



South River City Citizens Inc.
P O Box 40632
Austin TX 78704
www.srccatx.org

Gretchen Otto, President
Dan Fredine, Vice-President
Nancy Byrd, Treasurer
Mary Friedman, Secretary

Greg Guernsey
Director, Planning and Zoning Dept
505 Barton Springs Rd
Austin, TX 78704

June 6, 2017

RE: SRCC's Position Paper on CodeNEXT

Dear Mr. Guernsey:

Members of the South River City Citizens Neighborhood Association have reviewed the draft of the CodeNEXT land development code rewrite and have significant concerns about its potential effect on our neighborhood and central Austin. The attached position paper, approved by the general membership in an unanimous vote on June 5, outlines our most pressing concerns, although it is by no means fully inclusive. This paper seeks to provide a broad overview of our concerns which we wanted to submit before the June 7 deadline so that city staff and others would have this information before the next revision of the draft. We may submit further comments after the draft is revised.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gretchen Otto', with a long horizontal flourish extending to the right.

Gretchen Otto
President
president@srccatx.org

cc: Austin City Council, Planning Commission, Zoning and Platting Commission, Austin Neighborhoods Council

SRCC Neighborhood Association Position on Draft Proposed CodeNext

South River City Citizens Neighborhood Association (SRCC) submits these preliminary comments in response to the draft proposals for the CodeNext Land Development Code text and zoning map. We understand there will be an extension for commenting on the affordability bonus provisions to 30 days after their publication. Overall, we are concerned that the final product must reflect the years of work our neighborhood residents have put into creating and protecting livable neighborhoods, integrating nature into our neighborhood, and contributing to the vision of Imagine Austin. We look forward to reviewing improved future drafts.

The application of transect zoning to areas of single family housing in close-in neighborhoods not only fails to protect neighborhood character, but specifically targets these areas for redevelopment, i.e., driving modest income individuals and families from the neighborhood (sometimes from the city) and inviting demolition and landfilling of existing, character-defining and historic housing. Targeting additional swaths of single family housing outside the narrowly designated South Congress Avenue corridor or a neighborhood center for transect zoning and the proposed uplifting of entitlements is inconsistent with the limited rezoning premise of CodeNext and fails the neighborhood and environmental protection goals and principles of the Imagine Austin Comprehensive Plan.

Our primary concerns are:

- Our neighborhood plans are an important part of the Imagine Austin Comprehensive Plan that are and must remain an essential part of the new code, and are best shown with an overlay.
- The rezoning map initially proposed by CodeNext for the SRCC neighborhood, and Travis Heights-Fairview Park areas especially, do not follow Imagine Austin's recommendations that would protect this premiere historic, character-defining neighborhood of South Austin.
- Compatibility standards are hard to find and understand, and appear to have been substantially reduced.
- The CodeNext rezoning map proposes additional massive increases in density near, but outside, corridors in our neighborhood and fail to consider edge compatibility and transportation connection requirements of neighborhood centers.
- CodeNEXT rezoning appears to be encouraging the demolition of the urban core neighborhoods' existing "missing middle" housing.
- There is no evidence of coordination of the land development code rewrite with environmental goals and the related work program identified in Imagine Austin.
- Some administrative elements of the draft would significantly impact and effectively reduce public participation.

Transparency and public participation

Several administrative elements of the draft would significantly impact and effectively reduce public participation in land development decision processes. Some of those proposed changes should be eliminated or adjusted to ensure that the public has adequate opportunity to weigh in on decisions and that decision makers have adequate public input to carefully weigh the issues before them. The elements of greatest concern are:

23-1A-5020(C) Incomplete Provisions – gives a new authority for the director to create new standards when the code is incomplete. This is too broad and should be revised to authorize identifying gaps and proposing new standards to Council.

23-1B-2020 (B)(3)(b) Board of Adjustment Appeals Panel – creates a cumbersome and unrepresentative component in the appeals process and should be eliminated.

23-2C... various Notice provisions – attempt to manage objections and process delays related to public notice errors or inefficiencies. Effective public notice should be assumed an essential element of process.

23-2D... various public hearing provisions attempt to manage participation at public hearings. These do not appear appropriate to be in the code.

23-2F-1(B)(2) Special Exceptions – adds an authority for Board of Adjustment to hear and grant Special Exceptions without notice. Current requirements should be reinstated.

23-2F-2020 Exempt Residential Uses and Structures – adds authority for administrative exemptions (waivers) by Building Official without notice for any non-conformances. This expansive authority is inappropriate and should be eliminated.

23-2F-2030 Minor Adjustments – allows administrative approval of up to 10% increase in certain entitlements if errors are made “inadvertently.” This is an open invitation to abuse and should be eliminated.

23-2F-2040 Alternative Compliance -- Alternative Equivalent Compliance in the Commercial Design Standards has been abused and should just be called “non-compliance.” This expansion should be eliminated.

23-2G ... various provisions allow the director to approve continuance of non-conforming parking when “feasible”, or approve non-conforming uses less intense than existing non-conformity in residential buildings. These decisions, not generally to be encouraged, belong with the Land Use Commission or Council.

23-4B ... various provisions authorizing the Board of Adjustments to grant Special Exceptions to zoning regulations without public notice. The silliest of these authorizes exceptions to permit an existing use that was permitted by the city in error. The provision for this type (Type 3) should be eliminated and other types should reinstate public notice and hearing requirements.

CodeNext and Neighborhood Plans

Austin’s Neighborhood Plans are an important part of the Imagine Austin Comprehensive Plan and are an essential part of the new code. These plans, mandated and adopted by the City Council, have been carefully crafted to reflect the unique needs to each neighborhood. Imagine Austin states: “*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.*” The text (23-4D-7090) states that properties within the boundaries of these plans “must be developed in a manner consistent with the goals, policies and objectives of the adopted Neighborhood Plan... [and] ...provisions as contained in the adopted Neighborhood Plan or accompanying ordinance shall apply and supersede the underlying base zone requirements.” It is imperative that this principle and this section be preserved, the text continue to include the specific Neighborhood Plans and clearly articulate that these plans are integral to the comprehensive plan and the code itself, and clearly and correctly communicate the neighborhood plan boundaries to all parties with an overlay. Additional attention needs to be focused to avoid proposing underlying base zoning which would be in conflict with the Neighborhood Plans.

Neighborhood plans cannot legally be changed without plan amendments. Like other small area plans, the negotiated zoning in neighborhood plans should be carried forward. However, the CodeNext draft map proposes zoning changes on most properties within neighborhood planned areas. Many of these changes would violate the Future Land Use Maps (FLUMs) that are part of the Neighborhood Plans. The carefully negotiated detailed Neighborhood Plans that the City and stakeholders spent so much time and money preparing are being ignored. The draft map proposed to rezone most properties in areas with Neighborhood Plans many with transect zones that are not equivalent to current zoning. Some neighborhood plan areas with single family zoning indicated on their FLUM now have a proposed zoning of T4N-SS. The Zoning Map Guide indicates that T4N zones are similar to MF2 and MF3 from the current code. This means that changes from SF-3 to T4N zoning require Neighborhood Plan amendments. We insist that the city must follow its own rules and initiate a formal process of amending the neighborhood plans and FLUMs when a property’s rezoning under CodeNEXT would result in a different zoning category (e.g. single family to multi-family, residential to commercial, etc.).

The code consultants have often said that the new maps do not represent an upzoning. But the new maps do not take FLUMs into account, have a higher unit density, changes/increases in net FAR, and reduced parking requirements. No matter what criteria you use, these ARE upzonings proposed throughout our central city.

Preservation of neighborhood character and historical resources

The Imagine Austin Comprehensive Plan advises that urban planning and design should protect historic areas and help maintain neighborhood character. This is explicitly stated on page 233, LUT A41-A46 and page 237, HN A17 and HN A21. Unfortunately, the City of Austin did not, as suggested, update its city-wide historic resources survey prior to attempting the Land Development Code re-write, nor has the City revised its demolition and historic preservation ordinances to disincentivize demolitions and give greater protections to historic properties (more than 50 years old, as defined by the Secretary of Interior). CodeNext, therefore, is launching with a disadvantage and must rely on neighborhoods to provide feedback as to what constitutes historic, character-defining building fabric.

Many residents in the Travis Heights-Fairview Park area of SRCC hold grave concerns that CodeNext's proposed zoning would jeopardize our neighborhood's historic, eclectic character, which further defines the

general character of "SoCo" in South Austin, an iconic shopping and dining destination for tourists and locals alike. The mix of mostly modest wood frame cottages and bungalows -- predominantly Victorian and Arts and Crafts architectural styles -- help tell a story of Austin's history, and give the neighborhood its distinct identity and sense of place. The large collection of intact pre-World War II buildings is significant enough that residents have organized to designate the neighborhood a National Register Historic District (NRHD), and it was deemed eligible for such a designation by the Texas Historical Commission. In addition, an application for a Local Historic District in Blue Bonnet Hills, a collection of slightly more than 100 homes within SRCC, was recommended by Planning Commission and Historic Landmark Commission.

The zoning codes initially proposed by CodeNext for the SRCC neighborhood, and Travis Heights-Fairview Park specifically, do not follow Imagine Austin's recommendations that would protect this premiere character-defining neighborhood of South Austin. While many of our residents would welcome a reasonable affordability accommodation in the code such as for accessory dwelling units with allowable square footage relative to lot size, we believe maintaining a zoning code equivalent to single-family housing, is necessary to maintain our neighborhood character. In the proposed code, however, our existing neighborhood boundaries are not respected with transect zoning proposed to extend five blocks into the neighborhood. Such zoning would only serve to incentivize property owners and developers to demolish existing structures and replace them with multiple smaller buildings, ultimately destroying the fabric of our historic neighborhood.

Reduced Compatibility

Compatibility standards are hard to find and understand, and appear to have been substantially reduced. Transect zones are hardest to figure. Instead of being handled consistently across all properties, compatibility standards are calculated lot-by-lot, which will result in confusion and uncertainty. Height transitions would be much steeper. T4.MS can be adjacent to a single-family home with no compatibility standards triggered. Compatibility consideration apparently now ends at from 0 to 50 feet from a residence, compared with over 500 feet in the current code. Compatibility provisions may not be triggered at all if the incompatible properties are across a street from each other, and inadequate if a business is across an alley from a residence. Side setbacks are either non-existent or woefully deficient when a tall building is next to a low-intensity residential use. The setback could be as low at 0 feet from a home to a 5-story building. The setback provisions are Transect zone specific and cannot be easily understood or predicted.

Compatibility standards also involve more than just setbacks. They also involve scale and clustering, screening, lighting and noise requirements. The treatment (or lack thereof) in CodeNext of these compatibility elements is difficult to find and interpret. The compatibility approach should be revised so that it is clear, consistent, and fair to both residences and businesses.

Transportation and parking

We are big supporters of multi-modal transportation options and have publicly supported the implementation of them in our neighborhood to combat our ever-increasing traffic and parking problems. Even though the oldest subdivisions of our neighborhood were designed for pleasant walks (on unpaved roads past friendly gardens and porches) and easy access to the electric street car on Congress and Travis Heights Blvd., and already we are one of the densest neighborhoods in Austin, the city had become very car-centric over the past 50 years and our area is poor in transportation infrastructure. SRCC has too few sidewalks, bike lanes, bus routes, or even adequate safe street parking near our current corridors and we are painfully aware of the negative impact this has on our quality of life. Dangerously-parked cars, endlessly searching traffic, pedestrians, and bicycles clog our 100 year old streets near Congress Avenue as businesses have grown explosively without the proper transportation infrastructure in place.

We also have a dangerous situation with 18 wheelers using Sherwood Oaks residential streets to access the new St. Edwards Operations Building. This is an example of a dangerously inappropriate development that the city permitted under some Alternative Equivalent Compliance administrative action that neither Greg Guernsey, the current head of the Planning Department, nor Jim Duncan, former Planning director and current ZAP commissioner and CAG chair had ever seen.

We are very concerned that the CodeNext rezoning map proposes additional massive increases in density near, but outside, corridors in our neighborhood and fails to consider edge compatibility and transportation

connection requirements of neighborhood centers. Scant City efforts to address mobility in our neighborhood have resulted in very few new sidewalks or bike lanes, and bus routes have been shut down. The neighborhood's transportation infrastructure is inadequate in the face of CodeNext's sweeping zoning changes proposed. The City's anticipated Strategic Mobility Plan has not yet been published for us to review and give us confidence that some additional density could be met with adequate mobility infrastructure.

We simply cannot accept the density that CodeNext has initially proposed, and urge completion of sidewalks, bike lanes, safe and organized street parking, and additional transit options to catch up with recent growth and support respectful redevelopment of the Congress (appropriately Main Street) corridor and St. Edwards neighborhood center.

Affordability

Because the affordability and density bonus component of the proposed CodeNEXT plan has not been released as of the time of this writing, it is hard to imagine how the affordability goal was integrated into the draft code text and mapping .

Based on the CodeNEXT Prescription for Affordability, and what the Riverside neighborhoods have learned from the East Riverside Corridor (ERC) experience, we know that the current density bonus programs have not worked. The Corridor redevelopment displaced many of Riverside's long-time, public transit-reliant residents—the very people the Corridor was supposed to serve.

The ERC density bonuses have not been utilized within the Corridor. One possible reason for this is because the City raised the new entitlements by right under the Corridor up-zonings to a level where developers felt no need to request incentive entitlements requiring community benefits, such as on-site affordable housing.

Another major concern is that CodeNEXT appears to be encouraging the demolition of the urban core neighborhoods' existing "missing middle" housing. Changing the land use code within the urban core to allow multiple dwellings on standard size and smaller lots, exacerbates the loss of affordable housing. The replacement "missing middle" housing has not been, and will not be, affordable.

There are ample opportunities to revitalize aging apartment complexes and fading retail strip centers, especially where these have been identified as activity Centers in the Imagine Austin Growth Concept Map and FLUMs.

Environment

The SRCC community has worked tirelessly for more than 40 years protecting and improving our neighborhood's natural environment. This effort by neighbors has created a desirable, green, living environment, particularly along the environmental centerpiece of the neighborhood, Blunn Creek and its associated park areas. Development in the Blunn Creek watershed affects quality of the creek's water and wildlife habitat and flooding of streets and yards where predevelopment drainage is impeded or runoff exceeded.

We are concerned that there is no evidence of coordination of the land development code rewrite with environmental goals and the work program identified in Imagine Austin, in particular: *"Enact a new watershed protection ordinance to streamline, expand protection of headwaters and to promote low-impact stormwater management strategies, and to reduce capital expenditures required to mitigate water quality problems, erosion, and flooding."*

The goal "Improve watershed health" was to be measured by

- creek health
- impervious surface
- tree canopy

Each of these metrics would deteriorate under increased densities proposed in the first draft of CodeNext zoning map. Redevelopment should be subject to the same standards for predevelopment drainage and run-off as new construction. The code should articulate opportunities and requirements for preservation and restoration of the urban creeks.