



City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767

C15-2014-0024

May 29, 2013

Mr. Bruce Aupperle, P.E.
Aupperle Company
10088 Circlevue Drive
Austin, TX 78733

Re: definition of *pedestrian facility* as it relates to trams in LA zoning

Dear Mr. Aupperle,

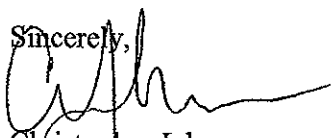
On 4/19/2013 you requested an interpretation of *pedestrian facility* as it relates to the LA – LAKE AUSTIN DISTRICT regulations in Section 25-2-551 of the City of Austin Land Development Code [LDC], specifically as it relates to the construction of trams. LDC Section 25-2-551(B)(5) reads:

Development is prohibited on land with a gradient that exceeds 35 percent. This prohibition does not apply to a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a pedestrian facility.

Since the term *pedestrian facility* is not defined in Section 25-1-21 – DEFINITIONS, we refer back to the applicable definitions in the Merriam-Webster Dictionary where the word *pedestrian* is defined as being of, related, or designed for walking, and *facility* as something that is built, installed, or established to serve a particular purpose. As such, a *pedestrian facility* would be something built or installed for walking, and would include such improvements as sidewalks, stairs, ramps, trails, and similar surface improvements that are designed to provide a walking surface.

A tram is an automated, self-propelled vehicle, travelling on a fixed track, carrying freight and/or passengers, and is therefore not considered a *pedestrian facility*. To construct a tram on property in the LA zoning district will require Board of Adjustment approval of variance from Section 25-2-551(B)(5) if located on slopes in excess of 35%, and a variance from Section 25-2-551(B)(2) if located within the shoreline setback area as defined in Section 25-2-551(D), in addition to any required Land Use Commission variances from applicable environmental regulations in LDC Chapter 25-8.

I hope this information is helpful.

Sincerely,

Christopher Johnson
Development Assistance Center Manager

C52014 0024

CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
SITE PLAN APPLICATION – MASTER COMMENT REPORT

CASE NUMBER: SP-2013-0441DS
REVISION #: 00
CASE MANAGER: Christine Barton-Holmes
UPDATE: U1
PHONE #: 512-974-2788



PROJECT NAME: Pedestrian Incline Elevator for 3961 Westlake Drive
LOCATION: 3961 WESTLAKE DR BLDG BD UNIT 1

SUBMITTAL DATE: February 3, 2014
REPORT DUE DATE: February 18, 2014
FINAL REPORT DATE: February 19, 2014
1 DAY HAS BEEN ADDED TO THE UPDATE DEADLINE

STAFF REPORT:

This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Planning and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

UPDATE DEADLINE (LDC 25-5-113):

It is the responsibility of the applicant or his/her agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is May 25, 2014.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

EXTENSION OF UPDATE DEADLINE (LDC 25-1-88):

You may request an extension to the update deadline by submitting a written justification to your case manager on or before the update deadline. Extensions may be granted for good cause at the Director's discretion.

UPDATE SUBMITTALS:

A formal update submittal is required. You must make an appointment with the Intake Staff (974-2689) to submit the update. Please bring a copy of this report with you upon submittal to Intake.

Please submit 3 copies of the plans and 3 copies of a letter that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name that are intended for specific reviewers. No distribution is required for the Planner 1.

REVIEWERS:

Planner 1 : Rosemary Ramos
Environmental : Liz Johnston
Wetlands Biologist : Andrew Clamann
Site Plan : Christine Barton-Holmes

UPDATE 1: Comment pending result of BoA variance.

NEW COMMENTS UPDATE 1

- EV 10 Variance package preparation will not take place until review is substantially complete and the variance fee is paid. In addition, the project cannot go before the Environmental Board until the project is substantially compliant with Code.
- EV 11 A Land Use Commission variance from LDC 25-8-261(C) and 25-8-281(C)(1)(a) is required. Please submit a request letter that identifies the scope of each variance and addresses the findings of fact per LDC 25-8-41(A). Pay variance fee of \$1430 for each variance and the one time notification fee of \$250.64 through intake. Contact staff to discuss proposed variance and determine information needed to assess and present the variance request.

Site Plan Review - Christine Barton-Holmes - 512-974-2788

TRAM COMMENTS

- SP 1 Pedestrian incline elevators, trams, and similar access methods are expressly prohibited within the 75-foot shoreline setback. Include this note on the site plan sheet: "Permanent improvements are prohibited within the shoreline setback area, except for retaining walls, piers, wharves, boathouses, marinas or a driveway to access the structures [LDC 25-2-551(B)(2)]". BOA review may be necessary. *U1 - Comment pending outcome of March 10 BOA hearing.*
- SP 2 -SP 4 Comments cleared
- SP 5 What is the slope where the tram is proposed? Please clarify. *U1 - Please provide this information on the site plan sheet.*
- SP 6 Comment cleared
- SP 7 Comment cleared
- SP 8 Demonstrate that the proposed shoreline access will comply with the requirements of Section 25-2-1066(B), by screening it from adjacent properties zoned SF-5 or more restrictive. *U1 - Comment pending - screening not shown.*

ADMINISTRATIVE COMMENTS

- SP 9 -SP 14 Comments cleared
- SP 15 The site is not appropriately zoned for the proposed use. Trams are not permitted in the LA zoning district. Site plan review and approval cannot be finalized until an SF zoning district is established by ordinance for the site (Section 25-1-61). *U1 - Comment pending outcome of March 10 BOA hearing.*
- SP 16 Comment cleared

FLASH DRIVE REQUIREMENT

- SP 17 All applications submitted for completeness check after 5/10/10 for Administrative Site Plan Revision, Consolidated Site Plan, Non-Consolidated Site Plan, CIP Streets and Drainage, Major Drainage/Regional Detention, and Subdivision Construction Plans will