



Austin City Council
City Hall
301 W. 2nd Street
Austin, TX 78701

Tuesday, October 31, 2017

Re: CodeNEXT Timeline

Dear Mayor Adler, Mayor Pro Tem Tovo, and Councilmembers:

On Monday, October 30, the Organization of Central East Austin Neighborhoods (OCEAN) voted to request that the timeline for CodeNEXT be extended and to provide the attached recommendations.

We support the approach adopted by the Planning Commission to get the code right before rezoning the entire city. In order to do that, we need a greater and clearer understanding of big picture topics like affordability and compatibility than the six-week review period for Draft 2 has allowed. Additionally, the land use commissioners and the general public need presentation slides and other materials well in advance of land use commission meetings and work sessions. We deserve timely answers to the long list of substantive, longstanding questions that are pivotal to providing thoughtful feedback on each iteration of the code.

The drafts have contained multiple errors, inconsistencies, and most recently, ambiguous references to the existing code without clear answers to what will happen when the new code and map are adopted. Many of OCEAN's member neighborhoods are currently affected with "F25" designation, which is not only new in Draft 2, but raises far more questions than it resolves.

City Council, Planning Commission, Zoning and Platting Commission, and numerous neighborhood and citizens' groups have voiced concerns about the reckless speed with which the CodeNEXT process is advancing. A task of this magnitude demands that progress can only be made when questions are clearly answered, and we call on City Council to act on behalf its citizens to slow down the process to a responsible timeline, rather than hew to arbitrary deadlines.

We request an extension for the review of Draft 2 and additional time for review and input on Draft 3 and the implementation process that will follow. It is critical that the CodeNEXT process not simply accomplish "something." It must be the right thing for our city.

A bulleted list of OCEAN's concerns about the process and proposed code and zoning so far is attached to this letter on pages 3 and 4. As the designated city contact team for these historic, central city neighborhoods, we welcome any and all efforts to provide input and continue to participate in a thoughtful code rewrite process, and encourage you to slow down the timeline in order to ensure that the code and



zoning map ultimately adopted implements Imagine Austin in an equitable manner, serving all Austin residents and our city as a whole.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Nate Jones
President



Response and recommendations

Draft 2 code and zoning map

Follow Imagine Austin, not the market, and ensure an equitable approach to meeting our housing needs

- Separate the text from the map; get the code right and then work on appropriate zoning for the whole city.
- Focus growth city-wide along and within all mapped and de facto corridors and centers, not “nearby” them.
- Zone single-family neighborhoods similarly proximal to corridors and centers the same.
- Raise fees-in-lieu for the downtown density bonus program to match the cost of creating affordable housing units on-site and dedicate those fees-in-lieu and land-in-lieu payments to support development of diverse housing types within regional and town centers. I.e., land-in-lieu should be located in a regional or town center.
- Amend the requirements for Planned Unit Developments to ensure the delivery of a substantial inventory of diverse housing options with deeper and longer-term affordability in growth centers, along growth corridors and within new subdivisions outside the central city and tie support for economic incentive applications to PUD zoning for development of applicants’ campuses.

Avoid exacerbating demolition and displacement trends and focus House Scale density on delivering deep, long-term affordability

- Zone Central East SF-3 lots and other lots used for single-family housing to SF-3 or R2C.
- Reserve three-unit-per-lot entitlements for infill development on community land trusts where all units are affordable; the period of affordability is 99 years; STR use is prohibited; and the homeowners have zoning petition rights. Prioritize Housing Trust Fund money and other housing fund resources to assist local CDCs in competing with for profit developers to purchase infill lots city-wide.
- Provide temporary options for longtime, low income resident-homeowners to convert their single-family structure to two units, one to occupy and one for long-term rental. This entitlement should not run with the land, should prohibit STR use and there should be mechanisms in place to ensure this option is exploited appropriately and that homeowners are accountable for its impact on neighbors.
- Keep small lot amnesty in place for lots existing as of January 15, 2017 but do not permit the subdivision of House-Scale zoned lots into 2500 sf parcels.



- Ensure that any preservation bonuses define "preservation" and place a zoning designation on the lot for 40 years to ensure that bonus delivers its benefit.

Additional Recommendations

- Repeal availability of the CURE density bonus east of IH-35 and do not adopt a height or FAR bonus to replace it.
- Zone public schools P or R2C to ensure an opportunity to extract meaningful community benefits, in the event that they are shuttered and redeveloped.
- Main Street 2B, which allows for 75 - 85 feet of height 100 feet away from house-scale zones, is significantly out of scale in such close proximity to single family homes. MS2A, with a height limit of 45 feet, is more appropriate for Main Street zoning adjacent to lots zoned for single family. Alternatively, the height limit of MS2B should be lowered to 60 feet.
- Rosewood Courts should be zoned R2A, as discussion is ongoing about how and to what extent to preserve it and how to ensure development that is compatible with the surrounding community.
- Marshall Apartments should be zoned to reflect current density on the ground in order to avoid incentivizing demolition and loss of affordable housing.
- MU1 and Main Street zones should not include drive-through use, as they do not promote walkability.
- The FAR bonus permitted in MU1 zones is out of scale next to house-scale properties and should be significantly lowered.
- There should be an MU zone that closely approximates NO and LO in terms of permitted use and it should be applied to parcels currently zoned NO-MU or LO-MU or where higher-zoned mixed use lots carry a conditional overlay that restricts uses to those permitted under NO or LO.
- Zone all parks P.
- Staff and consultants should immediately publish their plan for F25 zones, including how Title 25 will apply to them and any density bonuses proposed. It has been 10 months since CodeNEXT was first released, and the citizens still have no sense of how areas proposed for F25 are proposed to be treated.