



### **Heritage Neighborhood Resolution Regarding CodeNEXT Draft 3**

The Heritage Neighborhood Association continues to have serious objections to CodeNEXT as presented in Draft 3. Neighborhood representatives have attended the staff office hours and the Neighborhood Association provided recommendations on both Draft 1 and Draft 2. With the exception of applying R2 zoning to many current SF-3 parcels in our neighborhood, none of the Association's recommendations have been implemented.

The Heritage NA has reviewed each draft of CodeNEXT to ensure that the new land development code will meet the following objectives:

1. Faithfully implement the intent of the Imagine Austin Comprehensive Plan by preserving the character of Austin's central neighborhoods while providing tools to manage growth and create a more compact, connected city;
2. Preserve existing "missing middle" and affordable units in our neighborhood; ensure that people who live in Heritage now can remain in their homes.
3. Ensure that the new code does not provide undue incentives to demolish and subdivide parcels without a clear community benefit;
4. Encourage development consistent with the existing Central Austin Neighborhood Plan, which protects core residential neighborhoods, encourages growth on corridors, and provides for compatibility between them;
5. Increase affordable housing options in our neighborhood;

We strongly oppose provisions of CodeNEXT that radically increase entitlements and incentives for redevelopment in the core residential areas of our neighborhood, while failing to provide for real affordable housing along the corridors.

**We request that the land development code follow a process through which neighborhood plans will be revised, as provided for in the Imagine Austin Comprehensive Plan.**

We also have the following objections to the new code draft:

- We object to the increased heights (up to 85' in Main Street zones) and the decreased compatibility protections that are allowed with to be 100' away from single family homes.
- We object to reductions in allowed lots sizes in R2C as these encourage aggregation and re-subdivision (along with demolition and redevelopment of lots).
- We object to the additional spot zoning of SF-3 properties with R4 zoning which will likely set a prescient for future zoning changes that will further destabilize the neighborhood.
- We object to the rewording of the occupancy limits on unrelated adults which now refers to structures instead of properties.
- We object to the elimination of parking requirements for businesses that are 2500 sq ft or smaller.

- We object to Section 23-2G on Nonconformity which discourages “the long-term continuation of nonconformities by limiting investments in them.” This section unfairly penalizes property owners of older structures, and promotes the redevelopment of properties and buildings that give Heritage its distinctive character.
- We object to the ADU preservation bonus which is completely unnecessary for homes that are only 10 years old and therefore is a tool to encourage more ADUs instead of encouraging preservation of the historic neighborhood character.
- We object to the eleventh hour release of a 410 page addendum which is essentially Draft 4 of the code, along with revised maps when there is no time left to study and understand either one.

**Without substantial revisions to address these many concerns, the Heritage NA finds Draft 3 unacceptable and inconsistent with our Neighborhood Plan and the Imagine Austin Comprehensive Plan.**

A handwritten signature in black ink, appearing to read "Gretchen Flatau", with a long horizontal flourish extending to the right.

Gretchen Flatau  
President, Heritage Neighborhood Association

Adopted unanimously on April 23, 2018



## **CodeNEXT Draft 2 and the Heritage Neighborhood**

Reviewed & Supported Unanimously at the Heritage General Meeting held Monday, October 9, 2017

### **Heritage Exemplifies the Vision of Imagine Austin**

The Heritage Neighborhood, located in central Austin and bordered by 29<sup>th</sup> Street, 38<sup>th</sup> Street, Guadalupe Street, and North Lamar Boulevard is a diverse, walkable, urban neighborhood.

Heritage includes and is within walking distance of a variety of local businesses including restaurants, shops, grocery stores, and medical offices. The interior of the neighborhood is comprised of a fabric of homes mostly built by the mid 1930s, some from the 1800s. Many of these homes have been carefully maintained over the decades and/or recently renovated with additions, new foundations, mechanical, electrical and plumbing systems, energy efficient windows and other upgrades.

The existing housing stock in Heritage includes many so-called “missing middle” residences, including duplexes, triplexes, accessory dwelling units, row houses, small apartment buildings, and condominiums that together make up about 70% of the residential units in the neighborhood.

### **Imagine Austin and the Neighborhood Plan.**

CodeNEXT Draft 2 fails to follow the existing Central Austin Combined Neighborhood Plan, which calls for retaining single-family uses and intensifying pedestrian-friendly development along the corridors. The Imagine Austin Comprehensive Plan specifies that changes to neighborhood plans will require input from stakeholders and follow the plan amendments process.

Given the extent of the changes in the second CodeNEXT draft, the lack of a red-lined document, and the incompatibility of much of the proposed zoning with the Central Austin Combined Neighborhood Plan, six weeks is an insufficient period for a complete evaluation.

The Heritage Neighborhood Association requests that the Draft 2 public input period be extended to allow CodeNEXT to be reconciled with the existing Central Austin Combined Neighborhood Plan.

## Zoning Recommendations to Reconcile CodeNEXT with the Neighborhood Plan

1. Floor Area Ratios: FAR limits are essential to preventing the extensive demolition of residences in Heritage. The FAR limits added to Draft 2 of CodeNEXT are an improvement from Draft 1 and should be retained.
2. Occupancy Limits: Clarified occupancy limits of four unrelated adults in a single family dwelling, and an additional two unrelated adults in an Accessory Dwelling Unit, should be retained.
3. Residential Zoning: We believe that increasing the number of residential units allowed on current SF-3 properties from 2 to 3 (R3C allows Duplex and ADU) and decreasing the minimum lot size will encourage redevelopment and the removal of residents. This is exacerbated by the allowed increase to 0.57 FAR for Duplexes on large lots, currently prohibited in the SF-3 zone by LDC Subchapter F. We object to this change without stakeholder consideration and input as part of a Neighborhood Plan amendment process. **Residential zoned parcels in Heritage and similar neighborhoods currently zoned SF-3, should be zoned R2C.**
4. Infrastructure Capacity: We are concerned that Heritage and many other areas of the city have insufficient infrastructural capacity (water, wastewater, gas, storm water drainage, and roads )for the proposed density increases. Zoning changes should not occur without an evaluation of these resources.
5. Site Development Standards: The Heritage Neighborhood objects to the elimination of Subchapter E standards to create pedestrian-friendly environments in CodeNEXT. We recommend that the current Subchapter E sidewalk requirements be maintained and be spelled out.
6. 34<sup>th</sup> and 29<sup>th</sup> Streets: Heritage Neighborhood includes both Main Street and Mixed Use (MU1A, MU1B, MU1C, and MU1D) zones on 34<sup>th</sup> Street. As the front setbacks of these two types of zones are radically different, we recommend that all Main Street zones be changed to Mixed Use zones on 34<sup>th</sup> Street, which is more appropriate to the interior of the neighborhood. Similarly on 29<sup>th</sup> Street, between Salado and Rio Grande, the zone should be Mixed Use zoning instead of Main Street .
7. Min. Lot Sizes in Residential Zones: Footnote 1 should be revised to reference a concrete date that precedes code adoption. The current language “at the time of adoption of this Land Development Code” provides a loophole that could be exploited to modify parcels during the code adoption process.

## Incompatible Uses & Recommended Changes

8. Drive Through Uses: Main Street and Mixed Use zones proposed for Heritage allow (without a conditional use permit) drive-through restaurants. In order to maintain a safe environment for pedestrians and cyclists, drive-through uses were prohibited in our 2004 Neighborhood Plan except where “grandfathered”. As recently as January 2017, the HNA successfully opposed the construction of a new drive-through. The Heritage Neighborhood continues to oppose any new drive-through uses in the neighborhood and recommends that these uses be prohibited in all MS zones.
9. Telecommunications uses are according to 23-4D-2030, permitted without use permits in all residential zones (except LA), but restricted by 23-4E-6370 in “Residential House Scale Zones.” The Heritage Neighborhood recommends that telecommunications uses be Not Allowed in Residential House Scale Zones and that those uses require a conditional use permit in mixed-use, multi-family residential, and main street zones.
10. Poorly Defined Uses: CodeNEXT allows for uses within Heritage Neighborhood that are either not defined, or defined too broadly. All of the following uses, which are permitted without use permit, should be clearly defined:
  - Accessory Uses (category is far too broad)
  - Food Sales (unclear what is meant by “on and off site”)
  - Retail in residential zones (clarify and limit)
  - Medical Services (should limit sizes and prohibit surgery centers)
  - Outdoor Formal and Outdoor Informal (not defined in the code)

## Address the Unintended Consequences of Increased Density

11. Parking: The Heritage Neighborhood currently suffers from over-parking on many residential streets making it difficult and dangerous for emergency responders, school buses, utility trucks, cars and pedestrians to navigate. We recommend that reductions in required parking should be moderated and sensitive to development pressures as follows:
  - a) On-site Duplex parking should be reduced to 1.5 spaces per unit, not 1 (which is a 50% reduction) for a total of 3 spaces per Duplex.
  - b) Elimination of required parking for Accessory Dwelling Units should be allowed only as a preservation bonus (see below).
12. Affordability Housing Bonus Program: CodeNEXT includes an Affordable Housing Bonus Program (AHBP). While we support the desire to provide

affordable housing in Austin, we object to the bonus applying in R4 zones. As a result of the “spot-zoning” of multi-family parcels in Heritage, the bonus allows a floor to area ratio (FAR) of 0.8 despite being adjacent to R3C zones with FAR that is half as large. This can result in incompatible buildings in the house scale zones. In addition, we object to the Additional Affordable Housing Incentives in Section 23-3E-5010 that allow for reduced parking requirements and impervious cover up to 65% in R3C zones. The Housing Bonus Program would be better utilized on the activity corridors. The Heritage Neighborhood recommends that the AHBP should apply in the MS2B zones on Guadalupe, Lamar and 38<sup>th</sup> Street.

- 13. Preservation:** Preservation incentives added to Draft 2, such as restricting heights of ADUs for new developments, are a positive step and one tool to avoid extensive demolitions in Heritage. We recommend that these incentives be expanded and strengthened as follows:
- a) Require (1) parking space for new ADUs unless existing home is preserved.
  - b) Relax development limits more than 80’ from the front property line only if existing home is preserved.
  - c) Provide clear requirements for the preservation bonus including the minimum age of the existing house, how much must be preserved, and for how long.

#### **Additional Special Consideration in Heritage**

- 14. The Old Firehouse** at 3002 Guadalupe has historic zoning and is owned by the City of Austin. We recommend that the property be zoned P-H.

Despite the limited time frame which made a comprehensive evaluation of the proposed code impossible, we trust that staff will find these recommendations useful and consider our request to extend the timeline for further study.

Sincerely,



Gretchen Flatau  
President, Heritage Neighborhood Association

Date: 10/12/2017