June 30, 2014

RE: Residential Design and Compatibility Commission CodeNEXT Review Comments

To Whom it May Concern,

The Code Diagnosis noted (p. 33) that code sections such as the "McMansion provisions are causing longer and more complicated reviews." While Subchapter F adds some complexity to a plan submittal, this asserted complication applies only to two-story and larger buildings, and to attic and basement exemptions. Generally, these longer reviews are encountered when a property is being "maxed-out" with regard to height, setbacks and/or floor area. Prior to the City-Council appointed Citizens Task Force that created the McMansion Ordinance (Subchapter F) which includes FAR (FAR has been a long-standing component of the Commercial Code) and the "tent" overlay concept (similar to a Compatibility Standard), single family zoning was only controlled by a 35' height limit, 5' setbacks from adjacent properties and a 45% impervious cover limit. For many decades this development potential was rarely filled up, but the desire for significantly larger homes and the possibility to build duplexes in SF3 zoning on 7,000 SF and larger lots encouraged the maximization of any given property in the years immediately preceding the creation of the Citizens Task Force. The discordant juxtaposition with smaller traditional homes created dramatic incompatibilities between single family buildings, especially in older Austin neighborhoods - all without adding either affordability or density. The adoption of Subchapter F has alleviated much of this disparity and has provided both more predictability for homeowners and added stability to the value of their property. It is profoundly important to maintain this balance in any work product or recommendation resulting from CodeNext.

More so, after years of hearing cases and with direct observation of the various issues surrounding Subchapter F plan review, the RDCC has begun a list of items identified by staff, those Commissioners in a design practice, and various stakeholders; items that, if evaluated and implemented, can substantially enhance clarity of intent, understanding of requirements, and reduce review turnaround times. The Commission will address those items and provide that input in the near future - but frankly speaking, the bulk of the regulations have become a valuable component in neighborhood compatibility, and it does a disservice to the City Council specifically, as well as to those individuals who have efforted tirelessly on behalf of their neighbors, to suggest otherwise.

We are of the opinion that the issue of review time is as much an issue of process and staff expertise as it is any claimed 'complexity'. In the last years, review backlogs have been vastly improved as staffing has been increased. We suggest, for instance, that improved and documented interpretations as well as appropriate staff training would provide both more precise and consistent applications and equally, more consistent reviews with greatly reduced turnaround times. Again, the addition of <u>intent</u> clauses would provide guidance for both designers and for review interpretation. We strongly suggest approaches such as these should be considered first, rather than discarding wholesale provisions deemed by a few to be "causing longer and more complicated reviews". The ensuing consultant study to reorganize PDRD will hopefully provide some additional insight and guidance on this issue; it is

urged the process itself be considered integrally, well before any - even minor - revisions are made to the Ordinance which is currently in place.

In recent months the RDCC approved a recommendation to City Council that the Commission should be converted to a Neighborhood Planning and Compatibility Commission to continue the existing relationship with residential staff and to evaluate neighborhood compatibility issues. While the Subchapter F/McMansion provisions should remain an integral part of any new code, the need for and desire to grant waivers has all but come to an end and it should be terminated.

An additional compelling reason for this is that the Commission is required to review cases based upon design, but there is no provision to include design professionals on the Commission. In recent years cases brought to the RDCC rarely involve excellent design, but more often involve lack of knowledge of the code, or rather simply a desire for more space. These are usually not compelling cases and have little merit under the Mission/Charter of the Commission; if there is truly a 'hardship' for additional FAR, such can be sought from the BoA as a variance.

The RDCC will continue to provide ongoing CodeNext input.

Sincerely,

William Burkhardt, Chair, RDCC
Karen McGraw, Vice Chair, RDCC