

Austin Neighborhoods Council

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Post Office Box 176 • Austin, Texas 78767

February 2, 2009

Dear Mayor Wynn, Mayor Pro Tem and Council Members,

The Austin Neighborhoods Council is an umbrella organization representing 86 neighborhood associations across the city. The following resolution regarding the Waterfront Overlay Task Force recommendations was approved *unanimously* at the ANC General Membership meeting on January 28, 2009.

The Austin Neighborhoods Council supports the complete recommendations of the Waterfront Overlay Task Force and urges the Austin City Council to move forward with the task force's five priority issues (attached) as soon as possible.

Our membership agreed with the task force's finding that the Waterfront Overlay protections have been significantly weakened by changes to the code since the 1986 Ordinance was adopted and that the 1999 re-codification of the ordinance did make substantive modifications which removed important protections for one of Austin's most prized and valuable treasures. We ask that you proceed with re-establishing these protections as recommended by the Waterfront Overlay Task Force.

Thank you,



Danette Chimenti
President, Austin Neighborhoods Council
dchimenti@austin.rr.com
512-565-0217

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WATERFRONT OVERLAY TASK FORCE RECOMMENDATIONS (From the Executive Summary)

The essential finding from the Taskforce'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 and in particular the 1999 re-codification of the ordinance has removed significant protections and incentives to promote community benefits and enhancement of the waterfront. The major areas of concern with the current ordinance and our primary recommendations to address these issues are:

1. The Goals and Policies enumerated in the Town Lake Corridor Study are no longer referenced as the basis development assessment.
City Council should re-instate the goal and policies of the Town Lake Corridor Study into the waterfront overlay.
2. The Waterfront Planning Advisory Board's responsibility to provide contextual oversight of all land use decisions within the Overlay district has been abandoned and there is no single point of responsibility in the City for protecting and enhancing the lakefront. Decisions on Waterfront Overlay issues relating to various parts of the Land Development code are being made in isolation, without assessing the impact to other goals of the Town Lake Corridor Study and other planning documents.
To ensure cohesive development along the lakefront, the City Council should appoint a new Waterfront Planning Advisory Board with the responsibility for reviewing all land development issues in the Waterfront Overlay District and providing recommendations to City Council. Of course, the City Council will continue to have final authority over all development along the waterfront.
3. The subdistrict maximum building heights that superseded any other provisions of the code were removed in the 1999 re-codification.
The subdistrict maximum heights should be reinstated to the waterfront overlay ordinance and they should supersede any other provisions of the Land Development Code.
4. Bonus provisions were included in the 1986 ordinance to encourage and provide incentives to property owners in exchange for achieving stated community benefits. The bonus provisions did not have a means to allocate fairly additional height or increased floor area ratios in response to community benefits provided by proposed new development and were removed in the ordinance re-write.
A method for awarding, implementing and reviewing the bonus provisions to achieve community benefits outlined in the 1986 code should be developed. The bonus provisions should be available, with a clear method increasing entitlements commensurate with the community benefits provided by the project. This Task Force recommends that City Council reinstated the bonus provisions previously outlined in the 1986 ordinance.
5. Newly adopted citywide design policies conflict with the Waterfront Overlay Regulations and remove important protections established by the 1986 ordinance.
The unique nature of the waterfront requires special consideration, and 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.

These five items are the Task Force's priority issues that we recommend to be addressed as soon as possible.