



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

October 31, 2017

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

Re: Allandale Neighborhood Association's Recommended Changes to CodeNext Version 2

Allandale Neighborhood Association (ANA) Executive Committee reviewed the first draft of CodeNext and provided recommendations to the Planning Department on April 13, 2017. After studying the second version of CodeNext, it is clear that the Planning Department and its CodeNext consultants ignored most of the ANA recommendations. We urge you to strongly consider the ANA recommendations in response to the second version of CodeNext, detailed in the attached document. As with our previous positions, the issues discussed were identified as being the highest priority for ensuring that the character of Austin's single-family neighborhoods is preserved while the City meets the challenges of rapid growth.

We appreciate the opportunity to working with you and your staff in making improvements to this second draft of the Land Development Code.

Sincerely,

Scott Ehlers, President
Allandale Neighborhood Association

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ALLANDALE NEIGHBORHOOD ASSOCIATION'S RECOMMENDED CHANGES TO CODENEXT VERSION 2

Allandale Neighborhood Association (ANA) submitted comments and recommended changes to the first draft of CodeNEXT on April 13, 2017. After review of the CodeNEXT Version 2 (CN2), ANA has concluded that the City's CodeNEXT Team largely ignored the pleas of the ANA and Austin's "urban core" neighborhoods to protect the character of their communities. The changes made in CN2 from the previous version are far worse for Austin's neighborhoods and ignore the requirements within Imagine Austin for preservation of single-family neighborhoods.

CN2 Eliminates Single Family Neighborhoods

Like many neighborhood associations, ANA recommended that code writers comply with the Imagine Austin Plan in saving SF2 and SF3 neighborhoods by restricting density to activity corridors like Burnet Road and Anderson Lane. City Staff, Mayor and Council Members had committed that single family neighborhoods in the urban core would have zones similar to the current code and that density would be increased along activity corridors and regional centers. However, the new draft increases the number of units permitted in all neighborhoods, thus eliminating single-family neighborhoods like Allandale. The first draft of CodeNEXT included Low Density Residential similar to SF2 and Low to Medium Density Residential similar to SF3 which were mapped in many neighborhoods without direct access to activity corridors. The mapping of the new Residential House Scale Zones, mostly R2 and R3, throughout the urban core allows for a minimum of 2 units, primary residence with Accessory Dwelling Unit (ADU) or duplex, but in most cases permits 3 or more units, including ADUs, duplexes, cottage corners and cottage courts.

Zoning categories allowing for greater units than SF2 and SF3 should be limited to blocks fronting the activity corridors, such as Burnet Rd and Anderson Lane, and not feeder roads to these activity corridors, like Hancock Dr. and North Loop Blvd. Per the comprehensive plan, neighborhoods must be protected. These changes are consistent with the comprehensive development plan, Imagine Austin, which CodeNEXT was originally designed to implement, not supplant.

Recommendation: City Planners need to create an R1 zone that allows only one unit per lot similar to current SF2 zoning and an R2 zone limiting to two units per lot similar to current SF3. After creating R1 and R2, replace the current zones with their respective equivalents.

Compatibility Still an Issue with CN2

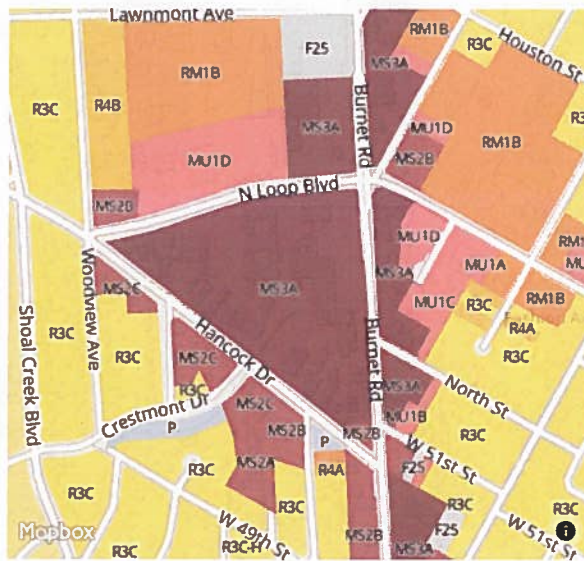
Within Allandale, the latest maps created incompatibilities between Residential House-Scale Zones, Mixed Use (MU) and Mainstreet (MS) Zones. Based on the new setback and stepback compatibility requirements for each of the new mixed use and main street zones,

MS3A and MS3B would allow 85 ft. tall buildings only 100 ft. away from single family homes. The images below show examples of these corridor incompatibilities.

Owners of single-family residential units between Allandale Rd. and Northland Dr. and between Addison Ave. and Twin Oaks Dr. will be subjected to an 85 ft. building adjacent to their homes.



MS3A zoning for the triangular parcel of land bound by Hancock Dr., North Loop Blvd. and Burnet Rd. is too dense for the surrounding neighborhoods especially with regards to the potential traffic impacts.



Recommendation: MS3A zoned lots need to be changed to more compatible zoning when adjacent to single family zoned properties.

CN2 Eliminates Neighborhood Plan Overlay

The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated. This is despite a commitment from the CodeNEXT Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that "Neighborhood Plans will remain as overlay districts." Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values and character of its residents. The latest CodeNEXT maps disregard many of the elements of the approved Neighborhood Plans and with the removal of the Neighborhood Plan Overlay, neighborhood plans will no longer take precedent over the base zoning requirements in the land development code.

Furthermore, City Staff's answer to Pool's question #24 as to the future of Neighborhood Plans indicates that the Neighborhood Planning process will be overhauled due to concerns specified in the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.

Recommendation: Previously adopted Neighborhood Plans should be preserved as an Overlay Zone within CodeNEXT and take precedence over proposed base zones in the neighborhood area.

CN2 Allows Too Many Bars

CN2 zoned many properties along Burnet Rd. and Anderson Ln. as MS2B, MS3A, MS3B, and MU3A which permits bars and nightclubs requiring an administrative approval of a minor use permit by the Planning Director. CN2 does not offer any restrictions for Bars and Nightclubs in 23-4E-6 Specific to Use. Although the definition for Alcohol Sales is limited to off-site consumption, Section 23-4E-6070 Alcohol Sales details requirements for on-site consumption including a distance of 300 ft. from schools, hospitals, daycares and churches.

Recommendation: At a minimum, a conditional use permit should be required for any use to establish bars and nightclubs with late night hours. A section specific to Bars and Nightclubs should be included in 23-4E-6 Specific to Use with added requirements for the minimum distances between bars/nightclubs.

CN2 Still Does Not Answer Questions on Flooding

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 right through the middle of the neighborhood, and there is a massive new PUD, The Grove, that is going to be built right next to Shoal Creek. CodeNEXT will increase impervious cover throughout the Shoal Creek watershed, and that poses a threat to lives and property in Allandale.

Neighborhood leaders, Council Members and Commissioners have expressed concerns that CN does not address flooding and could make it worse. The recent flooding in Houston from Hurricane Harvey was a direct result of over-development and the lack of infrastructure to control increased run-off. Austin faces this same challenge under CN2, yet the CodeNEXT

consultants have not performed the rigorous analysis required. Infrastructure needs to be in place prior to the development, not after neighborhoods are under water.

CN2 Site Plan requirements in 23-6B-2020 Residential Heavy Site Plan are waiving site plan requirements and therefore drainage assessments from lots having 3-9 units. With the high risk for flooding in Austin, these high-density residential lots should not be exempt from assessing the impacts to surrounding properties.

On a positive note, ANA fully supports changes to the current code that will provide for some protection from flooding due to increased development by bringing once "grandfathered impervious cover" to current drainage control standards. CN2 includes the requirements in 23-10E-3010 (A)(5)(f) that state, "A development application may not be approved unless the proposed development reduces 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." This change to the current code will go a long way to prevent flooding in the urban core.

Recommendation: No additional drafts to CodeNEXT should proceed until city staff and consultants have completed comprehensive modeling on the impacts of increased flooding potential that may result from increased density in flood prone areas like Allandale. Secondly, keep 23-10E-3010 (A)(5)(f) as written currently in CN2.

CN2 Parking Reductions will Ruin Safe, Walkable Neighborhoods

Like the first draft of CodeNEXT, parking requirements for the new residential zones under CN2 are half of what is required in the current code. To make matters worse, Accessory Dwelling Units (ADUs) are permitted in almost all residential, multi-unit residential, mixed use, main street and the commercial zones. Section 23-4-3020 is worded such that ADUs would not be required to provide parking. Reduced parking in neighborhoods will put more cars in the street reducing walkability and safety for pedestrians and bike riders in the neighborhoods.

Recommendation: Required parking minimums need to be maintained at levels in the current code and only reduced after Austin has established the capacity for mass transit that would truly allow for less parking. At a minimum, single family zones should be restored in order minimize on-street parking.

CN2 Lacks Transparency

The public does not know how the City Planning Department and their consultant incorporated comments from the community, Boards and Commissions, or the Code Advisory Committee into CN2. Many of the requests for information have been ignored by the CodeNEXT Team. And, 50% of Council Members' questions shown on the CodeNEXT Website are still unanswered. The City Planners have not provided a 'red-line/strikeout' version of CN2 so that all the changes can be seen, although this was requested and is common in Federal and State rulemaking.

With the large volume of questions on why the CodeNEXT Team made the changes to the code that they did, the public requires more time to understand the new draft and fully comprehend the impact the changes made.

Recommendation: City Council should not consider any additional drafts of CodeNEXT until city staff and their consultant produce a 'red-line/strikeout' version of the current draft detailing changes made from previous versions. Additionally, the public should have at least 90 days to comment on the changes presented in the marked-up version of CN2.

CN2 Goes Beyond 2025 Housing Supply Goals

According to the CodeNEXT Consultant's models of housing supply achieved from CN2, 160,000 units will be developed by 2025. The City's Strategic Housing Study predicts that Austin needs 135,000 additional housing units by 2025 to meet expected population increases. The first draft of the code maintained the target of 135,000 units. There is no justification for a nearly 20% increase over the 135,000 unit goal found in CN2.

Furthermore, the 135,000-unit goal is questionable. Austin is expected to grow by 19% between 2015 and 2025 and the 5 County Metropolitan Statistical Area (MSA) is expected to increase by 34%. The authors of the Strategic Housing Plan applied the 34% increase to Austin, which is highly unlikely and yielded 60,000 additional units than is actually required. If the goal is to redirect growth from the surrounding counties to Austin, then a percentage higher than 19% is justified. However, an increased percentage should definitely not be at the same rate as the combined MSA. Additionally, the City's Demographer questioned the original 135,000-unit target with 80,000 being a more accurate number. The CodeNext consultants estimate that the current code will meet this goal. Therefore, the City Planning Department has no justification to force more density into our single-family neighborhoods away from the activity corridors.

Recommendation: City planner and their consultant need to adjust the current draft to match the population projections, and therefore the need for increased housing, to the official projections developed by the City Demographer.

CN2 Will Likely Create Many Negative Impacts on Neighborhoods and the City that Have Not Been Adequately Analyzed

The goal of CN2 is to massively increase development in the urban core or Austin, which means that Austin's infrastructure and its citizens' quality of life could be negatively impacted in a variety of ways. Since the City Council seems irrationally devoted to rushing a vote on CodeNEXT, there has been inadequate time to effectively analyze all of the potential impacts of the various iterations of CodeNEXT, including:

Schools: How will the addition of hundreds of thousands of additional people impact Austin schools? Will already overcrowded schools become more overcrowded? Are school locations being considered at all as part of CodeNEXT zoning?

Traffic: One thing that everyone in Austin can agree on is that traffic in the city is horrible. CodeNEXT will facilitate the addition of hundreds of thousands of more people and thousands of more cars to Austin without doing anything to improve public transportation. What will be the likely traffic impacts of CodeNEXT?

Infrastructure: More businesses, residences, and people will put strains on Austin's aging infrastructure, including water, sewage, electric, parks, schools, and roads. How will CodeNEXT negatively impact Austin's infrastructure? How much more infrastructure will need to be built to cope with CodeNEXT?

Property Taxes: In order to pay to upgrade infrastructure to cope with CodeNEXT, property taxes will have to increase. To pay for more city personnel, police, firefighters, and first responders, property taxes will likely have to increase. If the allowed uses of property expands, then land should become more valuable. How much will land values increase, along with property taxes?

Family-Friendly Housing: What is the likely mix of housing resulting under CodeNEXT? Will most of the housing be more profitable efficiencies and one-bedroom apartments? How many of the new housing units will be multi-bedroom units where families can comfortably live?

Recommendation: Before the City Council votes on CodeNEXT, all of these potential negative consequences of CodeNEXT must be adequately analyzed so that Austinites and the City Council are adequately informed as to whether the costs of CodeNEXT are worth its implementation.