



Via Electronic Delivery

July 16, 2024

Austin City Council
301 W. 2nd Street, 2nd Floor
Austin, TX 78701

RE: Items 171 and 172 – Rezoning for 5725 US Highway 290

Mayor and Council Members,

The Westcreek Neighborhood Association (WNA) contacted us regarding the proposed rezonings for 5725 US Highway 290, which are items 171 and 172 on your agenda this week. SOS shares WNA's concerns about significant development on this site, its impact on stormwater flows, and its overall environmental impact. We hope that you will consider either rejecting the rezonings outright or, at a minimum, consider conditions to the zoning ordinance that would reduce the overall development intensity.

Although the backup material indicates that the property is located within the Barton Creek Watershed, which limits impervious cover to 15% net site area, such a statement is somewhat misleading given that this development has already filed a site plan that would require a Redevelopment Exception to be later approved by the City Council. This Redevelopment Exception would permit the developer to maintain much higher levels of impervious cover on this site. When you couple the relaxed impervious cover from the Redevelopment Exception with the new entitlements afforded through DB90, the result is a significant increase in the development intensity on the property.

This increased development intensity on the site will result in more environmental impacts, more contaminants being present on the site (e.g., more oil-dripping cars), and more risk of pollutants to run off the site and into waterways and the aquifer. Notably, the developer does not intend to put pedestrian-oriented uses on the ground floor, an indication of the number of cars that will be drawn to this site.

With the increased height, decreasing impervious cover should be achievable with the increased heights under DB90, but the development is unlikely to do this without it being required. Reducing the zoning impervious cover would both benefit the environment by reducing the amount impervious cover (compared to existing levels) and the associated pollutant, while also accommodating the entitlements needed to provide more housing (both income-restricted and market-rate). We believe this is an important consideration to be addressed now during the zoning

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case in lieu of deferring to the later-decided Redevelopment Exception. Resolving this upfront would help avoid unnecessary engineering and design expenses for the development.

We would also like to note that the neighborhood has expressed concerns about localized flooding; while these issues don't directly tie to zoning and are handled during site plan review, the flooding issues speak to the excessive amounts of impervious cover in this area, partially attributable to expansion of US 290 and otherwise attributable to development that pre-dated the impervious cover limits set in place to protect the watershed.

Based on feedback we received from WNA, we would request that you cap the zoning impervious cover to 40% gross site area. This would ensure that, should the developer request a Redevelopment Exception from the City Council in the future (as anticipated), it would provide some measure of consistency with the City's goal of protecting our water resources. SOS also asks that the City Council take consideration of the other conditions suggested by the Westcreek Neighborhood Association that address local concerns such as traffic on their neighborhood streets.

Many thanks,

Bobby Levinski
Senior Staff Attorney

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Law Clerk

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CC: Rita Berry, President
Westcreek Neighborhood Association