

31 October 2007

Mayor and Council
City of Austin

RE: 2006 Hopi Trail; 07-143970

Appeal From A Decision Of The Residential Design Compatibility Commission

Dear Mayor and Council:

I am writing you on behalf of the Executive Committee (ExComm) of West Austin Neighborhood Group (WANG). We are asking you to uphold the 3 October 2007 decision of the City's Residential Design Compatibility Commission (RDCC) to deny the above referenced application for modifications to Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards of the Land Development Code (LDC). The specific requests denied were:

- 1) The applicant had requested a modification to allow a 25% increase in the maximum floor-to-area ratio or maximum square footage of gross floor area to allow for the construction of a new single-family residence.
- 2) The applicant had requested a modification to allow a 91% increase in the maximum side wall length before articulation is required to construct a new single-family residence.

The ExComm of WANG supports the RDCC's 6 to 2 vote to deny applicant's requests, and we ask that Council deny their appeal and uphold the commission's decision.

WANG is an "opt-in" neighborhood association with a membership of just under 500 households encompassing primarily the neighborhoods west of Mo-Pac and south of 35th Street. I picked up notice of the original 5 September 2007 hearing on the above referenced request to the RDCC for modifications to the LDC, along with others, on Wednesday 29 August 2007. I reported electronically to my ExComm a summation of the requests. Normally, WANG meets the first Monday of the month, which allows us to meet with applicants seeking variances from the LDC at the Board of Adjustment as well as modifications from the LDC at the RDCC prior to their public hearings. The first Monday in September was Labor Day, so our meeting was rescheduled to Monday the 10th. In situations where holidays disrupt our meeting schedule, we have asked those seeking certain types of, or controversial/close by neighbor opposed, exceptions to the LDC to postpone their hearings if they sought nonopposition from the neighborhood group. In this instance, one of the requests to the September 2007 RDCC (1701 Schulle Avenue; 07-142155) sought a 6.25% modification to the side wall articulation requirement of the LDC, and by electronic vote, WANG decided to not oppose the request. In the above referenced requests at 2006 Hopi Trail, and after weighing the magnitude of the requested modifications, a review of the case file, and driving by the property, I asked the applicants in a telephone conversation to postpone their hearing, or my recommendation to my ExComm would be to oppose their requests for modification. The applicants opted to go forward without meeting with us, and the WANG ExComm electronically voted, after discussion, to oppose their modification requests.

It can be fairly said that the nexus for the recently enacted LDC ordinances focusing on Residential Design Compatibility Standards is in older inner-city neighborhoods, specifically the ones that are encompassed by WANG. As a neighborhood group we surveyed our entire neighborhood on compatibility issues, both before and after the enactment of the so-called McMansion ordinance, and fully $\frac{3}{4}$ of the respondents supported both the enactment of the new code and the subsequent enforcement of the code. It is because of this mandate that we as a neighborhood group look very closely at modification requests. Any request to modify the floor-to-area ratio (FAR), especially in new construction, is going to receive close scrutiny from us. Of equal importance are large modification requests in side wall articulation, again, especially in new construction. Adherence to these two LDC requirements goes a long way in eliminating non-compatibility with surrounding structures and mitigates the looming/billboard effect.

In reviewing the modification requests at 2006 Hopi Trail, WANG started with the fact that the applicants purchased two contiguous legal lots, each approximately 6,000 square feet, which had one single-family residence stretching across both. The structure was taken down and the applicants are proposing to build on one of the lots and bank the other. In determining our position on the request, we turned to the ordinance concerned with modifications by the RDCC. Under approval criteria, the ordinance states that the RDCC may approve “a modification if it determines that the proposed development is compatible in scale and bulk with the structures in the vicinity of the development”. In making this determination the commission “shall consider”:

- 1) The recommendation of the neighborhood plan team, if any;
- 2) The development’s:
 - a) Compliance with neighborhood design guidelines, if any;
 - b) Consistency with the streetscape of the properties in the vicinity;
 - c) Consistency with the massing, scale, and proximity of structures located on either side of or behind the development;
 - d) Impact on privacy of adjacent rear yards; and
 - e) Topography and lot shape.

WANG is just beginning the neighborhood planning process, so we have no plan team yet, and we never have had neighborhood design guidelines. What we do have are the opinions of contiguous and other close by neighbors, and they are in unanimous opposition to these requests for modification to the LDC. Included in the case file are written objections from at least sixteen property owners, and at the RDCC hearing in October, seven of them attended to voice their opposition to the commission in person.

In looking at the proposed project’s consistency with the existing streetscape and with the massing and scale of proximate structures, we found that the project was not consistent. Going out three hundred feet on all sides of the property shows over 50% of the included homes having a FAR of less than 30%, and all but two of the rest having FARs of 30 to 40%. One home has a FAR in the 40 to 45% range and one home has an FAR of over 45%. The applicant has pointed out that most of these homes have lower FARs because they are on large or multiple lots. That is true. That is the property that the applicant originally bought, a relatively modest house on a 12,000 square foot double lot. The placement of an over 3,000 square foot house on a lot of

6,000 square feet is not consistent with either the streetscape or the mass and scale of proximate structures in that portion of the neighborhood.

The applicant has stated in open hearing that the neighbors and neighborhood association are unwelcoming to new development, but that is not how we see our opposition here. There are no compelling reasons to justify the modification requests. The applicants have two legal lots totaling 12,000 square feet. They could build one structure of approximately 4,800 square feet or two more modest structures of approximately 2,400 square feet each. They have a choice. What we are asking is that they build under the same LDC that we are all subject to, without exception. The RDCC, by a vote of 6 to 2, decided that the requested modifications to the LDC were unwarranted in this case, and we respectfully ask that you, our Council, uphold their decision.

A representative of the neighborhood association along with neighbors to the referenced above property will be in attendance at the appeal hearing to either give testimony or answer questions from the dais, or both.

Sincerely;

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