds under a building, reducing parking spaces, changing existing parking to compact spaces, terracing each building, and creating steeper driveways. By making these adjustments and buffer averaging, the applicant has been able to maximize the density of the development while 1) avoiding one of the four areas of steep slopes, 2) preserving the wooded area, and 3) not developing in the Critical Water Quality Zone.

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

Yes. The variance is the minimum deviation necessary. Development has been compressed into the smallest space in which it is possible to maintain the proposed scale. By doing so, in combination with the use of buffer averaging, it preserves the Critical Water Quality Zone, an existing natural slope over 15 percent grade, and a wooded area with a significant number of protected trees.

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

Yes. The variance does not create a significant probability of harmful environmental consequences. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. It will also improve the riparian health of the Critical Water Quality Zone through planting trees. Erosion and sedimentation controls during construction will be appropriate for construction on slopes and in proximity to a waterway.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than that which is achievable without the variance. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. Also, it will retain the Critical Water Quality Zone through buffer averaging, which contributes to water quality through increased infiltration and filtration of stormwater.

- 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;
NA
 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
NA
 3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
NA

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

1. Both the water quality pond and the detention pond will be moved to underneath the driveway.
2. 22 parking spaces will be removed.
3. Impervious cover will be slightly below the allowable 60 percent.
4. Sidewalks will be reduced to 4 feet in width.
5. 17 additional trees (greater than 8 inches diameter) will be saved in the southeast corner of the site. Two additional trees will be saved in the middle of the site near E Oltorf St.
6. Applicant will commit to removing invasive trees.
7. Applicant will commit to a tree care plan for the remaining trees.
8. Landscape plan will include COA Grow Green materials.
9. Property will be built to AEGB standards, which include but are not limited to, low flow toiled fixtures; irrigation/rain sensors; native plant material; high efficiently lighting including LED for all site lighting; E-Star appliances; low VOC paints and coatings; and filtration for indoor air quality.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Vi Collina
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Vary from 25-8-302(A)(2) to allow construction of a parking area on a slope over 15 percent.

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 4.5 acre property has an average slope of 10 percent, with 4 areas of slopes between 15 and 25 percent distributed across the site. The developable area is further constrained by a Critical Water Quality Zone (CWQZ) buffer, which occupies over half an acre on the southeast corner. The presence of the creek buffer, along with the scattered distribution of the steeper slopes, make it challenging to develop a project of a scope expected at this location without variances from code.

The property is located on the edge of the Urban watershed classification area, and inside Austin Transportation Department's Urban Roadway boundary. It fronts on E. Oltorf St., which has a Level 3 designation in the Austin Strategic Mobility Plan (as do Riverside, Lamar, Burnet, Cesar Chavez, etc.).

Designing around the environmental restrictions to comply with Code requirements would be infeasible and would deprive the applicant of a privilege available to owners of similarly situation property.

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 design decisions made by the applicant. The scale and layout of the site have been adjusted to accommodate the existing environmental features to the maximum extent feasible. Design accommodations include placing water quality and detention ponds under a building, reducing parking spaces, changing existing parking to compact spaces, terracing each building, and creating steeper driveways. By making these adjustments and buffer averaging, the applicant has been able to maximize the density of the development while 1) avoiding one of the four areas of steep slopes, 2) preserving the wooded area, and 3) not developing in the Critical Water Quality Zone.

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

Yes. The variance is the minimum deviation necessary. Development has been compressed into the smallest space in which it is possible to maintain the proposed scale. By doing so, in combination with the use of buffer averaging, it preserves the Critical Water Quality Zone, an existing natural slope over 15 percent grade, and a wooded area with a significant number of protected trees.

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

Yes. The variance does not create a significant probability of harmful environmental consequences. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. It will also improve the riparian health of the Critical Water Quality Zone through planting trees. Erosion and sedimentation controls during construction will be appropriate for construction on slopes and in proximity to a waterway.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than that which is achievable without the variance. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. Also, it will retain the Critical Water Quality Zone through buffer averaging, which contributes to water quality through increased infiltration and filtration of stormwater.

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;
NA
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
NA
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
NA

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

1. Both the water quality pond and the detention pond will be moved to underneath the driveway.
2. 22 parking spaces will be removed.
3. Impervious cover will be slightly below the allowable 60 percent.
4. Sidewalks will be reduced to 4 feet in width.
5. 17 additional trees (greater than 8 inches diameter) will be saved in the southeast corner of the site. Two additional trees will be saved in the middle of the site near E Oltorf St.
6. Applicant will commit to removing invasive trees.
7. Applicant will commit to a tree care plan for the remaining trees.
8. Landscape plan will include COA Grow Green materials.
9. Property will be built to AEGS standards, which include but are not limited to, low flow toilets; irrigation/rain sensors; native plant material; high efficiently lighting including LED for all site lighting; E-Star appliances; low VOC paints and coatings; and filtration for indoor air quality.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Vi Collina
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Vary from 25-8-341 to allow cut exceeding 4 feet on slopes over 15 percent.

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 4.5 acre property has an average slope of 10 percent, with 4 areas of slopes between 15 and 25 percent distributed across the site. The developable area is further constrained by a Critical Water Quality Zone (CWQZ) buffer, which occupies over half an acre on the southeast corner. The presence of the creek buffer, along with the scattered distribution of the steeper slopes, make it challenging to develop a project of a scope expected at this location without variances from code.

The property is located on the edge of the Urban watershed classification area, and inside Austin Transportation Department's Urban Roadway boundary. It fronts on E. Oltorf St., which has a Level 3 designation in the Austin Strategic Mobility Plan (as do Riverside, Lamar, Burnet, Cesar Chavez, etc.).

Designing around the environmental restrictions to comply with Code requirements would be infeasible and would deprive the applicant of a privilege available to owners of similarly situation property.

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 design decisions made by the applicant. The scale and layout of the site have been adjusted to accommodate the existing environmental features to the maximum extent feasible. Design accommodations include placing water quality and detention ponds under a building, reducing parking spaces, changing existing parking to compact spaces, terracing each building, and creating steeper driveways. By making these adjustments and buffer averaging, the applicant has been able to maximize the density of the development while 1) avoiding one of the four areas of steep slopes, 2) preserving the wooded area, and 3) not developing in the Critical Water Quality Zone.

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

Yes. The variance is the minimum deviation necessary. Development has been compressed into the smallest space in which it is possible to maintain the proposed scale. By doing so, in combination with the use of buffer averaging, it preserves the Critical Water Quality Zone, an existing natural slope over 15 percent grade, and a wooded area with a significant number of protected trees.

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

Yes. The variance does not create a significant probability of harmful environmental consequences. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. It will also improve the riparian health of the Critical Water Quality Zone through planting trees. Erosion and sedimentation controls during construction will be appropriate for construction on slopes and in proximity to a waterway.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than that which is achievable without the variance. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. Also, it will retain the Critical Water Quality Zone through buffer averaging, which contributes to water quality through increased infiltration and filtration of stormwater.

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;
NA
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
NA
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
NA

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

1. Both the water quality pond and the detention pond will be moved to underneath the driveway.
2. 22 parking spaces will be removed.
3. Impervious cover will be slightly below the allowable 60 percent.
4. Sidewalks will be reduced to 4 feet in width.
5. 17 additional trees (greater than 8 inches diameter) will be saved in the southeast corner of the site. Two additional trees will be saved in the middle of the site near E Oltorf St.
6. Applicant will commit to removing invasive trees.
7. Applicant will commit to a tree care plan for the remaining trees.
8. Landscape plan will include COA Grow Green materials.
9. Property will be built to AEGS standards, which include but are not limited to, low flow toilets; irrigation/rain sensors; native plant material; high efficiently lighting including LED for all site lighting; E-Star appliances; low VOC paints and coatings; and filtration for indoor air quality.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Vi Collina
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Vary from 25-8-342 to allow fill exceeding 4 feet on slopes over 15 percent.

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 4.5 acre property has an average slope of 10 percent, with 4 areas of slopes between 15 and 25 percent distributed across the site. The developable area is further constrained by a Critical Water Quality Zone (CWQZ) buffer, which occupies over half an acre on the southeast corner. The presence of the creek buffer, along with the scattered distribution of the steeper slopes, make it challenging to develop a project of a scope expected at this location without variances from code.

The property is located on the edge of the Urban watershed classification area, and inside Austin Transportation Department's Urban Roadway boundary. It fronts on E. Oltorf St., which has a Level 3 designation in the Austin Strategic Mobility Plan (as do Riverside, Lamar, Burnet, Cesar Chavez, etc.).

Designing around the environmental restrictions to comply with Code requirements would be infeasible and would deprive the applicant of a privilege available to owners of similarly situation property.

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 design decisions made by the applicant. The scale and layout of the site have been adjusted to accommodate the existing environmental features to the maximum extent feasible. Design accommodations include placing water quality and detention ponds under a building, reducing parking spaces, changing existing parking to compact spaces, terracing each building, and creating steeper driveways. By making these adjustments and buffer averaging, the applicant has been able to maximize the density of the development while 1) avoiding one of the four areas of steep slopes, 2) preserving the wooded area, and 3) not developing in the Critical Water Quality Zone.

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

Yes. The variance is the minimum deviation necessary. Development has been compressed into the smallest space in which it is possible to maintain the proposed scale. By doing so, in combination with the use of buffer averaging, it preserves the Critical Water Quality Zone, an existing natural slope over 15 percent grade, and a wooded area with a significant number of protected trees.

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

Yes. The variance does not create a significant probability of harmful environmental consequences. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. It will also improve the riparian health of the Critical Water Quality Zone through planting trees. Erosion and sedimentation controls during construction will be appropriate for construction on slopes and in proximity to a waterway.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than that which is achievable without the variance. The completed project will provide stormwater treatment that is 20 percent more than the City requirement. Also, it will retain the Critical Water Quality Zone through buffer averaging, which contributes to water quality through increased infiltration and filtration of stormwater.

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;
NA
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
NA
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
NA

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

1. Both the water quality pond and the detention pond will be moved to underneath the driveway.
2. 22 parking spaces will be removed.
3. Impervious cover will be slightly below the allowable 60 percent.
4. Sidewalks will be reduced to 4 feet in width.
5. 17 additional trees (greater than 8 inches diameter) will be saved in the southeast corner of the site. Two additional trees will be saved in the middle of the site near E Oltorf St.
6. Applicant will commit to removing invasive trees.
7. Applicant will commit to a tree care plan for the remaining trees.
8. Landscape plan will include City of Austin Grow Green materials.
9. Property will be built to Austin Energy Green Building standards, which include but are not limited to, low flow toiled fixtures; irrigation/rain sensors; native plant material; high efficiently lighting including LED for all site lighting; E-Star appliances; low VOC paints and coatings; and filtration for indoor air quality.

Four (4) variances for Vi Collina Apartments (SP-2019-0529C.SH)

1. Vary from 25-8-302(B)(1) to allow construction of a building on a slope between 15 and 25 percent, where impervious cover on slopes over 15 percent exceeds 10 percent of the total area of the slopes over 15 percent.
2. Vary from 25-8-302(A)(2) to allow construction of a parking area on a slope over 15 percent.
3. Vary from 25-8-341 to allow cut exceeding 4 feet on slopes over 15 percent.
4. Vary from 25-8-342 to allow fill exceeding 4 feet on slopes over 15 percent.

Environmental Reviewer
(DSD)


(Pamela Abee-Taulli)

5/7/20
Date

Environmental Review
Manager (DSD)


(Mike McDougal)

5/11/20
Date

Environmental Officer
(WPD)



(print name)

5/14/20
Date

April 06, 2020

City of Austin
Environmental Commission

RE: ***Vi Collina Multifamily
SP-2019-0529C.SH
2401 E Oltorf St
Variance Request Letter***

To Whom It May Concern:

Kimley-Horn and Associates, Inc. is the applicant for the Environmental Commission Variances outlined in the following application and attached exhibits. The subject site, located at 2401 E Oltorf St, is a +/-4.5 AC SMART Housing Multifamily Site with associated parking and utility improvements.

The proposed development is requesting the following four variances:

- 25-8-302(A)(2) to allow construction of a parking area on a slope over 15%
- 25-8-302(B)(1) to allow construction of a building on a slope between 15% and 25%, where impervious cover on slopes over 15% exceeds 10% of the total area of the slopes over 15%.
- 25-8-341 to allow cut exceeding four (4) feet on slopes over 15%.
- 25-8-342 to allow fill exceeding four (4) feet on slopes over 15%.

The existing topography has an approximate slope of 10% across the site from NW to SE (with some sporadically located slopes greater than 15%). A critical water quality zone takes up a portion of the SE corner of the site. The site plan has evolved considerably over the course of design to accommodate and minimize the impact on the natural environmental features while still serving the City of Austin's need for affordable housing. With input and help from the land owner, design team, and City of Austin Environmental staff, the site plan has been modified to minimize the impact to the Critical Water Quality Zone located at the SE corner of the site as well as help minimize the cut and fill required to develop the site. Unfortunately, due to constraints such as ADA access, fire access, and required driveway locations, it is impossible to develop around the natural slopes over 15%. Design changes such as removing parking, changing existing parking to compact spaces, terracing each building, and creating steeper driveways has helped reduced the cut and fill on site but not below the 4-foot threshold.

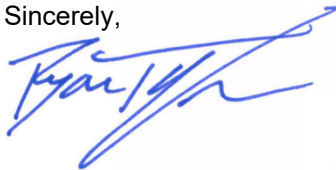
Below are some items that we have committed to provided and/or have revised on this site to go above and beyond as part of a good faith effort to minimize the environmental impact as much as possible.

- The CWQZ Buffer Averaging requirement has been met per COA 25-8-261. This has been accomplished by removing both the water quality pond and the detention pond underneath the driveway.
- The water quality pond has been moved under the driveway rather than be located inside the CWQZ. A green water quality pond inside the CWQZ is currently permitted under the code, however, this would cause a great impact to the most environmentally sensitive area of this site.
- 17 additional trees (greater than 8" dia) have been saved in the SE corner of the site.

- An existing natural slope > 15% in the SE corner (~1,230 SF in size) of the site will be left in its natural state by moving the water quality pond away from this area.
- Removed 18 parking spaces
- Reduced impervious cover below the allowable 60%
- Commit to removing invasive trees
- Commit to a tree care plan for remaining trees
- Landscape plan includes COA Grow Green material
- Property will be built to AEGB standards which includes but not limited to:
 - Low flow fixtures
 - Irrigation/rain sensors
 - Native plant material
 - High efficiently lighting including LED for all site lighting
 - E-star appliances
 - Low VOC paints and coatings
 - Filtration for indoor air quality

In consideration that the design team has put forth a maximum effort to reduce environmental impacts as much as possible, the applicant requests that the above variances be granted to allow site plan approval of this 100% SMART Housing Complex. Please reference the following attachments and applications or contact me at (512) 646-2237 or at ryan.taylor@kimley-horn.com for more information.

Sincerely,



Ryan Taylor
KIMLEY-HORN AND ASSOCIATES, INC.



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Ryan Taylor
Street Address	2600 Via Fortuna, Terrace 1, Suite 300
City State ZIP Code	Austin, TX 78746
Work Phone	(512)-646-2237
E-Mail Address	ryan.taylor@kimley-horn.com

Variance Case Information

Case Name	Vi Collina Multifamily
Case Number	SP-2019-0529C.SH
Address or Location	2401 E Oltorf Street, Austin, TX 78741
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Country Club West
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	+/- 110 LF from Country Club Creek.
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows: 25-8-302(A)(2) to allow construction of a parking area on a slope over 15 percent.

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>119,830</u>
acreage:	<u>0</u>	<u>2.751</u>
percentage:	<u>0</u>	<u>59.9</u>
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)	Vi Collina is a 4.59 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741. The existing site is currently undeveloped. There are 0.18 acres of natural slopes that exceed 15%. Elevation on the site varies from 591 at the Northwest corner down to 509 at the Southeast corner. The existing site has small trees and vegetation, particularly in the Critical Water Quality Zone; but does not include any heritage trees. Approximately 0.63 Acres of the property is located in a Critical Water Quality zone. However, no portion of the site is located in a floodplain. No CEFs are present on-site.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site includes the construction of a parking area on a natural slope greater than 15 percent. Parking surfaces will make up 19.5% of the existing slopes greater than 15% (1,512 SF Parking / 7,743 SF of 15% Slopes). Please see attached 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: Vi Collina Multifamily is a +/-4.5 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741.

Ordinance:

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 - Similar sites have been granted a variance from the requirements of 25-8-302(A)(2). Ref. HEB 10, SP-2019-0034C, Motion 20200304-006b, along with others. This variance is needed to generate a reasonable economic use of the property.

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 layout of the site, with consideration to fire and ADA access, cannot be laid out in a manner that will eliminate the need for this variance. The driveway location is fixed due to ATD staff requirements with consideration to Driveway Spacing requirements and Sight Distance requirements. The driveway location is fixed due to ATD staff requirements with consideration to Driveway Spacing requirements and Sight Distance requirements. The scale and layout of the site has been adjusted to accommodate the existing environmental features to the maximum extent possible. Design changes include removing parking, changing existing parking to compact spaces, terracing each building, creating steeper driveways, and moving the development out of the existing CWQZ.

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

Yes – The site has been laid out in such a manner that the minimum deviation from the code is provided. The water quality pond has been moved under building 4 which maintains the integrity of a ~1,230 SF slope greater than 15% located inside the CWQZ that was previously proposed to be impacted.

Existing slopes greater than 15% located in the SE corner of the site will remain in its natural condition.

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

Yes – With help from the City of Austin Environmental staff, the site has been modified to remove the significant environmental impacts. The development has been removed from the CWQZ. The water quality pond has also been removed from the CWQZ and placed under building 4, which maintains the natural vegetation and trees within the CWQZ. There are no CEFs located onsite nor any endangered species.

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 site will use a water quality pond, designed to be 20% larger than COA regulations, to treat the impervious cover running off from the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;
n/a
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
n/a
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
n/a

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



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Ryan Taylor
Street Address	2600 Via Fortuna, Terrace 1, Suite 300
City State ZIP Code	Austin, TX 78746
Work Phone	(512)-646-2237
E-Mail Address	ryan.taylor@kimley-horn.com

Variance Case Information

Case Name	Vi Collina Multifamily
Case Number	SP-2019-0529C.SH
Address or Location	2401 E Oltorf Street, Austin, TX 78741
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Country Club West
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	+/- 110 LF from Country Club Creek.
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows: 25-8-302(B)(1) to allow construction of a building on a slope between 15% and 25%, where impervious cover on slopes over 15% exceeds 10% of the total area of the slopes over 15%

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>119,830</u>
acreage:	<u>0</u>	<u>2.751</u>
percentage:	<u>0</u>	<u>59.9</u>
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)	Vi Collina is a 4.59 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741. The existing site is currently undeveloped. There are 0.18 acres of natural slopes that exceed 15%. Elevation on the site varies from 591 at the Northwest corner down to 509 at the Southeast corner. The existing site has small trees and vegetation, particularly in the Critical Water Quality Zone; but does not include any heritage trees. Approximately 0.63 Acres of the property is located in a Critical Water Quality zone. However, no portion of the site is located in a floodplain. No CEFs are present on-site.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site includes the construction of a building on a slope between 15% and 25%, where impervious cover on slopes over 15% exceeds 10% of the total area of the slopes over 15%. There is a total of 7,743 SF of existing slopes greater than 15%. The impervious cover on existing slopes greater than 15% is proposed to be 72.8%. Please see attached 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: Vi Collina Multifamily is a +/-4.5 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741.

Ordinance:

- 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 - Similar sites have been granted a variance from the requirements of 25-8-302(B)(1). This variance is needed to generate a reasonable economic use of the property.
 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 layout of the site, with consideration to fire and ADA access, cannot be laid out in a manner that will eliminate the need for this variance. The driveway location is fixed due to ATD staff requirements with consideration to Driveway Spacing requirements and Sight Distance requirements. The scale and layout of the site has been adjusted to accommodate the existing environmental features to the maximum extent possible. Design changes include removing parking, changing existing parking to compact spaces, terracing each building, creating steeper driveways, and moving the development out of the existing CWQZ.

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

Yes – The site has been laid out in such a manner that the minimum deviation from the code is provided. Buildings have been placed in positions that minimize the deviation from the code requirement as much as possible. The water quality pond has been moved under building 4 which maintains the integrity of a ~1,230 SF slope greater than 15% located inside the CWQZ that was previously proposed to be impacted.

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

Yes – With help from the City of Austin Environmental staff, the site has been modified to remove the significant environmental impacts. The development has been removed from the CWQZ. The water quality pond has also been removed from the CWQZ and placed under building 4, which maintains the natural vegetation and trees within the CWQZ. There are no CEFs located onsite nor any endangered species.

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 site will use a water quality pond, designed to be 20% larger than COA regulations, to treat the impervious cover running off from the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;
n/a
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
n/a
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
n/a

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



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Ryan Taylor
Street Address	2600 Via Fortuna, Terrace 1, Suite 300
City State ZIP Code	Austin, TX 78746
Work Phone	(512)-646-2237
E-Mail Address	ryan.taylor@kimley-horn.com

Variance Case Information

Case Name	Vi Collina Multifamily
Case Number	SP-2019-0529C.SH
Address or Location	2401 E Oltorf Street, Austin, TX 78741
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Country Club West
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	+/- 110 LF from Country Club Creek.
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows: 25-8-341 - to allow cut exceeding four (4) feet on slopes over 15%.

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>119,830</u>
acreage:	<u>0</u>	<u>2.751</u>
percentage:	<u>0</u>	<u>59.9</u>
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)	Vi Collina is a 4.59 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741. The existing site is currently undeveloped. There are 0.18 acres of natural slopes that exceed 15%. Elevation on the site varies from 591 at the Northwest corner down to 509 at the Southeast corner. The existing site has small trees and vegetation, particularly in the Critical Water Quality Zone; but does not include any heritage trees. Approximately 0.63 Acres of the property is located in a Critical Water Quality zone. However, no portion of the site is located in a floodplain. No CEFs are present on-site.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site includes the cutting into the natural grade that exceeds four (4) feet on slopes over 15%.
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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: Vi Collina Multifamily is a +/-4.5 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741.

Ordinance:

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 - Similar sites have been granted a variance from the requirements of 25-8-341. Ref. HEB 10, SP-2019-0034C, Motion 20200304-006b, along with others. This variance is needed to generate a reasonable economic use of the property.

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 layout of the site, with consideration to fire and ADA access, cannot be laid out in a manner that will eliminate the need for this variance. The existing topography slopes at approximately 10% from the NW corner to the SE corner. The proposed site is not able to match this existing grade across the site and thus cut over 4 feet is required on the NW corner (high side). The driveway location is fixed due to ATD staff requirements with consideration to Driveway Spacing requirements and Sight Distance requirements. The scale and layout of the site has been adjusted to accommodate the existing environmental features to the maximum extent possible. Design changes include removing parking, changing existing parking to compact spaces, terracing each building, creating steeper driveways, and moving the development out of the existing CWQZ.

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

Yes – The site has been laid out in such a manner that the minimum deviation from the code is provided. The building and driveway locations have been laid out (with constraints) to minimize the amount of cut and fill on the site. To minimize the deviation from the code requirement, the site utilizes steep driveways, terraced (stepped) buildings, reduced parking, and compact parking spaces.

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

Yes – With help from the City of Austin Environmental staff, the site has been modified to remove the significant environmental impacts. The development has been removed from the CWQZ. The water quality pond has also been removed from the CWQZ and placed under building 4, which maintains the natural vegetation and trees within the CWQZ. There are no CEFs located onsite nor any endangered species.

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 site will use a water quality pond, designed to be 20% larger than COA regulations, to treat the impervious cover running off from the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;
n/a
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
n/a
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
n/a

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



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Ryan Taylor
Street Address	2600 Via Fortuna, Terrace 1, Suite 300
City State ZIP Code	Austin, TX 78746
Work Phone	(512)-646-2237
E-Mail Address	ryan.taylor@kimley-horn.com

Variance Case Information

Case Name	Vi Collina Multifamily
Case Number	SP-2019-0529C.SH
Address or Location	2401 E Oltorf Street, Austin, TX 78741
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Country Club West
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	+/- 110 LF from Country Club Creek.
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows: 25-8-342 - to allow fill exceeding four (4) feet on slopes over 15%.

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>119,830</u>
acreage:	<u>0</u>	<u>2.751</u>
percentage:	<u>0</u>	<u>59.9</u>
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)	Vi Collina is a 4.59 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741. The existing site is currently undeveloped. There are 0.18 acres of natural slopes that exceed 15%. Elevation on the site varies from 591 at the Northwest corner down to 509 at the Southeast corner. The existing site has small trees and vegetation, particularly in the Critical Water Quality Zone; but does not include any heritage trees. Approximately 0.63 Acres of the property is located in a Critical Water Quality zone. However, no portion of the site is located in a floodplain. No CEFs are present on-site.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site includes the filling on to the natural grade that exceeds four (4) feet on slopes over 15%.
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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: Vi Collina Multifamily is a +/-4.5 Acre SMART Housing development located at 2401 E Oltorf Street, Austin, Texas 78741.

Ordinance:

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 - Similar sites have been granted a variance from the requirements of 25-8-342. Ref. HEB 10, SP-2019-0034C, Motion 20200304-006b, along with others. This variance is needed to generate a reasonable economic use of the property.

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 layout of the site, with consideration to fire and ADA access, cannot be laid out in a manner that will eliminate the need for this variance. The existing topography slopes at approximately 10% from the NW corner to the SE corner. The proposed site is not able to match this existing grade across the site and thus fill over 4 feet is required on the SE corner (low side). The driveway location is fixed due to ATD staff requirements with consideration to Driveway Spacing requirements and Sight Distance requirements. The scale and layout of the site has been adjusted to accommodate the existing environmental features to the maximum extent possible. Design changes include removing parking, changing existing parking to compact spaces, terracing each building, creating steeper driveways, and moving the development out of the existing CWQZ.

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

Yes – The site has been laid out in such a manner that the minimum deviation from the code is provided. The building and driveway locations have been laid out (with constraints) to minimize the amount of cut and fill on the site. To minimize the deviation from the code requirement, the site utilizes steep driveways, terraced (stepped) buildings, reduced parking, and compact parking spaces.

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

Yes – With help from the City of Austin Environmental staff, the site has been modified to remove the significant environmental impacts. The development has been removed from the CWQZ. The water quality pond has also been removed from the CWQZ and placed under building 4, which maintains the natural vegetation and trees within the CWQZ. There are no CEFs located onsite nor any endangered species.

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 site will use a water quality pond, designed to be 20% larger than COA regulations, to treat the impervious cover running off from the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;
n/a
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
n/a
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
n/a

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