

Bryker Woods Neighborhood Association

October 31, 2017

Greg Guernsey,
Director Planning and Zoning Department
City of Austin

Re: Map Comments for CodeNext Map Version 2

Dear Greg,

Ahead of the October 31, 2017 deadline, please accept this collection of CodeNext Map comments submitted by the Board of the Bryker Woods Neighborhood Association. Again, we protest that we have not been given an adequate time to review and comment. This explains the 11th hour submission. The Bryker Woods Neighborhood is unified in its opposition to the changes proposed by the 2nd draft of CodeNext and the Map.

The general comment is that CodeNext map bears no resemblance to the neighborhood plan that was unanimously approved by both the Planning Commission and the Council. Worse, it upzones property to create incompatible uses that do not further any reasonable objective and decreases parking requirements which will make the streets constricted and congested.

The most egregious violations – but certainly not the only violations - occur near the Bryker Woods Elementary School where the Staff and Consultants appear to have been oblivious to the conditions on the ground. Virtually every piece of property – including residential property directly across the street from the school -- is being upzoned to a use incompatible with an elementary school.

The neighborhood plan designated areas within the plan area for higher intensity uses. The CodeNext map moves beyond those areas to densify protected areas including, of course, the core single family neighborhood.

The concerns and objections in this letter are very similar to those voiced with the first map. The fact that those comments were largely ignored raises the question of whether submitting comments is useful. Nevertheless, we have gone to substantial effort to analyze the map and the Code in order to submit the following detailed comments:

1. Area bounded by W. 34 St. and W. 35th St and Jefferson Ave. and Mills Ave.

A. 1502 – 1508 W. 34th St. These four single family houses with residential zoning are located directly across the street from Bryker Woods Elementary School. These are probably the most affordable homes in the neighborhood. In a direct refutation of City policy to promote more

affordable housing and in direct conflict with the neighborhood plan FLUM (which designates these tracts as single family), the CodeNext map inexplicably upzones these lots as MU1A. This would encourage their demolition and redevelopment as commercial properties. Commercial uses will increase the traffic and the on-street parking due to both the limited parking available on the lots and to the slashed parking requirements for commercial uses under CodeNext.

Additionally, these properties are wholly unsuited for any commercial use: they are on a steep hill with short sight lines, W. 34th Street is very narrow, there is already a high on-street parking load and due to its proximity to the school and there are elementary school children everywhere. This is elaborated on in the following section. To add insult to injury, the permitted uses under MU1A include bail bond offices, fast food drive-through, tattoo parlors, hookah lounges, hourly hot tub rental, and fortune tellers. Across from the school. This is more than just bad planning.

If CodeNext zoning is to be applied, these properties should have residential zoning of R3C.

B. Glenview, 3400 Block (believed to be 3401, 3402, 3403, 3404, 3405, 3406 (aka 3407 Jefferson) and 3407) Kerbey, 3400 Block (believed to be 3401, 3402, 3404, 3405 – 3409 and 1510 W. 34th) and 3401-3443 Mills Ave which are all upzoned to MU1C. The addresses are not consistent with the online map but this comment refers to the properties in the 3400 blocks of Glenview and Kerbey, and the property fronting on Mills Ave., that CodeNext would rezone to MU1C. Virtually all of these properties are NO or LO. There is one LR and one LR-CO.

a. These blocks are in direct proximity to Bryker Woods Elementary – many of them literally within feet of the school. Glenview Ave., Kerbey Ln. and W. 34th St. are only 27'-29' feet wide. All MU Zones generate too much traffic and parking for these streets and this location. This problem is exacerbated by the Draft's substantial reduction in parking requirements. There is already an excessive traffic and parking load in this area as explained in 2015 by the long-time Bryker Woods crossing guard, discussing the intersection of Kerbey and 34th Street:

“The traffic on 34th street in the morning and afternoon is already very, very heavy and adding more motor traffic would be potentially very dangerous for the children and parents. Equally important is the fact that with the cars that already park on the street, additional street parking will just exacerbate the situation at the peak hours for the students and parents.”

The current conditions present a challenge for parents seeking to drop off their kids or to park to visit the school during the day. The attendance zone includes not only Bryker Woods but the neighborhoods north of W. 35th St. so there are children walking to and from school on these very streets.

b. The map would effectively up-zone all of the aforementioned lots since (i) none of them currently permit retail, (ii) Neighborhood Office (NO) does not permit medical office or retail and (iii) they are all being effectively converted to mixed use.

c. Any Mixed Use MU zoning on these lots directly conflicts with both the Central West Austin Neighborhood Plan FLUM (which calls for Office zoning). Additionally, it conflicts with Section L.2.8 which states:

L.2.8 The neighborhood office blocks between 34th and 35th Streets and Jefferson Street and Mills Avenue should remain small-scale neighborhood office and residential uses that are harmonious with the Bryker Woods Elementary School and the existing single-family neighborhood. Retaining the converted single-family homes is desirable. Returning these structures to single-family residential use would also be welcome by the neighborhood.

Any zone which permits medical offices (which are the highest traffic generating office use) is specifically contraindicated by the reference in the Neighborhood Plan to “neighborhood office” and the existing NO zoning. The Neighborhood Plan was written by City Staff and unanimously approved by the Planning Commission and City Council.

If CodeNext zoning is to be applied and if these blocks are to be mapped MU then –based solely upon the available choices - this area should be mapped MU1A subject to a Neighborhood Plan Overlay which would prohibit medical offices where NO exists today. Additionally, for all NO and LO properties, the overlay should limit the use to those office uses permitted today under the existing zoning (with the addition of residential uses.) The two exceptions are 3406 Glenview (aka 3407 Jefferson) and 3406 Kerbey which should be allowed to continue the uses available under their LR and LR-CO zoning respectively. Alternatively, a new MU zone needs to be tailored to allow only office and residential uses. A third alternative is to leave these properties governed by former Title 25. In short, for all properties currently zoned NO or LO, we strongly object to the introduction of any commercial uses other than office.

C. 1615 W. 35th and 3427 Jefferson aka 3427 Glenview (combined lots with mixed zoning CS and LR) mapped for MS3B and MS3A. 3411 and 3409 Glenview (GR and NO-MU), 1605 W. 35th St (LR) and 1601 W. 35th St. (LR) mapped MS3A.

The proposed map is a dramatic upzoning adding new uses such as Bars and Night Clubs and high-traffic Drive-Through. A liquor store requires only a CUP. Additionally, the height is raised to up to 75ft. which might be appropriate for a highway or downtown but highly inappropriate so close to a neighborhood.

Furthermore, these properties are on side streets that feed directly to the residential neighborhood and the school. The three side streets for these properties are Kerbey and Glenview. Glenview and Kerbey are less than 30 feet wide. Bryker Woods Elementary School and the surrounding residential neighborhood are within 1-2 blocks of these properties all of

which sit in the walk-to-school path of Bryker Woods students who live north of 35th Street. These streets cannot absorb the traffic and on street parking load that follows from the more intense uses and the greatly expanded size all of which is exacerbated by the slashed parking requirements proposed by CodeNext.

We strongly object to the introduction of bars and nightclubs and drive through restaurants (where not allowed today) either as a permitted use or via a CUP or MUP. The building should be limited to 45ft in height.

C. 1503 West 35th St. (LR) mapped MS2C.

The proposed Map would upzone this property to permit non-restricted personal services and bars, nightclubs, liquor stores with a CUP. All of these are completely inappropriate this close to an elementary school. The increased height and building coverage in this zone is too tall and dense for a property that has residential uses directly behind it on 34th Street and which has single story uses on either side controlled by conditional overlays. This problem is exacerbated by the dilution of the Chapter 25 compatibility standards and the slashed commercial parking requirements which will throw-off vehicles to the neighborhood streets. This level of density was never envisioned by the Neighborhood Plan which provides that harmony with the abutting single family houses on the south side of this block facing 34th Street should be maintained.” Section L.2.7. Additionally, the road at this section of W.35th is dangerous given the slope, the curvature and the speed of vehicles heading downhill from the main portion of 35th Street.

We strongly object to the introduction of bars, nightclubs, liquor stores, drive through restaurants and restricted personal services either as a permitted use or via a CUP or MUP. The building should be limited to 40ft in height and the building coverage maintained at 50%.

2. 1700 W. 34 St. (LO) mapped MU1A.

This property was improvidently zoned LO decades ago. That is not an excuse to upzone it to MU1A. Indeed, the Council approved neighborhood FLUM codes this as returning to single family. This property is the only commercial property (office) on a solid single-family block. The proposed upzoning would take a low-key office use and introduce restricted and unrestricted personal services, restaurants, drive throughs, food sales and repair shops next to a single-family home. This that violates the Neighborhood Plan. That is spot zoning. That is completely unreasonable. This is a huge overreach and has nothing to do with Imagine Austin.

We strongly object to any non-residential use on this property other than allowed today under LO and to any increase in height or building coverage. A neighborhood overlay will be needed.

3. 3405 Oakmont Blvd (LR) mapped MS2C.

Similar to the previous property (1700 W. 34th St.), this property was improvidently, perhaps mistakenly, zoned LR decades ago, but is an owner occupied single family residence and has been for years. It is next door to single-family residential. Again, the mistaken zoning is not an excuse to upzone it to MS2C. Indeed, the Council-approved neighborhood FLUM designates this as single family. The proposed upzoning would take a residential use and incentivize its demolition. The proposed Map would upzone this property to permit non-restricted personal services, and drive through restaurants and bars, nightclubs and liquor stores with a CUP. All of these are completely inappropriate next door and across the street from single family residential. The increased height and building coverage in this zone is too tall and dense for a property that has residential uses directly beside it. This problem is exacerbated by the dilution of the Chapter 25 compatibility standards and the slashed commercial parking requirements which will throw-off vehicles to the neighborhood streets. The policy of the City is to save residential property and promote compatibility. Both those goals are thwarted by mapping the property MS2C.

We strongly object to any non-residential use on this property other than permitted today and to any increase in height or building coverage. A neighborhood overlay will be needed.

4. Area on West 35th Street between Oakmont Ave. and Jefferson St.

a. The Map designates this area MS2C, MS2A and MS2B. This combination of zones conflicts with the Neighborhood Plan. Neighborhood Plan Section L.2.7 provides that:

"The residential scale and character along W. 35th Street should be preserved, and in particular its existing building by building horizontal collection of small neighborhood serving businesses, stores and apartments. Harmony with the abutting single family houses on the south side of this block, facing 34th St., should be maintained."

Taken together, the proposed zones are too intense and will not be compatible with the directly abutting (without alley) single family homes. Additionally, given the reduced parking requirements and the lack of on-street parking on W. 35th Street, the mapped zones will result in commercial and residential traffic and parking on neighborhood streets, specifically Oakmont, Jefferson, W. 34th St. and Bryker Dr. All of this will negatively impact the neighborhood by making the streets less safe and less walkable.

b. 1717 (LO), 1801 (LO) and 1805 (LR) W. 35th St. are apartments and perhaps the most affordable apartments in the planning area. It is critically important not to incentivize their demolition. In an ideal world, they would be mapped – if they had to be mapped under CodeNext -- as RM1A. That would be consistent with the language above but, admittedly, not the FLUM. If the existing residential is combined with the zoning, they should be zoned at most – if CodeNext Zoning has to be used – as MU1C. Although we have only been given a limited time for review, we believe MU1C is a better fit than the proposed Mainstreet zone.

We strongly object to the proposed MS2C and MS2A zones for the properties. If zoned under CodeNext, they should be zoned MU1C with a neighborhood overlay excluding bars, nightclubs, liquor stores, drive through restaurants, commercial services and restricted personal services either as a permitted use or via a CUP or MUP.

c. 1721 (LO), 1803 (LO), 1807 (LR), 1809 (LR), 1811(LR) and 1815 (LR) West 35th Street have proposed Main Street Zoning. Note, the online map does not properly indicate all of the addresses but we mean to address the remaining portion of the block other than 1715 W. 35th St. and 1701W. 35th St. aka 3406 Jefferson Ave.

As noted above, Main Street zoning is inconsistent with the Neighborhood Plan L.2.7. Again, the proposed zones are too intense and will not be compatible with the directly abutting (without alley) single family homes. Additionally, given the reduced parking requirements and the lack of on-street parking on W. 35th Street, the mapped zones will result in commercial and residential traffic and parking on neighborhood streets, specifically Oakmont, Jefferson, W. 34th St. and Bryker Dr.

We strongly object to the proposed MS2A, MS2C zones for the properties. If zoned under CodeNext, they should be zoned MU1C with a neighborhood overlay excluding bars, nightclubs, liquor stores, drive through restaurants, commercial services and restricted personal services either as a permitted use or via a CUP or MUP.

d. 1715 W. 35th St. and 1701 W. 35th St. aka 3406 Jefferson Ave. mapped MS2B. CS was, obviously, improvidently granted decades ago based on the planning prediction that there would be a cross-town freeway on W.34th St. – an apt illustration of what bad planning can do. The CodeNext zoning would make matters worse by upzoning the property to include incompatible uses such as bars and nightclubs, microbreweries with an MUB and a liquor Store with a CUP. These are highly inappropriate uses that should not even be considered in such close proximity to a neighborhood and elementary school.

Although we have not been given enough time to fully analyze this proposed zoning, because of the location and given the limited options, it is conceivable that MS2B could work for these properties provided there is a neighborhood overlay to exclude bars, nightclubs, microbreweries, liquor stores and restricted personal services.

5. Residential Area south of 35th St. to the west of Jefferson and south of 34th St. to the east of Jefferson.

We strongly oppose the R3C designation in Bryker Woods. The streets and lots in Bryker Woods were not designed for the increased density. The proposed reduced parking will make our narrow streets difficult to navigate and unsafe for pedestrians. This upzoning serves no purpose but appears to be a rote application of increased density within an arbitrary distance of an arterial. Blanket applications are the antithesis of planning. There is absolutely no support for so-called transition zones in Imagine Austin.

The planners and consultants have bisected our neighborhood in a manner that will destroy its cohesion and character by upzoning more than half of our residential property, including property around the elementary school to R3C. This is inconsistent with Imagine Austin which directed density to corridors and centers and directly violates our neighborhood plan. The residents of the neighborhood are unified in their opposition to cutting up our neighborhood with different zoning. The Mayor agrees:

"There's no sense in shoving density where it would ruin the character of the city we're trying to save in the first place, where it's not wanted by its neighbors, and where we would never get enough of the additional housing supply we need anyway." Mayor Steve Adler, State of the City Address.

We strongly object to R3C zoning. We request R2C zoning for the entire neighborhood with no reduced parking.

Thank you for your consideration of this information. We thank you for your work on behalf of the citizens of Austin.

Best regards,

Michael Curry

Michael Curry
On behalf of the Board
of The Bryker Woods N.A.