



**The Allandale Neighborhood Association
P.O. Box 10886 • Austin, TX 78766**

April 13, 2017

Mr. Greg Guernsey
Director Planning and Development Review
505 Barton Springs Road
Austin, Texas 78704

Re: Allandale Neighborhood Association's Recommended Changes to Draft CodeNext

Allandale Neighborhood Association (ANA) Executive Committee has reviewed the draft of the City of Austin's new land development code, CodeNext, and has identified several issues that pose significant risk to Austin's single family neighborhoods. Although ANA has many other comments and corrections to the proposed code, the issues discussed in the attached document were identified as the highest priority for ensuring the character of Austin's single family neighborhoods is preserved while this City meets the challenges of unprecedented growth.

Of particular concern to ANA is the issue of how the mapping of certain zones may permit uses and/or building forms that are not in compliance with the deed restrictions. ANA wants to make the City aware that these permitted uses may result in increased conflict including legal actions between property owners/developers and the surrounding neighbors. ANA has identified several examples where current deed restrictions do not allow anything but single family housing and in many cases include minimum lot sizes greater than what is allowed in the draft code.

We appreciate the opportunity to working with you and your staff in making improvements to this draft of the City's new land development code.

Sincerely,

Marshall Thompson
President
Allandale Neighborhood Association

Cc:

Steve Adler, Mayor
Ora Houston, District 1 Council Member
Delia Garza, District 2 Council Member
Sabino Renteria, District 3 Council Member
Gregorio Casar, District 4 Council Member

Jimmy Flannigan, District 6 Council Member
Leslie Pool, District 7 Council Member
Ellen Troxclair, District 8 Council Member
Kathie Tovo, District 9 Council Member (Mayor Pro Tem)
Alison Alter, District 10 Council Member

**ALLANDALE NEIGHBORHOOD ASSOCIATION'S
RECOMMENDED CHANGES TO DRAFT CODENEXT**

Issue 1- Protection of Single Family Neighborhoods

Chapter: 23-4 Zoning Code, Article 23-4D Specific to Zones

Division: 23-4D-2: Transect Zones; 2080-2190 T3– T5 Transect Zones

Division: 23-4D-3 Residential Non-Transect Zones; 3080-3140

Division: 23-4D-7 Overlay Zones; 7090 Neighborhood Plan Overlay Zone

Issue: Allandale Neighborhood Association (ANA) is concerned that the code as drafted will cause significant harm to single family neighborhoods in Austin especially if high density mixed use zoning is subsequently mapped within or adjacent to single family neighborhoods.

CodeNext Description: The intent stated within Chapter 23-4 Zoning is to create a hybrid zoning code divided into walkable urban transect zones and drivable suburban non-transect zones. Overlay zones provide standards that apply in both transect and non-transect zones. CodeNext identified Neighborhood Plans as an Overlay Zone and states that these plans supersede all base zoning requirements.

Pros:

- Creation of non-transect zones provides a platform for maintaining current zoning associated with single family housing.
- Neighborhood Plans are recognized and given priority over base zoning requirements.

Cons:

- Although single family non-transect zones are in many ways similar to current zoning classifications, there are significant differences that will alter single family neighborhoods.
- Transect zones allowing for increased density and varied uses will dramatically impact the character of SF2 and SF3 neighborhoods.

Recommendations:

- 1) ANA supports the creation residential non-transect zones equivalent to what currently exists. The regulatory standards in the new residential non-transect zones should include the same uses, and requirements as the current zoning classifications they are meant to replace. Some of the non-transect requirements differ from the current proposed “equivalent” and need to be changed. The correction to change designation of Accessory Dwelling Units (ADU’s) from permitted (“P”) within LDR residential non-transect zones to requiring a Minor Use Permit (“MUP”) is welcome news. However, ANA recommends that ADU’s not be allowed within LDR zones at all or at a minimum, should require approval from the Land Commission through a Conditional Use Permit (“CUP”). Furthermore, parking requirements for the new residential zones are effectively half of what was required by the current zoning and should be kept at current levels.
- 2) In the mapping phase, single family neighborhoods should be zoned with the equivalent residential non-transect. For example, Allandale single family homes zoned SF2 should receive LDR classification. ANA agrees with the language in **23-4D-7090: Neighborhood Plan Overlay Zones/Section D) Allowed Uses and Property Development Standards** that states “All Neighborhood Plan conditions apply to development within the planning area” and that Neighbor Plans supersede all other zoning requirements. Maintaining these rules will result in Neighborhood Plans controlling the character of the neighborhood and not uses and building forms permitted by overlapping Transect Zones. [Update:

ANA noticed upon review of the on-line comment tool that on April 6, 2017 CodeNext Staff deleted the Neighborhood Plan Overlay. The CodeNext Tracking Matrix stated on Page 9 that “NCCD will not be a planning tool moving forward” and that “Existing NCCDs will continue to rely on Title 25 zones, procedures and uses.” ANA requests that the City commit the resources to complete Neighborhood Plans for all interested neighborhoods even after adoption of CodeNext. The neighborhoods are not at fault for the City’s slow implementation of the NCCD rules. Therefore, the Neighborhood Overlay Section should remain and include language stating that 1) existing NCCDs will continue to rely on Title 25 zones, procedures and uses and 2) allows neighborhoods to establish neighborhood plans after adoption of CodeNext if they have expressed interest in having a neighborhood plan prior to Council approval of the new land development code.]

- 3) In order to limit the impacts from increased density along activity corridors to established single family neighborhoods, the mapping of Transect Zones should be restricted to the back property lines of commercially zoned properties within the activity corridors.
- 4) As with current zoning, Short Term Rentals (STR’s) are a permitted use for all residential zones in the proposed new code. ANA does not support non-owner occupied STR’s (Type 2 and 3) as an approved use within single family neighborhoods. ANA strongly recommends that the City take this opportunity within the code to restrict STR’s to only owner-occupied (Type 1) and that even these require a Conditional Use Permit (CUP) to ensure that STR requirements are complied.

IA Goal Impacted:

- p. 118. Land Use Transportation Policy 4 – “Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.”
- p. 138. Housing and Neighborhood Policy 11 – “Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.”
- p. 207. Priority Goal to Revise Austin’s Land Development Code “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.”
- P. 208. Priority Goal to Revise Austin’s Land Development Code “The revised Land Development Code should incorporate direction from the actions attached to this program (see the Action Matrix, starting on page 228). Generally, these actions...Preserve the character of different neighborhoods and parts of the city.

Issue 2 – Drainage

Chapter: 23-4 Zoning Code, Article 23-4D Specific to Zones

Division: 23-4D-2: Transect Zones; 2080-2190 T3– T5 Transect Zones

Chapter: 23-4 Infrastructure; Article 23-10E: Drainage

Division: 23-10E-3010 Criteria For Approval of Development Applications

Issue: The draft CodeNext will result in increased flooding due to increased impervious cover allowed within Transect Zones as compared to current impervious cover limits especially combined with the City’s demonstrated lack of planning to mitigate increased flooding as a result of the City’s uncontrolled growth.

Article 23-10E-Drainage provides the intent of the rules as follows: “Drainage regulations ensure the health, safety, and welfare of the public and properties through management of stormwater, preservations of waterways, and control of soil erosion such that *no adverse impacts occur as a result of development.*” ANA is concerned that increases in impervious cover limits proposed for T4 Neighborhood Shallow Setback including all T5 Transects will dramatically elevate the risk of flooding within single family neighborhoods within or adjacent to these Transects. T4 limits jump from 55% for T4 Neighborhood Shallow Setback to 80% for T4 Main Street and three of the four T5 limits are set at 90%. The current pace of development has already exceeded the capacity of the City’s infrastructure for managing stormwater.

ANA fully supports the stricter drainage rules to require redevelopment to meet pre-developed conditions found in *23-10E-3010 Criteria For Approval of Development Applications* which require all development to “reduce 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.” Many of the developed sites in the urban core have no drainage controls for existing development. The City can no longer exempt new development from drainage regulation for existing impervious cover if it is going to protect communities from flooding. Therefore, these stricter requirements need to be kept in the final version of the code

Lastly, ANA is concerned that stormwater management infrastructure including storm drains and detention structures will not be properly inspected and maintained.

CodeNext Text Description: Refer to *Section J Impervious Cover* for each set of requirements for Transects.

Pros: Allows for increased density near activity corridors and centers.

Cons:

- Increased risk of flooding.
- Increases cost of additional storm-water management infrastructure and maintenance of such structures.

Recommendations:

- 1) In order to limit the impacts from increased density along activity corridors to established single family neighborhoods, the mapping of Transect Zones should be restricted to the back property lines of commercially zoned properties within the activity corridors (same as Recommendation #4 from Issue #1).
- 2) The stricter rules requiring redevelopment to meet pre-developed conditions must be preserved in the final approved code.
- 3) City Watershed Department must have adequate funding to continue inspections of detention facilities and enforcement of drainage requirements. Increased use of underground detention may result from the stricter rules combined with allowable increases in building footprints. These facilities need to be inspected and properly maintained and the City Watershed Department given authority to require corrections when detention structures are failing.

IA Goal Impacted:

- p. 207. Priority Goal to Revise Austin’s Land Development Code “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.”

Issue 3: Parkland, Civic Space, Open Space

*Chapter: 23-3: General Planning Standards for All, Article: 23-3B: Parkland Dedication
Division: 2010- Dedication of Parkland*

*Chapter: 23-4 Zoning Code; Article: 23-4C: General to All Development
Division 23-4C-1 Community Design, 1070 Civic and Open Space
Division 23-4C-2 Civic and Open Space, 2040 to 2170 Civic Space Design Standards*

Issue: The new rules for Civic and Open Spaces in **Article 23-4C-1070** are not clear as to whether a residential development would have to comply with these and **Article 23-3B: Parkland Dedication** and exactly how a mixed use development would comply with both. Compliance with exclusively the 1070 requirement of setting aside 10% of net development acreage and providing exemptions for 4 acre and 8 acres sites will result in too little parkland being required as compared to the parkland dedication requirements. The high thresholds triggering requirement for parkland within **Article 23-4C-1070** combined with specific design standards calling for smaller civic spaces will negate addition of certain larger park types within urban core. These rules specify that for sites greater than 15 acres, the distribution through the neighborhood shall be multiple smaller civic spaces per Figure 23-4C-1070.1. It will therefore be very difficult or impossible to add larger park types such as Metropolitan Parks (75 acre min.), District Parks (25 acre min.), and Neighborhood Parks (1-10 acre min.) within the urban core. Furthermore, much needed Neighborhood Parks are allowed in only 4 of the 9 Transects according to **Articles 23-4C-2040 – 2170 Civic and Open Space**.

CodeNext Text Description: In addition to the existing parkland rules adopted within **Division 23-3B-1 Parkland Dedication** for residential development, CodeNext introduces an entirely new set of civic and open space requirements in **Article 23-4C-1070** applicable to all development not just residential. CodeNext also provides form based standards for Civic and Open Spaces within transect zones.

Pros: Additional parks and open spaces will be required as a result of commercial development.

Cons:

- The compliance requirements between the existing rules and new rules are difficult to understand.
- The new rules as drafted will not result in significant added parks as due to the exception thresholds and design standards that discourage larger neighborhood parks.
- PARD is not included in approval process under the Civic and Open Space regulations.
- Deed restrictions are used for privately owned parks, but are not enforced by the City.
- The basis for calculating the amount of civic space required has no relationship to the density and population using the space.

Recommendations:

- 1) Specify that Civic and Open Space requirements in 1070 apply to those non-residential uses not already covered by 23-3B-1 Parkland Dedication.
- 2) For mixed Use developments, the development should be required add the required park and open space resulting from the non-residential development to the amount required for residential development. Therefore, remove language allowing parkland dedicated under 23-3B-1 to count toward 23-4C-1070 requirements.
- 3) In 1070, lower the exceptions from compliance from 4 acres to 1 acres and from 8 acres to 2 acres in order.

- 4) Remove requirement in 1070 for sites greater than 15 acres that civic and open spaces should be divided up into smaller spaces as this will exclude neighborhood parks and larger parks that may be lacking from a particular area.
- 5) In Articles 23-4C-2040 – 2170 Civic and Open Space, permit Neighborhood Parks in additional transect zones as they are only allowed in 4 of 9 transects.

IA Goal Impacted:

- p. 195. Priority Goal for Use of Green Infrastructure. Metric - Improve access to parks (¼ mile within walking distance of parks)

Issue 4 - Parking

Chapter: 23-4 Zoning Code, Article 23-4D Specific to Zones

Division: 23-4D-2: Transect Zones; 2080-2190 T3– T5 Transect Zones

Division: 23-4D-3 Residential Non-Transect Zones, 3050 General to All Residential Non-Transect

Issue: The stated goals of CodeNext related to parking was to reduce the amount of property dedicated to parking as a way to address affordability and to reduce the number of neighborhood parking permits to free these areas up for commercial parking. The draft code dramatically reduces parking in both transect and non-transect zones for residential and commercial uses. For residential uses, parking generally has been reduced from two spaces per unit to just one. The impact will be most notable in multifamily residential, condominiums, and larger duplexes and attached single family units where the increased parking required per bedroom has been removed. Lack of adequate parking for commercial, office and residential development along activity corridors will increase traffic in adjacent single family neighborhoods as well as hurting small businesses that depend on adequate parking to serve their customers. A defining characteristic of most single family neighborhoods is safe streets for walking and biking. Residents living in single family neighborhoods adjacent to popular commercial districts such as South Congress, Rainey and many areas in east Austin have lost the ability to safely walk through their streets. Single family neighborhoods should not be used for overflow commercial parking as it presents an obvious detriment to the character of single family neighborhoods and a health and safety concern for the residents. The parking needs to be kept within the activity corridor.

CodeNext Text Description: Refer to *Section I Parking* for each Transect Description.

Pros: Reduced parking requirements will allow more valuable property along activity corridors to be used for housing instead of vehicle parking.

Cons: Multi-family and Mixed Use development with inadequate parking will result in increased traffic and on-street parking in single family neighborhoods.

Recommendations:

- 1) Proposed parking requirements for the residential non-transect zones should be kept at levels found in current equivalent zones.
- 2) In order to limit the impacts from increased density along activity corridors to established single family neighborhoods, the mapping of Transect Zones should be restricted to the back property lines of commercially zoned properties within the activity corridors (same as Recommendation #4 from Issue #1).
- 3) Restrictions for neighborhood parking using neighborhood parking permits need continue until such time as Austin has viable transportation options.

- 4) Along activity corridors, many businesses could share parking based on their peak business. Along Burnet Rd., there are many empty service businesses that are closed when adjacent restaurants and bars are still doing business. The City should develop programs to incentivize businesses to share parking.
- 5) Maintain existing parking standards for small businesses to ensure adequate parking for their customers.

IA Goal Impacted: Same as Issue 1- Protection of Single Family Neighborhoods.

Issue 5 – Affordability

Chapter: 23-4 Zoning Code, Article 23-4D Specific to Zones

Division: 23-4D-2: Transect Zones; 2080-2190 T3– T5 Transect Zones

*Chapter 23-3 General Planning and Standards for All,
Article 23-3E Affordable Housing Incentive Program*

Issue: Transects Zones will allow for more diverse and dense development in existing single family neighborhoods as a way to create more affordable housing options such as missing middle type housing. For many Austin neighborhoods, the single family home is the predominant feature and dramatic changes in the housing types will be detrimental. Of the proposed Transect Zones, T3 Neighborhood Edge-Wide Lot and T3 Neighborhood Edge are most similar to current SF3 zoning, allowing for single family homes and duplexes as well as accessory dwelling units. These will have the least impact on single family neighborhoods although currently zoned SF2 neighborhoods such as Allandale that are mapped within T3 zones would see increased density. Any other Transects allowed within or adjacent to single family neighborhoods will result in increased traffic and on-street parking very similar to areas like South Congress where the character of the neighborhoods has been permanently, negatively transformed. Current code for density bonuses related to affordable housing is difficult to understand and lacks transparency resulting in distrust within the community.

Affordable homes in the urban core are being demolished and replaced with large homes that use the maximum allowed impervious cover and building size.

As with existing code, CodeNext permits short term rentals (STR's) within all residential zoning classifications. ANA opposes the permitted right for non-owner occupied short term rentals (STR Types 2 and 3) on the basis that they remove affordable housing stock for both single and multi-family residences.

CodeNext Text Description: CodeNext includes the use of Transects Zones to apply form based standards and allow for more diverse and dense development, including more affordable missing middle type housing. The intent is to apply this zoning near activity corridors so that the more densely developed areas will be adjacent to more options for transportation.

Pros: Increase affordable housing options along activity corridors.

Cons: Negative impacts to single family neighborhoods from increased density such as increased traffic, on-street parking, and flooding.

Recommendations:

- 1) In order to limit the impacts from increased density along activity corridors to established single family neighborhoods, the mapping of Transect Zones should be restricted to the back property lines of commercially zoned properties within the activity corridors (same as Recommendation #4 from Issue #1).

- 2) ANA supports City's efforts to preserve existing housing stock as a way to increase affordable housing.
- 3) ANA supports City's efforts to increase the amount of affordable housing for families, by establishing goals for housing with two or more bedrooms.
- 4) The methodology for assessing community benefits when giving developers density bonuses must be transparent. For both the Grove at Shoal Creek and Austin Oaks Planned Unit Developments, the calculations could not be agree upon or understood by Council Members which results in public distrust of the process.
- 5) STR Type 2 and 3 should not be a permitted use. Too many STR 1 locations will also remove affordable housing availability. In order to track the number of STR Type 1 locations, these should require a Conditional Use Permit at a minimum.

IA Goal Impacted: Same as Issue 1- Protection of Single Family Neighborhoods.