

Late Backup

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Waterfront Overlay Task Force

Briefing to City Council
December 18, 2008

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Take Back

Main Finding

The essential finding from the Task Force's eight month review is that the current code has been significantly weakened by the changes in the ordinance that have been adopted since 1986. In particular, the 1999 re-codification of the ordinance removed significant protections of the waterfront.

Waterfront Overlay Task Force Presentation to City Council

1. Overview of the Waterfront Overlay Task Force
2. The Waterfront Overlay – boundaries and purpose
3. Changes in the Overlay since 1986
4. Recommendations
5. Next Steps

Overview of the Waterfront Overlay Task Force

- Task Force Members
- Task Force charge from City Council
- Task Force Process

Waterfront Overlay Task Force Members

- Mandy Dealey, Chair, Downtown Commission
- Melissa Whaley Hawthorne, Vice-chair, Barton Hills Neighborhood
- Lynn Ann Carley, Real Estate Council of Austin
- Michael Casias, East Austin resident
- Danette Chimenti, Parks and Recreation Board
- Jeff Francell, Barton Hills Neighborhood
- Dale Glover, Downtown Austin Neighborhood
- Leibel Harelik, Bouldin Creek Neighborhood
- Jeff Jack, SaveTownLake.Org
- Mary Gay Maxwell, Environmental Board
- Eleanor McKinney, Design Commission
- Greg Miller, CWS Capital Partners, LLC
- Andy Mormon, Old West Austin Neighborhood (resigned)
- Brian Ott, Town Lake Trail Foundation
- Wendy Price Todd, South Austin resident
- Jay Reddy, Planning Commission

Task Force Charge from City Council

- Council recognized that Waterfront Overlay was designed to protect and enhance Lady Bird Lake, a treasured resource in the heart of Austin.
- Council stated that it is imperative that the substantive and procedural requirements of the Waterfront Overlay ordinance be clear.
- Council established the Task Force to evaluate potential inconsistencies and ambiguities in the overlay.

Waterfront Overlay Task Force Process

- City Council appointed 15 members who represent a wide range of community interests.
- Began meeting bi-weekly in April 2008, weekly from September through December 2008.
- Reviewed the 1986 and current Waterfront Overlay – including general provisions and provisions specific to a given subdistrict
- Identified inconsistencies, ambiguities and concerns
- Developed recommendations
- Drafted a report for presentation to Council
- Additional concurring non-majority opinion included as an appendix to the report

Waterfront Overlay Boundaries and Purpose

- Subdistricts – 16 separate and distinct subdistricts
- Boundary – From Tom Miller Dam past Longhorn Dam to the Montopolis Bridge
- Purpose – to provide a harmonious transition from the urban development to the parkland along the waterfront.

Waterfront Overlay Subdistricts

- | | |
|-------------------------|--------------------------------|
| 1 – Balcones Rock Cliff | 9 – Montopolis / River Terrace |
| 2 – Zilker Park | |
| 3 – Butler Shores | 10 – Red Bluff |
| 4 – Auditorium Shores | 11 – Festival Beach |
| 5 – South Shore Central | 12 – Rainey Street |
| 6 – Travis Heights | 13 – North Shore Central |
| 7 – East Riverside | 14 – City Hall |
| 8 – South Lakeshore | 15 – Lamar |
| | 16 – University / Deep Eddy |

Waterfront Overlay Boundary



Waterfront Overlay Purpose

- Intended to reflect the goals and policies set forth in the Town Lake Corridor Study.
- Designed to provide a more harmonious interaction and transition between urban development and the parkland and shoreline of Town Lake and the Colorado River.
- The Overlay combined with existing and future base districts and impacted permitted uses, site development standards, design, landscaping and other issues.

Waterfront Overlay Task Force Findings

The task force has identified a number of major changes that have weakened the original of the 1986 ordinance including:

- Removal of the Maximum Building Heights from the Sub Districts (1999 code re-write)
- Removal of Bonus Provisions as They Related to Building Height (1999 code re-write)
- Substantive Wording Changes (1999 code re-write)
- Dissolution of the Waterfront Planning Advisory Board
- Removal of Code Provisions

Recommendations

1. Reinstate the goals and policies from the Town Lake Corridor Study.
2. Appoint a new Waterfront Planning Advisory Board.
3. Reestablish the sub-district maximum building heights from the 1986 code.
4. Develop a clear method for awarding bonus provisions commensurate with community benefits derived.
5. The revised Waterfront Overlay District ordinance should supersede all other citywide design policies and regulations

#1 Reinstate Town Lake Corridor Study policies.

- The Waterfront Overlay was adopted to promote the goals and policies enumerated of the Town Lake Corridor Study
- These goals are no longer referenced as the basis for development assessment.
- City Council should re-instate the goals and policies of the Town Lake Corridor Study into the waterfront overlay.

#2 Appoint a new Waterfront Planning Advisory Board.

- The Waterfront Planning Advisory Board was created to ensure a comprehensive approach to waterfront development.
- That responsibility has been abandoned and there is no single body to ensure cohesive development along the lakefront.
- City Council should create a new Waterfront Planning Advisory Board charged with making recommendations to the City Council on all development in the waterfront overlay district.

#3 Reestablish sub-district maximum building heights

- The subdistrict maximum building heights were removed in the 1999 re-codification.
- The maximum height provisions in the 1986 code were an essential part of the overlay and modified existing development rights, including entitlements that would have otherwise allowed greater building heights.
- The maximum building heights should be re-instated and increased building heights, up to the maximums allowed, should only be granted in exchange for substantial community benefit.

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Subdistrict Maximum Heights in 1986 Waterfront Overlay

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|--|--|
| 1 – Balcones Rock Cliff <ul style="list-style-type: none">• 35 feet | 8 – South Lakeshore <ul style="list-style-type: none">• 60 feet |
| 2 – Zilker Park <ul style="list-style-type: none">• 45 feet | 9 – Montopolis / River Terrace <ul style="list-style-type: none">• 60' in secondary setback |
| 3 – Butler Shores <ul style="list-style-type: none">• 96' N of Barton Springs Rd• 60' S of Barton Springs Rd | 10 – Red Bluff <ul style="list-style-type: none">• 35' in secondary setback |
| 4 – Auditorium Shores <ul style="list-style-type: none">• 25' in primary setback• 60' in secondary setback | 11 – Festival Beach <ul style="list-style-type: none">• 60 feet |
| 5 – South Shore Central <ul style="list-style-type: none">• Varies, but never higher than 96' | 12 – Rainey Street <ul style="list-style-type: none">• No maximum specified |
| 6 – Travis Heights <ul style="list-style-type: none">• 44' between lake and Riverside• 60' elsewhere | 13 – North Shore Central <ul style="list-style-type: none">• No maximum specified |
| 7 – East Riverside <ul style="list-style-type: none">• 96 feet | 14 – City Hall <ul style="list-style-type: none">• No maximum specified |
| | 15 – Lamar <ul style="list-style-type: none">• 60 feet |
| | 16 – University / Deep Eddy <ul style="list-style-type: none">• 60 feet |

#4 Develop a clear method for awarding bonus provisions

- Bonus provisions were included in the 1986 ordinance to provide increased entitlements in exchange for providing a stated community benefit.
- The bonus provisions did not have a means to fairly allocate fairly these increased entitlements and were removed in the ordinance re-write.
- A method for granting increased entitlements commensurate with the community benefits provided by the project should be developed.

#5 Waterfront Overlay District ordinance should govern

- The unique nature of the waterfront requires special consideration
- Newly adopted citywide design policies can conflict with the Waterfront Overlay regulations and removed important protections established by the 1986 ordinance.
- The Waterfront Overlay District ordinance should supersede the Commercial Design Standards and any other citywide design policy to the extent that they conflict with the Overlay District regulations.

Additional Recommendations

In addition to the 5 main recommendations, the Task Force has many additional recommendations including:

- Create a new sub-district eastward to the extent of the city's zoning jurisdiction.
- Adopt consistent method of measuring height from natural grade rather than finished grade.
- Develop uniform regulations for parkland in P zoning in Waterfront Overlay consistent with the Town Lake Comprehensive Plan.
- Add landscaping and other improvements relating to environmental quality, enhanced with natural materials such as wetland plantings, wildlife and vegetation management.
- Include the two islands that are in Lady Bird Lake between Tom Miller and Longhorn dam in the waterfront overlay.

Other recommendations are included in the full report

Waterfront Overlay Next Steps

- Council consideration of the Task Force Report and Recommendations
- Drafting of revisions to the Waterfront Overlay
- Review of the proposed revisions by the Task Force and then City boards and Commissions
- Consideration and action on the proposed revision by City Council