

**Allandale Neighborhood Association's Recommended  
Changes to DRAFT LAND DEVELOPMENT CODE AND ZONING MAP**

**Executive Summary of Requested Changes (I recommend these go into cover letter.)**

- Adhere to the priority set forth by the City of Austin in Imagine Austin to protect and preserve neighborhoods and the natural environment
- Reject current proposal for Transition Areas that extend 10-15 lots in depth and adhere to City Council directive that Transition Areas be limited to a depth of 5 lots.
- Reject current proposal that would provide for housing unit goals that exceed the City Council goal of 397,000 units by 190% and instead adopt a plan which provides for the stated goal.
- Require any additional developments, and staff rules permitting them, to explicitly address and cover the projected cost of infrastructure improvements, specifically, wastewater, roads, schools, and sidewalks, that are needed to safely provide for the increased population density and increased population. Allandale is already experiencing failures of existing wastewater pipes, which are under-sized for the existing population. Prior to adding to that population and increasing density, developers should be required to address the infrastructure needs of the proposed developments and build/replace that failing infrastructure.
- Flooding: Require improved stormwater infrastructure to accommodate projected increases in rainfall and impervious cover prior to permitting increased development. Allandale is already experiencing failures of existing stormwater drains and pipes, which are under-sized for the amount of stormwater flowing through them. Prior to increasing density and impervious cover in these affected areas, developers should be required to address the infrastructure needs of the proposed development area and build/replace that failing infrastructure.
- Single-family zones: Single-family SF1, SF2, and SF3 zones should be replaced with actual equivalent zones which only permit the same number of units as current zones.
- Revise the current proposal, which allows for a 90' tall commercial building to be located 10' from a single-family home and require compatibility standards.
- Reject all proposed changes to the Heritage Tree Ordinance.
  
- Revise the current proposal, which allows for late-hour drinking establishments and bars to be located in and near residences and require, at a minimum, a permit process and minimum distances from single-family residences.
- Parking: Parking reductions should only be allowed when sidewalks are actually budgeted for not just listed in a planning document. Criteria in addition to assessable sidewalks are required before parking reductions are allowed such as minimum street widths in order to prevent disruptions within neighborhood streets.
- Schools: The current proposal seeks to increase housing units by 397,000 and will result in an increased population of even more than that, but does not provide for funding or planning for schools to educate that population. Require that any proposed development provide funding for schools in that area sufficient to accommodate that projected population growth. Further, require that any proposals first be approved by AISD to ensure that they coordinate projected growth in populations with development of schools.

- The proposal should be revised to discourage investor-owned properties and encourage home ownership.
- The proposal should prohibit short-term rentals as these exacerbate the middle range housing shortage.

Allandale Neighborhood Association (ANA) provided comments to previous versions of the land development code (LDC) named CodeNext. ANA's comments were aligned with the City of Austin's comprehensive plan, Imagine Austin (IA), and more importantly, intended to assure the safety of our residents. After review of the latest draft of the LDC and zoning maps released 10/4/2019, ANA has the following concerns that we request be addressed prior to the approval of these drastic changes to the city's land code.

Prior to listing specific concerns, it is worth referring back to the sections of IA which specifically call for "continued protection and preservation of existing neighborhoods." This is the basis for many of our comments, which are grounded in the principles of the approved comprehensive plan. Unfortunately, individuals that refer to these council adopted policies are often unfairly quieted by others that point to them as promoting racism and segregation.

The following is an excerpt from the description of IA 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.**"*

### **Draft Maps Do not Follow City Council's Transition Area Policy Direction**

The City Council defined Transition Areas in their directives to the City Manager dated 5/2/2019:

*“The goal of providing additional missing middle housing should inform the mapping of missing middle zones, consistent with the direction provided throughout this document. a. Map new Missing Middle housing in transition areas adjacent to activity centers, activity corridors, or the transit priority network. i. Generally, the transition area should be two (2) to (5) lots deep beyond the corridor lot. ii. The depth and scale of any transition area should be set considering context-sensitive factors and planning principles such as those set out in the direction for Question 4, and 2) Transition areas should step down to residential house scale as quickly as possible, while providing for a graceful transition in scale from the zone of the parcel fronting an activity corridor.*

ANA has the following issues the mapping process and proposed maps:

- City staff did not follow the City Council directive for limiting the transition areas to 5 lots in depth. Staff’s process resulted in many transition areas exceeding 5 lots in depth and in many cases extending 10-15 lots.
- Staff’s primary justification for mapping in excess of council’s directive was that it was needed to reach the housing unit capacity goals set by the council at 3 times the units required (3 X 135,000 units = 405,000). At recent Planning Commission (PC) meetings staff stated that they did not, however, model a mapping scenario meeting the council limit of 5 lots.
- Staff reported that its modeling of the proposed maps resulted in a capacity of approximately 395,000 units. In the following section, ANA details its concerns with this reported capacity as it is much less than the total number of units allowed within all of the mapped zones. If this is accurate, staff up-zoned many more residential properties than needed to meet the 10-year goal of 135,000 units.
- Many streets fronted with single-family homes have received the greatest amount of transition area density. This is contrary to IA and the Austin Strategic Mobility Plan which direct density to commercial corridors where high capacity transit is available or planned. Furthermore, many of these streets, mainly due to their width, will not support all the connectivity and infrastructure required of transition areas such as bike lanes, sidewalks, bus stops, on-street parking (due to the eradication of off-street parking minimums), utility easements, and trash receptacle staging. An example of this is 45th St. between Burnet Rd. and Bull Creek Rd. The depth of transition areas along these residential streets should be significantly less than commercial fronted corridors such as Burnet Rd. and Lamar Blvd.
- Furthermore, staff did not increase missing middle housing in IA centers as required by IA and more recently City Council’s 5/2/2019 directives to the City Manager. Another oversight of staff was the failure to update the IA Growth Concept Map per council direction based on changes in Austin’s growth patterns since 2012, year IA was approved. Both these measures would have allowed for less intense mapping of transition areas along neighborhood streets.

**Recommendation:** Transition areas should be limited to 5 lots or less in depth per council 5/2/2019 directives. Transition area zoning should not occur along streets that are strictly residential such as 45th St. as they cannot support lots with a high number of units.

### **City Staff Modeling Process Is Not Transparent**

The council directive to staff to provide a code and maps that result in 3 times the housing goal of 135,000 units was very controversial. Staff has made several presentations to the public on housing capacity versus actual yield to justify the higher capacity numbers. Staff justification is that mapping of zones must provide for a number of units higher than the actual need due to factors that limit the number of units that can actually be developed such as market conditions, environmental, non-zoning requirements, and compatibility. However, in recent presentations to council and commissions detailing the modeling and the resulting capacity, staff explained that they already applied these limiting factors in its modeling, which means that the reported capacity of 397,000 units is not the total number of units allowed by the mapped zones. The 397,000 units reported will actually be more representative of the actual number of units produced. Therefore, the amount of up-zoning that is represented in the draft maps exceeds the housing goals by 262,000 units or 190%.

**Recommendation:** ANA requests full transparency in the modeling process and that staff provides actual total capacity, the total number of units that can be obtained from the mapped zones prior to limiting factors, and justification for suppressing the capacity numbers.

### **Inadequate Funding For Infrastructure**

In Allandale, the replacement of SF2 zones, which allow one unit and make up a majority of the neighborhood's single-family residential zones, with higher density R4 and RM1 zones, allowing 9 and 11 units respectively, occurs along the Burnet Rd. and 45th St. transition areas as well as Bull Creek Rd. and Hancock Dr. Furthermore, the replacement of remaining single-family zones with R2 zones will result in increased housing density throughout all of Allandale. ANA is concerned that City departments do not have adequate funds to support the increased density, resulting in utility and transportation service issues.

City departments do not have adequate funding to add new and replace aging infrastructure under the current LDC and furthermore, state law now caps increases in the city's tax revenues to 3.5%. Without sufficient funds, the council must assure that new development covers the complete cost of the traffic and utility improvements. For example, new transition area development must pay for sidewalks to assure they are constructed in these compact areas where off-street parking is no longer required. The city also needs to upgrade storm drains to accommodate the increased impervious cover, especially in areas already prone to localized flooding.

**Recommendation:** Development must cover the costs from impacts to the city's infrastructure. In-lieu-of fees should be minimized as these rarely cover the actual costs for improvements needed from the development.

## **Draft LDC and Maps Vanquish Single-Family Neighborhoods**

Single-family neighborhoods and neighborhood plans were specifically called out for protection within IA but these requirements have been ignored in the latest changes.

The draft code does not have any zones equivalent zones to current single-family SF1 or SF2 zones that allow one residence per lot. Secondly, the draft zoning maps are replacing SF1 and SF2 with R2 zones that allow for up to three units. With these two changes, Austin will no longer have any single-family neighborhoods, which is clearly a radical departure from the stated policies within the comprehensive plan adopted in 2012. Furthermore, the entitlements for the zones that will replace the single-family zones are significantly different from SF1, SF2, and SF3 entitlements. Duplexes will be allowed in SF1 and SF2 zoned properties. Lot sizes have been reduced from 5750 SF to 5000 SF. The preservation bonus provisions in the draft LDC allow unlimited FAR for the preservation unit, which would permit very large duplexes. Properties zoned with R2B will have significantly reduced setback requirements. In summary, the new zones and maps as proposed will destroy single-family neighborhoods. It is ANA's position that this is contrary to Imagine Austin's stated goals. Unfortunately, individuals that refer to these sections of the council approved comprehensive plan requirements are unfairly quieted by others that point to these concepts as promoting racism and segregation.

**Recommendation:** Single-family SF1, SF2, and SF3 zones should be replaced with actual equivalent zones which only permit the same number of units as current zones.

## **Compatibility Standards Even Worse than CN3**

CN3 dramatically changed the compatibility requirements allowing commercial buildings along Burnet Rd. to reach heights of 85 ft. when 100 ft. away from adjacent single-family properties. Compatibility standards in the newest draft land code allow MU3, MU4, MU5A, MU5B, MS2A, and MS2B zones are able to reach full height when only 50 ft. away from the property line of lots currently zoned SF2 and SF3. Even more disturbing is that with the creation of transition areas where SF2 and SF3 properties were replaced with R4 and RMI zones, commercial buildings on the corridors do not have any required rear compatibility setbacks or stepbacks and will allow building to reach full height, 90' for some zones, at the property line or just 10 ft. from the single-family home.

**Recommendation:** What do we want to propose. Current code is really to limiting. See examples.

## **Reject all changes to the Heritage Tree Ordinance.**

The proposed administrative variance would permit the removal of Heritage Trees along transit corridors with a single stem over 30". This change would weaken the Heritage Tree Ordinance (HTO) and would allow the removal of many of our largest and oldest trees without any public review.

Our largest trees are part of green infrastructure. The tree canopy must be increased not diminished within the urban core to minimize impacts of increased density. Our largest trees

provide shade, erosion control, cleaner air, reduce heat islands and wildlife habitat. Many heritage trees are over 100 years old and are irreplaceable. The current regulations encourage integrating the trees into the design and are not an impediment to development as very few cases have come before commissions for approval.

**Recommendation:** Do not change the current Heritage Tree Ordinance.

**Draft LDC Allows Too Many Bars**

The new land code and maps will allow many more establishments that serve alcohol nearby residential neighborhoods. The current code only permits bars in CS-1 zones after land commission approval. Based on the new draft, bars and night clubs will be allowed in many more zones with administrative or land use approval which will increase their numbers. Additionally, the draft code includes a new use classification for microbreweries, micro-distilleries, and wineries, essentially bars, which are permitted within several zones without any administrative or land commission approval. Another new zoning use is late night restaurant which is allowed in most commercial zones. The overall impact will be a dramatic increase in drinking establishments, including those open late hours, near residences.

Uses/Zones	MU1	MU2	MU3	MU4	MU5A	MU5B	MS2A	MS2B	MS3
<b>Restaurants</b>									
With Alcohol	-	MUP	-	P	P	P	-	MUP	P
Late Night	-	CUP	-	-	CUP	P	CUP	CUP	MUP
<b>Micro-Brewery/ Micro-Distillery</b>	-	MUP	-	P	P	P	-	P	P
<b>Bar/Night Club</b>									
Indoor	-	MUP	-	CUP	MUP	MUP	-	MUP	P
Outdoor; Late Night	-	-	-	-	CUP	CUP	-	CUP	MUP

**Recommendation:** At a minimum, a conditional use permit should be required for any use allowing on-site consumption of alcohol and/or late night hours. Division 23-3D-1: Specific to Uses, Sections for Bars/Nightclubs, Restaurants with Late Night Hours, and Micro-Brewery/Micro-Distillery/Winery should include minimum distances from single-family residences.

**Flooding Issues**

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 entire length of the neighborhood. The increased density proposed in this draft code will increase impervious cover throughout the Shoal Creek watershed posing a threat to lives and property in Allandale.

The City Watershed Department tracks localized flooding based on reported complaints. As can be seen in the City map at <https://austintexas.box.com/s/so7nky5w2hgyqncpso6t42b9gvnslj> 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 this latest LDC. The Watershed Department should also review other data sources documenting flooding incidents as not all flooding is reported to the City. Sources for flood data include:

{Amanda to provide.}

Neighborhood leaders, Flood Task Force Members, Council Members, and Commissioners have expressed concerns that changes to the proposed changes to the LDC and 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 underwater.

ANA fully supports two changes to the current code that will prevent flooding. The first is found in section **23-9E-3010 (B)(2)** that will provide for protection from flooding due to increased development by bringing once “grandfathered impervious cover” to current drainage control standards. The second is the adoption of the Plumber’s Code sections that prohibit lot to lot flooding and will provide the City the authority to take action against new development that causes flooding on adjacent lots.

**Recommendation:** Areas of town subject to localized flooding should not be up-zoned until the city increases the storm drains capacities to handle additional stormwater run-off. Additionally, the city requires a comprehensive plan for accelerating completion of improvements to storm drains throughout the city in order to prepare for combined increases in rainfall from climate change and impervious cover from development. The upgrades should accommodate anticipated changes over the next 20 years.

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

23-3D-2050 of the new code allows a 100% reduction in parking for developments within IA centers and ¼ mile of corridors. Table 23-3D-2050 (A) is worded differently and allows a 100% reduction within ¼ mile of transit corridors and centers. In addition, between ¼ mile and ½ mile, parking requirements are reduced by 50%. In general, for most uses within various zones, parking minimums have been reduced. The cumulative effect of all these parking minimum reductions is that more cars will be parked in neighborhood streets making them less safe for pedestrians and bike riders.

Although the draft code does provide that the 100% parking reductions are only allowed when the proposed development is connected to a corridor by an accessible sidewalk system or is rated “Very High” or “High” in the Austin Strategic Mobility Plan Sidewalk Prioritization Map. ANA is concerned that the Sidewalk Prioritization Map is not a guarantee that the funds will be available for implementing the plan. Also, these criteria should also apply to development within a ½ mile from corridors and centers where a 50% reduction in parking minimums is allowed.

**Recommendation:** Staff needs to clarify the correct parking reduction standard for IA Centers as there is a discrepancy between 23-3D-2050 (B)(b) and Table 23-3D-2050 (A). The 50%

parking reductions for development between ¼ and ½ mile from corridors and centers should be subject to the same conditions for 100% parking reductions found in 23-3D-2050 (B)(b). The criteria for allowing parking reductions should require that the sidewalks are included in the 5-year capital improvement budget in addition to the “Very High” or “High” rating in Sidewalk Prioritization Map. Staff should propose additional criteria besides the availability of accessible sidewalks where developments without off-street parking will disrupt neighborhoods (per council directive) such as a minimum street width.

### **AISD Review**

To date, AISD has not provided formal comments on the draft LDC and maps. AISD is proposing to close schools based in part in low attendance. The City needs to work closely to assure that the draft LDC and maps can be supported by AISD plans. The cities revised land code should not exacerbate AISD’s issues by providing for too much growth near schools that are overcrowded and not providing for new family-friendly housing in areas where schools have low attendance.

**Recommendation:** AISD should review draft LDC and zoning maps to assure that areas for growth align with AISD proposals for school closures.

### **Opportunities for Home Ownership**

In the rush to provide more housing units, the city should focus on code changes that allow for as much homeownership as possible. Subdividing lots in order to provide fee-simple ownership of missing middle housing should be simplified. If the city policies do not increase the level of ownership of individual units, new housing will all be predominantly owned by investors, many of which do not even reside in Austin.

**Recommendation:** LDC should maximize opportunities for ownership if the missing middle housing created.

### **Further Limits of Short Term Rentals**

Austin and many other cities are dealing with housing shortages and at the same time, reductions of available housing due to the proliferation of short term rentals. Short term rental Type 2 and Type 3 should be banned until such time that Austin has enough housing. If we are truly in a housing crisis, these actions need to take place.

**Recommendation:** Ban short term rental Types 2 and 3 or at a minimum do not allow any additional units to be permitted.