

## **ALLANDALE NEIGHBORHOOD ASSOCIATION** **RECOMMENDED CHANGES TO CODENEXT VERSION 3**

The Allandale Neighborhood Association's (ANA's) response to the third draft of CodeNEXT follows extensive comments and recommended changes to the first two drafts sent to City Council and City Staff, which can be found on the City's CodeNEXT website. After review of the CodeNEXT Version 3 (CN3), ANA strongly disagrees with statements made by City staff that this draft is friendlier to neighborhoods. In particular, significant changes were made to the R2 and R3 zoning tables that will dramatically increase density in the impacted neighborhoods, due to lot size reductions and allowable house forms. These changes were never presented in earlier drafts and appear to be furtively added to this last and final draft to minimize the amount of public input.

### **CN3 Doesn't Protect and Preserve Neighborhoods**

In the last few months, some council members and stakeholders aligned with developer interests have trivialized efforts to maintain the "family friendly" character of our neighborhoods in the urban core. Neighborhood advocates were not inventing these concepts, but echoing the importance Imagine Austin's vision places on preservation of neighborhood character when revising Austin's Land Development Code. The following is an excerpt from the description of Imagine Austin Priority 8 for revising the development regulations on page 207:

*"The existing neighborhood and area plans were crafted within context of this code and decisions were reached based upon the assumptions of the continued utilization of its provisions. This includes elements of the Land Development Code that are not specifically addressed in neighborhood and area plans but on which decisions were based (e.g., compatibility standards). The vision of the comprehensive plan can be achieved by retaining these protections and the approaches taken in the neighborhood and area plans.*

*Any suggested rewrite of the City Code, while striving to achieve the broad goals of the comprehensive plan, must recognize, respect, and reflect these carefully crafted compromises, balances, and the assumptions upon which the existing neighborhood and area plans were based and depend.*

*Continued **protection and preservation of existing neighborhoods** and the natural environment must be considered top priorities of comprehensive revisions to the City Code. The consequences and impact of additional density and infill in existing neighborhoods must be carefully identified and analyzed to **avoid endangering the existing character of neighborhoods** and exacerbating community health and safety issues, such as flooding. Impacts on sustainability and livability by increased infill and density of units, including associated infrastructure costs and impacts on affordability, should be identified prior to adoption of a new city code. **Modifications to the City code and building code should be measured with regard to their ability to preserve neighborhood character, consistency with adopted neighborhood and area plans, impact on affordability, and the ability of existing families to continue to reside in their homes.**"*

City staff, Austin's mayor and council members committed that single-family neighborhoods in the urban core would have zones similar to the current code and that density would be increased along activity corridors and regional centers. City staff in presenting the third draft

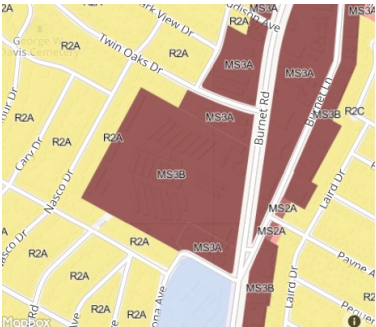
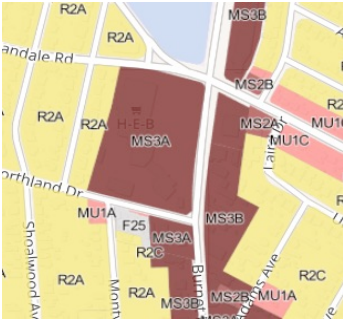
stated that they responded to the concerns of single-family neighborhoods and made it more neighborhood friendly. The updated maps indeed showed that in Allandale many areas zoned R3 were now R2. Handouts summarizing the different residential zones indicated that R2 meant a maximum of 2 units and R3 meant a maximum of 3 units. However, these were misleading as the lot size and intensity tables for each of these zones allows for, in some instances, twice the density as the second draft. The standard lot size for single-family zones, already reduced in 2015 from 7,000 s.f. to 5,750 s.f. have again been reduced to 5,000 s.f. R2 zones in draft 2 permitted duplexes (R2A restricted duplexes to corner lots) and accessory dwelling units (ADUs) with single-family units throughout. Now in CN3, R2 lots that are at least 50' wide can be subdivided into two smaller lots each having a single-family unit (attached) and an ADU. Therefore, CN3 allows for the possibility of 4 units in the same area that currently only allows 2 units. Likewise, R3 and R4 lots can also be subdivided for single-family attached units. The addition of the single family attached house form is not in keeping with the character of many neighborhoods, nor are there any design requirements for how the units should be connected at the new property line.

**Recommendation:** City Planners need to create an R1 zone that allows only one unit per lot similar to current SF2 zoning and an R2 zone limited to two units per lot similar to current SF3. After creating R1 and R2, replace the current zones with their respective equivalents.

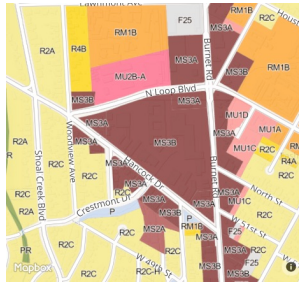
**Compatibility Still an Issue with CN3**

City planners have not listened to the concerns of neighborhoods and many experienced planners regarding the compatibility requirements for mixed used zones near single-family homes. Current code allows commercial building heights of 60 ft. at distance of 300 ft. from a residential unit. CN3 dramatically changes the compatibility requirements allowing MS3A and MS3B zones, common along Burnet Rd., to reach heights of 85 ft. when 100 ft. away from adjacent single family properties. The images below show examples of these corridor incompatibilities.

Owners of single-family residential units between Allandale Rd. and Northland Dr. and between Addison Ave. and Twin Oaks Dr. will be subjected to an 85 ft. building adjacent to their homes.



MS3A zoning for the triangular parcel of land bound by Hancock Dr., North Loop Blvd. and Burnet Rd. is far too dense for the surrounding neighborhoods especially with regards to the potential traffic impacts.



**Recommendation:** Compatibility standards should be restored to current code requirements or something similar. Furthermore, compatibility should not only apply to adjacent lots. All single-family residences within the step-back distance should trigger height limits. As an alternative approach, mixed zones such as MS3A and MS3B that are incompatible with adjacent single family residences should be replaced with compatible zoning categories.

### CN3 Eliminates Neighborhood Plan Overlay

The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated in CN3. This is despite a commitment from the CodeNEXT Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that “Neighborhood Plans will remain as overlay districts.” Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values of its residents. CN3 maps disregard many of the elements of the approved Neighborhood Plans. With the removal of the Neighborhood Plan Overlay, neighborhood plans will no longer take precedent over the base zoning requirements in the Land Development Code. Additionally, City Planning and Zoning Department has no plans for how it is going to transition current neighborhood plans and associated Future Land Use Maps to include newly established zoning categories. This will in effect make neighborhood plans obsolete.

**Recommendation:** Previously adopted Neighborhood Plans should be preserved as an Overlay Zone within CodeNEXT and take precedence over proposed base zones in the neighborhood area.

### CN3 Allows Too Many Bars

As shown in the following table, CN3 maps too many zones along Burnet Rd. and Anderson Ln. corridors with uses allowing alcohol consumption. Particularly alarming is that bars and nightclubs are permitted out right in MS3A and MS3B zones and all that is required for a bar to stay open late is approval of a minor use permit by the Planning Director. Despite concerns from neighborhoods with the lack of restrictions for the number of bars along corridors and vicinity to neighborhoods in CN2, CN3 still does not offer any added requirements for Bars and Nightclubs in 23-4E-6 Specific to Use.

Zones	MU1A	MU2B	MU3A	MU3B	MU4B	MS1A	MS1B	MS2A	MS2B	MS3A	MS3B
<b>Restaurants</b>											
With Alcohol	-	P	P	P	P	-	MUP	-	MUP	P	P
Drive Through	-	CUP	-	CUP	MUP	-	-	-	CUP	MUP	MUP
Late Night	-	-	CUP	CUP	P	CUP	CUP	CUP	CUP	CUP	CUP
<b>Micro-Brewery/ Micro-Distillery</b>	-	P	P	P	P	-	MUP	-	P	P	P
<b>Bar/Night Club</b>											
Level 1 (no outside seating, no late hours)	-	CUP	CUP	P	P	-	MUP	-	MUP	P	P
Level 2	-	-	-	MUP	P	-	-	-	-	MUP	MUP

**Recommendation:** At a minimum, a conditional use permit should be required for any use to establish bars and nightclubs with late night hours. A section specific to Bars and Nightclubs should be included in section 23-4E-6 specific to Use with added requirements for the minimum distances from single-family residences and between bars/nightclubs.

**CN3 Still Does Not Address Questions on Flooding**

Allandale is a neighborhood that has been traumatized by major flooding in the past, and will be susceptible to flooding for the foreseeable future. Shoal Creek runs through the middle of the neighborhood for the entire length of the neighborhood, and a massive new Planned Unit Development (PUD), The Grove at Shoal Creek, is being built on Shoal Creek's banks. CodeNEXT will increase impervious cover throughout the Shoal Creek watershed, and that poses a threat to lives and property in Allandale.

The City Watershed Department tracks localized flooding. As can be seen in the City map at <https://austintexas.box.com/s/so7nky5w2hgyqncpso6t42b9gvnlslj>. Austin is plagued by localized flooding problems and cannot keep up with stormwater infrastructure improvements necessary to support current growth, much less the dramatic increases in housing units that would result from CN3.

Neighborhood leaders, Flood Task Force Members, Council Members and Commissioners have expressed concerns that changes to the Land Development Code in CN3 do not address flooding and could make flooding worse. As evident from the most recent flooding in Houston from Hurricane Harvey, infrastructure needs to be in place prior to the development, not after neighborhoods are under water.

ANA fully supports changes to the current code that will provide for protection from flooding due to increased development by bringing once “grandfathered impervious cover” to current drainage control standards. However, after review of this provision in CN3, it was discovered that the language in section 23-10E-3010 was softened to “[A proposed development] Notwithstanding the requirements of (5)(a), will be designed such that proposed post-development peak runoff conditions do not exceed undeveloped peak runoff conditions;” ANA recommends the code revert to the stronger language found in CN2 in section 23-10E-3010 (A)(5)(f) that states, “A development application may not be approved unless the proposed

development reduces the post-development peak flow rate of discharge to match the peak flow rate of discharge for undeveloped conditions as prescribed in the Drainage Criteria Manual.”

**Recommendation: CodeNEXT should not be implemented until city staff and consultants have completed comprehensive modeling on the impacts of increased flooding potential that will result from increased density in flood prone areas like Allandale. Stormwater Infrastructure required to accommodate increased units, must be funded and constructed prior to growth occurring. Secondly, revert code language to the previous version of 23-10E-3010 found in CN2.**

### **CN3 Parking Reductions will Negatively Impact Safe, Walkable Neighborhoods**

Like previous drafts of CodeNEXT, parking requirements for the new residential zones under CN3 are half of what is required in the current code. To make matters worse, Accessory Dwelling Units (ADUs) do not require any parking and are permitted in most residential, multi-unit residential, mixed use, main street and the commercial zones. Reduced parking in neighborhoods will put more parked cars on streets reducing walkability and safety for pedestrians and bike riders in neighborhoods where sidewalks are scarce. To make matters worse, CN3 has removed parking requirements for the first 2,500 s.f. for many uses in mixed use and main street zones. For example, general office, bars and nightclubs, restaurants, retail, general services, libraries, museums and public art galleries do not require parking for the first 2,500 s.f.

**Recommendation: Require parking minimums be maintained at levels in the current code. After Austin has established the capacity for mass transit that would truly allow for less parking, then reducing parking minimums can be revisited. At a minimum, single family zones should be restored to current code requirements to minimize on-street parking.**

### **CN3 Goes Beyond 2025 Housing Supply Goals**

According to the CodeNEXT Consultant’s models of housing capacity achieved from CN3, 287,000 additional units could be developed by 2025. Current code is projected to produce 141,215 units. The City’s Strategic Housing Study forecasts Austin needs 135,000 additional housing units by 2025 to meet expected population increases. The consultants have explained that capacity does not equal forecast. They say that two times the forecast in capacity is required to meet housing goals. Based on this, CN3 is providing the housing units needed to meet the Strategic Housing Plan.

However, the 135,000-unit goal is questionable to many observers. Austin is expected to grow by 19% between 2015 and 2025 and the 5 County Metropolitan Statistical Area (MSA) is expected to increase by 34%. Authors of the Strategic Housing Plan applied a 34% increase to Austin, which is highly unlikely and yielded 60,000 additional units than is actually required. If the goal is to redirect growth from the surrounding counties to Austin, then a percentage higher than 19% is justified. However, redirecting MSA growth to Austin was not outlined in the Imagine Austin plan. An increased growth percentage equal to the rate set for the combined MSA is definitely incorrect. Additionally, the City’s Demographer questioned the original 135,000-unit target with 80,000 being a more accurate number. Therefore, the City Planning Department’s capacity target should be closer to 160,000 units and not 287,000

units and there is no justification to force more density into our single-family neighborhoods away from the activity corridors.

**Recommendation: City planner and their consultant need to adjust the current draft to match the population projections, and therefore the need for increased housing, to the official projections developed by the City Demographer.**

**CN3 Will Likely Create Many Negative Impacts on Neighborhoods Which the City Has Not Adequately Analyzed**

The goal of CN3 is to massively increase housing in the urban core of Austin, which means that Austin's infrastructure and its citizens' quality of life could be negatively impacted in a variety of ways. Since the City Council seems irrationally devoted to rushing a vote on CodeNEXT, there has been inadequate time to effectively analyze all of the potential impacts of the various iterations of CodeNEXT, including:

**Schools:** How will the addition of hundreds of thousands of additional people impact Austin schools? Will already overcrowded schools become more overcrowded? Are school locations being considered at all as part of CodeNEXT zoning?

**Traffic:** One thing that everyone in Austin can agree on is that traffic in the city is horrible. CodeNEXT will facilitate the addition of hundreds of thousands of more people and hundreds of thousands of cars to Austin without doing anything to improve public transportation. What will be the likely traffic impacts of CodeNEXT?

**Infrastructure:** More businesses, residences, and people will put strains on Austin's aging infrastructure, including water, sewage, electric, parks, schools, and roads. How will CodeNEXT negatively impact Austin's infrastructure? How much more infrastructure will need to be built, repaired or upgraded to cope with CodeNEXT?

**Property Taxes:** In order to pay to upgrade infrastructure to cope with CodeNEXT, property taxes will increase. To pay for more city personnel, police, firefighters, and first responders, city property taxes will increase. If the allowed uses of property expand, then land should become more valuable. How much will land values increase, along with property taxes?

**Family-Friendly Housing:** What is the likely mix of housing resulting under CodeNEXT? Will most of the housing be more profitable efficiencies, one-bedroom apartments or micro-units? How many of the new housing units will be multi-bedroom units where families can comfortably live?

**Recommendation: Before the City Council votes on CodeNEXT, all of these potential negative consequences of CodeNEXT must be adequately analyzed so that Austinites and the City Council are adequately informed as to whether the costs of CodeNEXT are worth its implementation.**