

Zilker Neighborhood Association

2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681

Re: Response to first CodeNext mapping exercise

July 7, 2017

To: Mayor Adler, Councilmember Kitchen, and Director Guernsey

As noted in the Zilker Neighborhood Association's first response to the CodeNext draft text, dated June 7, 2017, we want to reiterate the following:

1. The items listed here are part of ZNA's review of the first mapping exercise, but these items should not be considered a complete and comprehensive review of the first map, since the first map has already been amended and the related text is undergoing extensive rewrite. Our association's volunteer time is limited, and we understand that many changes are slated for both the text and maps in the coming months. So we have limited our review, analysis, and comments on this first mapping exercise to the ways it relates to the initial text in areas that are pertinent to our neighborhood.

2. Therefore, even if all the comments, questions, and suggested changes to the mapping are addressed by staff in the second round of mapping, it should not be taken as fully responding to ZNA's issues with the CodeNext proposal. As stated in our June 7 response to the first text draft, we continue to believe that there are systemic problems with the entire CodeNext process. The staff and consultants who have developed this draft of the new land development code have not balanced other priorities set forth in the Imagine Austin Comprehensive Plan. Nor have they provided sufficient graphic pictorials to fully understand what is being proposed, such as cross sections illustrating just how compatibility between residential and commercial areas will change from the current code. Also they have not provided the analytical data upon which their recommendations have been based. Therefore we believe this rewrite of the land development code is highly skewed to only one priority, compact and connected, with a clear preference for a "form-based" code, while sacrificing the maintenance and support of our urban core neighborhoods and household affordability.

But we are submitting the comments and suggested changes to the initial mapping exercise in good faith that the staff and consultants will at least make the needed corrections in the mapping to respond to these comments as a first step in re-establishing some level of trust in this process. In the following pages we are submitting a narrative with general comments keyed to Map 1, of the proposed CodeNext zoning within ZNA's boundaries, and comments on specific parcels keyed to Map 2, with a separate table listing each parcel.

If you have any questions concerning this response please let us know and we will be glad to clarify and elaborate on our suggestions.

Thank you for this opportunity to comment.

Jeff Jack, President, Zilker Neighborhood Association

Please refer to the attached maps and keys to the locations referenced in the numbered comments.

GENERAL COMMENTS (SEE MAP 1)

A. Residential Areas

The proposed map indicates a wide range of new zoning designations from LMDR to a variety of T3N districts. None of these proposed new designations are consistent with the existing SF-3 zoning commonly found in our neighborhood. Although the new designations limit building placement, they also encourage denser development that will be detrimental to the character of our neighborhood and to maintaining affordable housing. Taken together, the building placement limits and the added allowable density due to increased entitlements will foster more demolition of existing affordable units to be replaced with larger, more expensive housing.

For these reasons and other considerations, such as impact on infrastructure, property taxes, and city services, the ZNA Zoning Committee strongly objects to the current proposed residential designations throughout the Zilker area and recommends that staff and consultants revise their proposed new zoning districts to include an equivalent of SF-3 that maintains the current .4 FAR, heights, setbacks, building and impervious cover limits, and parking requirement (minimum of 2 onsite spaces per main structure and 1 per ADU). We further suggest that the current McMansion rules be simplified by eliminating most of the exceptions from the .4 FAR limit.

B. Waterfront Overlay (WO)

The provisions of the current Waterfront Overlay should be maintained along with the height limits in the original 1986 WO ordinance. We can find nothing in the text or the mapping that replicates the setbacks and step backs that limit the height and require buildings along Barton Springs Road to step back at 40 feet to allow for a more expansive vista as one approaches Zilker Park.

The provisions of the WO should be adhered to fully, and any increase in entitlement that would result from the proposed transect zoning should be eliminated, including any added height due to a future density bonus provision.

C. Commercial Zoning along South Lamar

Since we have not seen any graphical depiction of how compatibility standards are modified by the proposed transect zoning along South Lamar, and since the impact of the suggested creation of a “transition zone” (missing middle housing) makes it impossible to ascertain what the impact of up zoning any commercial property along South Lamar will be on adjacent residential homes, we strongly reject at this time any proposed changes to the current commercial zoning limits.

It should also be noted that since the density bonus provisions have just been released, we have not had the opportunity to assess the impact of these provisions, which reinforces our rejection of the current broad brush approach to applying new transects along South Lamar. Therefore, if we are to have new zoning terminology, we recommend that new commercial zoning categories be created that are consistent with our current CS and VMU zoning districts.

D. Quarter-mile transition zone either side of the transit corridor

The recently announced staff and consultant intention of making a quarter-mile transition zone to provide the opportunity for “missing middle” housing is strongly rejected. Zilker already has a significant number of duplex, fourplex, and other middle-sized housing, much more so than other neighborhoods, and therefore, until all of Austin’s neighborhoods share the responsibility for more “missing middle” housing, there should not be a push to eliminate single-family housing in Zilker to accommodate this transition zone. The up zoning within this proposed transition zone will incentivize the elimination of about 300 single-family homes, which is not acceptable and is inconsistent with the Mayor’s statement that we would not see the arbitrary setting of the extent of such transition zones and that “Neighborhoods should have substantial influence on how areas of transition between single family neighborhoods and more intense uses are designed and applied.” Therefore, we totally reject the proposed quarter-mile transition zone along South Lamar.

SPECIFIC PARCEL RECOMMENDATIONS (SEE MAP 2 AND THE TABLE AT THE END OF THIS LIST)

1. At the east entryway to Zilker Park there is a triangular parcel of dedicated parkland just east of Barton Creek. A small rectangular portion of this triangle is currently zoned CS and proposed to go to SC-L. Since this is dedicated parkland, and the adjacent privately owned property is already built out as condos, this small parcel should be zoned “P” to be consistent with the rest of Zilker Park.

2. On the east side of Robert E. Lee Road is the Umlauf Museum and Sculpture Gardens. Adjacent to it is the original Umlauf homestead, which will be coming to the City at some point in the future. The Umlauf home is now zoned P, but the museum and gardens are currently zoned SF-3 and proposed to change to LMDR. The Umlauf will never be converted to residential use, and so its zoning should be changed to P to match its use and to be consistent with the zoning for the Umlauf home.

Please note we agree that on the Umlauf home site, the portion of the site that is currently zoned CS should be changed to P, as proposed by the new map. Together these changes will establish a consistent zoning for the entire Umlauf complex of P, for public parkland.

3. Little Zilker Park is adjacent to the Zilker Elementary School (1900 Bluebonnet) but is City of Austin parkland. It is currently zoned SF-3. Again, to correctly align the new zoning with the current use, this area should be changed to P zoning.

4. On the east side of Goodrich, at the Blue Crest intersection, is a historic African-American Baptist Church and cemetery. It is currently zoned SF-3-H. The historic designation and use as a cemetery is inconsistent with both the current SF-3 and the proposed LMDR designations. This property should be zoned P to prevent any consideration of redevelopment that would necessitate the removal of the cemetery or the historic church building.

5. (A) At the south end of Paramount, beyond LaCasa, is the Sasona co-op housing project. ZNA participated in the rezoning of this property to allow for its legal use as a housing co-op. It is currently zoned MF-3-CO. The CO contains the conditions that ZNA required to support the rezoning to bring this property in code compliance and is thus important in maintaining the agreement between Sasona and ZNA. If rezoning is proposed, it should include the conditional overlay provisions currently called out by the MF-3-CO.

(B) Please note that Paramount Avenue is obscured on the map where it extends past LaCasa. The public street should be restored on the map.

6. The Zilker Elementary School site at 1900 Bluebonnet is currently zoned SF-3 and is proposed to be rezoned LMDR. Such residential zoning, while allowing for school use, also opens up the opportunity for redevelopment of this property for more dense residential use and may be a factor in AISD's future evaluation of keeping this important community school open. Therefore, we recommend that the proposed zoning be changed to P to ensure that there is no incentive to convert this property to anything other than a school use.

7. The historic mill site on West Mary at 1803 Evergreen (west of the railroad tracks) is currently zoned MF-3-H and CS. The proposed future zoning transect is T4N-O, with H for the front and no H on the back. This is an important historic site in Zilker and should be zoned Historic for the entire property. The T4N transect, especially with the O subzone, would incentivize the conversion of this historic gem, with its surprisingly affordable rental units, to more lucrative commercial and business uses.

8. (A-D) Early this year properties on the north side of the 1400 block of Oltorf were rezoned with the support of ZNA, including a set of restrictive covenants and conditional overlays. The project is now in development review as 2043 S. Lamar. The results of this negotiation with the developer should not be vacated due to CodeNext. The proposed CodeNext changes, to a combination of T5MS-O, T4MS-O, T4N-O, and SC-O do not reflect the most recent rezoning. The current CSV and CS-MU-CO should be respected; any changes must be carefully reviewed to ensure that they do not negate the agreement between the developer and ZNA and the zoning ordinance recently approved by the City Council.

9. (A) The lot that serves as the yard to the historic Joseph house at 1610 Virginia is now home to one of the country's largest urban populations of purple martins. The Joseph house is zoned historic (SF-3-H), but it appears that the purple martin sanctuary is not. The proposed rezoning is not clear from the online map; it is either T3N.IS or T3NE. Either way, the zoning change would increase entitlements and encourage the build out of the lot, displacing the purple martin sanctuary. Again we need to find a better zoning tool to protect this important element of Zilker's character.

(B) Please note that Meghan Lane, north of Virginia, is obscured on the map. The public street should be restored on the map.

10. The zoning of the stone house at 1105 South Lamar (Stonehouse Coffee Bar) needs to recognize the historic value of the building and the presence of heritage trees. The current zoning is CS. The proposed change to T5MS is much too intense; it would incentivize the development of the property around this historic structure, diminishing its context.

11. (A-B) The duplex lots along the north side of Barton Skyway just west of South Lamar are now zoned SF-3. The zoning limits the size of the units, which helps to make them affordable. The proposed T4N.IS zoning increases entitlements and therefore makes these lots vulnerable to more intense redevelopment, which would eliminate more affordable units in the neighborhood and increase displacement of current renters. The new zoning should reflect the most restrictive district that would allow these duplexes to remain.

12. (A-B) Behind the duplexes on Barton Skyway are several clusters of fourplexes on Skyway Circle, Barton Village Circle, and Westhill. They are among the most affordable housing in the area. The current

zoning is MF-3. So again the proposed change to T4N is an increase in entitlements that will give developers incentives to buy up these properties and redevelop at a greater density, eliminating these affordable “missing middle” units. This up zoning should be avoided.

(C) Between 2802 Westhill and 2806 Rae Dell is a sliver of proposed HDR zoning. this is a mapping error. It should be removed and consolidated with the appropriate lot.

13. With regard to the Waterfront Overlay comments under “B” on page 2, it should be noted that the extent of the WO on the south side of Barton Springs Road is limited to those lots that have frontage on Barton Springs Road. Commercial zoning should be allowed on those lots only to the crest of the cliff face and not farther south to the residential portions of the lots that front on streets in the interior of the neighborhood.

14. (A-B) ZNA has been in negotiations with the Housing Authority of the City of Austin (HACA) for over six months to support HACA’s request for a zoning change of a small portion of the Goodrich Place housing complex. That small tract is now zoned CS, while the larger portion of the project is zoned MF-3. The transect mapping indicates the small portion would be rezoned to T4N-O, which is inconsistent with the HACA proposal. In addition, T4N is proposed for the larger portion of the property (currently MF-3); again, this would be an increase in entitlements not needed for HACA’s project. Any rezoning should be limited to the minimum necessary for the HACA project and no more, so that it will not become a future incentive to abandon the current HACA proposal.

15. On Anita, behind the Bluebonnet Market, is an assortment of multifamily residential buildings that contain some of the most affordable housing units in our neighborhood. The current zoning is CS, and the proposed transect is T3N.DS-O. At first glance the change from commercial to residential seems to be welcome, but the O subzone would threaten this property with redevelopment and the eventual elimination of these affordable units. We need a zoning category that matches the current use as “middle” housing and does not provide an increase in entitlements that would be the catalyst for redevelopment into higher end mixed use units.

16. This is the Peter Pan miniature golf course just to the east of the McDonalds at the corner of Barton Springs Road and South Lamar. One of the most iconic businesses in the Zilker neighborhood, it is currently zoned CS. The proposed T5MS transect represents a significant up zoning for such a small business that is essentially an extension of adjacent parkland. We suggest that T5MS is inappropriate for this location. Continuing the CS zoning with a conditional overlay would not be inconsistent with surrounding property and would be appropriate for this location in the Waterfront Overlay.

17. At the corner of Nash and Kinney Avenue is an assisted living facility that many residents and families have been very grateful to have close by in the neighborhood. The current zoning is MF-3, which is consistent with its current use. The proposed change to T4N.DS would significantly increase the redevelopment pressure due to the increased entitlements. Again we recommend that this zoning be revised downward to the most restrictive designation needed to maintain the assisted living center.

18. The church property at the corner of Rabb Glen and Bluebonnet is currently zoned SF-3 but is proposed to be T3N.IS. The side yard contains a magnificent cedar elm. This up zoning will encourage redevelopment of the property, and we recommend that no increase in entitlements be provided on this property to decrease the likelihood of more intense redevelopment.

19. (A-B) The two tracts at 1801 Kinney are the site of the Kinney Avenue Christian Fellowship and pre-school. Currently zoned SF-3 and MF-2, it is proposed to change to T4N.IS. The MF-2 portion is currently used as a much needed community green space and pedestrian connection. If this site is redeveloped with the increased entitlements of T4N and reduced parking, it will exacerbate the already dangerous traffic congestion on Kinney and add to the parking problems in the area. We strongly recommend that no additional entitlements be granted on this property above the current SF-3 zoning.

20-21. Unexplained small areas on Goodrich near Hether and by the railroad near West Mary should be removed and consolidated with the appropriate lots.

22. The City-owned tract on Oltorf at the railroad tracks has figured in the recent rezoning of #8. It is valuable as access to a future extension of the Bouldin Creek greenbelt and trails connecting Barton Springs Road to South Austin Recreation Center. It should be zoned P.

23-30. None of the parcels proposed for SC-L or SC-O makes any sense. The unexplained zoning should be removed and consolidated with the appropriate lots, or changed to P.

These comments and suggestions are the result of our first cursory review of the initial CodeNext map using the transect zoning districts from the first draft of the CodeNext text. As noted under "C" above, the density bonus provisions were not available in time for us to assess their impact on the proposed transects. We have also learned that the nomenclature will be changing from transects to some other organizational designation, which may or may not have the same degree of entitlement changes proposed with the transects. So, at best, this is shooting in the dark at a moving target, but we hope that the intent of these ZNA comments and suggestions are taken to heart by the staff and consultants and that a much more appropriate zoning nomenclature and mapping will be forthcoming. We also hope that when the next rollout of the text and mapping occurs, it will not be missing important aspects of the code, such as the compatibility graphics and density bonus provisions, so that our next review of CodeNext will be easier and much more complete.

In the time before the next iteration is provided to the public, we hope that staff will respond to these comments and suggestions and work with ZNA to arrive at the zoning text and mapping that will respect our community's priorities and our neighborhood character. Therefore, if any of these comments and suggestions need to be elaborated on or clarified, our zoning committee is willing to meet with staff and consultants to ensure that we are on the same page about the intent of this input.

Thank you for this opportunity to comment.
Jeff Jack, on behalf of the ZNA Zoning Committee

Key to Map 2, ZNA CodeNext comments on specific parcels in the Zilker Neighborhood

(prepared July 7, 2017, by Zilker Neighborhood Association)

Label	Zoning			Description
	Current	CodeNext	Z Recommends	
1	CS	SC-L	P	parkland on Barton Springs Rd at Barton Creek
2	SF-3	LMDR	P	Umlauf Gardens (605 Robt. E. Lee)
3	SF-3	LMDR	P	Little Zilker Park (2000 block Bluebonnet)
4	SF-3-H	LMDR-H	P	Barton Springs church/cemetery (2109 Goodrich)
5A	MF-3-CO	MF-3-CO	see comments	Sasona Co-op (2604 Paramount)
5B	unzoned	T3N.DS	unzoned	Public street (Paramount)
6	SF-3	LMDR	P	Zilker Elementary School
7	MF-3-H/CS	T4N-O-H	see comments	Millbrook Historic Mill (1803 Evergreen)
8A	CS-V-MU-CO	T5MS	see comments	Oltorf Market (2043 S Lamar)
8B	CS-MU-CO	T4MS-O		Oltorf Market (1400 block W Oltorf)
8C	CS-MU-CO	SC-O		
8D	CS	T4N-O		
9A	SF-3	T3NE	see comments	Purple Martin Sanctuary (1608 Virginia)
9B	unzoned	T3NE	unzoned	Public street (Meghan Lane)
10	CS	T5MS	see comments	Dawson-Robbins House (1105 S Lamar, Stonehouse Coffee/Bar)
11A&B	SF-3	T4N.IS	see comments	2238-2310 Barton Skyway duplexes
12A&B	MF-3	T4N	see comments	Barton Village fourplexes (Barton Village Circle, Skyway Circle, Westhill)
12C	MF-3	HDR	see comments	Back portion of 2805 Rae Dell
14A	MF-3	T4N	see comments	HACA Goodrich Place (2205 Bluebonnet)
14B	CS	T4N-O	see comments	HACA Goodrich Place (1805 Rabb Glen)
15	CS	T3N.DS-O	see comments	Fourplexes (1903-1909 Anita)
16	CS	T5MS-O	see comments	Peter Pan Golf Course (1207 Barton Springs)
17	MF-3	T4N.DS	see comments	Assisted Living Facility (1606 Nash)
18	SF-3	T3N.IS	see comments	Community of Christ (2132 Bluebonnet)
19A	SF-3	T4N.IS	see comments	Kinney Avenue church (1801 Kinney)
19B	MF-2	T4N.IS	see comments	Kinney Avenue churchyard (1801 Kinney)
20	SF-3	LMDR	remove/consolidate	Unexplained small area (2006 Goodrich)
21	CS	LMDR	remove/consolidate	Unexplained small area by railroad near W Mary
22	SF-3	T4N.IS	P	City-owned tract on Oltorf at RR crossing
23	CS-1	SC-L	P	Zach Scott Kleberg Stage
24	CS-MU-CO	SC-O	remove/consolidate	Mary Lee Foundation lot (1342 Lamar Square)
25	CS-V	SC-O	remove/consolidate	Mobil/Exxon parkway (1403 S Lamar)
26	CS	SC-L	remove/consolidate	Unexplained small area on Collier (1430 Collier)
27	CS-1	SC-L	remove/consolidate	ATM drive-thru at W Mary (1901 S Lamar)
28	CS	SC-L	unzoned	City-owned traffic island on S Lamar/W Mary
29	CS-MU-CO	SC-O	remove/consolidate	Behind Batteries Plus (2130 Goodrich)
30	CS	SC-L	remove/consolidate	Small triangle on Taco PUD near Paggi House