




MEMORANDUM

TO: Chair Guerrero and Members,
Austin Environmental Commission

FROM: Christopher Herrington, P.E., Environmental Officer
Watershed Protection Department 

DATE: August 25, 2020

SUBJECT: **1010 Clermont waterfront overlay variance request, SP-2019-0328C**

The purpose of this memo is to provide additional background information on the request for a variance to exceed allowable impervious cover in the Festival Beach Waterfront Overlay Subdistrict for 1010 Clermont (SP-2019-0328C). Staff are recommending the variance request with conditions, as noted in the backup materials for this item on the September 2, 2020, Environmental Commission meeting agenda. This type of variance is not frequently considered by the Environmental Commission, and the required findings per City Code are different for this type of variance than the more typical environmental variances considered by the Environmental Commission.

The subject property is within the Festival Beach Subdistrict, but outside of the primary and secondary setbacks. Austin City Code 25-2-735 (*Festival Beach Subdistrict Regulations*) limits impervious cover to 40% for properties outside of the primary and secondary setbacks and less than 15 acres in size.

Austin City Code 25-2-713 (*Variances*) allows applicants to request approval of the Land Use Commission for a variance to some Waterfront Overlay Subdistrict regulations, including impervious cover limits. Austin City Code 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*) requires the Land Use Commission to consider a recommendation from the Environmental Commission on this type of variance request.

The Land Use Commission may approve this type of variance request if:

- The proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and
- The variance is the minimum required by the peculiarities of the tract.

The purpose of the Waterfront Overlay is to implement the goals and policies of the 1985 Town Lake Corridor Study, as noted in Austin City Code 25-2-710 (*Goals and Policies*). The 1985 Town Lake Corridor Study and resulting Waterfront Overlay were intended to

promote development near the lake that is “in harmony with protecting the waterfront” and “encourages excellence in urban design.” For your reference, here are links to portions of the 1985 Town Lake Corridor Study most relevant to this case:

- Overall Natural and Cultural Resources; Overall Goals and Policy Recommendations:
 - <http://www.austintexas.gov/edims/document.cfm?id=162481>
- Festival Beach Subzone Existing Conditions and Recommendations:
 - <http://www.austintexas.gov/edims/document.cfm?id=162483>
- Summary and Implementation:
 - <http://www.austintexas.gov/edims/document.cfm?id=162487>

This case proposes to convert 0.26 acres of a former used car sales lot to office uses on a lot that is approximately 1,300 feet north of Lady Bird Lake and located along the IH-35 frontage road. The existing impervious cover on this property does not have water quality treatment. The project is proposing to reduce impervious cover from the existing condition and less than the impervious cover allowed by the zoning category, add water quality treatment that does not exist in the current condition, add landscaping, use native trees for required tree plantings, remove a billboard from the site, and provide window glazing to reduce the potential for bird strikes. I believe that the proposed project provides greater environmental protection. In reviewing the goals and policies of the Town Lake Corridor Study, I do not find any specific recommendation for the Festival Beach Subzone that conflicts with this proposed project.

The small lot size fronting on the interstate, Texas Department of Transportation right-of-way, electrical transmission easements, and compatibility requirements with nearby residential uses limit height and further constrain development of this property. I believe that the variance request is affected by the specific peculiarities of the site, such that this does not represent a weakening of the overall environmental protection goals of the Waterfront Overlay.

For these reasons, staff are recommending the variance request, with conditions. If you have any questions, please contact me at 512-773-2442 or chris.herrington@austintexas.gov.