

## **ANC Workshop Product**

Product Document/Summary of the Austin Neighborhoods Council's Workshop concerning the Land Development Code, August 20, 2013. Input based on the Participants' Questions and Answers with City of Austin Planning Staff and from the individual participants' note cards.

The Austin Neighborhoods Council sponsored a citywide workshop about Austin's Land Development Code (LDC) on August 20, 2013. The purpose of this workshop was to start a "community" dialogue on a difficult topic and to inspire a "community" thought-process. We had planned presentations by City staff, followed by questions posed by participants and answers by City staff. The workshop participants, not solely ANC members, identified many issues of concern in the LDC and problems with City policies and processes. The participants were also given note cards to jot down other ideas and concerns for collection at the end of the evening by the volunteer coordinators. All the information from the workshop's question and answer portion along with the participants' concerns on note cards has been documented. We videotaped the workshop; the DVD is available on the ANC website.

**The prevailing theme was the failure of the City to enforce the existing code.** The City of Austin has fostered a "discretionary" process that has led to abuses for issuing permits and administrative waivers. Compounded by the City Council's willingness to grant "special circumstances" to certain developers and projects, who and which have violated the current LDC, this flawed process and unenforceable LDC contributes directly to a shared community-frustration. In general, participants expressed concerns about **equity**. Areas of East/West Austin expressed concerns about **equity** and **affordable housing**. Within those parameters, there were discussions of some (abusive) speculative zoning-requests; i.e., "flipping" properties for increase profit without building. These cases have been allowed to proceed even when a FLUM (Future Land Use Map) had prescribed a particular zoning.

To top the list of specific LDC problems were **Inadequate parking requirements** due to the 20% Urban Core Parking Reduction and too much "liberty" given to vague **Planned Unit Developments** (PUDS) and the PUD Ordinance without "community benefit." **Compatibility Standards** between multi-family (MF) and single-family (SF) properties must prevail to reflect good and sound planning principles. All neighborhoods, those with or without Neighborhood Plans, want "**protections**" in the new code. One way to provide this protection would be to bring back the **Intent Clauses** to the LDC that are currently missing; **intent clauses** would reduce ambiguity and subjective interpretation by staff, all of which happens now but needs to stop. Additionally, there are conflicting sets of regulations with **subdivisions**, old and new, along with the **McMansion Ordinance**, and with no clear policy about how to evaluate

which set of regulations trump the other set. Some urban-core neighborhoods identified another issue of concern-susceptibility to **stealth dorms** without any recourse in the LDC or acknowledgement by staff and the Council.

**Specific problems summarized from the note cards:**

1. Urban Core Parking Reduction hurts more than it helps development.
2. Compatibility Standards key element for new LDC for future protection.
3. Ambiguity how to measure base grade level for determining height.
4. Commercial properties in residential areas- lack of notification to changes and enforcement.
5. Urban Farm Ordinance in conflict with SF use that should be reserved for single family.
6. McMansion Ordinance still allows inappropriate, massive structures without any application of location-appropriate or context-sensitive design guidelines.
7. Watersheds without effective rules for protection.
8. Site plans should be required for SF zoning by preventing some abuses; i.e. stealth dorms, duplex infractions, parking, etc.
9. Fee-in-lieu for sidewalks and affordable housing doesn't work.
10. Keep "overlay" Ordinances in the new code such as NCCDs (as Neighborhood Conservation Combining Districts), the Waterfront Overlay, etc.
11. Preservation: more emphasis on historic or character of an area, and preserve the tree canopy (Heritage Tree Ordinance).
12. Stealth Dorms - new LDC may reduce occupancy limits for SF properties?
13. Intent Clauses needed for new LDC for all sorts of issues; i.e., Placement of driveways (multiple), no front garages with a counter interpretation. Each code item needs a statement of purpose to reduce confusion of interpretation.
14. Code could be simpler by being more user friendly. (The present code/LDC has worked well, if followed.) Difficult to find ALL code relevant to a given topic (not cross referenced well).
15. Contradiction between new houses being huge and the difficulty with small lots and older subdivisions for adding a room to a small house.
16. 2 trailers as dwelling units in SF zoning cause confusion in current code, because trailers are not considered as dwelling units (even though people are living in them) on single family (SF) lots. Lack of enforcement by Code Compliance for trailers.
17. Affordable housing policies and strategies. Create a mechanism for affordable housing to a restrictive covenant when speculative up-zoning occurs and not followed.
17. Lack of complete communities, MU, and a variety of housing types.
18. Causes for "Gentrification" in some neighborhoods linked to development pressure for increased density.

**Policies and Departmental Problems summarized from the note cards:**

1. Non compliance and reinterpretation of code by COA in favor of intrusive development.
2. Code Compliance uses subjective authority- lack of enforcement for all types of infractions. (i.e., trailers- not considered a dwelling unit; trash, parking, occupancy limits, etc.). This lack of enforcement affects the viability of a neighborhood.
3. Training and turnover of staff - an element of concern for the sake of continuity and consistency of enacting COA policies.
4. Confusing division of authority between Department managers.
5. Failure by COA to enforce existing code, while City Council uses no discretion in changing whatever they wish.
6. All of these "entitlements" given to "special" developments do not pay for needed infrastructure- link infrastructure to entitlements for density, height bonuses, inadequate PUD granting. Neighborhoods SF property taxes climb while those who do not pay for entitlements cause resentment and consternation. No consistent policy for upgrading necessary infrastructure to accompany density by the development community and COA- IACP should have addressed this item?
7. We need a more efficient way of tracking development projects, permits, variances, and code amendments from the COA staff.
8. Absence of effective rules for protecting watersheds.
9. The new LDC must be followed by ALL, unlike the current code that contains ambiguities that could be remedied by "intent clauses" inserted in the new LDC. There should not be exceptions for \$\$\$ and influence of a particular developer, as there are now.