

**From:** [Greenstein, Ashley](#)  
**To:** [Dutton, Greg](#); [Rousselin, Jorge](#); [Todd, Jennifer](#); [Patterson, Lacy](#); [Keating, Laura](#)  
**Cc:** [Guernsey, Greg](#); [Rusthoven, Jerry](#)  
**Subject:** FW: Friends of Hyde Park CodeNEXT Draft 3 Response and Recommendations  
**Date:** Thursday, March 01, 2018 3:59:47 PM  
**Attachments:** [image001.png](#)

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Recommendations from Friends of Hyde Park sent directly to the Mayor.

Ashley S. Greenstein, Planner  
CodeNEXT Team  
City of Austin Planning & Zoning Department  
505 Barton Springs Rd.  
Austin, TX 78704  
Phone: (512) 974-2743  
[ashley.greenstein@austintexas.gov](mailto:ashley.greenstein@austintexas.gov)



For more information on CodeNEXT please visit our website at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)  
To read and comment on the Draft Land Development Code visit [www.codenext.civiccomment.org](http://www.codenext.civiccomment.org)  
To see the Draft Proposed Zoning Map visit [www.codenext.engagingplans.org](http://www.codenext.engagingplans.org)  
To sign up for Office Hours visit [www.tiny.cc/codenextofficehours](http://www.tiny.cc/codenextofficehours)

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**From:** Walters, Mark  
**Sent:** Thursday, March 01, 2018 2:07 PM  
**To:** Greenstein, Ashley <[Ashley.Greenstein@austintexas.gov](mailto:Ashley.Greenstein@austintexas.gov)>  
**Subject:** FW: Friends of Hyde Park CodeNEXT Draft 3 Response and Recommendations

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**From:** Valenti, Margaret  
**Sent:** Thursday, March 01, 2018 1:17 PM  
**To:** Greathouse, Stevie <[stevie.greathouse@austintexas.gov](mailto:stevie.greathouse@austintexas.gov)>; Dugan, Matthew <[Matthew.Dugan@austintexas.gov](mailto:Matthew.Dugan@austintexas.gov)>; Walters, Mark <[Mark.Walters@austintexas.gov](mailto:Mark.Walters@austintexas.gov)>; Chu, Ming-ru <[Ming-ru.Chu@austintexas.gov](mailto:Ming-ru.Chu@austintexas.gov)>; Zemel, Jody <[Jody.Zemel@austintexas.gov](mailto:Jody.Zemel@austintexas.gov)>; Gibbs, Carol <[Carol.Gibbs@austintexas.gov](mailto:Carol.Gibbs@austintexas.gov)>  
**Subject:** FW: Friends of Hyde Park CodeNEXT Draft 3 Response and Recommendations

All,

I'm still sorting through emails from while I was away last week. This one came in on Monday when the City was closed for Presidents day. Please read the highlighted text below for some comments related to NPCT's. Some misinformation as well as interesting ideas out there...

M

**From:** Pete Gilcrease [<mailto:pete.gilcrease@gmail.com>]  
**Sent:** Monday, February 19, 2018 10:36 AM  
**To:** Adler, Steve <[Steve.Adler@austintexas.gov](mailto:Steve.Adler@austintexas.gov)>  
**Cc:** Cortez, John Michael <[John-Michael.Cortez@austintexas.gov](mailto:John-Michael.Cortez@austintexas.gov)>; Varghese, Lesley <[Lesley.Varghese@austintexas.gov](mailto:Lesley.Varghese@austintexas.gov)>; Majid, Sly <[Sly.Majid@austintexas.gov](mailto:Sly.Majid@austintexas.gov)>  
**Subject:** Friends of Hyde Park CodeNEXT Draft 3 Response and Recommendations

Mayor Adler,

The latest draft of CodeNEXT falls short of the changes that are needed in order to address affordability, transportation, and social equity in a meaningful way.

Draft 3 will push new development into gentrifying areas of the city, exacerbate our housing shortage, increase rents, and encourage environmentally damaging sprawl. With the latest draft map approximately 26% of the city would be exempt from CodeNEXT zoning. A comprehensive city wide plan that includes all neighborhoods should be implemented as part of CodeNEXT.

In one of the largest stakeholder processes in Hyde Park's history, Hyde Park residents [voted overwhelmingly](#) to support a new land development code to replace the existing land development code in Hyde Park.

Our neighborhood association, [Friends of Hyde Park](#), is the largest neighborhood association in Hyde Park with 415 current members (approximately 50% renters and approximately 50% homestead homeowners) and has more participation of residents in our votes and stakeholder processes out of any other neighborhood association in the area.

Media Contact: [contact@friendsofhydepark.com](mailto:contact@friendsofhydepark.com)

Board of Directors of Friends of Hyde Park

Pete Gilcrease  
Teresa Griffin  
Thomas Ates  
Matt Desloge  
Tom Clear  
Adam Luikart  
Robert Prentiss

The following are some of the initial changes we feel should be adopted to move CodeNEXT in the right direction:

**CodeNEXT Text Recommendations:**

- **Density Bonus Program Should Apply to All Zones (R2 and R3)** - R2, R3, and all other zones should also be eligible for conditional density programs (“density bonuses”)

that would embrace below-market affordable homes. Austinites of all income levels should have access to high opportunity areas such as the interiors of our neighborhoods. We should not be segregating lower income individuals and families to only be allowed along high traffic major roads or corridors. The density bonus program should not be used as a token program to say we did something to add deeply affordable housing when in reality it won't accomplish much on the ground unless it applies city wide.

- **Density Bonus Program Needs More Incentives to Get More Affordable Housing** - Density bonus programs should provide more incentives. Otherwise, developers and homeowners may simply elect to build to base zoning and we will not get affordable housing built. Several incentives should be provided such as increased height, greater FAR, reduced setbacks, and greater density instead of only allowing just one option.
- **“Compatibility” For Height Should Be Eliminated Entirely** - “Compatibility” requirements reduce the height and density of properties adjacent to single family home uses. This barrier reduces the amount of housing on adjacent properties and makes new housing impossible to add in the areas where it's needed the most such as along activity corridors like Guadalupe St that have shallow lots next to single family homes and within neighborhood interiors. If a property is zoned for specific height and density entitlements, then it should receive those entitlements, otherwise there is little to no advantage to their zoning.
- **If “Compatibility” For Height Remains, The Following Should Change**
  - Eliminated Within ½ Mile From Imagine Austin Activity Corridors
  - Eliminated Within ¼ Mile From High-Frequency and Regular Bus Routes
  - Eliminated Within ¼ Mile From Major Roads
  - Eliminated Within ¼ Mile From Activity Centers
  - **Allow “Compatibility” To Be Waived by Adjacent Property Owners** - Allow property owners to determine if the height of buildings next to them is important and if not, allow them to waive the height restrictions caused by compatibility requirements for the adjacent property.
- **Parking Minimums Should be Eliminated Entirely** - “A recent Urban Land Institute study found that minimum parking requirements were the most noted barrier to housing development in the course of their research. By reducing parking and designing more connected, walkable developments, cities can reduce pollution, traffic congestion and improve economic development.” “These requirements have a disproportionate impact on housing for low-income households because these families tend to own fewer vehicles but are nonetheless burdened by the extra cost of parking's inclusion in the development.” [1](#)
- **If Parking Minimums Remain, The Following Should Change**
  - Eliminated Within ½ Mile From Imagine Austin Activity Corridors
  - Eliminated Within ¼ Mile From High-Frequency and Regular Bus Routes
  - Eliminated Within ¼ Mile From Major Roads
  - Eliminated Within ¼ Mile From Activity Centers
- **Allow Setbacks to Be Waived By Adjacent Property Owners** - Allow individual property owners to determine if setbacks are important to them and if not, allow them to

waive the setback requirements for the adjacent property.

- **Properties Up to 10 Units Should be Exempt from Site Plans** - Smaller missing middle housing is some of the most affordable housing types available. Exempting up to 6 units from site plans, which are one of the most expensive barriers to this housing type is a good start, but we need to go further.
- **Minimum Lot Sizes Should be Eliminated or Reduced** - The minimum lot sizes for housing in R2, R3, and R4 should be no higher than 2,500 sqft or completely eliminated. Using lot widths is enough form restriction and minimum lot sizes are just another barrier to needed housing.
- **ADU Lot Sizes Should be Eliminated or Reduced** - The minimum lot size to build an ADU should be reduced to 2500 sqft. Keeping the lot size at 3,500 to build an ADU will effectively be not much different than our current code in existing neighborhoods.
- **R2 Zones Should Include a Single-Family Small Lot Form** - "Single Family" use should be reduced to 25' width and 2,500 sqft minimum lot size. Alternatively, a new form should be added with a 25' width and 2,500 sqft minimum lot size called "Single-Family Small Lot." If the ADU min lot size is kept at 3,500 sqft, that would still prevent most existing lots from having more than 2 units in R2. Both attached and detached forms should be allowed. Smaller homes on smaller lots are one of the most affordable housing types.
- **R3 Zones Should Include Triplex Form** - Triplexes should be an allowed use. This type of missing middle is still missing within the land code. If 3 units are allowed, then all forms of 3 units should be allowed for more flexibility and a variety of preferences for homeowners and renters.
- **R3 Zones Should Allow 2 Units Within A Single ADU Structure** - There should be an option to put two units in the ADU and have the primary structure as a single family structure. Some people may want to live in a single family home instead of a duplex. It would also allow for smaller units in the ADU that would be more affordable while integrating among other single family homes. We should be encouraging a greater variety of housing types. All forms of 3 units should be allowed in the 3 unit zone.
- **R3 Zones Should Allow 2 Separate ADU Structures** - There should be an option to allow two separate ADU structures and have the primary structure as a single family structure. Again, all forms of 3 units should be allowed in the 3 unit zone.
- **R4 Zones Should Allow Up To 3 Units Within A Single ADU Structure** - There should be an option to put three units in the ADU and have the primary structure remain a single family structure. All forms of 4 units should be allowed in the 4 unit zone.
- **R2 and R3 Zones Should Include a Townhouse Form** - Attached townhouses are one of the most affordable housing types because of the reduced cost from shared construction. If we are serious about affordability and bringing down housing costs, then this form will be included in more parts of the city.
- **Neighborhood Plan Contact Teams Should Be Eliminated** - The recent *Audit of Neighborhood Plans and Contact Teams* finds that our current neighborhood planning

processes are “inequitable and have lacked robust and representative participation,” that Contact Teams “create barriers to public engagement and representative decision-making,” that neighborhood “plans are not consistent with some elements of Imagine Austin,” and that “fair housing choice has not been specifically considered in most neighborhood planning efforts.” [2](#)

- **If Neighborhood Plan Contact Teams Remain, The Following Should Change**
  - **Eliminate Mandatory Attendance Requirements** - Similar to national voter ID laws in their intent, Contact Teams implement mandatory waiting periods or require mandatory attendance at previous Contact Team meetings before a stakeholder is allowed to gain voting rights. These rules are specifically designed as a way to disenfranchise stakeholders from becoming involved in the process and gaining voting rights whenever they would like to participate. Contact Teams often have votes on important matters that are not announced in advance and if an impacted stakeholder does attend a meeting to have their voice heard, they are not allowed to participate because they do not meet these burdensome voting requirements. These requirements guarantee that only a select few incumbent members retain the complete power of the Contact Team to make any decisions, regardless of what stakeholders that attend the meetings would have decided. These requirements favor older, wealthier, and retired individuals and ensure the voting membership of Contact Teams does not resemble the makeup of the stakeholders in the planning area.
  - **Require Online Voting** - Online voting is easy to securely set up, and would allow easy participation for all stakeholders in the planning area. Many stakeholders work multiple jobs, have children, or do not have the luxury of extra time to attend long meetings. If Austin is serious about getting representative stakeholder input in the planning process, then online voting will be mandatory.
  - **Set Up a City Website and Require All Meetings, Votes, and Minutes Be Posted** - There is currently little to no way for stakeholders in neighborhoods to find out when or where Contact Team meetings are held. Some Contact Teams meet in complete secrecy without any notice and in a private space not open to the public as a way to disenfranchise stakeholders in the planning area. It should be a requirement for meeting minutes to be posted on the site within a certain time period after the meeting. There is currently no easy way for any stakeholders to find any information about what happened at most previous Contact Team meetings. It should also be a requirement for all votes being taken at Contact Team meetings to be posted in advance to give stakeholders adequate time to get involved and have their voices heard on the issue.
  - **Assign A City Staff Member to Oversee Each Contact Team** - City staff should be assigned to oversee each Contact Team. The assigned staff member should attend and facilitate all meetings, functions, oversee eligible voter rosters, and take the place and function of current officer positions on Contact Teams to ensure a fair process. If Contact Teams are to continue as officially recognized planning groups within the City of Austin, then the city needs to provide adequate resources to ensure an equitable and representative process.
  - **Require All Contact Team Actions To Meet Fair Housing Requirements** - The recent Audit of Neighborhood Plans and Contact Teams states that “as an annual recipient of approximately \$10 million in federal Housing and Urban Development funds, the City of Austin has a duty under the Fair Housing Act of

1968 to affirmatively further fair housing through its planning efforts.”

### **CodeNEXT Mapping Recommendations:**

- **CodeNEXT Zoning Should Apply to the Entire City** - No neighborhoods, like Hyde Park, should be exempt from CodeNEXT. All neighborhoods city wide should have a standard set of variables to determine the zoning such as proximity to transit. The entire city should be brought into CodeNEXT zoning. Otherwise, having two land development codes active at the same time will be incredibly burdensome, overly complicated, and difficult to understand for property owners and city staff.
- **Petition Rights Should Be Granted To Property Owners of Legacy F25 Zoned Properties To Request Rezoning During CodeNEXT Mapping** - If there are any properties that are proposed to remain zoned under the old land development code (F25 - Former Title 25 properties), those property owners should be given a short time period to request that city staff, the Planning Commission, and the City Council bring their properties into compliance with CodeNEXT zoning before the adoption of the CodeNEXT map. Rezoning properties is a very expensive and time consuming process, which is completely out of reach for the average homeowner or property owner. If those property owners are denied their rights to opt-in to CodeNEXT before the map is adopted, they likely will never be moved into CodeNEXT zoning.
- **Zoning For Imagine Austin Activity Corridors Such As Guadalupe St**
  - Should Be Zoned MS5
  - **Transition Zoning From Imagine Austin Activity Corridors**
    - 0 - 1/8 Mile Should Be Zoned RM4A
    - 1/8 - 1/4 Mile Should Be Zoned RM3A
    - 1/4 - 3/8 Mile Should Be Zoned RM2A
    - 3/8 - 1/2 Mile Should Be Zoned RM1A
- **Zoning Along High-Frequency Bus Routes (Duval St) and Major Roads (38th, 45th, and 51st St)**
  - Should be Zoned MS3
  - **Transition Zoning Along High-Frequency Bus Routes and Major Roads**
    - 0 - 1/8 Mile Should Be Zoned RM2A
    - 1/8 - 1/4 Mile Should Be Zoned RM1A
- **Zoning Along Regular Bus Routes Such as Speedway**
  - Should be Zoned RM3A
  - **Transition Zoning Along Regular Bus Routes**
    - 0 - 1/8 Mile Should Be Zoned RM2A
    - 1/8 - 1/4 Mile Should Be Zoned RM1A