

Karen McGraw Architect PLLC

4315 Avenue C
Austin, Texas 78751
512-459-2261

The Value of Neighborhood Conservation Combining Districts

April 24, 2018

The Neighborhood Conservation Combining District (NCCD) tool was adopted by the City of Austin in the 1985 zoning rewrite at the request of citizens.

This is a state enabled tool to provide for the conservation of the character of neighborhoods and has been used in other Texas cities.

In 1986 the city authored the Fairview NCCD and intended to move on to craft similar ordinances for the Heritage and Hyde Park neighborhoods but instead cancelled the city-sponsored program. The Hyde Park Neighborhood Association, under siege of extensive demolition and incompatible new developments, due to previous over-zoning and spot-zoning, proceeded to survey its own neighborhood and identify development patterns that would inform the NCCD overlay.

At the time, while the Local Historic District ordinance was the only tool to prevent demolition, city staff's position was that the ordinance could not be used as written and so it was not available. Instead, Hyde Park continued on with it's work knowing that all that could be accomplished was that new structures would be in keeping with the character, but that demolition could not be prevented.

In 1998 City Council selected Hyde Park for a neighborhood plan and directed staff to also assist in completion of the NCCD process. Otherwise, staff did not provide for either a Local Historic District or NCCD via it's neighborhood planning program which has always been billed as a program for infill only. Unfortunately, the best practice of surveying neighborhoods for potential HD or NCCD protection has never been a part of Austin's Neighborhood Planning Program. Neighborhoods have been left to their own resources to provide any kind of character protection.

Staff claims that they cannot administer NCCDs and thus must remove the tool from CodeNext. This is a sad claim, when NCCDs are a beneficial tool when approached in a positive way. The Hyde Park, North Hyde Park and North University NCCDs were all crafted along a similar format and completed by city legal staff. Certainly, this work could be improved, but these documents can easily provide for a template upon which to craft additional NCCDs. Given the current technology we all enjoy, there is no reason that these districts can't be accessed online and applied to any subject property.

An NCCD is an excellent negotiating tool as it can be both MORE restrictive and LESS restrictive which provides an opportunity for negotiations resulting in appropriate regulations that support existing development patterns.

An NCCD can be essentially the same as a local Historic District embodying all of the same design guidelines but simply lacks the requirement that demolition necessitates a Certificate of Appropriateness to keep contributing properties from being removed.

The HP, North HP and NUNA districts address development patterns instead of architectural styles. This means that the items of most concern are parking structure placement, driveway placement and width, front of building character (doors, porches and windows), land uses, and site development standards such as height and setbacks that are consistent with established character shared by various architectural styles.

The existing NCCDs establish sub-districts in order to recognize some variation in street types, existing land uses and commercial areas. **The Guadalupe District** provides for the 40' (compatibility) maximum height limit, 95% impervious cover, 0' front setback, allows appropriate uses and reserves the ground level for commercial use. This district could easily serve as a template for other shallow commercial corridors that abut homes. Instead, CodeNext requires one to zone to MS3 to get the 95% IC while allowing 60' of height. This is right back where we are today. Rather CodeNext should be improving the functioning of our existing corridors by offering zones that reflect our built city.

While the city contemplates crafting a **template for Historic District design standards**, staff is trying to throw away the NCCD tool which could also benefit from a template type approach.

I urge the City to:

- 1) **Maintain the NCCD tool in CodeNext.**
- 2) **Incorporate a preliminary survey to determine areas eligible for HD and NCCD protection in small area planning (neighborhood planning) and provide the resources to create these districts as part of a rezoning.**
- 3) **Consider a template approach to simplify creation of both HD and NCCD standards.**

Respectfully submitted,

Karen McGraw AIA