

Bryker Woods Neighborhood Association

July 6, 2017

Greg Guernsey, Director
Planning and Zoning Department
City of Austin

Dear Greg,

Ahead of the July 7, 2017 deadline, please accept this collection of CodeNext Map comments submitted by the Board of the **Bryker Woods Neighborhood Association**. We have just learned that the City is renaming all of the zones. We have no control over the drafting and mapping; accordingly, our only option is comment using the labels on the existing map.

Our comments point out errors in the map. Those errors include incorrect information about existing zoning which apparently led to incorrect future zoning, notations on the proposed map that do not indicate which specific zone is being proposed, the application of incorrect zones which would jeopardize the safety of elementary school students or would be incompatible with adjoining uses or would violate the Neighborhood Plan or would constitute unilateral up-zoning under the existing Code or some combination thereof.

We ask that the corrections be made on the upcoming July map to remove the shadow that the current map casts on the neighborhood.

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

There are numerous mapping errors throughout this area.

A. The house at 1502 W. 34th St. is a residential property with residential zoning. The mappers apparently confused this property with the property to its east (1500 W. 34th St.) which is a commercial use which fronts on Mills Ave and is zoned GO-CO-NP. Apparently for that reason the Map incorrectly assigned GO-CO legacy zoning to 1502 W.34th St. – thinking, perhaps, it was the same property. In addition to the fact that there is no conditional overlay on this separate property, this designation would make no sense from a planning standpoint. It would encourage the elimination of this relatively affordable housing and violate the Neighborhood Plan. The lot at 1502 should be treated the same as lot 1504 (to the West). The 1504 lot has been mapped as T3N.DS. If Transect zones are to be applied to this area **the lot at 1502 W. 34th St. should be T3N.DS.**

B. The house at 3406 Glenview is an old two story Victorian House turned into small offices. It is zoned LO-NP yet the mapping tool map incorrectly indicates that this property is currently CS-NP. The property adjoining to the north is a combination of CS-NP and LR-NP. The

mappers apparently thought 3406 Glenview was part of the adjoining property because the MAP proposes that this property be up-zoned from Neighborhood Retail to the densest T5 category available: T5.MS. Transect zone T5.MS allows 6 stories and is, among other things, described as appropriate for a *regional* focal point. This is an obvious mistake apparently caused by a misconception of the present zoning and a failure to recognize that the property in question is a separate lot on a residential street. **If 3406 Glenview is mapped Transect then - based solely upon the available choices - we believe it should be mapped on an interim basis T3N.IS-O and be subject to the Neighborhood Plan Overlay.**

C. Four properties fronting on W. 35th Street between Jefferson Ave. and Kerbey Lane are mapped as **T5.MS**:

- a. 1615 W. 35th and 3427 Jefferson aka 3427 Glenview (combined lots with mixed zoning CS and LR)
- b. 3411 and 3409 Glenview (combined with mixed zoning GR and NO-MU)
- c. 1605 W. 35th St and
- d. 1601 W. 35th St.

Again T5.MS is the highest T5 category, allowing up to 6 stories. T5MS is what was mapped for Lamar Blvd. The three side streets for these properties are Kerbey, Glenview and Jefferson. Glenview and Kerbey (and Jefferson except for the turn lane at 35th Street) 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. This proposal is inappropriate. **If these properties are mapped Transect then we believe, based solely upon the available choices, they should be mapped on an interim basis as follows:**

- a. 1615 W. 35th and 3427 Jefferson (combined): T4MS-O.
- b. 3411 and 3409 Glenview (combined): T4MS-O.
- c. 1605 W. 35th St.: T4N.SS-O.
- d. 1601 W. 35th St.: T4N.SS-O

D. The property at 1503 West 35th St. is currently zoned LR. The proposed Map would rezone this property to T5N.SS-0 which would permit a 4 story building and 13 units. This is entirely 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 level of density was never envisioned by the Neighborhood Plan which provides that [h]armony 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. **If 1503 West 35th St. is mapped Transect then - based solely upon the available**

choices - we believe it should be mapped on an interim basis T4N.SS-O, subject to the Neighborhood Plan Overlay.

E. The following properties are mapped “**T4N-O**”: Glenview: 3401, 3402, 3404, 3405, 3407; Kerbey: 3400, 3402; 1510 W. 34th (corner of Kerbey and W. 34th).

We are unable to find a “T4N”(or T4N-O) zone in the CodeNEXT draft. We advised a Staff member that we could not tell which T4 zone was proposed. We were told that this was because we weren’t typing in the address of each lot. We have typed in the address for all of those lots and the map only indicates T4N-O. That leaves open the possibility that any of the T4N zones in the draft code and appendix will be applied. (A private citizen suggested that the City intended T4N-O to mean T4NC-O. That seems implausible for a number of reasons not the least of which is that T4NC-O permits 3 stories and 175 units per acre. Even the most hard core density proponent would not propose such a zone for this location.) So we are left guessing.

As a practical matter these Map misnomers are less important than this fact: each of the T4 zones envision more density than the streets and the context can be expected to accommodate. To be clear, there are no zones in the T4N- Transect class in the current CodeNEXT draft and Appendix that would be appropriate for this area. Here is why:

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 T4 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 crossing guard is correct: increasing the traffic level and on-street parking jeopardizes the safety of the elementary school children and represent exceedingly poor planning. 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) do not permit medical office or retail and (iii) they are all being effectively converted to mixed use.

c. Any T4N 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 this block is mapped Transect then –based solely upon the available choices - this area should be mapped on an interim basis T3N.IS-O subject to the Neighborhood Plan Overlay.**

F. With regard to 1508 W. 34th St., for the reasons stated in E, above - and the additional reason that it is on a very steep hill with limited sight lines - 1508 W. 34th St., if mapped as a Transect **should be – based solely upon the available choices - mapped on an interim basis T3N.IS, subject to the Neighborhood Plan Overlay.**

G. Another mistake on the map for this area pertains to 3404 Kerbey Lane which is currently LR-CO. The Map would unilaterally and incorrectly up-zone this property to GR-MU-CO. There is no support for this in the Neighborhood Plan. This up-zoning is not an artifact of the code re-write process – it is simply rezoning outside the zoning process. This is bad planning and bad process. The property should be left **LR-CO**.

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

a. The Map designates this area **T4MS**. This 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 it's 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."

T4.MS is too intense and three stories 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, T4.MS level development will result in commercial 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. **If this block is mapped Transect, based upon the available choices, it should be mapped T3 Mainstreet (T3MS), on an interim basis, because that Transect zone is much more consistent with the City Council approved Neighborhood Plan and better respects the adjoining homes.**

b. With regard to two specific properties in this area, the proposed Map has an Open sub-zone for 1717 W. 35th St. This is an apartment which provides more affordable housing. It should not have an Open sub-zone as that will encourage redevelopment to a commercial use. On the other hand, 1715 W. 35th St. is a commercial use. It is mapped without an Open zone and should have one.

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

We do not agree with the application of Transect zoning on SF-3 neighborhoods. The streets and lots in Bryker Woods were not designed for the increased density. The proposed reduced parking will make our streets difficult to navigate and unsafe for pedestrians. The coupling of Open commercial zones as part of the Transect scheme will cause commercial traffic and parking to bleed into the neighborhood. The form aspect of transects is overly prescriptive.

We understand that the zones are being revised. We seek a residential zone which maintains our density and parking levels in the residential areas and protects us from commercial traffic and on-street parking especially in the proximity of our elementary school.

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 Neighborhood
Association