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**Late Backup**

October 22, 2013

VIA EMAIL:

Mayor Lee Leffingwell  
Members of the Austin City Council  
City Hall  
301 W. 2<sup>nd</sup> Street  
Austin, Texas 78701

RE: **Item 71, October 24, 2013 City Council Agenda**  
**C14-2013-0048; "LA" to "SF-2"; Second and Third Reading**  
3715 Westlake Drive, Austin, Texas 78746; Lots 92 and 93.  
Lakeshore Addition according to the map or plat of record in Book  
3, Pages 30-31. Plat records of Travis County, Texas

Dear Mayor and Members of the City Council:

As you know, I represent John Mayes, owner of the above referenced property. As of this writing despite numerous site visits and diligent work between Mr. Mayes and his consultant David Cancialosi with Michael Embesi and Chuck Lesniak on the City Staff. Mr. Lesniak is still not inclined to recommend approval of this rezoning without identification of all the impervious cover amounts that will go on each slope category on the property.

In order to accurately identify the impervious cover by slope category, Mr. Mayes would need to do a full architectural plan which is unreasonable to expect before receiving the assurance of the zoning change. Notwithstanding the size of each of the two lots (approximately .62 acres each), even if combined into one residential use lot as proposed, the total allowed impervious cover under the LA ordinance is less than 6,000 square feet, and a good portion of this is consumed with a driveway in excess of 160 feet in length just to access the building site.

These lots were platted long before the LA zoning concept of limited construction on slopes and net site area impervious cover limits were developed.

**The City was trying to fit a square peg into a round hole when it rezoned this property "LA" in 1982, after the existing house was already built. As the Chair of ZAPCO said, to force net site area impervious cover limits on these less than 1.0 acre lots (which they cannot possibly meet), constitutes a taking.**

Mr. Mayes cannot do anything about the size, configuration or slope of his platted lots just because the City Council in 1982 chose to change the ordinance criteria after these lots were

platted, sold and developed. **The Council must seek a fair and equitable compromise for these grandfathered lots.** The owner has made a good faith and reasonable offer to develop in the spirit of the LA environmental protection objections, which Mr. Guernsey noted include four strategies:

1. Maintain shoreline set back between 25-feet to 75-feet;
2. Reserve 30% woody vegetation within shoreline setback;
3. Limit development on steep slopes by introducing the concept of net site area; and
4. Require a minimum setback from the Lake of 100-feet for an onsite sewage facility (OSSF) permit.

Of these four strategies, Mr. Mayes can easily comply with items 1, 2 and 4. The existing house is built over steep slopes and about 65% setback from the Lake. While reconstruction will require developing on these slopes, the slopes need stabilizing and good design can stabilize existing disturbed slopes and in the process mitigate the erosive effects of prior site disturbance and protect the many endangered trees on destabilized slopes resulting from existing development. His new state of the art OSSF will be more than 150-feet set back from the Lake. He will deed restrict the two platted lots to one single family residential use only.

From protection of the root zones of many existing endangered trees, to limits on impervious cover, to shoreline setbacks and preservation of woody vegetation on the shoreline, Mr. Mayes has come up with a plan that meets all of the objectives in Mr. Guernsey's report to the Council on August 27 and deserves your support.

Sincerely,



Terrence L. Irion

TLI:lm

Cc: John Mayes  
David Cancialosi

Greg Guernsey  
Chuck Lesniak