

**WATERFRONT OVERLAY TASK FORCE**

**DRAFT FINAL REPORT**

**VERSION 2**

**FOR VOTE ON**

**December 12, 2008**

**DRAFT HISTORY**

**Version 1 – Partially approved December 5.**

Those portions of the report that were approved on December 5 are noted in BLACK.

Those portions still be voted on are in BLUE.

Additional comments are in RED.

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RED = ADDITIONAL COMMENTS

## Acknowledgements

The Austin City Council has recognized that the Lady Bird Lake corridor is one of the most valuable community assets of our beautiful city and an essential part of what makes Austin such a wonderful and unique place to live. The rapid growth of our city and recent development along the lakefront have highlighted the need to protect the scenic vistas, open space and public amenities of the Lady Bird Lake Corridor. The City Council's desire to review the ordinances that regulate development on the shores of the Colorado River, both along Lady Bird Lake and beyond is a prudent policy initiative of the City Council. The members of the Waterfront Overlay Task Force wish to thank the City Council for the opportunity to assist in this ongoing effort to ensure the protections of our riverfront.

WOTF report presented to the  
2008/2009 City Council

Mayor Will Wynn  
Mayor Pro Tem Brewster McCracken  
Lee Leffingwell  
Mike Martinez  
Randi Shade  
Laura Morrison  
Sheryl Cole

WOTF appointed by the  
2007/2008 City Council

Mayor Will Wynn  
Mayor Pro Tem Betty Dunkerley  
Lee Leffingwell  
Mike Martinez  
Jennifer Kim  
Brewster McCracken  
Sheryl Cole

The Waterfront Overlay Task Force would also like to acknowledge the following City Staff for their support in the development of this report

Andy Moore  
Brent Lloyd  
Greg Guernsey  
Robert Heil  
Sue Welch  
Jerry Rusthoven

Michael Knox  
Bobbie Levinsky  
George Zapalac  
Marie Sandoval  
Peter Marsh  
Jorge Rousselin

**Needs staff department.**

Finally the Waterfront Overlay Task Force would also like to thank the individuals and community organizations represented by the members of the Task Force that have participated in this process and whose input has been appreciated and considered in the formulation of this report's recommendations.

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Not approved, as the final content and order of the report have yet to be decided.

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## Executive Summary

The Colorado River corridor from Tom Miller Dam, through Lady Bird Lake and then eastward beyond Longhorn Dam is undoubtedly the most significant community asset in central Austin. This incredibly beautiful stretch of river provides a wide range of benefits to our city including fantastic scenic vistas, wonderful urban recreational opportunities, and serene open spaces that gives our center city a unique character among Texas cities. In addition to providing our drinking water, the river and lake are a major economic asset drawing folks to Austin both to work and play downtown.

It is also a fragile beauty that can quickly be overwhelmed if development along its shores is not carefully planned and regulated to provide a balance between accommodating growth in the urban core and preserving the character of the river corridor and the lakefront. Development along the banks of the lake in the 1970's and early 1980's drew attention to the need to establish a clear vision of what the community wanted along the lakefront. The 1985 Town Lake Corridor Study and the 1986 Waterfront Overlay ordinance gave the task force the necessary planning guidelines and land development tools to assess what would constitute harmonious development along the lakefront preserving the unique quality of this river corridor.

While the original Waterfront Overlay ordinance was largely successful, recent development pressure along the shoreline of Lady Bird Lake has brought into question whether the current Waterfront Overlay ordinance is adequate to protect the lakefront, especially since the 1986 ordinance underwent a code rewrite in 1999 that made some significant changes.

In response to this concern, the City Council charged the Waterfront Overlay Taskforce with reviewing the current situation. 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 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.

Re-instate this reference to the Town Lake Corridor Study in the ordinance.

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 the lakefront.

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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.

The City Council should appoint a new Waterfront Planning Advisory Board with the responsibility for all land development issues in the Waterfront Overlay District in order to ensure cohesive development along the lakefront. Of course, the City Council will continue to have final authority over all development along the waterfront.

3. The Sub-district maximum building heights that superseded any other provisions of the code were removed in the 1999 re-codification.

These Sub-district maximum heights should be reinstated to the ordinance and they should supersede any other provisions of the Land Development Code.

4. 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.

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 of determining additional height or floor area ratio increase commensurate with the community benefits provided by the project.

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. In addition to these, there are many additional critical elements such as side yard setbacks for views and public access that need to be resolved. These items, the elaboration of the points noted above and other recommendations are detailed in the findings and recommendations section of this report.

The City Council charge to this committee was to review the current code and determine the ambiguities and inconsistencies between it and the 1986 Code and make

recommendations to the City Council. This has been the task force's objective. The strong recommendation we forward is that the code should be revised to remedy the issues we have identified in this report.

The task force asks that the recommendations we are sending forward be translated into draft ordinances by the City staff. While the charge of this committee is fulfilled with the completion of this report, we respectfully request that the City Council extend our term and return these draft ordinances to our work group for review and comment before forwarding them to the appropriate boards and commissions for public input.

The members of the Waterfront Overlay Task Force are grateful to the City Council for recognizing the need to revisit the Waterfront Overlay Ordinance and for allowing us the opportunity to review our community's vision for the river corridor, to analyze the changes that have occurred in the Waterfront Overlay ordinance and to make these recommendations.

Mandy Dealey  
Chair, Waterfront Overlay Task Force

Melissa Hawthorne  
Vice-Chair, Waterfront Overlay Task Force

## **Waterfront Overlay Task Force Members**

Below is a list of the members of the Waterfront Overlay Task Force and the organizations that they represent.

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  
Brian Ott, Town Lake Trail Foundation  
Wendy Price-Todd, South River City Citizens or South Austin resident  
Jay Reddy, Planning Commission

**Charge of the City Council to the Waterfront Overlay Task Force**

**ORDINANCE NO. 20080327-039**

**AN ORDINANCE CREATING THE WATERFRONT OVERLAY TASK FORCE AND WAIVING THE REQUIREMENTS OF CITY CODE SECTIONS 2-7-63 AND 2-7-64.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1. Findings.**

The city council finds that:

- (A) The City of Austin recognized Lady Bird Lake as a treasured resource in the heart of Austin by adopting the citizen led Waterfront Overlay Ordinance to protect Lady Bird Lake's water quality and scenic assets;
- (B) It is imperative to neighborhood residents, property owners, and city staff that the substantive and procedural requirements of the ordinance be clear and unambiguous;
- (C) In order to evaluate potential inconsistencies and ambiguities, the city council passed Resolution No. 20071129-042 on November 29, 2007, directing the city manager to establish a Waterfront Overlay Taskforce to include members from relevant city boards and commissions, neighborhood advocates and members of the development community, as well as a task force action plan; and
- (D) In accordance with the council's direction, the Neighborhood Planning and Zoning Department issued a memorandum on February 19, 2008, with recommendations regarding the membership of the Waterfront Overlay Task Force and a proposed action plan.

**PART 2. Creation, Duties, and Resources.**

- (A) The Waterfront Overlay Task Force is created. Consistent with recommendations of the Neighborhood Planning and Zoning Department, the Task Force shall consist of 15 members to be appointed by the city council from the following categories:

a representative from the following boards and commissions:

**Parks and Recreation Board;**

Planning Commission;  
Design Commission;  
Downtown Commission;  
Environmental Board;

a representative from Save Town Lake;

a representative from the Town Lake Trails Foundation;

a representative from the Real Estate Council of Austin; and

Council appointed representatives from City registered neighborhood organizations whose boundaries abut Lady Bird Lake, and business property owners that own property within the Waterfront Overlay combining district.

- (B) Consistent with recommendations of the Neighborhood Planning and Zoning Department, the council adopts following action plan for the Waterfront Overlay Task Force:

March –

April 2008: Identify and contact list of Task Force members appointed by the City Council.

April 2008: Convene Task Force kick-off meeting and establish a work plan.

May-August 2008: Conduct Task Force meetings.

September 2008: Prepare a Waterfront Overlay Task Force Report, including recommended changes, for public review.

November &

December 2008: Board and Commission review and possible action.

January 2009: City Council public hearings and possible action.

- (C) The city manager is directed to provide necessary resources and technical assistance to the Waterfront Overlay Task Force.
- (D) The Waterfront Overlay Task Force is subject to City Code Sections 2-1-43 (*Meeting Requirements*) and 2-1-44 (*Meeting Procedures*).

(E) The Task Force shall dissolve on the later of one year from the effective date of this ordinance or the date on which the Waterfront Overlay Task Force Report is made available for public review.

**PART 3.** The council waives the requirements of City Code Sections 2-7-63 (*Prohibition on Conflict of Interest*) and 2-7-64 (*Disclosure of Conflict of Interest*) for the Waterfront Overlay Taskforce.

**PART 4.** This ordinance takes effect on April 7, 2008.

**PASSED AND APPROVED**

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March 27, 2008

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Will Wynn  
Mayor

**APPROVED:**

\_\_\_\_\_  


David Anan Smith  
City Attorney

**ATTEST:**

\_\_\_\_\_  


Shirley A. Gentry  
City Clerk

## **The Waterfront Overlay Task Force Process**

### **Task Force Members**

The 2008 Waterfront Overlay Task Force appointed by the Austin City Council consists of 15 members who represent a wide range of community interests. The Task Force includes members of various City Boards and Commissions, park and trail advocates, representatives from neighborhoods around the lakefront, and developer and business interests. The work of the task force was supported by the Neighborhood Planning and Zoning Department with staff assistance from the Parks Department, Public Works, and Economic Growth and Redevelopment Services

### **Task Force Work Plan**

Beginning in April, 2008, the members of the task force met every other Friday at 9:00 am for an hour and a half. The first phase of our process was to establish the scope of work and determining a work plan. This work plan primarily focused on reviewing the 1986 Waterfront Overlay Combining District (WOCD) Ordinance and the subsequent code amendments, particularly the 1999 rewrite of the Waterfront Overlay ordinance that was done during the re-codification of the Land Development Code. As part of this initial work the Task Force also reviewed the Town Lake Corridor Study, which served as the foundation of the original 1986 ordinance.

While these were the primary documents reviewed, it became clear that there was a significant body of work related to the corridor that was also pertinent to our analysis of the current code situation. These documents were helpful in understanding the context and intent of the community with regard to development along the corridor. These documents included the Town Lake Park Master Plan, the ROMA South Shore Central/Travis Heights Development Standards, and the recent Rainey Street zoning ordinance. Task force members also reviewed as many other ordinances affecting development in the Town Lake overlay as staff could locate.

### **Review of the original 1986 and current Waterfront Overlay District ordinances**

The next step was an extensive comparison between 1986 WOCD and the current code. This in-depth analysis was done for each of the sixteen (16) sub-districts. The task force divided into teams with each group reviewing a particular sub-district. The findings of the teams were then vetted before the entire task force where additional input was considered. These presentations generally included a visual survey of the sub-district which was helpful to familiarize the entire task force with the character of the different sections of the entire district. This process was repeated with regards to the general provisions of the code. As these discussions proceeded, often questions

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arose, and City staff was requested to provide additional information related to various issues discovered during this review. This step in the process was very successful in bringing significant issues to light. However it also consumed more time than expected and therefore the Task Force asked and City Council granted an extension of time for the completion of the report.

During this phase of our work the 3D virtual computer modeling was being completed by City staff. This modeling allowed the task force also to see the visual impact of various projects along the lakefront. This 3D modeling tool will be very important in assessing the visual and spatial impact of future projects along the shoreline. In addition, site sections were developed to illustrate the nature of the buildable envelop around the lakefront as envisioned by the 1986 WOCD ordinance.

### **Task Force operating rules and procedures**

The task force operated under the standard by-laws for City of Austin Boards, and all task force meetings we properly posted and open to the public. Each task force meeting agenda also included an opportunity for public input during citizen communications. In addition, the task force also had briefings on other on-going planning efforts that related to the corridor, such as the Riverside Corridor planning effort and the Lady Bird Lake Board Walk planning. The task force also had the assistance of the City Legal Department when there were questions with procedural or jurisdictional issues.

Finally, the task force has spent several meetings reviewing all the various issues raised in this process and deciding the content of the final report. While we have always worked toward consensus, and most issues have had the consensus support of the entire task force, where there was not consensus, the final report represents the majority of the task force members present during meetings that met quorum requirements. This final report is the result of this collaboration among various interest groups. It truly represents a team effort and is the culmination of hundreds of volunteer hours spent on behalf of our entire community to ensure the best possible future for Austin Colorado River corridor and the Lady Bird Lake waterfront.

## **History of Austin's Colorado River Corridor and the Community's Efforts to Protect the Waterfront**

### **Early Development along the Colorado River corridor**

A beautiful river flowing from the hills of central Texas was named by the Spanish explorers in the 1700's the Colorado, a river colored red. The surrounding area was the home of Tonakawas, Comanches and Lipan Apaches who revered what we now call Barton Springs. In 1830 Anglo settlers arrive in the area, and the Village of Waterloo was founded on the north bank of the Colorado in 1835. When Mirabeau Lamar succeeded in getting the newly formed Republic of Texas to establish a permanent Capital in what we now call Austin, our destiny as a major city in Texas was set. Since that time our city and the river have been interconnected and mutually dependent.

While the river provided many benefits to the early pioneers of Texas, it also presented a major problem due to the occasional flooding of adjacent land that threatened development along the river corridor. To tame the Colorado the first dam was built in 1839 upstream of Austin. Later, the construction of a string of dams resulted in the Highland Lakes with Lake Travis being created by the completion of Tom Miller Dam in 1940. This was followed in 1960 with Longhorn Dam that turned an unpredictable run of a river into a wonderful lake in the heart of our city. In 1971 the Town Lake Beautification Project was begun to turn the new shoreline into a wonderful coherent, connected and continuous central park for the benefit of all of Austin. That effort was led by Lady Bird Johnson and has resulted in a priceless community asset we now call Lady Bird Lake. Thus Austin became noted as The River City of Texas.

### **Adoption of the original Waterfront Overlay Ordinance**

During the late 1970's and early 1980's some projects along the lakefront raised concerns about how to protect the river corridor from intrusive development and how best to encourage compatible and responsible use of the land adjoining Town Lake. The result was the Town Lake Corridor Study completed in October 1985. This effort was followed by the Interim Restoration and Improvement plan for Austin's Town Lake Parkland completed in January of 1986. To codify the recommendations of this work, the City Council adopted the Waterfront Overlay Combining District (WOCD) ordinance in July 1986.

The WOCD was the product of a lengthy community based process which recognized the long term value of enhancing and protecting the shoreline. The 1986 WOCD ordinance defined development regulations appropriate for maintaining the quality of the lakefront from Tom Miller dam to beyond Longhorn dam. Subsequent to the adoption of the 1986 Waterfront Overlay Combining District, the City also commissioned

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the Town Lake Park Comprehensive plan which was a detailed analysis of all the various segments of river corridor between the dams. That study set out a vision for the corridor and a plan of action needed to implement that vision.

### **Recent Development along the corridor**

As the years passed, more projects sprung up along the lake front. While most were designed to be consistent with the community's interest in protecting the shoreline, some proposed projects hoped to capitalize on the desirability of lake front property at the expense of the community's desire to preserve the scenic beauty of the corridor. In particular, the 1999 proposed Gotham project triggered a strong community reaction which led the City Council to commission the South Shore Central/Travis Heights Development Standards Study to assess the appropriate "building development standards to be incorporated into the Land Development Code." The intent of study was to "supporting the community goals provided in the Town Lake Corridor Study:"

### **Continuing Community effort to enhance the river corridor and Lady Bird Lake**

In addition to the plans and studies noted above that were specifically targeted to the river corridor, other community efforts have also been completed that address the shoreline. The City has embarked on a citywide neighborhood planning effort and each of the neighborhoods surrounding Lady Bird Lake and the Colorado River south of Longhorn dam have had to consider in their planning the preservation of the corridor. Other groups have developed focused plans for their areas of interest such as the Town Lake Trail Foundation's plan for the Town Lake Hike and Bike Trail which support one of the goals of the Town Lake Corridor Study.

While all of these efforts bolstered the call to enhance and protect the lakefront, the only ordinance specifically in place to protect the corridor was the 1986 WOCD. However, in the years since its adoption, the 1986 WOCD has been modified on several occasions. Most of these were minor modifications that did not change the intent of the ordinance. But in 1999 a new Waterfront Overlay Ordinance was adopted that not only restructured the code to be consistent with the citywide changes in the Land Development code format, but also included changes that were inconsistent with the original intent of the 1986 Waterfront Overlay Combining District. Since then, the use of the amended code to review and permit projects along the lakefront has resulted in several projects being permitted that violate the intent of the original ordinance.

These projects have once again raised the community's concern about to how best to protect the river corridor from intrusive projects and what needs to be done to ensure appropriate development along the shoreline. As a result the City Council has

appointed the 2008 Waterfront Overlay Task Force “to evaluate the current ordinance for inconsistencies and ambiguities” and to review other issues related to the current code and make recommendations on whatever issues need to be resolved with the current waterfront overlay ordinance. The City Council’s response to the issues noted in this report will set the standard by which future development along the river corridor and Lady Bird Lake will be regulated to achieve harmonious development on the lakefront.

## **Review of the 1986 Waterfront Overlay Combining District Ordinance**

The 1986 Waterfront Overlay Combining District Ordinance outlined general provisions, sub-districts, building envelope, development regulations, base zoning and zoning provisions, and role of the Waterfront Planning Advisory Board. The purposes of these regulations are described below.

### ***Purpose and General Provisions***

- "Adoption of the Waterfront Overlay Combining District is one of the recommendations contained in the Town Lake Corridor Study adopted by the City Council on October 24, 1985, and is intended to reflect the goals and policies set forth in the Town Lake Corridor Study. The district is designed and intended to provide a more harmonious interaction and transition between urban development and the parkland and shoreline of Town Lake and the Colorado River." (2851, Purpose)
- The Task Force used the Town Lake Corridor Study as the context in which we reviewed the 1986 Waterfront Overlay Combining District Ordinance and the 1999 code rewrite. A defining element of the Town Lake Corridor Study is the intent to establish a range of development intensity along the entire length of the corridor that reflected a more urban setting at the center of the corridor transitioning to a more natural setting toward both the Tom Miller Dam and Longhorn Dam.

### ***Sub-districts***

Creation of sub-districts that reflect this range of intensity and whose individual code provisions were crafted to respond to adjacent development, existing parkland, scenic vistas, topography, and any other unique conditions within the sub-districts.

### ***Building Envelope***

Establishment of a maximum building envelope along the lake front for each of these sub-districts that was appropriate for full build out and that superseded all other code provisions except the Capitol View Corridor, Congress Ave. Zone and compatibility standards. This was intended to be accomplished by the use of:

- Setbacks, both primary and secondary, to establish an appropriate relationship between the lakefront, creeks and major arterials to adjacent building development

- Base wall and step back angle to mold the maximum building envelope to retain vistas and ensure that the building massing was in keeping with a pedestrian scale
- Maximum height of buildings that was appropriate in the secondary setback and beyond the setbacks but still within the sub-district boundaries.

### ***Development Regulations***

Within the established maximum building envelope for each sub-district, further refinements to development in the primary, secondary and remainder of the sub-districts through the implementation of the following:

- Impervious cover limits that would allow for open space between structures to afford the opportunity for community access to the lakefront and scenic vistas for the community to the lake
- Floor area ratios that would limit the bulk of buildings to provide for a harmonious transition from the lake front to adjacent development outside the sub -districts.
- Identification of the types of uses that can occur in the primary and secondary setbacks

### ***Base Zoning and Bonus Provisions***

- To encourage development that provided additional community benefits, the 1986 code established certain criteria for granting any increase in building heights above the base zoning limits in place at the time the ordinance was enacted.
- These bonus provisions allowed a project's height be increased only to the maximum height established for the sub-district. Additional height bonuses were not allowed.

## **Review of the 1999 Re-Codification of the WOCD and Other Changes and Issues with the Current Code**

The task force has identified a number of issues related to amendments to the 1986 Waterfront Overlay Combining District ordinance. In 1999, the ordinance was rewritten and restructured, this was a fundamental change to the format of the code, making it more difficult to grasp. Although it was supposed to be a non-substantive rewrite, in fact, a number of fundamental aspects of the original ordinance were removed entirely. Below is a listing of the major changes that have weakened the original intent and the remedies this task force recommends.

### ***Dissolution of the Waterfront Planning Advisory Board***

The Waterfront Planning Advisory Board was originally created with the charge of ensuring a comprehensive understanding of all waterfront related codes and to make recommendations to the City Council on all development in the waterfront overlay district.

We recommend that the City Council create a new Waterfront Planning Advisory Board charged with making recommendations to the City Council on all development in the waterfront overlay districts in compliance with all the waterfront related codes.

Further, we recommend completion of the 3-D modeling of the lakefront, as well as a requirement that all projects proposed for development in the Waterfront Overlay District prepare and submit adequate CAD drawings to allow these projects to be integrated into the City's 3-D modeling program.

### ***Removal of the Maximum Building Heights from the Sub Districts***

We believe that the maximum height provisions in the 1986 code were an essential part of the "overlay" that modified existing development rights, including for those parcels of land that had base zoning entitlements that allowed building heights greater than the sub-district restrictions. We recommend that these maximum building heights be returned to the code and that they continue to recognize the Capitol View Corridors, the Congress Avenue Zone and compatibility standards. Increased building heights, up to the maximums allowed, should only be granted in exchange for substantial community benefit.

### ***Removal of Bonus Provisions as They Related to Building Height***

The provisions in the code to allow the use of bonus provisions to obtain additional height through the provision of community benefits should be reinstated; however,

there needs to be a specific measure of how bonuses are earned and applied. Possible methods include establishing proscriptive metrics for assigning additional height bonuses and a performance methodology developed by the Waterfront Overlay Advisory Board.

Three of the 16 sub-districts have no specific mention of maximum height; limitations on additional building height are based solely on floor-area ratios. Bonus provisions for these sub-districts should be tailored to appropriate metrics related to FAR.

Most of the land in the Waterfront Overlay District zones "P" is City-owned. In the "P" zoning district, maximum height is established during a conditional use permit process, and there should be a maximum height established for these areas that would reflect appropriate parkland uses.

### ***Substantive Wording Changes***

Various code amendments to the 1986 ordinance have led to ambiguities and inconsistencies in code interpretations. Wording changes and omissions need to be reviewed to correct the issues and assure that the intent of the original ordinance is clearly expressed. **The appendix lists items needing clear definitions.**

### ***Removal of Code Provisions:***

Code provisions were removed due to duplication or revised process in other parts of the Land Development Code.

Ordinance language recorded in the 1986 Waterfront Overlay Combining District was split apart and distributed into various divisions and sections in the 1999 Land Development Code re-write. The segmentation of the original ordinance has required significant effort to track, understand the changes, and determine where the intent has been modified.

The Waterfront Overlay ordinance works in conjunction with other parts of the Land Development code; therefore, it is essential that code elements located in other parts of the LDC be clearly referenced in the Waterfront Overlay so that there is a comprehensive means of referencing all parts of the LDC that relate to the waterfront. There is an illustration in the appendix that demonstrates the connectivity and convolution of all the code elements.

***(See diagram in Appendix X A 3.)***

## Findings and Recommendations

### *General Provisions Findings and Recommendations*

#### *Findings*

Changes from the 1986 Waterfront Overlay Combining District Ordinance to current regulations:

#### **Purpose:**

- Removed reference to recommendations, intentions, goals and policies of the Town Lake Corridor Study adopted October 24, 1985
- 25-2-175 (A) – Replaced “The district is designed and intended to provide a more harmonious ...” with “The purpose of the Waterfront Overlay district is to promote a more harmonious...”

The former is a much stronger statement and speaks to both design and intention.

- 25-2-175 (B) – Removed reference to being combined with “existing and future base districts.”

The goal that future base districts should also conform to WO regulations is lost.

- “The Waterfront Overlay Combining District ... is intended to reflect the goals and policies set forth in the Town Lake Corridor Study.” The underlying principles of this document were lost in the 1999 rewrite.

### **Town Lake Corridor Study Goals and Policy Recommendations**

- Policy 2.01 – Establish Town Lake and the urban creeks as the catalyst for developing and adopting an innovative, comprehensive land use plan and urban design framework for the central city.
- Policy 3.02 – Require participation of the Parks and Recreation Department in the design of all Public Works projects affecting Town Lake and urban creeks.
- Policy 3.03 – Require non-park public land to meet specific landscaping and compatibility standards for Town Lake.
- Policy 3.05 – Place all existing and future electric transmission lines underground when feasible.

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- Policy 4.02 – Assure waterfront design is sensitive to existing neighborhoods and allows for extensive citizen review.
- Policy 4.03 – Consider forming a Waterfront Design Review Board to provide advisory and technical assistance to the City Council and development community to achieve design integrity of all major projects.
- Policy 6.03 – Establish design guidelines for all major roadways in the corridor to become parkways with landscaped medians or tree-lined streets.
- Policy 6.05 – Design street ends to relate to waterfront.
- Policy 8.00 – Demonstrate a commitment to pursuit of excellence in waterfront design and development, using superior materials and sophisticated management to create a quality water's edge for all citizens.
- Policy 8.01 – Provide for a variety of suitable opportunities in keeping with the design theme of Town Lake, especially for users with disabling conditions.
- Policy 8.06 – Develop design guidelines for all future public waterfront facilities to maintain high standards and contribute to the image and personality of the corridor.
- Policy 12.01 – Develop and update comprehensive plans for Shoal and Waller Creek corridors, including improvements to the existing overlay zone to include design regulations.
- Policy 12.02 – Improve the connections image, pedestrian-orientation and gateway potential of the mouths of all creeks, especially Blunn, Shoal, Waller, Dry and Bouldin Creeks.
- Policy 12.04 – Require multi-disciplinary involvement of the Public Works and Park Departments in creek maintenance, planning and design.
- Policy 12.06 – Encourage mixed use development focused on recreational, cultural, residential, entertainment, and festival retail uses.
- Policy 13.08 – Encourage new development to maintain Austin's architectural heritage to assure compatibility.

**Boundaries:**

There were no changes in this section. See individual sub-districts, which are all consistent with the following exceptions:

- Red Bluff sub-district boundaries were modified in 1999. That code excludes portion included in the original, "except the portion of the property described as Lots 1 through 11 of the Bridgeview Business and Industrial Plaza subdivision, as shown on the plat recorded in Volume 77, pages 361-363, of the Plat Records of Travis County, Texas."
- The City Hall sub-district was added and North Shore Central's boundaries were amended, divided into eastern and western areas with City Hall between.
- Rainey Street sub-district established.

**General Use Regulations:**

- Current code removed the reference to Waterfront Overlay combining regulations controlling over inconsistencies in base district or other code provisions.
- 25-2-691 (A) of current code added an exception that Waterfront Overlay district use standards do not apply for community events use. Community events use is described in local government code Chapter 334: arena, coliseum, stadium, etc, for sports or community events including associated stores, restaurant, parking, etc., and includes sale of alcoholic beverages. Also, section 25-2-711, under applicability, notes that the general provisions do not apply to a community events use.

**Waterfront Overlay and Other Overlays**

- Removed language specifying that the Waterfront Overlay Combining district regulations control over inconsistencies in base district or other code provisions
- Omitted the reference to height restrictions imposed by the Capitol View Corridor Overlay Zone and the Congress Avenue Zone
- Removed requirement for compatibility standards

**General Use Regulations**

- 25-2-691 (C)(1) & (2) - Art and Craft Studio (limited) was replaced with art gallery and art workshop uses

- 25-2-691 (C)(11) – Added the restriction to restaurant (limited or general) “without drive-in service”
- In the current code, Waterfront Planning Advisory Board is replaced with Land Use Commission.

### **Design**

- The Town Lake Corridor Study addressed urban design; however, the 1986 and 1999 ordinances only address building design

### **Design – Mirrored Glass**

- Definition of mirrored glass was removed.

### **Design – Distinctive Tops**

- Distinctive building tops shall be required for all buildings exceeding forty-five feet in height. Distinctive building tops include without limitations cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, domes (“and other forms of multi-faceted sculptural tops” was removed)

### **Site Plans Required**

- Removed provision requiring site plans for single family residences greater than 3,500 square feet

### **Site Plan Review Process**

- The new code no longer references the site plan process
- The Waterfront Planning Advisory Board no longer exists, and therefore can not provide input prior to site plan comments being issued by staff, as was the case.
- Requirement that site plans show development regulations and metrics lost.
- Omits the requirement for “a description of any culturally or archaeologically significant building, structure, or site located on the property, specifically including without limitation sites identified by the Texas Antiquities Committee of the Texas historical Commission, if known to the applicant.”

### **Variances**

- Height limitation was removed

- Notification requirement was omitted; current notification requirements are different from what was in 1986 ordinance
- Waterfront Planning Advisory Body was removed, and hence the provision that their recommendations were recommendations to the Planning Commission and the City Council

### **Site Plan Waiver from Height Restrictions**

- The provision allowing the Waterfront Planning Advisory Board to waive compatibility requirements was removed.

### **Bonus Provisions – General**

The bonus provisions in the 1986 Code Section 2855 were removed from the current code. They provided for an increase in the Floor Area Ratio (FAR) to a maximum of 60% of the FAR normally allowed for the base zoning. The increase was based on meeting eight criteria. A maximum of 20% increase was allowed for meeting any one of the criteria. Those criteria were

1. Residential Uses
2. Pedestrian oriented uses
3. Parking structures
4. Tree preservation
5. Public access dedication
6. Restrictions for public access
7. Restrictions for scenic vistas
8. Impervious cover

The ability to use the bonus provision was limited by the provision that "no bonus provision may be used to exceed the height limitations imposed by the Capitol View Corridor, the Congress Avenue Zone, or the maximum height permitted in a Waterfront Overlay sub-district."

Therefore, if a sub-district had a stated maximum height limit, the existing base zoning at the time of the adoption of the ordinance could not exceed that height by applying these bonus provisions.

Also, Section 2854: Site Development Regulations, applicable to all sub-districts, included the following provision:

"To the extent the regulations established for the development of property located within the Waterfront Overlay Combining District are inconsistent with regulations established by a particular base district or other provisions of the code, these regulations shall be controlling; provided, however, that the

development of the property with a Capitol view Corridor overlay zone or the Congress Avenue Zone shall comply with the height restrictions imposed by sections 2829 or 2924, respectively, and development of property subject to compatibility standards unless a waiver is approved.”

This is particularly important in areas where the base zoning district allowed height that exceeded the sub-district maximum height limitations.

In the current code, the issue of bonuses is revised; Section 25-2-714: Additional Floor Area replaced Section 2855 of the 1986 code. Although this new section includes many of the provisions in the 1986 code, it eliminates any reference to the maximum height allowed in each sub-district that was capped in the previous code.

The ability to increase the Floor Area Ratio (FAR) is not limited by height in the current code. This is a significant change.

### **Applications of Bonus Provisions**

The application of bonus provisions in the 1986 code was intended to gain some community benefits by allowing building heights up to 96 feet, an increase above the base zoning limits. This would have allowed a developer to add height to his building, up to the maximum, in exchange for providing community benefits as outlined in the bonus provisions. This was the only mechanism for addition height available in the Waterfront Overlay combining district. However, the section concerning bonus provisions did not give any direction on how to award additional height in exchange for the community benefits desired.

### **Regulations for Public Rights-of-Way**

This section of the current code, 25-2-723, does not reflect that “streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right of way, and includes sidewalks, trees, light fixtures, signs and furniture.”

***Recommendations***

- Reinststate references to recommendations, intentions, goals and policies of the Town Lake Corridor Study in the Waterfront Overlay Ordinance.
- Revise 25-2-175 (A) – with the previous language from 2851 “The district is designed and intended to provide a more harmonious ...”
- Revise 25-2-175 (B) to reinststate intent of the Waterfront Overlay Combing District is combined with existing and future base districts.
- Revise the current Waterfront Overlay Ordinance to include maximum height limits of the 1986 code.
- Revise the current Waterfront Overlay Ordinance to include bonus provisions of the 1986 code and develop methods for award and implementation.
- Revise the current Waterfront Overlay Ordinance to reinststate Waterfront Overlay Advisory Board with the responsibility for all land development issues in the Waterfront Overlay District in order to ensure cohesive development and protection of the community’s interests and values along the lakefront.
- Review the Site Plan process to ensure that the intent of Waterfront Overlay development regulations and metrics are well supported and documented.
- Review Pedestrian Oriented Uses the allowance for cocktail lounge as a permitted use in MF-1 and less restrictive zoning, other than within CBD or CS-1 zoning.
- Review Design Elements addressed in the Town Lake Corridor Study urban design and the 1986 Ordinance and revise current code where appropriate.
- Review and define urban creeks and provide appropriate protections in alignment with creeks defined within the Waterfront Overlay District.

## ***General Sub-district Findings and Recommendations***

### ***Findings***

Changes from the 1986 Waterfront Overlay Combining District Ordinance to current regulations:

- Height limits in 1986 code (applicable to 13 of the 16 sub-districts) were removed from the ordinance.
- Bonus provisions were removed from the ordinance.
- The Waterfront Planning Advisory Board was disbanded and removed from the ordinance.

Inconsistencies or ambiguities:

- City-owned parkland in sub-district is zoned P without any specific height limitation.
- Regulations for parkland (P zoning) in Waterfront Overlay are not consistent or are ill defined.
- "Town Lake" is used throughout code but "Lady Bird Lake" is now appropriate.

Concerns:

- Commercial Design Standards conflict with Waterfront Overlay regulations and impervious cover limits.
- There is no consistent method of measuring height, especially in regards to the view shed intent.
- The pedestrian oriented uses category contains the allowance for a cocktail lounge as a permitted use regardless of zoning.

### ***Recommendations***

- **Revise the current Waterfront Overlay Ordinance to include the maximum height limits of the 1986 code.**
- **Revise the current Waterfront Overlay Ordinance to include the bonus provisions of the 1986 code and develop a method for award and implementation.**

- Revise the current Waterfront Overlay Ordinance to reinstate Waterfront Overlay Advisory Board. There is a great need for a body specializing in the intricacies of the layered requirements defined in the Waterfront Overlay ordinance. To ensure the community's interests in the waterfront by dealing cohesively with development issues including requests for variances/exceptions and granting of bonus provisions.
- Waterfront Overlay regulations should control over Commercial Design Standards and any other citywide design policy in the case of a conflict. Specifically, do not allow CDS/VMU redevelopment bonus to trump restrictions on impervious cover in the Waterfront Overlay.
- There should be a consistent method of measuring height from natural grade rather than finished grade.
- Develop uniform regulations for parkland (P zoning) in Waterfront Overlay.
  - Limit to park-related uses.
  - Establish impervious cover restriction appropriate for parkland (15% suggested).
  - Make specific height limitation for parkland (35' suggested). Additional height should not be allowed.
  - Assure any future buildings (City-owned and developed) comply with Austin Energy Green Building Program or LEED Certification Program to include all design items.
- Change "Town Lake" to "Lady Bird Lake" throughout the code.
- Create a new sub-district eastward to SH130.
- Offer incentives to property owners to provide lake access. Make sure community benefits are publicly accessible, and discourage gated communities along the waterfront.
- Encourage the completion of the trail along Lady Bird Lake and investigate all land-based options using an on-water Boardwalk only where land-based completion is not feasible. Incentivize property owners to allow the trail on their land wherever possible.
- Property owned by the City of Austin and zoned P should have a maximum height limit established as appropriate for park related uses.
- Increase side yard setbacks to protect views and allow access.

- The sub -district boundaries do not include the two islands that are in Lady Bird Lake between Tom Miller and Longhorn dams. They need to be included specifically in the waterfront overlay.

***Specific Sub-District Findings and Recommendations:***

**1. Balcones Rock Cliff**

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 35' was removed from the ordinance.

Inconsistencies or ambiguities:

- City-owned parkland in sub-district is zoned P without any specific height limitation.
- Public access is limited in this sub-district due to residential uses and topography. It is not possible to determine whether residential construction abides by setback requirements.

Concerns and Recommendations for this Sub-district:

- Revise the current Waterfront Overlay Ordinance to include maximum height of the 1986 code.
- Include Red Bud Island in this sub-district.
- Property owned by the City of Austin and zoned P should have a maximum height limit established that is appropriate for park related uses.
- Future building permits should be reviewed for WO setback requirements.
- Recommend strict adherence to the Residential Design Standards (McMansion) for residential height limits.
- Offer incentives to property owners to provide access to the lakefront.

**2. Zilker**

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 45' was removed from the ordinance.
- Bonus Provisions were removed from the ordinance.

**Inconsistencies or ambiguities:**

- There were no metrics for granting and implementing Bonus Provisions.
- City-owned parkland in sub-district is zoned P without any specific height limitation.
- Parkland uses are not narrowly defined.

**Concerns and Recommendations for this Sub-district:**

- Develop uniform regulations for height, impervious cover, setbacks, and uses for parkland (P zoning) in the Waterfront Overlay area (see Montopolis River Terrace recommendations).
- This district should be limited to park-related uses.
- The impervious cover cap seems too high for parkland; impervious cover limits should be delineated – recommendation of 15%.
- Height limitations should be uniform for all parkland – 35' would be consistent with other sub-districts. Additional height should not be allowed.

**3. Butler Shores****Changes in the 1986 Waterfront Overlay Combining District Ordinance:**

- The maximum height of 96' for structures located north of Barton Springs Road was removed from the ordinance.
- The maximum height of 60' for structures located south of Barton Springs Road was removed from the ordinance.
- Bonus Provisions were removed from the ordinance.
- The encouragement for underground parking through bonus provisions was deleted.
- The requirement for a minimum of 50% of floor area for pedestrian-oriented uses on the ground level of structures abutting Barton Springs Road was deleted.

**Inconsistencies or ambiguities:**

- There is a boundary difference between the map and text in the Auditorium Shores Sub-district.

#### Concerns and Recommendations for this Sub-district:

- Reinstatement Bonus Provisions and develop methods for implementation.
- Revise the boundaries extending the Butler Shores setback along Barton Springs Road across Lamar Boulevard to the railroad tracks.
- Reinstatement encouragement for underground parking in the bonus provisions.
- Reinstatement the requirement for a minimum of 50% of floor area on the ground level abutting Barton Springs Road to be pedestrian-oriented uses.

#### **4. Auditorium Shores**

##### Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 25' for structures within the primary setback was removed from the ordinance.
- The maximum height of 60' for structures within the secondary setback was removed from the ordinance.
- Bonus Provisions were deleted.

##### Inconsistencies or ambiguities:

- There is a boundary difference between the map and text.

##### Concerns and recommendations for this Sub-district:

- Reinstatement Bonus Provisions and develop a matrix for implementation.
- Revise the boundaries to extend the Butler Shores setback along Barton Springs Road across Lamar Boulevard to the railroad tracks.

#### **5. South Shore Central**

##### Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 35' for structures within the secondary setback was removed from the ordinance.
- The maximum height of 45' for structures south of Riverside Drive between South Congress and East Bouldin Creek was removed from the ordinance.

- The maximum height of 60' for structures within 100' of the right of way of South Congress Avenue or South First Street was removed from the ordinance.
- Bonus Provisions were removed from the ordinance
- The maximum height of 96' was removed from the ordinance.

Inconsistencies or ambiguities:

- The secondary setback from East Bouldin Creek to 50' from the primary setback line was in 1986 code rather than 130' in the current code.

Concerns and recommendations for this Sub-district:

- Revise the secondary setback from East Bouldin Creek to 50' from the primary setback line (as in 1986 code) rather than 130'.

## 6. Travis Heights

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 45' for structures located between Lady Bird Lake shoreline and Riverside Drive and 60' elsewhere was removed from the ordinance.
- Bonus Provisions were removed from the ordinance.

Inconsistencies or ambiguities: N/A

Concerns and Recommendations for this Sub-district:

- Revise the current Waterfront Overlay Ordinance to include the Bonus Provisions of the 1986 code, and develop methods for implementation.

## 7. East Riverside

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 96' was removed from the ordinance.
- Bonus Provisions were removed from the ordinance.

Other inconsistencies or ambiguities:

- Commercial Design Standards conflict with Waterfront Overlay regulations and impervious cover limits.

#### Concerns and recommendations for this Sub-district:

- Redevelopment in this sub-district provides a great example of the need a body specializing in the intricacies of layered requirements defined in Waterfront Overlay ordinance. To ensure the community's interests in the waterfront by dealing cohesively with development issues including requests for variances/exceptions and granting of bonus provisions.
- Impervious cover limits established in the sub-district should be upheld; Commercial Design Standards should not trump Waterfront Overlay regulations.
- Offer incentives to provide additional public access to the lakefront in this sub-district.
- Encourage opportunities for public access. Publicly accessible parkland/green space should be a priority in this sub-district.
- Pursue the opportunity for a trail across land wherever possible rather than relying strictly on a boardwalk (AMLI required, potential for The Breakers as well).
- Research cut and fill issues in the Waterfront Overlay. Redevelopment projects involving large amounts of fill significantly raise the grade from existing/natural grade.
- Properties in this sub-district are all gated communities providing no public access to the lakefront.

### **8. South Lakeshore**

#### Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 60' was removed from the ordinance.
- Bonus Provisions was removed from the ordinance.

#### Inconsistencies or ambiguities:

- Creeks in this sub-district are not given protection accorded to other creeks in the Waterfront Overlay (e.g. required 50' setback).

- The primary setback area along Lady Bird Lake is not consistent with other parkland in Zilker and Auditorium Shores sub-districts.

#### Concerns and recommendations for this Sub-district:

- The island off peninsula along Lakeshore Drive, near the youth hostel, was left out of the Waterfront Overlay.
- Existing and proposed developments in this sub-district are gated communities with little or no public access.
- Define and protect creeks in this sub-district (e.g. required 50' setback).
- Establish an expanded primary setback area along Lady Bird Lake for parkland consistent with Zilker and Auditorium Shores sub-districts.
- Revise boundaries of the sub-district to include the island off the peninsula along Lakeshore Drive.
- Publicly accessible parkland/green space should be a priority in this sub-district. Community benefits should be accessible and not incorporated into gated communities. Remove impediments to public access; determine a period of time for developments to come into compliance.
- Make sure grove of trees donated by LCRA to the City, lining both sides of Lakeshore Drive, are protected from surrounding development (the City Arborist should oversee during redevelopment).

### **9. Montopolis / River Terrace**

#### Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 60' for structures within the secondary setback was removed from the ordinance.

#### Inconsistencies or ambiguities:

- There is no extension of Lakeshore Drive on the south, and the south boundary therefore seems arbitrary.
- The datum elevation line of Colorado River is not consistent between this sub-district and Red Bluff sub-district.
- City-owned parkland in this sub-district is zoned P without any specific height limitation.

- Setbacks are not consistent with other sub-districts that are parkland (e.g. Zilker).
- There is no specific impervious cover limit although entire sub-district is parkland.
- Uses are not limited to parkland uses.

Concerns and recommendations for this Sub-district:

- Rewrite the description of the south boundary.
- Make the datum elevation line of the Colorado River consistent between this sub-district and Red Bluff sub-district.
- Research all parkland requirements for consistency within the Waterfront Overlay, in regard to height, impervious cover, etc. and develop uniform regulations.
- Make the secondary setback consistent with Zilker Park at 700'.
- Delineate impervious cover – recommendation of 15%.
- Height limitation should be uniform for all parkland – 35' would be consistent with other sub-districts. Additional height should not be allowed.
- Make sure any future buildings (City-owned and developed) would comply with Austin Energy Green Building Program or LEED Certification Program to include all design items.
- Land in this sub-district should be limited to park-related uses.

## 10. Red Bluff

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 35' for structures within the secondary setback was removed from the ordinance.
- Bridgeview Business and Industrial Plaza Subdivision, Lots 1 through 11, as shown on the plat recorded in Volume 77, Pages 361-363 were deleted from the sub-district boundaries.
- Bonus Provisions were removed from the ordinance.

Inconsistencies or ambiguities:

BLACK = Approved 12/05/08

BLUE = NOT YET APPROVED

RED = ADDITIONAL COMMENTS

- Clarify that below grade parking is allowed in Primary and Secondary Setbacks per 2854d. and 25-2-721(D)(3).
- The primary setback current 450 contour line is arbitrary and sits hundreds of feet from the shoreline, has no relation to the original intent of the ordinance and is inconsistent with the determination of primary setback in all other setbacks west of Longhorn Dam.

#### Concerns and recommendations for this Sub-district:

- Revise the current Waterfront Overlay Ordinance to include Bridgeview Business and Industrial Plaza Subdivision, Lots 1 through 11, as shown on the plat recorded in Volume 77, Pages 361-363.
- Expand the Waterfront Overlay eastward to SH130 either in this sub-district or in a new sub-district.
- Amend primary setback contour lines in this and similarly situated sub-districts to correspond with the normal mean water level of the Colorado River, as determined by Staff, and increase to 100'.
- Amend the secondary setback to correspond with other sub-districts at 50'.
- Replace "similar amenities" originally intended in 2854c. with specific uses allowed. We recommend the same uses as defined in 25-2-672 Town Lake Park Regulations, which are all park-related uses.
- Replace "similar uses" in 25-2-721(C) with specific uses allowed.
- Add "landscaping", "improvements relating to environmental quality, including fencing, water quality and detention facilities, wildlife and vegetation management", and other specific uses that complement the purpose of the secondary setback as a transition zone.

## 11. Festival Beach

#### Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 60' was removed from the ordinance.
- Bonus Provisions were removed from the ordinance.

#### Inconsistencies or ambiguities:

- Sub-district boundaries reach further into the neighborhood than in any other Waterfront Overlay sub-district.

BLACK = Approved 12/05/08

BLUE = NOT YET APPROVED

RED = ADDITIONAL COMMENTS

Concerns and recommendations for this Sub-district:

- Regulations regarding the Town Lake Park Comprehensive Plan should be followed in regard to Fiesta Gardens improvements.

## **12. Rainey Street**

Changes in the 1986 Waterfront Overlay Combining District Ordinance: N/A

Inconsistencies or ambiguities:

- "First Street" is used in the definition of boundaries whereas "Cesar Chavez" is used elsewhere.

Recommendations for this Sub-district:

- Change "First Street" to "Cesar Chavez" in the definition of boundaries to be consistent with rest of code.
- Consider incorporating the design principles from the Waller Creek Citizens' Advisory Committee, if adopted by the City Council.

## **13. North Shore Central**

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The requirement that no above grade parking facility may be located within 250' from the shoreline of Lady Bird lake except if thoroughly screened and integrated architecturally was removed from the ordinance.

Inconsistencies or ambiguities: N/A

Concerns and recommendations for this Sub-district:

- Pedestrian-oriented uses should be oriented along the lake, and variances from the requirement should not be granted.
- Revise the current Waterfront Overlay ordinance to require that no above grade parking facility may be located within 250' of the shoreline of Lady Bird Lake except if thoroughly screened and integrated architecturally.
- Research additional drinking water facilities along the trail west of Congress Avenue in this sub-district.

#### **14. City Hall**

Changes in the 1986 Waterfront Overlay Combining District Ordinance: N/A

Inconsistencies or ambiguities: N/A

Concerns and recommendations for this Sub-district: N/A

#### **15. Lamar**

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 60' was removed from the ordinance.
- Bonus Provisions were removed from the ordinance.

Inconsistencies or ambiguities: N/A

Recommendations for this Sub-district: N/A

#### **16. University / Deep Eddy**

Changes in the 1986 Waterfront Overlay Combining District Ordinance:

- The maximum height of 60' was removed from the ordinance
- Bonus Provisions were removed from the ordinance.

Inconsistencies or ambiguities: N/A

Recommendations for this Sub-district:

- Partner with UT to ensure that the Waterfront Overlay provisions are upheld in redevelopment of the Brackenridge Tract.
- Encourage opportunities for public access.

## **Conclusion and Recommendation:**

### **ENHANCE THE WATERFRONT OVERLAY COMBINING DISTRICT ORDINANCE**

The priority recommendations from the Task Force are outlined in the Executive Summary. They are as follows:

- Reinststate the goals and policies from the town lake Corridor Study as the guiding principles of development assessment along the waterfront.
- Appoint a new Waterfront Planning Advisory Board.
- Reestablish the sub-district maximum building heights from the 1986 code, which should supersede any other provisions for height of the current Land Development Code.
- Develop a method for awarding, implementing and reviewing bonus provisions with clear methods of determining additional height or floor to area ratios commensurate with community benefits derived.
- Recognize the special nature of the waterfront and declare that the revised Waterfront Overlay District ordinance shall supersede all other citywide design policies and regulations

In addition to these priority recommendations, the Task Force also urges adoption of the other recommendations put forth in this report. We recommend that the Waterfront Overlay Combing District Ordinance be revised to reflect current city conditions, protect the unique situation of the waterfront and better obtain the community's original intent. Recognizing that everything can't be accomplished at once, we have broken our additional recommendations into two categories.

#### **IMMEDIATE STEPS**

The bonus provision section of the 1986 code lists eight areas where additional community benefits are desired and which would merit additional FAR and height up to the sub-district maximums. Those community benefits are at least as important now as when the ordinance was written.

- Residential uses
- Pedestrian Oriented Uses

- Parking Structures
- Tree Preservation
- Public Access Dedications
- Restrictions for Public Access
- Restrictions for Scenic Vistas
- Reduction of impervious cover

These provisions were intended to make the lakefront more lively and vibrant by encouraging more people to live in the area (residential uses), to provide more amenities for the public in the area (pedestrian uses, public access and restrictions on public access) and to craft new development to be harmonious with the lakefront and parkland (parking structures, tree preservations, restrictions for scenic vistas and impervious cover) While these bonus categories are still relevant, current conditions in our city warrant possible enhancements to these provisions

- Public access has to be not only legally granted, it has to be actually usable. Projects that gain additional development bonuses have to actually provide public access; this could be considered a core requirement of all new development and redevelopment.
- Neither the 1986 code nor subsequent revisions address the space between adjacent structures along the waterfront. This space should provide the community with access to, and views of, the waterfront. Bonus provisions should be available to developers that are willing to increase side setbacks, or space between structures within a development, which the public can use to access the waterfront. Developers should be able relocate FAR from the side yard to the top of the structure, and should receive an incentive commensurate with the additional increase to setbacks. How this is determined should be addressed in the development of the bonus provisions.
- Residential uses should be expanded to provide some metrics that reward projects that provide affordable housing so that not only is the waterfront enlivened by new residents, but that those residents might reflect the various economic strata of our community. This goal should not compete with other efforts to provide affordable housing citywide, but rather should be an adjunct provision and not the only community benefit to gain additional height or increased FAR.
- Protection of the Waterfront: While the 1986 code clearly showed the intent of the community to protect the lakefront, the development that has occurred

along the shoreline has exposed some unexpected consequences of how the original code was crafted. What now may seem as loop holes or gaps in the protections of the waterfront have emerged as problems to be addressed. In addition it is also clear that some provisions of the Land Development Code while not specific to the waterfront, have not been sufficiently stringent to fully protect this community asset.

- Tree protection should be enhanced so that mature specimen trees that are a vital part of the scenic beauty of the river corridor have more protection than is afforded by the City's current tree ordinance
- There should be a consistent method of measuring height from natural grade rather than finished grade.
- Impervious cover in existing development along the lakefront that does not have a building component, such as parking lots, can not be used to allow redevelopment of the same impervious cover as a building massing.
- The existing cut and fill ordinance in the Urban Watershed does not allow for special provisions within the Waterfront Overlay to minimize cut and fill.
- The setbacks east of Longhorn dam are identified by mean sea level of the lake and therefore some land areas fall outside of these setbacks. These areas should be included in the sub-district setbacks.
- The river corridor east of the Montopolis Bridge is not currently in the waterfront overlay district. However with the growth of the city, particularly eastward, this stretch of the river will become increasingly important to preserving the natural river character. Therefore this area stretching to SH 130 should be included in an extended waterfront overlay sub district or districts.
- The removal of a portion of the Red Bluff sub district should be amended to protect the area along the lakefront that is not in the industrial zone that the exclusion was crafted to omit.

- Variances and Waivers

As with all codes and ordinances, unique circumstances arise that warrant special consideration. At the present, variances or waivers to code provisions can be addressed by a variety of channels such as the Board of Adjustment, Planning Commission or through administrative relief. However, these paths may lead to different outcomes. This needs to be changed to reflect the unique importance of the lake front to the community; the special circumstances of the waterfront require that all factors be considered by one authority, such as the Waterfront Overlay Advisory Board, that has accountability to the community through the City Council.

## LONG TERM ACTION

- **Ambiguities in Sub-district Boundaries:** The delineation of the various sub-district boundaries has several ambiguities that need to be addressed, and it is possible that the boundaries of the overall district need to be expanded to reflect the growth of the city.
- A waterfront density bonus program should be developed by planning experts and be tailored to each specific sub-district, avoiding a one-size-fits-all model. The Downtown Austin Plan currently underway will yield valuable information about the economic value of bonus density and how it might be leveraged to achieve community benefits.
- Ultimately, it would behoove the City and the community to engage in a master planning effort for each of the sub-districts that could result in a clear vision for each sub-district.