

## **Appendix H – Minority Report**

### **CONCURRING RECOMMENDATION IN SUPPORT OF THE TASK FORCE FINAL REPORT**

We, the undersigned Task Force Members, submit this Concurring Recommendation to the Council. We support the report issued by the Task Force but wish to emphasize the following points.

#### **PROTECT AND ENHANCE THE WATERFRONT FOR THE PUBLIC**

First, we join the overwhelming consensus of the Task Force in striving to protect and enhance the waterfront of Lady Bird Lake and the Colorado River. Like many before us (See the Town Lake Corridor Study and the Town Lake Park Comprehensive Plan), *we prioritize in equal measure the following: 1) the preservation of green space along the waterfront, 2) the increase of public access to the waterfront, and 3) the enhancement of amenities along the waterfront which serve the public good.*

#### **REINSTATE 1986 ORDINANCE PROVISIONS**

Second, we join the majority in recommending to Council with minor modification reinstatement of the following aspects of the original 1986 waterfront overlay ordinance: 1) reinstatement of height limits within certain subdistricts; 2) reinstatement of a Waterfront Planning Advisory Board, whose role will be to promote the priorities above; and 3) reinstatement of the use of Bonus Provisions to provide development entitlements to private property owners in exchange for substantial community benefits.

#### **IMPROVE BONUS PROVISION METHODOLOGY FOR SUBSTANTIAL COMMUNITY BENEFITS**

Third, we recommend that Council direct Staff to draft a Bonus Provision Methodology that improves upon the provisions of the 1986 ordinance consistent with the above priorities, as well as includes new provisions to encourage the following additional community benefits: improving lake ecology, creating view sheds, promoting ultra sustainable building practices, and increasing affordable housing.

Further, we ask Council to measure all variance requests and Planned Unit Developments (PUDs) against our stated priorities and in context of the new Bonus Provision Methodology. Because we cannot be certain

about which regulations or incentives will result in the community benefits we all want, we can envision variance of one or more proscriptions of the ordinance after a full public debate.

#### FUTURE PLANNING

Fourth, we agree that the 1985 Town Lake Corridor Study is still the backbone of corridor planning to date; however, that study suggested the need for a comprehensive planning program for future development and expansion of the public waterfront. Because this was never accomplished and because this Task Force is recommending expansion of the overlay eastward, we recommend that Council initiate a comprehensive master plan update to the 85 Corridor Study. This comprehensive plan should include all current citizens along with renowned economists, financial analysts, and urban planners. The outcome of this process would capture the current uniqueness of each sub-district and result in a new set of development parameters.

#### CONCLUSION

It is clear to us that while many citizens of Austin can cherish and enjoy one of the best central parks in the country, so much more is possible even necessary. The ordinances in place and those that came before have fallen short of mandating or creating enough incentive for many property owners on or near the waterfront to 1) allow access to complete our hike and bike trail in the center of our City; 2) convert their parking lots and outmoded buildings into sustainable buildings with pedestrian- and waterfront-oriented uses surrounded by green space; 3) provide public access easements to the waterfront so that neighborhoods near the lake, like Travis Heights and South River City, can have safe and easy bike and pedestrian access to it; 4) improve and expand waterfront amenities eastward as the City grows; and 5) increase affordable housing near the waterfront so that more families have easy access to it.

We hope our recommendations will help move Austin further toward a mix of tranquil and vibrant spaces where people of every socioeconomic status can enjoy their right as citizens to miles and miles of this precious public waterfront that is the heart of our city.

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