

Brentwood Neighborhood Plan Contact Team
Response to CodeNEXT Draft Land Development Code
7/03/17

The Brentwood Neighborhood Plan Contact Team (BNCPT) is tasked with the stewardship of the Brentwood/Highland Combined Neighborhood Plan adopted May 13th, 2004. We consist of property owners, property renters, and business owners within the boundary defined by the Brentwood Neighborhood Plan. We have examined the draft code and its impact on our Neighborhood Plan (NP). We have seven (7) concerns that we would like addressed by the Code Consultant and City of Austin Staff. Beyond the concerns we have provided some possible remedies that we feel are important for the consultant and staff to consider.

1. Form Based Transect Zoning:

The new form-based Transect Zones do not reflect the current development pattern, or those proposed by our Future Land Use Map (FLUM). If the draft code were adopted as it is mapped and written, it would result in a large majority of our existing neighborhood becoming non-conforming. Brentwood is known for a variety of building forms, a lush urban tree canopy, and deep single-family lots. In contrast, the proposed Transect Zones describe few building forms, with very restrictive, architecturally monotonous building footprints. CodeNEXT would direct (see section 23-2G-1010) that our mostly nonconforming neighborhood homes would be replaced “by abandonment” driven by “limiting investments in them” and “restricting expansion or alterations.” Our Neighborhood Plan has no provision for such neighborhood dissolution. Amended LMDR zoning is more compatible with retaining existing neighborhood flavor. The LMDR amendments would be 25’ setback from the street and allowance of 2 stories for the entire lot.

2. Parking Reductions:

Brentwood has been an early adopter of the Secondary Apartment Special Use infill tool (allowing Accessory Dwelling Units [ADU] on lots smaller than 7,000 s.f.) We have adopted the Vertical Mixed Use overlay on our perimeter along Lamar and Burnet Roads to allow more dense and affordable housing along these activity corridors. We have seen the impact of these projects’ reduced parking requirements, as the cars overflow into the existing neighborhood streets, crowding and blocking single-family driveways, and creating both a safety hazard and a negative impact on the quality of life. We feel the further reduction of parking requirements without a convenient and robust transit system, additional infrastructure improvements such as sidewalks; traffic calming; and lower speed limits will negatively affect our single-family core.

3. Compatibility Setbacks:

The new code eliminates long-standing Compatibility setback requirements that limit the intrusion of offending commercial uses on single-family zoned properties. In some cases, the proposed zoning allows 85 ft. commercial uses at the rear lot line of

neighborhood houses. The height of these structures will reduce sunlight access and privacy resulting in a loss of property value and the slow erosion of single-family uses along the edge of our Neighborhood.

4. Mitigation of Negative Uses:

The proposed form-based code assumes that building form alone impacts the character of a neighborhood. Our neighborhood has had to deal with many incompatible uses along our activity corridors. The geometry of our neighborhood has activity corridors that cut angularly through the residential grid, and in some areas, no clear edge occurs. Our adopted FLUM seeks to mitigate this edge problem by allowing Neighborhood Office, as a use “barrier” between more intensive commercial, restaurants/bars, and retail commercial development. The new code does not delineate neighborhood office, or any office use separately than other commercial uses. Therefore, the possibility of obnoxious uses immediately adjacent to single-family homes is a further affront to our NP.

5. Flooding:

The proposed code could significantly increase current impervious cover over existing limits. We have seen the negative impact of current upstream development on our neighborhood, resulting in more properties being designated within the flood plain. We feel the new code should put more effort into innovative storm water control systems, reduction of impervious cover limits or reward for developing below the impervious cover limits, and allowance of taller development particularly along the activity corridors when it is linked to flood mitigation measures.

6. Affordability:

Our NP has been an early adopter of increased density of housing options within our single-family lots through the allowance of ADU’s prior to the Citywide ordinance change in 2015. We supported the VMU overlay with its carrot approach to developers allowing greater density on our activity corridors (Burnet and Lamar) through the development of affordable housing units within their mixed-use buildings. The new code has unproven measures to allow the development of more “missing middle” housing, but Brentwood already has zoning to support small apartments and the “missing middle.” Affordability is defined in many ways, some of which include: retention of existing older housing stock as rental units and “forever” homes, development of small, dense living units such as the many 5-10 unit, 2 story apartment blocks within our neighborhood, as well as subsidized housing through tax credits, or developer incentives. We would like to see the new code support all three affordability options.

7. Public input:

The new code language seems to allow developers to seek many parking reductions, building size increases, increase in units, and use options without the input of neighborhood residents, at the discretion of the “Director”. Experience tells us that these agreements and modifications need to be transparent with a full public review.

Specific BNPCT recommendations:

1. Form Based Transect Zoning

- a. Limited use of Transect zoning in existing neighborhood.
 - i. No T4N (4 unit by right) zoning for current SF zoned properties.
 - ii. LDR or LMDR (with amendments) zoning rather the Transect zoning for property currently zoned SF-3.
 - iii. Do not apply a Transect zone category to lots that will result in the existing buildings or lots becoming “Non-Conforming”.
- b. Provide a greater variety of building footprints and building form options to allow more flexibility in designing new single-family and two-family development specifically around existing trees and on lots with no alleyways.
- c. Consider keeping current Floor to Area Ratio (FAR) limitations in order to allow more building form variety and flexibility to respond to specific lot configurations and easements.
- d. Ease the ability to develop small sized multi-family apartments on currently zoned MF-2 and MF-3 properties. Enable micro-units on these properties for affordability
- e. T5MS zoning along Burnet and Lamar should be reduced to T4MS, which allows housing, similar to the current CS-VMU zoning along those corridors.
- f. LMDR should include the front/back duplex building form options since those are currently possible in our SF-3 and are compatible with our deep lot dimensions.

2. Parking Reductions

- a. Maintain current Land Development Code parking requirements, but provide incentives to developers that improved public infrastructure through new sidewalks, traffic calming, and reduced speed limits.
- b. Give property owners more ability to institute “Resident Only” parking areas on inner neighborhood streets.

c. Give property owners easy methods to reduce speed limits in areas that are subject to speeders and cross traffic.

3. Compatibility Setbacks

a. Maintain current compatibility setbacks when particular uses wish to occupy existing and new buildings, or obtain neighborhood, planning commission and city council approval process before compatibility setbacks can be reduced for specific uses incompatible with residential areas, such as, but not limited to bars, outdoor entertainment, late night restaurants, and outdoor gyms.

b. Maintain max. 2 story within 50' adjacent to single-family uses along edges for uses that are compatible (i.e. residential units in a mixed-use building).

c. T5MS along Burnet and Lamar should be reduced to T4MS, which is more in line with the current height restrictions of CS zoning, thus protecting the adjacent SF-3 properties from the stifling effects that 85' structures.

4. Mitigation of Negative uses

a. Define transition types of transect zones that allow transitional uses such as neighborhood office and professional office, between single-family and commercial uses. Transitional uses are to be placed on existing non-residential zoning and not replace and up-zone existing residential zones.

b. Require a Conditional Use Permit (CUP) for personal services, restaurants and bars, and any loud (motorcycle repair / CrossFit), or obnoxious use that has a negative affect on single-family use.

c. Provide a mechanism for Neighborhood Contact Teams to bring before the Director, Planning Commission and/or City Council mitigation when new and unforeseen obnoxious uses occur.

5. Flooding

a. Incentivize development that reduces impervious cover limits below the maximum allowed.

b. Allow for innovative storm water control systems that minimize downstream flooding.

c. Provide Transect Zone options with reduced impervious cover limits, in areas upstream of flood prone areas.

6. Affordability

- a. Reinststitute Vertical Mixed Use options on activity corridors that incentivize affordable housing options.
- b. Provide a building form use that is possible on multi-family Transects (property current zoned MF-1 or less restrictive that allows “tiny houses” (ie. 200 to 400 s.f.) in numbers up to 3-4, depending on tract size
- c. Allow easier rehabilitation of existing housing through additions and remodels, so that more existing housing will be maintained.
- d. Allow ease of development of small apartment buildings that are similar to current development patterns, on current MF-2 and higher zoned transects.

7. Public Input

- a. Require more negative uses to go through a Conditional Use Permit with neighborhood input. Prohibit MUP approval of use changes.
- b. Prohibit MUP approval of additional units on single-family/duplex zoned properties.
- c. Allow simple method for Contact Teams to bring unforeseen issues before the Director, Planning Commission, and/or City Council for mitigation.
- d. Remove any “overbuilding”, “accidental” development, or “oops” clause from the code that allows a remedy by the Director without neighborhood input.

Conclusions

A huge effort has gone into the establishment and maintenance of the Brentwood Neighborhood Plan. Development of the new City of Austin Land Development Code is a daunting and difficult task. We would like to see the new code incentivize diverse development. We would like to see the new code promote development in line with our Neighborhood Plan. The current draft code does not recognize the very specific character of Brentwood. We hope further revisions take our input into consideration.