

Old West Austin Neighborhood Association

Steering Committee

Statement on Draft CodeNext

Old West Austin has been home to a diverse group of Austinites for more than a century and includes a variety of housing types and options such as the “missing middle housing” that is a major goal of CodeNext. As a large urban neighborhood, our neighbors bring a variety of opinions to an undertaking as complex as revamping the city’s land development code. We are preservationists and urbanists, and there are many views among us as to how our neighborhood should develop. We do all generally share the objective that CodeNext should ensure Old West Austin remains a family neighborhood for people at all stages of life, with Mathews Elementary as a vibrant community center.

Old West Austin is home to two national register historic districts, two local historic districts and three-dozen historic landmarks. The historic features of this neighborhood -- alleys, sidewalks and historic building--carefully protected by its residents over the last 100 years are now important reasons many Austinites want to live here.

CodeNext is the current effort by the City of Austin to implement the goals of the Imagine Austin city plan. Much of the first draft of Code Next would substantially re-zone and potentially transform the land use patterns in our neighborhood. Because this has been central to our mission since our founding in the 1980s, the Old West Austin Neighborhood Association Steering Committee offers the following concerns and recommendations.

Concerns:

1. Old West Austin is arguably the most historic neighborhood in the city, and yet it is one of the most dramatically transformed neighborhoods under CodeNext based on proposed T4 zoning in most of the neighborhood. CodeNext should ensure that any new development is compatible with existing single family houses in the neighborhood.
2. CodeNext does not follow or even consider our neighborhood plan, which already seeks to balance historic preservation and growth. We do not want our neighborhood to end up like Original Old Austin or another Rainey Street. Those neighborhoods, which contain some of Austin’s oldest houses, are now predominantly made up of offices, commercial businesses, and bars. This is an example of what can go wrong if zoning changes are not made without sufficient care.

Recommendations:

1. We like the concept of replacing the complicated existing patchwork zoning with a more logical progressive development that steps up from less dense zones toward

more dense zones. The future zoning map on page 7 of our Neighborhood Plan already demonstrates that concept within our neighborhood, with less density in the core of the neighborhood, and should be an important driver of the next draft CodeNext zoning map. The ordinance adopting our neighborhood plan requires the city to follow the neighborhood plan in future zoning cases, so it is important for CodeNext to respect the neighborhood plan. Attached are the future zoning map and a few relevant excerpts from the neighborhood plan for your reference. Our neighborhood's existing zoning dates back to the 80s when the city wanted to build a cross-town expressway here. CodeNext is an opportunity for the city finally to implement recommendations in our neighborhood plan and create a more logical zoning map.

2. Encourage historic preservation and maintenance of traditional neighborhood fabric by incentivizing homeowners to maintain existing properties. For existing houses or properties that contribute to our historic districts, implement relaxed limitations on additions as compared to limits applicable to new construction. The current draft does not distinguish between existing and new structures, and the next draft should do so. Consider allowing ADUs in appropriate circumstances to be large enough for families to live there, while respecting the privacy rights of neighbors. This would also promote affordability both by adding supply and by giving owners an income stream to allow them to remain in the neighborhood.
3. We like the CodeNext suggestions about form-based-code standards for the street face of buildings that allow one or more homes to be included in a standard residential form. The Steering Committee of the Old West Austin Neighborhood Association applauds the CodeNext proposals that move massing, including front doors and porches, toward the street with parking either behind or on a driveway. This urban design is generally more consistent with the historical development patterns in Old West Austin than the existing "McMansion" standards that encourage suburban style structures with two-car garages and no porch that do not promote interaction between homeowners and pedestrians.
4. Promote family-friendly businesses that serve neighborhood interests on Lamar, Sixth Street, and West Lynn by implementing some of the suggested CodeNext zoning in those areas but maintaining current conditional use permit requirements for new bars (especially prohibiting late-night hours) that could otherwise crowd out other businesses and lead to a decline in the quality of life for families. We do not want our neighborhood to become another Rainey Street, and there is a real danger here of late-night bars making the neighborhood unsafe for families with kids, especially between 5th and 6th Streets. Also, CapMetro should provide improved transit service to areas where population is projected to increase.

5. Implement Imagine Austin's compact and connected plan concepts by reinvesting any incremental taxes resulting from CodeNext and future development in our neighborhood into compact and connected infrastructure to address flooding and transportation issues, particularly by funding sidewalks, transit, and park improvements. Ensure that existing homeowners do not face increased property taxes based on CodeNext-driven development by implementing an Old West Austin tax increment financing (TIF) district so that we can use taxes from future growth in our neighborhood to continue the public benefits that attracted us here in the first place. For example, we can use the TIF proceeds for affordable housing and historic preservation in our neighborhood consistent with the laudable efforts that the Clarksville Community Development Corporation has engaged in for many years.

The Steering Committee of the Old West Austin Neighborhood Association recognizes that CodeNext is a work in progress, and we appreciate the opportunity to provide our feedback on how it could become a historic positive turning point for our neighborhood. We appreciate the work you are doing and hope you will consider implementing the above recommendations.

Very truly yours,



Scott Marks

President

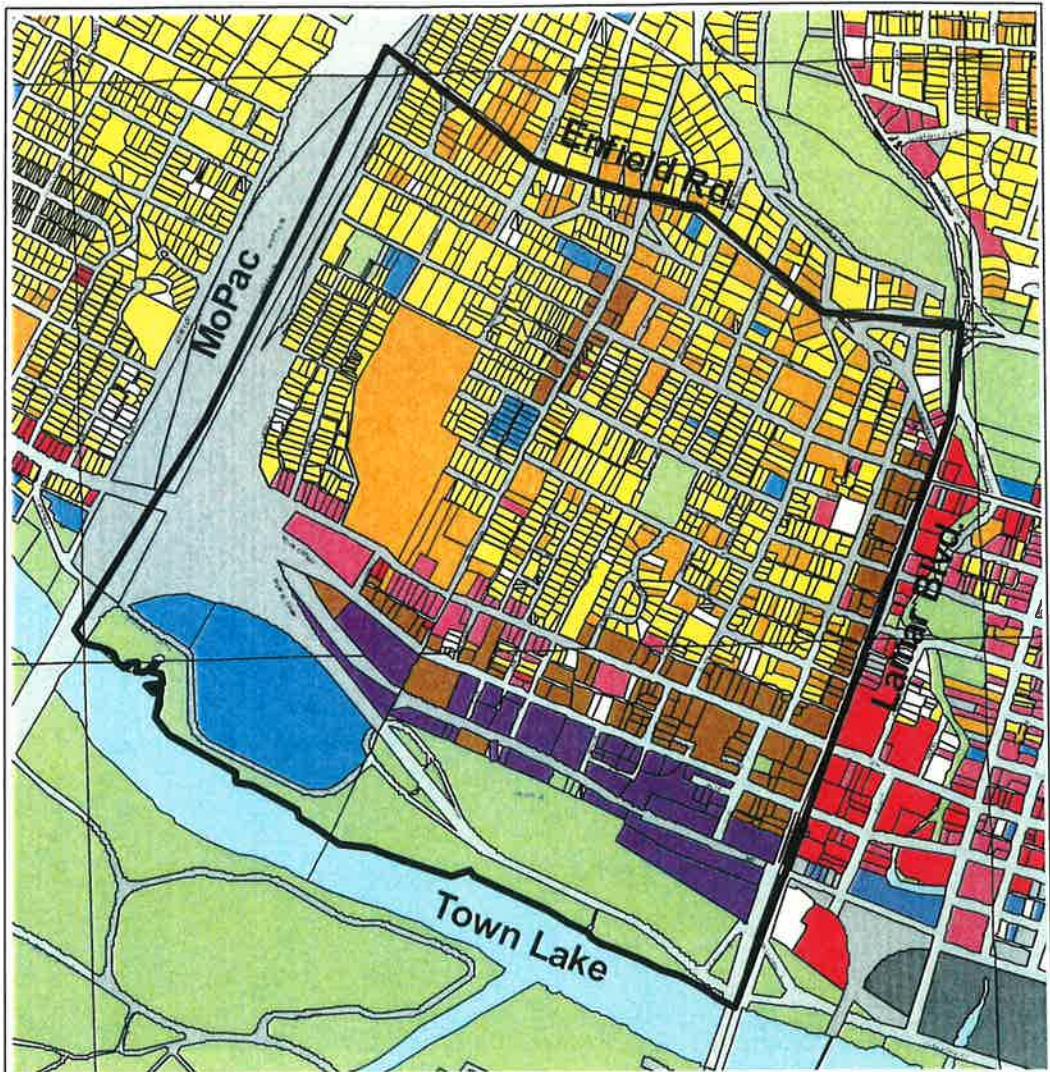


The Old West Austin Neighborhood Plan

**An amendment to the
City of Austin's Comprehensive Plan**

**The Austin Tomorrow Comprehensive Plan
Chapter 5
Section 5-6
Exhibit A**

**Presentation to the Austin City Council
June 29, 2000**



Old West Austin Neighborhood Plan Proposed Land Use and Zoning Changes

DRAFT - 5/01/00

City of Austin
Planning, Environmental and
Conservation Services Department
Neighborhood Planning

Change from Commercial Services (CS or CS-1) to Mixed Use. Mix of residential with commercial and/or office. Would apply to lots currently zoned CS or CS-1. Lots would retain base zoning, but some commercial uses would be restricted using a Conditional Overlay. See plan text for details. Mixed use development would be permitted, but not required.

Change from Light Industrial (LI) to Mixed Use. Mix of residential with commercial and/or office. Would apply to lots currently zoned LI. Lots would retain base zoning, but some commercial and industrial uses would be restricted using a Conditional Overlay. See plan text for details. Mixed use development would be permitted, but not required. Owners of these properties who seek rezoning to WLO, CS, CO, or MF in the future will have the support of the neighborhood plan.

Existing Land Use

50	Large Lot Single-family
100	Single-family
113	Mobile Homes
200	Multi-Family
300	Commercial
400	Office
500	Industry
550	Mining
600	Civic
700	Open Space
800	Transportation
870	Utilities
900	Undeveloped
940	Water
999	Unknown

No zoning changes proposed for areas shown as existing. However, garage apartments (secondary apartments) will be permitted as an accessory use on 5750 square foot lots with SF-1, MF-6 zoning, excluding SF-4. Also, single-family uses will be permitted on existing lots of 12500 square feet or greater ("Small Lot Amnesty").

 Neighborhood Planning Area Boundary

A comprehensive plan shall not constitute zoning regulations or establish zoning districts and areas.

0 500 1000 Feet

Obj 2.2 – Protect current pattern of single family uses in neighborhood.

- Action 6: *If requested by the property owner, allow voluntary zoning rollback on multi-family zoning (on land that currently has single-family uses), by providing a no-cost zoning rollback. The neighborhood has approximately 340 parcels in single-family use with multi-family zoning. This zoning presents a threat to continued single-family uses. (City Action Item: DRID).*

Obj 2.3 - Control intrusion of illegal commercial uses into traditional residential areas.

- Action 7: Have a zoning inspector available to spend up to 8 hours per week in the neighborhood. If necessary, increase staff in Inspections Division of the Development Review and Inspection Department. (City Action Item: DRID).

Obj. 2.5 – Maintain stability of types of public uses in the neighborhood.

- Action 8: Apply appropriate Public zoning (P3) to David Powell Health Clinic, YMCA, and Goodwill. (City Action Item: DRID).

Goal 3 – Maintain Social and Economic Diversity of Residents

Obj. 3.1 - Provide Additional Moderately-Priced Housing

- Action 9: Allow garage apartments (up to 2 stories) and detached second units under SF-1 and less restrictive zoning categories, on lots with 5750 square feet or greater. Other site development standards apply, as specified in the Smart Growth Infill "Secondary Apartment" option. (City Action Item: DRID / PECSD).
- Action 10: Allow "Small Lot Amnesty" as described in the Smart Growth Infill proposals, permitting new single-family development on existing lots of 2,500 square feet or greater. (City Action Item: DRID / PECSD).
- Action 11: Consult with lending institutions to determine feasibility of mixed-use projects with a moderately priced housing component. (Neighborhood Action Item: NPT / AHFC / NHCD).

parking requirements for new applications. This can be done by setting trips-per-day conditional overlays, using liberal estimates of the number of pedestrian trips and shared parking between businesses.

Gateway Apartments: In the event that the land where the UT Gateway Apartments are located is redeveloped, mixed use development for this site is recommended, including a variety of different residential types with a ratio of at least 3:1 residential to commercial. A general example of the type of development that would be desirable is the Smart Growth Residential Infill option. The Neighborhood Planning Team should be involved any redevelopment proposals for this site.

Residential Variances: The neighborhood plan supports the requests for variances that are consistent with the front and streetside setbacks defined in the Smart Growth Infill Proposals for Cottage Lots (20 feet and 10 feet respectively). Do not allow modifications that compromise public safety or comfort such as higher than otherwise allowed impervious cover or higher fences.

Rezoning Proposals: This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophesy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents.

Any proposed rezonings should be consistent with the land use and zoning proposals of this plan. The boundaries of the districts described below are illustrated in the map "Old West Austin Neighborhood Plan – Neighborhood Districts."

- **Throughout the neighborhood**, no zoning changes on commercially-zoned lots to more permissive zoning should be allowed, except as noted below. Rezoning from any commercial base district to the same base district adding MU shall be supported on W. 6th and W. Lynn if the existing building and character are maintained. Elsewhere, rezoning from any commercial base district to add MU shall be supported subject to other restrictions discussed in the plan.

- **Residential Core** (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar (facing Pease Park) from Parkway to 15th Street (excluding the first 3 southern-most lots of this section), and finally along 15th Street to Enfield): **No zoning changes to a more permissive zoning**

category should be permitted. Preservation of existing older residential structures is strongly encouraged.

- In the **Lamar District, 6th – 15th Street** (lots between the center line of Lamar and the western edge of the residential area, defined above). Allow mixed use development. Heights should be limited to 40 feet. The neighborhood plan recommends rezoning all CS and CS-1 properties on Lamar to allow mixed use development.

- In the **North 6th Street District** (lots along the north side of 6th Street): No zoning changes to a more permissive category. Exceptions:

- If zoned SF-3, allow rezoning to NO-MU-CO, where the CO is: fewer than **40** trips/day, business access through alley is prohibited (though residential access through alley is acceptable), business access through a street with minimum of width of 36' is required, and there shall be a 10' vegetative buffer or a 6' masonry fence that separates the business use (including parking) and adjacent residential property. Owner-occupied is encouraged.

- Existing properties with MF zoning or an MF use on the north side of 6th St. may be rezoned / re-developed to include a commercial component consistent with this plan (a square footage ratio of 3:1, residential to commercial). Any redevelopment must not negatively impact surrounding residences, considering factors including but not limited to height, traffic, visual character, and other compatibility concerns.

- Rezoning of commercially zoned properties that do not change the base district but add mixed use should be permitted, if the existing building and character are maintained. Preservation of existing single-house structures is strongly encouraged.

- In the area **South of 6th Street** (all lots south of the center line of 6th Street):

- The neighborhood plan supports property owners' requests to rezone LI properties to W/LO, MF-1 through MF-6, and CS-CO with the Neighborhood Plan Combining District special use category "Neighborhood Mixed Use Building" (for the CO, see list of uses identified as restricted in this plan under item #5).

- No rezonings to a commercial category more permissive than CS-CO (as specified under item #5) should be permitted, except as noted above for LI properties.

- On the south side of 6th Street, for the lots fronting on 6th, no zoning changes to a more permissive base district should be permitted. Rezoning that do not change the base district but add mixed use capability should be permitted, if the existing building and character are maintained. Preservation of existing single-house structures is strongly encouraged.

ORDINANCE NO. 000629-105

**AN ORDINANCE AMENDING THE AUSTIN TOMORROW
COMPREHENSIVE PLAN BY ADOPTING THE OLD WEST AUSTIN
NEIGHBORHOOD PLAN.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings.

- (A) In 1979, the City Council adopted the "Austin Tomorrow Comprehensive Plan."
- (B) The Austin Tomorrow Comprehensive Plan contemplated the adoption of neighborhood plans. Article X, Section 5 of the City Charter authorizes the City Council to adopt by ordinance additional elements of a comprehensive plan that are necessary or desirable to establish and implement policies for growth, development, and beautification, including neighborhood, community, or area-wide plans.
- (C) In October 1998, the Old West Austin neighborhood was selected to work with the City of Austin to complete a neighborhood plan. The Old West Austin Neighborhood Plan followed a process first outlined by the Citizens' Planning Committee in 1995, and refined by the Ad Hoc Neighborhood Planning Committee in 1996. City Council endorsed this approach for the neighborhood planning in a 1997 resolution. This process mandated representation of all of the stakeholders in the neighborhood and required active public outreach. During the planning process, the Old West Austin Neighborhood Planning Team gathered information and solicited public input through the following means:
- (1) neighborhood planning team meetings;
 - (2) collection of existing data;
 - (3) neighborhood inventory;
 - (4) neighborhood survey;
 - (5) neighborhood newsletter;
 - (6) community-wide meetings; and
 - (7) neighborhood ballot.

(D) The Old West Austin Neighborhood Plan recommends action by the neighborhood association, the City, and by other agencies to preserve and improve the neighborhood. The Old West Austin Neighborhood Plan has 13 major goals:

- (1) encourage mixed uses;**
- (2) protect the character of the neighborhood;**
- (3) maintain social and economic diversity of residents;**
- (4) provide safe movement for all modes of transportation throughout neighborhood;**
- (5) provide access to, from, and through the neighborhood for all residents;**
- (6) allow neighborhood streets to function for circulation, while calming cut-through traffic;**
- (7) provide for movement of through traffic into and out of downtown;**
- (8) create attractive, pedestrian-friendly public spaces in the neighborhood;**
- (9) provide adequate parking for neighborhood's residents and businesses;**
- (10) reduce traffic noise;**
- (11) improve existing parks and increase recreational amenities in the neighborhood;**
- (12) preserve and improve green space; and**
- (13) preserve and enhance the unique historic identity of the neighborhood.**

(E) For each of these general goals, the Old West Austin Neighborhood Plan includes more focussed objectives. In turn, each of these objectives is supported by specific action items. These action items are the key recommendations of the Old West Austin Neighborhood Plan.

(F) The Old West Austin Neighborhood Planning Team will review the Old West Austin Neighborhood Plan every six months to update the status of the action items and consider additions or amendments. The Neighborhood Planning Team includes representatives of homeowners, renters, businesses, and non-resident property owners. Five years after the effective date of this ordinance, the Neighborhood Planning Team will recommend a formal process for a community-wide review, update, and re-adoption of the neighborhood plan.

(G) In June 2000, the Planning Commission held a public hearing on the draft Old West Austin Neighborhood Plan, and recommended adoption of the Plan by the City Council. The Old West Austin Neighborhood Plan is appropriate for adoption as an element of the Comprehensive Plan. The Plan furthers the City Council's goal of achieving appropriate, compatible development within the area. The Plan is necessary and desirable to establish and implement policies for growth, development, and beautification in the area.

PART 2. Adoption and Direction.

(A) The Austin Tomorrow Comprehensive Plan Chapter 5, "Neighborhood Plans," is amended to add the Old West Austin Neighborhood Plan, as set forth in the attached Exhibit "A," as Section 5-6 of Chapter 5 of the Comprehensive Plan.

(B) The City Manager shall:

(1) prepare zoning cases consistent with the recommendations in the Plan;
and

(2) strengthen enforcement of existing zoning regulations.

(C) The City Manager shall provide yearly updates on the status of the implementation of the Old West Austin Neighborhood Plan.

(D) The Old West Austin Neighborhood Plan takes precedence over any conflicting provision in the general Comprehensive Plan.

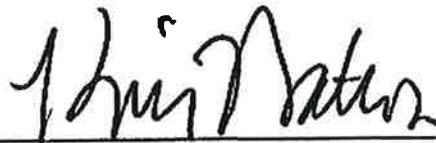
PART 3. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on July 10, 2000.

PASSED AND APPROVED

June 29, 2000

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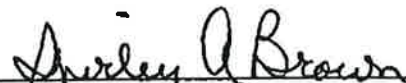
Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk