



## HISTORIC LANDMARK COMMISSION RECOMMENDATION 20180423-4G

Date: April 23, 2018

Subject: CodeNEXT Draft 3

Motioned By: Myers

Seconded By: Papavasiliou

### **Recommendation**

Opposition to CodeNEXT Draft 3 and recommendations for priority changes. See attached document.

### **Description of Recommendation to Council**

Recommendation by the Historic Landmark Commission to Council regarding CodeNEXT Draft 3.

### **Rationale:**

See attached document.

### **Vote**

For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett

Against: None

Abstain: None

Absent: Brown, Galindo, Hudson, Peyton, Valenzuela

Attest:

A handwritten signature in black ink, appearing to read "Cara Bertron", written over a horizontal line.

Cara Bertron  
Deputy Historic Preservation Officer

**Historic Landmark Commission**  
**Recommendation on CodeNEXT Draft 3**  
**April 23, 2018**

The Historic Landmark Commission did not see significant changes to CodeNEXT Draft 3 in response to its recommendation regarding Draft 2. Therefore, it reaffirms its recommendations and concerns regarding Draft 2 from October 23, 2017 (following), with these additional comments:

- The incentives proposed by the Commission to incentivize preservation of older buildings and neighborhoods under Priority Change 1 have been applied citywide, thereby eliminating their effectiveness as tools for preservation.
- The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.
- Many errors and contradictions remain within and between sections that should be corrected.
- The term *preservation* should be defined. Commissioners recommended the definition adopted by the Secretary of the Interior.

**Historic Landmark Commission**  
**Recommendation on CodeNEXT Draft 2**  
**October 23, 2017—Reaffirmed April 23, 2018**

The Historic Landmark Commission’s mission is to promote historic preservation in Austin through the retention of the city’s older and historic buildings and neighborhoods. CodeNEXT Draft 2 does not go far enough to encourage the continued use of existing building fabric, which is a vital component of a diverse, vibrant and equitable community. Instead, CodeNEXT continues to enable the demolition and replacement of existing housing stock with new construction. Consequently, the Commission cannot recommend the adoption of CodeNEXT as written.

We recognize that:

- Austin is growing, and that accommodating new residents requires denser development
- Housing is less affordable for Austin households
- The status quo allows widespread demolition and out-of-scale new construction that threaten older neighborhoods

Given these circumstances, we believe that CodeNEXT has the potential to offer a framework to help preserve older buildings and neighborhoods. The draft already focuses added density on underdeveloped sites (e.g., strip malls on commercial corridors); concurrently, it should add elements to safeguard existing neighborhood character. This goal can and should support other priorities such as increased density, greater affordability, environmental sustainability, economic prosperity, and social equity; and we ask that historic preservation be included in CodeNEXT’s clearly named and supported priorities.

Our concerns are not for Austin’s 600+ historic landmarks and four local historic districts, which are protected by historic zoning, but for older neighborhoods whose built character tells multilayered stories of local communities and helps define Austin’s identity. Some of these neighborhoods possess the integrity to be designated as local historic districts; others do not. If form-based zoning is aligned more closely with historic development patterns and scale, it has the potential to preserve neighborhood character in each of these areas while allowing compatible and denser development.

We have identified some specific changes below and ask that additional options to retain existing buildings be researched and identified. We believe that older neighborhoods can accommodate density in a way that preserves their historic pattern and scale via ADUs, duplexing, and context-sensitive additions. Furthermore, we believe that historic preservation is an essential part of managing change in a healthy, dynamic, sustainable, prosperous, and equitable city. Any code rewrite should include it as a priority.

Priority Changes

1. Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density
  - a. Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size or existing house’s area.

- b. Allow rear additions to existing houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house.
  - c. Waive parking requirements for ADUs if the existing house is retained and rehabilitated.
- 2. Maintain the historic street pattern
  - a. Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2.
  - b. Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.
- 3. Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning
  - a. Limit height of front façade to the prevailing height of neighborhood, with additional stories set back at least 15' from the front façade.
  - b. Require upper-story setbacks of 15' or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old].
- 4. Discourage demolitions of older commercial and residential buildings
  - a. Charge an impact fee for demolition, with increased fees for demolition of contributing buildings within local and National Register historic districts.
  - b. Reduce or waive parking requirements if existing building form is retained (e.g., with 15' setback, roof form, and compatible primary façade).
  - c. Grant additional height for commercial buildings with stepped-back addition if existing building is retained, as currently proposed for residential buildings.
  - d. Explore additional ways to incentivize retention of existing older buildings (e.g., TIF districts or PIDs, transfers of development rights, façade easements, design option points, and more).

#### Necessary Next Steps for Historic Preservation Program

1. Allocate full funding for a comprehensive citywide historic resources survey.
2. Make it easier to convert National Register historic districts to local historic districts (e.g., require 51% property owner support and the creation of design standards or an addendum to citywide design standards, as proposed below).
3. Make local historic district designation easier for community members with additional and clearer support materials; also provide more staff support for applications through research, survey, and assessment of contributing/non-contributing.
4. Develop citywide design standards to guide changes to buildings in National Register historic districts (advisory) and provide a baseline for local historic district design standards.
5. Develop a comprehensive preservation plan for the city to guide future preservation policy.
  - a. Explore ways to protect potential historic resources identified in the historic resources survey with a preservation priority of Medium or High
  - b. Explore additional incentives for local historic districts (e.g., lowering or waiving permitting fees)
  - c. Explore additional resources and incentives for preserving neighborhood character of non-designated areas (e.g., through incentives for a new group of "heritage houses," defined as having moderate significance or long-term ownership)
  - d. Expand staffing for the Historic Preservation Office