



MEMORANDUM

TO: James Shieh, Chair of the Small Area Planning Joint Committee, and Commissioners

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: May 5, 2016

SUBJECT: Proposed Amendment to Waterfront Overlay Regulations

On December 17th, 2015 the Austin City Council approved Resolution No. 20151217-057 (attached), initiating amendments to the Waterfront Overlay Festival Beach Subdistrict regulations (LDC 25-2-735). The resolution is related to a proposed redevelopment of the RBJ Senior Residential Center at 15 Waller Street to provide for rehabilitation of the existing senior center facilities and add other new housing and mixed uses at the site. The resolution also directed the City Manager to engage staff to “identify any strategies available, to the maximum extent feasible, to meet current code for impervious cover and water quality.” Council also directed the proposed ordinance to be “vetted” by the Environmental Commission and Planning Commission.

The RBJ property is located just east of IH-35 and north of and nearly adjacent to Edward Rendon Sr. Park at Festival Beach along Lady Bird Lake. The development to the north is primarily single family housing. Martin Middle School is to the east. The Waterfront Overlay regulations limit the site to 40% impervious cover. Water quality regulations are the same as those for an Urban watershed and other areas within the Desired Development Zone.

The potential developer had been contemplating impervious cover up to 78%. Since passage of the resolution staff have been working with the developer to identify options to reduce impervious cover and enhance water quality treatment to mitigate the impacts of the higher impervious cover. As a result of those discussions the current proposal by the developer include:

- Water quality ponds (bio-filtration and rain gardens) that meet the ½ inch plus sizing for 68% IC (65,000 CF)
- 30,000 SF of porous pavement (as shown in Exhibit __) for pedestrian areas
- 8126 CF of rainwater harvesting cisterns to capture 1.3 inches of runoff from 75,000 SF of Impervious surface (as shown in Exhibit __)
- Treatment of unspecified off-site drainage in the on-site water quality ponds (up to 6200 CF)

The ½ inch plus ponds to treat on-site runoff represent the minimum requirements to comply with current regulations. The additional water quality features represent a 35% increase in water quality volume. The porous pavement would be considered impervious for purposes of determining water quality treatment requirements and meeting impervious cover limits, however, this type of paving will reduce runoff volume and enhance on-site infiltration.

The Council resolution directed staff to find strategies to meet water quality treatment and impervious cover requirements in current code to the “maximum extent feasible” (MEF). In this case MEF is primarily related to two constraints; first, the area of the tract available for water quality controls, and, second, financial ability of the project to absorb the cost of reduced impervious cover and enhanced water quality treatment. The engineer for the developer has shown that the project can be designed to incorporate the water quality enhancements on site. With the current design, there is not room for very much additional treatment. Significant increases in treatment capacity would likely begin to reduce developable area.

The developer provided information estimating proceeds from sale of market rate land at 68% impervious cover to be \$12.3M and from 41% impervious cover to be \$4.0M, a difference of approximately \$8.3M. Their engineer estimates that the enhanced treatment would likely cost \$450,000-560,000 above the cost of complying with the City’s minimum requirements. The basis for the sales figures and cost estimates was not provided to the City.

Summary

Council directed staff to work with the developer to get impervious cover and water quality treatment as close to current code as possible. The developer is proposing an approximate 70% increase in impervious cover over the current 40% limit and is increasing water quality volume by roughly 35%. Because of the limited financial data provided, staff cannot fully evaluate whether the proposal for impervious cover and water quality treatment gets as close to code to the “maximum extent feasible”. However, based on the proposed design and representations by the developer that this level of impervious cover is necessary to make project financially viable, the proposal could be considered to be at the limits of feasibility.