

Brentwood Neighborhood Plan Contact Team
Response to CodeNEXT Version 2 (September 15, 2017) Draft Land Development
Code
10/30/17

The Brentwood Neighborhood Plan Contact Team (BNCPT) is tasked with the stewardship of the Brentwood/Highland Combined Neighborhood Plan adopted May 13th, 2004. We consist of property owners, property renters, and business owners within the boundary defined by the Brentwood Neighborhood Plan. We have examined the draft code and its impact on our Neighborhood Plan (NP). We have seven (7) concerns that we would like addressed by the Code Consultant and City of Austin Staff. Beyond the concerns we have provided some possible remedies that we feel are important for the consultant and staff to consider.

1. R3C Zoning: All of Brentwood single-family/duplex is currently zoned SF-3, which allows a home and an ADU or a duplex. All of our SF-3 zoning has been upzoned to R3C, which allows a duplex and an ADU, or unlimited (currently) cottages in cottage court format. R2C has the lot sizes are more compatible with existing lot sizes, and 2 units maximum are allowed per lot. We are experiencing organic redevelopment, but increased entitlements will accelerate demolition. We support the preservation incentive which allows heights of 32' beyond the first 80' of the front property line for primary and accessory buildings, when the primary building is preserved.
2. Parking Reductions: Brentwood has been an early adopter of the Secondary Apartment Special Use infill tool (allowing Accessory Dwelling Units [ADU] on lots smaller than 7,000 s.f.) We have adopted the Vertical Mixed Use overlay on our perimeter along Lamar and Burnet Roads to allow more dense and affordable housing along these activity corridors. We have seen the impact of these projects' reduced parking requirements, as the cars overflow into the existing neighborhood streets, crowding and blocking single family driveways, and creating both a safety hazard and a negative impact on the quality of life. We feel CodeNEXT V2 reduction of commercial parking in ranges of 20-60% with and extra 40% reduction for proximity to corridors and transit without a convenient and robust transit system, additional infrastructure improvements such as sidewalks; traffic calming; and lower speed limits will negatively affect our single-family/duplex core.
3. Compatibility Setbacks: The new code reduces long-standing Compatibility setback requirements that limit the intrusion of offending commercial uses on single-family/duplex zoned properties. The limits of compatibility are now 100' setback, while the height of the corridors has been raised from 60' to 85'. The height of these structures will reduce sunlight access and privacy resulting in a loss of property value and the slow erosion of single-family uses along the edge of our Neighborhood.

4. Mitigation of Negative Uses: The proposed code assumes that retail and entertainment uses impact the character of a neighborhood to the same extent as office use. Our neighborhood has had to deal with many incompatible uses along our activity corridors. The geometry of our neighborhood has activity corridors that cut angularly through the residential grid, and in some areas, no clear edge occurs. Our adopted FLUM seeks to mitigate this edge problem by allowing Neighborhood Office, as a use “barrier” between more intensive commercial, restaurants/bars, and retail commercial development. The new code does not delineate neighborhood office, or any office use separately than other commercial uses. Therefore, the possibility of obnoxious uses immediately adjacent to single-family homes is a further affront to our NP.
5. Flooding: The proposed code could significantly increase current impervious cover over existing limits. We have seen the negative impact of current upstream development on our neighborhood, resulting in more properties being designated within the flood plain. We feel the new code should put more effort into innovative storm water control systems, reduction of impervious cover limits or reward for developing below the impervious cover limits.
6. Affordability: Our NP has been an early adopter of increased density of housing options within our single-family lots through the allowance of ADU’s prior to the Citywide ordinance change in 2015. We supported the VMU overlay with it’s carrot approach to developers allowing greater density on our activity corridors (Burnet and Lamar). Our existing affordable apartments and fourplexes in the interior of our neighborhood are at risk for redevelopment because of the huge increase in bonus units (RM3A from 36 to 76 units) allowed with AHBP, which requires only 5-10% affordability.
7. Public Input: The new code language seems to allow developers to seek many parking reductions, building size increases, increase in units, and use options without the input of neighborhood residents, at the discretion of the “Director”. Experience tells us that these agreements and modifications need to be transparent with a full public review.

Specific BNPCT Recommendations:

1. Zoning Categories:
 - a. Change R3C to R2C for existing SF-3 single-family/duplex portion of Brentwood.
 - b. Ease the ability to develop family-oriented (multiple bedroom) multi-family units on currently zoned SF-6, MF-2 and MF-3 properties close to McCallum High School, without demolition of existing multi-family family housing.

- c. MS3A zoning along Burnet and Lamar should be changed to MS2A, MS2B, MS2C or MU2B, MU3A, which allows housing, similar to the current CS-VMU zoning along those corridors.
- d. Reinstate office use categories that can be used for existing low-impact NO and LO tracts.
- e. Re-consider blanket approval of incompatible uses such as bars and late night restaurants on all tracts on arterials.

2. Parking Reductions:

- a. Maintain current Land Development Code parking requirements, but provide incentives to developers that improve public infrastructure through new sidewalks, traffic calming, and reduced speed limits.
- b. Give property owners more ability to institute "Resident Only" parking areas on inner neighborhood streets.
- c. Give property owners easy methods to reduce speed limits in areas that are subject to speeders and cross traffic.

3. Compatibility Setbacks:

- a. Maintain current compatibility setbacks when particular uses wish to occupy existing and new buildings, or obtain neighborhood, planning commission and city council approval process before compatibility setbacks can be reduced for specific uses incompatible with residential areas, such as, but not limited to bars, outdoor entertainment, late night restaurants, and outdoor gyms.
- b. Maintain max. 2 story within 50' adjacent to single-family uses along edges for uses that are compatible (i.e. residential units in a mixed-use building).
- c. Increase compatibility cut-off of 100' feet along intensity corridors to scale increasing with height limits to insure access to sunlight and privacy.

4. Mitigation of Negative Uses:

- a. Require a Conditional Use Permit (CUP) for personal services, restaurants and bars, and any loud (motorcycle repair / CrossFit), or obnoxious use that has a negative affect on single-family use.
- b. Provide a mechanism for Neighborhood Contact Teams to bring before the Director, Planning Commission and/or City Council mitigation when new and unforeseen obnoxious uses occur.

5. Flooding:

- a. Incentivize development that reduces impervious cover limits below the maximum allowed.

- b. Allow for innovative storm water control systems that minimize downstream flooding.
- c. Provide options with reduced impervious cover limits, in areas upstream of flood prone areas.

6. Affordability:

- a. Subject residential development on corridors to affordability requirements.
- b. Allow “tiny houses” (ie. 200 to 400 s.f.) on RM zoned properties.
- c. Allow easier rehabilitation of existing housing through additions and remodels, so that more existing housing will be maintained.

7. Public Input:

- a. Require more negative uses to go through a Conditional Use Permit with neighborhood input. Prohibit MUP approval of use changes.
- b. Prohibit MUP approval of additional units on single-family/duplex zoned properties.
- c. Allow simple method for Contact Teams to bring unforeseen issues before the Director, Planning Commission, and/or City Council for mitigation.
- d. Remove any “overbuilding”, “accidental” development, or “oops” clause from the code that allows a remedy by the Director without neighborhood input.

Conclusions:

A huge effort has gone into the establishment and maintenance of the Brentwood Neighborhood Plan. Development of the new City of Austin Land Development Code is a daunting and difficult task. We would like to see the new code incentivize diverse development. We would like to see the new code promote development in line with our Neighborhood Plan. The current draft code does not recognize the very specific character of Brentwood. We hope further revisions take our input into consideration.