

CodeNEXT Resolution—DRAFT

HLC Preservation Plan Committee

Developed for the Historic Landmark Commission

10/20/2017

The Historic Landmark Commission’s mission is to promote historic preservation in Austin through the retention of the city’s older and historic buildings and neighborhoods. CodeNEXT Draft 2 does not go far enough to encourage the continued use of existing building fabric, which is a vital component of a diverse, vibrant and equitable community. Instead, as written, CodeNEXT continues to enable the demolition and replacement of existing housing stock with new construction. Consequently, the Commission cannot recommend the adoption of CodeNEXT.

We recognize that:

- Austin is growing, and that accommodating new residents requires denser development
- Housing is less affordable for Austin households
- The status quo allows widespread demolition and out-of-scale new construction that threaten older neighborhoods

Given these circumstances, we believe that CodeNEXT has the potential to offer a framework to help preserve older buildings and neighborhoods. The draft already focuses added density on underdeveloped sites (e.g., strip malls on commercial corridors); concurrently, it should add elements to safeguard existing neighborhood character. This goal can and should support other priorities such as increased density, greater affordability, environmental sustainability, economic prosperity, and social equity; and we ask that historic preservation be included in CodeNEXT’s clearly named and supported priorities.

Our concerns are not for Austin’s 600+ historic landmarks and four local historic districts, which are protected by historic zoning, but for older neighborhoods whose built character tells multilayered stories of local communities and helps define Austin’s identity. Some of these neighborhoods possess the integrity to be designated as local historic districts; others do not. If form-based zoning is aligned more closely with historic development patterns and scale, it has the potential to preserve neighborhood character in each of these areas while allowing compatible and denser development.

We have identified some specific changes below and ask that additional options to retain existing buildings be researched and identified. We believe that older neighborhoods can accommodate density in a way that preserves their historic pattern and scale via ADUs, duplexing, and context-sensitive additions. Furthermore, we believe that historic preservation is an essential part of managing change in a healthy, dynamic, sustainable, prosperous, and equitable city. Any code rewrite should include it as a priority.

Priority Changes

1. Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density
 - a. Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size or existing house’s area.

- b. Allow rear additions to existing houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house.
 - c. Waive parking requirements for ADUs if the existing house is retained and rehabilitated.
- 2. Maintain the historic street pattern
 - a. Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2.
 - b. Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.
- 3. Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning
 - a. Limit height of front façade to the prevailing height of neighborhood, with additional stories set back at least 15' from the front façade.
 - b. Require upper-story setbacks of 15' or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old].
- 4. Discourage demolitions of older commercial and residential buildings
 - a. Charge an impact fee for demolition, with increased fees for demolition of contributing buildings within local and National Register historic districts.
 - b. Reduce or waive parking requirements if existing building form is retained (e.g., with 15' setback, roof form, and compatible primary façade).
 - c. Grant additional height for commercial buildings with stepped-back addition if existing building is retained, as currently proposed for residential buildings.
 - d. Explore additional ways to incentivize retention of existing older buildings (e.g., TIF districts or PIDs, transfers of development rights, façade easements, design option points, and more).

Necessary Next Steps for Historic Preservation Program

- 1. Allocate full funding for a comprehensive citywide historic resources survey.
- 2. Make it easier to convert National Register historic districts to local historic districts (e.g., require 51% property owner support and the creation of design standards or an addendum to citywide design standards, as proposed below).
- 3. Make local historic district designation easier for community members with additional and clearer support materials; also provide more staff support for applications through research, survey, and assessment of contributing/non-contributing.
- 4. Develop citywide design standards to guide changes to buildings in National Register historic districts (advisory) and provide a baseline for local historic district design standards.
- 5. Develop a comprehensive preservation plan for the city to guide future preservation policy.
 - a. Explore ways to protect potential historic resources identified in the historic resources survey with a preservation priority of Medium or High
 - b. Explore additional incentives for local historic districts (e.g., lowering or waiving permitting fees)
 - c. Explore additional resources and incentives for preserving neighborhood character of non-designated areas (e.g., through incentives for a new group of "heritage houses," defined as having moderate significance or long-term ownership)
 - d. Expand staffing for the Historic Preservation Office

Specific Requested Text Changes—DRAFT

These changes can be entered directly into the online CiviComment portal and not listed in an official HLC resolution. They are included here for consideration and potential endorsement by the HLC.

Division 23-4D-9090

1. Change designation threshold from two criteria to one [23-4D-9090 (D) 1c], in keeping with national historic preservation standards.
2. Add cultural landscapes to the criteria, with documentation required per the National Park Service's Preservation Brief 36: Protecting Cultural Landscapes.
3. Refine the definition of Community Value? It is very subjective as written – and as a Commission, we typically use it if we feel the community supports the designation because of an identifiable feature that represents the community or its cultural identity (stonework by a Mexican-American craftsman).

23-4D-9090 Historic Landmark and Historic District Overlay Zones

General comment: This section talks about HLC in A, B, and C, but then refers only to Council in D. An explanation is needed that HLC makes the recommendation for H/HD zoning, the Land Use Commission reviews and supplies its own recommendation, and then the decision ultimately rests with the Council. This occurs in F, so maybe F should be moved to earlier in the section?

23-4D-9090 (H) 7 – does the Land Use Commission also provide a recommendation to Council? What about the $\frac{3}{4}$ approval from Council if there is a valid petition against rezoning the property? Is that provided in Division 23-4B-3?

Division 23-7D-1: Historic Structures Overview

This needs to be more of an overview and not get into specifics. Perhaps this section should just be definitions and charts on procedures/processes. It starts to go into detail on many procedures instead of providing an overview. Division 23-7D-2 goes into greater detail on the specific procedures for permits and COAs. Therefore, it seems like this should introduce concepts and Division 23-7D-2 should go into details.

Suggested outline:

1. Contents
 2. Definitions
 3. Overview of Permits Relating to Certain Buildings, Structures, and Sites
 - a. Chart illustrating the process for building permit review if a building is > 40 years old and/or within a local historic district or NRHP historic district.
 - b. Chart would include break out of when a COA is necessary
 4. Administrative Review
 - a. Definition of what items are allowed under Administrative Review
 - b. Chart that illustrates how the building permit moves through Administrative Review process
 5. Pending Historic Zoning Designations
 - a. Definition describing when/how a historic zoning reaches a status of 'pending'
 - b. Chart that illustrates when the pending status is either removed or confirmed by vote of Council
 6. Certificate of Appropriateness Process
 - a. Definition describing when a COA is needed and the standards building plans/designs need to meet
 - b. Chart that illustrates how the building permit moves through the COA process
- 23-7D-1020 Pending Historic Zoning Designations

A chart here would be very helpful in this section to illustrate the different paths and timelines for historic designations.

General comments

1. There is no mention in this section that the historic zoning remains pending until the Land Use Commission and then City Council approves the designation. The full process should be made referenced.

23-7D-1030 Certificate of Appropriateness Requirements

23-7D-1030 (B) 1 – Change to **local** historic landmark (page 7D-1 pg. 3)

23-7D-1030 (B) 4 – Change to National Register of Historic **Places** (page 7D-1 pg. 3)

23-7D-1030 (B) 4 – Change to **Recorded** Texas Historic Landmark (page 7D-1 pg. 3)

23-7D-1030 (B) 5 – Change to **local** historic landmark (page 7D-1 pg. 3)

23-7D-1030 (B) – general comments:

1. Add National Historic Landmarks (individual/historic districts) to this list; they are included in Section 23-RD-9090 (D) 1c. While the Governor’s Mansion and Texas State Capitol are the only NHLs at present in Austin, there could be designations in the future.

23-7D-1030 (B) – general questions:

3. Per 23-7D-1020 (A), change or clarify 23-7D-1030 (D) so that it is clear that contributing resources within local historic district with pending applications also require a COA?

23-7D-1040 Administrative Approval of Certain Applications

23-7D-1040 (C) 4 – include the same language as (B) 3b: A one-story rear outbuilding and (B) 3e: A one-story ADU located behind the principal structure, if the ADU is not visible from the principal street frontage;

1. General comments

a. Change (C)(3) to match (B)(3) (“Work that does not visually affect the historic character...”), with current (C)3-8 indented as (a)-(f) under the new (C)(3).

b. Is this a change from current practice? Or does language need to be added that states that any recommendations for contributing resources within NRHP Historic Districts are advisory and not required to attain a building permit?

23-7D-1050 Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures and Sites

A chart here would be helpful to illustrate the process and timelines associated with attaining a building permit for buildings more than 40 years old, and when the COA process is required. Suggestion: a Yes/No path chart: Is Your Building 40 years old or older? Yes – one path; No – different path.

23-7D-1050 General Comments

1. This section does not include the full process of initiating historic zoning – that if recommended by HLC, it goes before the Land Use Commission and then Council.

2. This section also does not address the initiation of historic zoning against owner wishes.

Division 23-7D-2

Reorder this section for clarity: Action on Application for Demo/Relocation then Action on a COA

23-7D-2010 Action on a Certificate of Appropriateness

General comment: Should the Certificate of Appropriateness committee be mentioned?

23-7D-2010 (A) – what was the intent behind the addition of “historic context?” Perhaps “historic context” should be added to the definitions section of 23-7D-1? I can see where this might mean the historic context of a neighborhood?

(1) – What is the timeline for the HPO to deliver the certificate to the Building Official?

23-7D-2010 (B) 1 – should be the **Historic Preservation Officer**, not the HLC

23-7D-2020 Action on an Application for Demolition or Relocation

General comments:

1. This section should discuss the entire process or reference the section of the Code that discusses what happens after HLC recommends historic zoning.

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