

Historic Landmark Commission Recommendation on CodeNEXT Draft 2 October 23, 2017 – *Staff Response*

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, CodeNEXT continues to enable the demolition and replacement of existing housing stock with new construction. Consequently, the Commission cannot recommend the adoption of CodeNEXT as written.

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.

This has been achieved in Draft 3 in the following zones: R2A, R2C, R2E, R3A, R3B, R3C, R3D, R4A, R4B, R4C, RM1B, RM2B, RM3A, MU1A, MU1B, MU1C, and MU1D.

ADUs may be placed to the front, rear, or side of the primary structure if detached, attached to the primary structure with a common wall or roof, or within the primary structure. In certain zones as an additional preservation incentive, ADUs do not count towards the FAR limit when existing houses at least 10 years old are preserved. With these two elements, the smaller, existing house could be considered the ADU at the front of the property and not count towards FAR (as long as it complied with the size requirements of the ADU for that particular zone), and the new structure could then become the primary structure. The new structure would have to comply with the height, FAR, and other design requirements of the applicable zone.

- 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.

Where use is permitted, ADU's (whether internal or external) are allowed the same overall height as the primary structure in all residential house-scale zones.

- c. Waive parking requirements for ADUs if the existing house is retained and rehabilitated.

There are no parking requirements for ADUs in any zone.

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.

Using the average of adjacent buildings to calculate the setback is context-sensitive, and eliminates the possibility of vastly different setbacks on adjacent properties. CodeNEXT's applicability city-wide means that specific design standards are best defined in each historic district as the district is developed.

- b. Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.

CodeNEXT's applicability city-wide means that specific design standards are best defined in each historic district as the district is developed.

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.

Top plate and overall height is a component of the code which replicates traditional Austin neighborhood building characteristics.

- 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].

CodeNEXT's applicability city-wide means that specific design standards are best defined in each historic district as the district is developed.

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.

Council Resolution 20171214-067 addresses demolitions and is currently being led by Development Services Department (DSD) and Neighborhood Housing and Community Development (NHCD). The Resolution reviews fees paid to the City to demolish single family and multi-family residential structures in addition to the relationship between the loss of affordable housing and new market rate structures as they would apply to the fee.

- b. Reduce or waive parking requirements if existing building form is retained (e.g., with 15' setback, roof form, and compatible primary façade).

CodeNEXT has reduced parking requirements across residential and commercial uses. New structures must comply with code required setbacks and building design standards.

- c. Grant additional height for commercial buildings with stepped-back addition if existing building is retained, as currently proposed for residential buildings.

Additional height in commercial districts in Draft 3 is granted through the Affordable Housing Bonus Program, in exchange for affordable dwelling units (or fee-in-lieu). Less emphasis has been placed on the preservation of existing commercial structures compared to residential structures (which have an ADU-related preservation FAR bonus in R-zones), so no preservation bonus exists for commercial structures.

- 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).

This recommendation was not included because it is beyond the scope of CodeNEXT.

Necessary Next Steps for Historic Preservation Program

1. Allocate full funding for a comprehensive citywide historic resources survey.

HOT funding from FY2018 has been allocated to a citywide historic resource scan (phase 1). This phase will collect basic information on approximately 70% of buildings that are 45 or more years old.

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).

This may be a future topic for the Preservation Plan Committee to consider.

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.

Staff are reworking the local historic district application. Funding for an additional HPO staff member to support local district designation was requested as part of the HLC's FY2019 Budget Resolution Recommendation.

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.

The Preservation Plan Committee is discussing a framework for citywide design standards; funding was also requested as part of the HLC's FY2019 Budget Resolution Recommendation.

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

Funding for additional staff members for the Historic Preservation Office was requested as part of the HLC's FY2019 Budget Resolution Recommendation.