



Michael Simmons-Smith
City of Austin – Waterfront Planning Advisory Board

By email

April 02, 2012

RE: Request to be placed on the agenda for April 9th meeting

Michael:

On behalf of Tom Dunning and Bumper One LLC, owner of 2613 Canterbury Street, and Alissa and Shon Bayer, owners of the two properties labeled 2601 Canterbury Street, I am formally requesting to have matters pertaining to the properties on the south side of Canterbury Street and subject to the provisions of the Festival Beach Subdistrict of the Waterfront Overlay Combining District placed on the agenda for the meeting of the Waterfront Planning Advisory Board on April 9, 2012.

In particular, these residential properties sit on a steep hill or bluff. Portions of these properties below the bluff had previously been under mistaken claim by the City of Austin. In the last meeting of the City Council, measures were taken to restore ownership of these areas to their proper owners (down to the shore line of Town Lake). The properties are presently zoned SF-3.

The transfer of record ownership, however, did not clarify provisions of the Festival Beach Subdistrict Regulations with regard to setbacks and residential uses. Indeed, the relevant provisions of the City Code are silent as to residential uses and produce inequitable and unintentional results with respect to these properties.

At present the Festival Beach Subdistrict Regulations state:

§ 25-2-735 FESTIVAL BEACH SUBDISTRICT REGULATIONS.

- (A) This section applies in the Festival Beach subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 50 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.
- (E) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

While the Festival Beach Subdistrict regulations apply primarily to lots owned by the city, they also apply to twelve residential parcels located along the south side of Canterbury Street. As currently articulated, the regulations are ambiguous at best. If taken to apply to SF-3 development, however, the regulations render single-family residential development increasingly difficult as one travel east on Canterbury. Indeed, the lots with addresses 2611-2703 are effectively unusable. The attached drawing illustrates the consequences of the current wording.

Presently, the bluff at Festival Beach is overgrown and in a state of disuse; belying any claim that strict preservation of this setback truly contributes to the inherent beauty of Town Lake. The bluff is heavily vegetated and is fronted by a man made peninsula (a remnant of its industrial past). Homes in this area would be shielded from view by the very nature of the geography. There is little argument that single family residential development within the current setbacks would violate the intent of the Waterfront Overlay Combining District.

Accordingly, we are requesting the following:

- (1) That the Waterfront Planning Advisory Board make recommendations to City Council (or another appropriate civic body) that it make clarifications to the Festival Beach Subdistrict Regulations to address residential uses (as it does with the Rainey Street and Balcones Subdistricts); and
- (2) That the primary setback for residential construction (according to its current zoning) be set 100' landward from the south shore of the man-made peninsula (as this is the apparent shore of Town Lake), and
- (3) That the secondary setback be set an additional 50' landward from the primary setback.

Thank you for your assistance in this matter. Do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, reading "R. B. L. Baldridge" with a stylized flourish at the end.

R. Burton Baldridge, AIA

