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EXECUTIVE COMMITTEE MEETING
ALL ARE WELCOME

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at 7PM at the Howson Branch Library.

West Austin Neighborhood Group
P.O. Box 5722
Austin, Texas 78763-5722



West Austin Neighborhood Group

Organized 1973

*"To preserve our neighborhood
and protect it from deterioration."*

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THE NEIGHBOR

P.O. Box 5722 • Austin, Texas 78763-5722

February, 2006

Presidents Message

by Erik Cary

McMansions, McMansions

Would you like to "Biggie-Size" that?

Our City Council has undertaken to "level the playing field," between existing property owners and property owners who are developing their property. As your president, I have heard from numerous people who are angered and saddened by these so-called "McMansions." I have also heard from developers and business people who are being affected by these issues. Any neighbor who wants to build on their property now, or has plans to do so in the future could be affected. So please read on.

Our neighborhood (and many others across Austin and the rest of the country that were built in the post-WWII era) is experiencing a period of rapid growth. The growth is dictated by many factors, including: property values, relatively low interest rates, the development of many of the remaining suburban sites within reasonable driving distances from Austin, changes in building technologies, and even the change in our lifestyles. Many of our neighbors, including real estate attorneys, architects, and real estate developers, believe that there is now a monetary incentive to overdevelop properties. The question is: What constitutes overdevelopment?" I think most of us would agree that a 20 story building should not be allowed to be built next door to my 2,600 square foot house. Perhaps we agreed on this a long-time ago. However, the issue is on the table and the question is: Where is the dividing line?

The City Council has undertaken to define where this dividing line should be. According to Councilmember McCracken, our city is fourth out of the five major Texas cities to consider this issue. I attended the first of three City council meetings where the "interim regulations" were taken up. Some have called this a "moratorium." The City has been careful to avoid characterizing the proposed ordinance as a "moratorium," but many still call it one. I have read the ordinance and it appears to me to only be a moratorium on the overdevelopment of properties. The ordinance allows one to do the GREATER of any

of the following: 1) build an addition (or a structure) of 2,500 square feet, 2) add 20 percent to an existing structure or to the size of the pre-existing structure, or 3) build out to a .4 to 1 ratio square foot ratio. Some people hear 2,500 square feet and leave it there. No, No, No! A common lot size is about one-fourth of an acre or close to 11,000 square feet. One could build a 4,400 square foot home on a lot of this size. But here's the surprising part – the square footage likely does not include the following: 1) patios (possibly even covered patios depending on how built), 2) garages, and 3) possibly even basements – although we don't see too many of these. So, as built, a large house could have an additional 1,000 square feet in space between a garage and patios – now bringing us to 5,400. This excludes the 2,000 square foot basement that may be making a comeback.

But wait – there's more. Once the house is built, you could turn around and do what – that's right, build onto the structure with another 20 percent. Yes, there is a cost to doing it in phases, but my point has been made. Large structures on small lots are not going away – even with the so-called "moratorium."

As finally written, the ordinance may reduce the height by 5 feet and may place limitations on what I would call "perceived" height with so-called day-light plane calculations. While this is beyond the scope of my discussion, there are things that the City can do to help against the identified problem of "massing."

However, that's not all. What about the family that has 10 kids? There is a hardship provision, too. Not unlike our variance procedures, the granting of a hardship waiver could allow for even larger structures on a case-by-case basis.

My personal opinion is that most neighbors that want to build a family residence will not be affected. I watched as Council Members skillfully questioned concerned neighbors at the first meeting. In each instance, the concerns were not well-founded. With that said, it will affect some. It will affect persons who speculatively purchase small lots and want to build large and/or multi-family structures.

Be sure to visit our website at <http://www.deepeddy.com/wang/>!

These structures are being built all across our neighborhood. The funny part about it (or maybe not so funny if you object to one next to you) is that most of our lots have deed restrictions against multi-family structures. However, the City does not enforce deed restrictions. It is our duty as neighbors to be aware of our deed restrictions and bring them to the attention of those who would breach them. Please, please, please read your deed restrictions and know what they say.

Here is my final point on this topic. We all have different tastes and styles. When we start talking about "compatibility," we must be careful not to require conformity. We must encourage individuality. As much as I dislike the color pink -- especially the fluorescent variety -- we cannot legislate against taste and style.

Minutes of Meeting

February 6, 2006, 7:00 PM
Howson Library

Chair: Erik Cary, President

Attending:
Basciano, Bennett, Cary, Cannatti, Edwards, Harris, Jewiss, Keig, Pascoe, Tollett.

Guests and Visitors: Jack Lerond, Sylvia Benini, Eva Riley, Louise Iscoe, Ira Iscoe, Barbara Meyers, FloAnn Randle, Missy Baker, Colleen Theriot, Beverly Larkam, Mary Lynn Woodall, Sara Madera, Joe Walraven, Martha Williams, Walter Williams, Matt Risinger, Lucilia Lopez Wing.

Call To Order: Cary called the meeting to order.

Approval of Minutes:
ExComm concurred that they had not had the opportunity to review the minutes so a vote was deferred.

Neighborhood Presentations:

A. Urban Forestry Proposals:
Sylvia Benini was introduced and proceeded to address a letter that she wished to submit to the City's Urban Forestry Board. She wishes to present at the Urban Forestry Board meeting February 15 and has requested WANG's endorsement. She circulated a draft for consensus to arborists, builders etc. and after discussion she said, everybody seemed to agree. She has seen lots of trees disappear, notably more so in the last 2 to 3 years. She consulted with some in the Hyde

Park neighborhood who are seeing similar activity. Cary asked about the differences between commercial and residential tree removal requirements. A discussion followed. When new subdivision permits are issued, all trees on site must be located. It doesn't take much for trees to disappear by the time the site plan is initiated. Land development codes have not caught up. Benini said that it has to be financially punitive to tear down trees suggesting that the fine should be matched to the value of the tree. The fine is currently \$1,000, which is not a barrier and enforcement is lax. Basciano added that the city's permitting staff doesn't appear to be verifying information either. Cannatti asked whose support Benini had obtained in drafting the proposal. Benini deferred on the question and then suggested that a site plan with photos be required prior to demolition. She said that the City spends \$500,000 per year planting saplings but that they are doing nothing to stop the destruction of the existing canopy. Basciano said that per discussions, Round Rock is having the same problem with the destruction of old growth canopy. She wants City staff to be more cognizant of trees as infrastructure. Jewiss noted that landscape is part of the site development process, which is separate and apart from the building process and that responsibilities are split between the two areas. Benini then suggested a citywide tree registry. Jewiss observed that this occurs when surveys are done for title conveyance etc. and that it should be a simple process to have trees added. A discussion on the survey process followed. Cannatti again asked what third parties had been consulted for Benini's letter. She said that the subject really wasn't on people's radars but that after consideration, they realized the intrinsic value. Cary asked if her proposal would impact the requirement to replace trees. In discussing tree sizes, Benini noted that many tree species never reach the current minimum 59 inch circumference requirement, meaning many of our smaller native species are unprotected. She said that initially she was not able to get consensus from the various parties that she consulted but that she had changed several proposals in reaching the final draft. Benini was asked to provide ExComm with names of folks from whom she had gotten consensus. Cary referred the review of Benini's proposals to Infrastructure. ExComm will vote electronically on her proposal before the February 15th meeting.

B. Interim Development Regulations and Proposed Development Regulations:
Cary noted that WANG was not leading the charge on this and that it had been initiated

by one of the South Austin neighborhoods. We have raised the issue with the City on various occasions. City Council asked City staff to develop an ordinance. City staff has circulated interim regulations for review. The vote is to be held at Council on Thursday, February 9. The concern is that a delay will result in permits escaping the ordinance. The City has not circulated much information on the proposed ordinance. The Council is struggling to come to balance with this issue. Cannatti added that City staff is seeking input from boards and neighbors. He felt that the interim regulations appeared punitive. Pascoe added that they might consider a moratorium on new permits until permanent regulations were in place and noted that it had happened before. Cannatti read a summary offered by Councilmember Dunkerley:

"We are still discussing the interim regs. I have included a few sentences that I have been sending to some of the people writing about this issue:

The intent is not to restrict new construction or remodeling but simply to come up with some rules to prevent massive structures on relatively small lots that tower over the neighborhood, for example like 3 story group homes which are a problem in some areas. For the interim rules we are thinking of something like: 2500 sf or 20% larger than the previous structure or the average of structures within 700 feet, or a 4 to 1 FAR whichever is larger. We hope that the builders will help us come up with something fair and reasonable for the final rules."

Pascoe addressed the size and compatibility issue. She suggested that maximum height might be dropped from 35 feet to 30 feet. She added that without interim regs, there would be the potential for a land rush.

ExComm then had a general discussion on FAR (floor-area ratios). Walter Williams then spoke. He had a larger lot and was concerned about the impact of the regulations on his upcoming home improvement project. Jewiss observed that with FAR, the size of the improvement would be proportionate, the larger the lot the larger the house could be. He rephrased his question towards the proposed interim regulations. Cannatti noted that permanent regulations might include scaled FAR's based on lot size. Williams observed that many of the new houses have positive aesthetics and that they could be attractive. Edwards commented that there was still a need for compatibility with the surrounding neighborhood adding that he hoped it would not create undo hardship on homeowners.

Barbara Meyers gave a presentation including visuals on some of the projects and their affects in her immediate neighborhood. She showed where a 5400 square foot house is going up on Robinhood and Stevenson as an example. We discussed lot sizes. Tollett said some houses were originally constructed on multiple lots, without the lots having been legally combined. Once houses were removed, there was no barrier to stop one house from being built on each legal lot. Louise Iscoe then added that they had been successful in keeping a larger lot from being subdivided. In the Brentwood Subdivision, they found that private deed restrictions limited what people could do. Noting that it required legal assistance, they were able to get the matter resolved. Cannatti reminded everyone that we featured a discussion on private deed restrictions several months ago and that the information was available on WANG's website.

Mary Lynn Woodall then spoke. She lives across the street from the recently completed duplex at 2204 Westover. She wanted to know what could be done to prevent this. She felt that she got the runaround at the City when she inquired as the project was in progress. John Carlson, another neighbor, is requesting the site plan and has prepared a letter to the City Council regarding the problems surrounding this project. This was a matter where the deed restriction was violated. The discussion moved again to development restrictions and options. Colleen Theriot wanted to know who was working on the compatibility issue. Cannatti told her that Greg Guernsey of City staff was spearheading the project and that Council Members Dunkerley, Leffingwell and McCracken are the primary motivators supporting the development regs. Theriot added that she believed that houses could be built that were compatible and that met the needs of modern families. She also noted that there was real monetary value in historic neighborhoods so there are ways to do it.

Tollett recommended that we have a speaker at Thursday's City Council session. Cannatti and Tollett agreed to go and to speak. Theriot asked if City Preservation Officer Steve Sadowsky would be involved. Cannatti noted that he was involved in a different piece -- local historic districts -- and wouldn't have anything to do with building codes. Benini interjected that it is critical that neighbors write to Council and speak at City hearings. Cannatti felt that there would probably be hardship provisions. Basciano added that some neighbors are looking at expanding their existing homes and are doing so reasonably. Cannatti asked

Basciano about building height and at what point it was measured. Jewiss noted that it started from average grade and was calculated to a midpoint on the roof. A follow-up question was asked if the regs would apply to remodels or new construction. It was agreed by ExComm that there were many questions that needed to be answered before permanent regs were in place. Cannatti made a motion to endorse a FAR of 0.4 on the interim regs. Jewiss added a 30 foot height limit in a friendly amendment. The motion and amendment were seconded by Edwards. The vote was unanimous in support of the qualified endorsement of the interim regulations.

Transportation Committee:

Chairman Harris is investigating encroachment of commercial parking along primarily residential streets. Several examples were cited. This is an issue that affects, primarily, the periphery of the neighborhood. He also addressed potential changes to the Westover/Northwood interchange with MoPac. There is a proposed design. Basciano noted that CAMPO rated the priority for corrective action there as a 62 on a scale of 100 and consequently it is a much lower priority for funding so there is no guarantee the project will be undertaken.

Zoning Committee:

Chairman Tollett advised of pending matters.

HDP-05-0401 613 Upson Street
Owner: Jack Lerond
Jack Lerond spoke regarding the demolition of his ca. 1915 house in the Deep Eddy neighborhood. He wants to build a duplex in the Arts and Crafts style that would be compatible with the neighborhood. Final drawings had to be done and he may have to return for a variance on impervious cover. He provided support from the neighbors noting that much of the land use had changed around him into multifamily etc and that there was little left of the original fabric.

Further, the house had a number of subsequent additions over the years that would impair its historic context. Tollett advised that there were no grounds to oppose. Harris motioned that ExComm not oppose demolition. Tollett offered a friendly amendment that a lamentation about the destruction of the his-

toric fabric of our neighborhoods be submitted to the Landmark Commission. Jewiss seconded the motion and friendly amendment. The vote was unanimous in support of the motion.

HDP-05-0431 2103 Raleigh Avenue
Owner: S.R. Scott Family
HDP-05-0432 3505 Gilbert Street
Owner: S.R. Scott Family

These applications are to relocate a ca. 1951 house and a ca. 1947. Tollett felt that there was nothing here and that the neighbors wanted this to go through the process in order to open dialogue with the owner. Cary advised that his law firm has represented the Scott family for decades.

Westminster Presbyterian Church - Because of time constraints, this matter was deferred.

Occupancy Limits: ExComm briefly discussed the Occupancy Limits resolution limiting the number to 4 unrelated parties who could live in a residence. This regulation is being proposed for modification because of the number of "stealth" dormitories that are finding their way into residential neighborhoods. A motion was made and seconded supporting the resolution and the vote was unanimous in favor of the resolution.

Treasurers Report:

Treasurer Falk was not present.

Adjournment: There being no further new business, Cary adjourned the meeting.

Join WANG!
P.O. Box 5722
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Sara Madera
Realtor®/ABR,CRS,GRI,SRES,Broker



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