



CodeNEXT Redevelopment In (and Out) of Neighborhood Transition Zones

[Boxed quotes are from the “City Council’s Direction in Response to City Manager’s March 15, 2019 Memo re: Land Development Code Revision Policy Guidance” unless otherwise noted.]

1. What are Transition Zones or Transition Areas?

Transition Zones are neighborhood areas adjoining designated corridors that the City is going to upzone to authorize the construction of “missing middle housing.”

“Map new Missing Middle housing in transition areas adjacent to activity centers, activity corridors, or the transit priority network”. p. 10

2. Which streets are designated as activity corridors or part of the transit priority network?

There is a long list of designated activity corridors (yellow on the map linked below) and transit priority roads (black on the linked map) including all or portions of roads such as Lamar Blvd, Burnet Rd, Guadalupe St., Airport Blvd, E. 38th St., Exposition Blvd, W. 35th St., Cameron Rd., MLK Blvd, Enfield Rd, Oltorf Ave., South First St., Runberg Lane, Thaxton Rd, Lake Austin Blvd, Parmer Ln., Duval St., South Pleasant Valley Road, William Cannon, W. 45th St., Rosewood Ave. and Westover Rd. See the map-link below for the location of all roads and centers.

<http://austin.maps.arcgis.com/apps/View/index.html?appid=3b83b4c6184343ed99eb42f22cf093c1>

3. What is missing middle housing?

“The term “missing middle” generally refers to the variety of building types that fall between detached, single-family homes, and large apartment buildings. As shown below, in Figure C-1, duplexes, multiplexes (i.e., small-scale multifamily uses), townhomes, cottage courts, and accessory dwelling units (“ADUs”) are all examples of missing middle housing”: (Source: Cronk 3/15/19 memo to council)



FIGURE C-1 (Source: Staff presentation at PC/ZAP Joint Session, November 28, 2017)

4. What level of missing middle zoning is the City going to apply to individual lots in a neighborhood transition zone?

“Four units within a house scale should be the *least* intense zone within a transition area, subject to staff’s consideration of what is appropriate.”
(emphasis added) p. 13

5. How far do transition areas extend into neighborhoods?

- i. Generally, the transition area should be two (2) to (5) lots deep beyond the corridor lot.
- ii. The depth and scale of any transition area should be set considering context sensitive factors and planning principles such as those set out in the direction for Question 4.” p. 10

In most cases, “(2) to (5) lots” could mean ½ to 2 ½ blocks depending on the orientation of the adjoining residential blocks to the corridor.

When the blocks are parallel to the corridor, 5 lots can extend two and one-half blocks into the neighborhood.

Transition Zone – 2 ½ blocks (5 lots beyond corridor lots)



When the blocks are perpendicular to the corridor, five lots could extend about one-half of a block off of the corridor.

CORRIDOR

Corridor fronting lots

Transition Zone - 5
lots beyond corridor
lots



The (2) to (5) lot depth, however, is a “general” rule. The Mayor (and Council majority) refused to cap it at five lots.

Alter: I have some questions for you. So, could you please clarify your intention by using the language that the transition zone should generally be two to five lots deep, was meant to cap the zone at no more than five lots. City Council Regular Meeting Session Transcript – 04/25/2019 at pp. 142-143.

.....

Alter: So it doesn't cap it at five.

Mayor Adler: I'm sorry, what?

[Alter] Er a (sic) so it doesn't cap it at five.

Mayor Adler: Except for a rare situation, that's correct.

Alter: So can we cap it five and have staff provide circumstances to us where they might want to exceed that and call those out for us, and then we could make decision?

Mayor Adler: I think that I'm comfortable with language that says generally the area should be two to five lots deep. City Council Regular Meeting Session Transcript – 04/25/2019 at pp. 142-143.

6. Before the City upzones homes in transition areas, will citizens have the customary zoning notice, process and hearing with the statutory right to object through a valid petition?

The City says “no.”

Brent Lloyd, development officer, dsd. ...So we will be bringing you back an entirely new zoning map. And to mayor pro tem Garza's point, it will not require mailed notice like a rezone does, when we're adopting (sic) and law has advised publicly, (sic) publicly, that when we're adopting a whole new code and a new map, that can be done through published notice. City Council Regular Meeting Session Transcript – 04/25/2019 pp. 140-141.

Tovo: Before we move on to the additional section, I had a question that I posed ... And I did give our city attorney a heads up about it. I've been asked -- and I think we all got asked this question during the code next conversation as

well, whether property owners would have valid petition rights once the council takes action on the map and land development code.

[Response]: Council, they would not. City Council Special Called Meeting Transcript – 05/02/2019 p. 148

7. What is the effect on the single family homes and lots that have been upzoned?

The homes become non-conforming uses and there will be restrictions on what can be done with the home and the land.

“To the greatest extent possible, include code restrictions that provide properties zoned for multi-family will develop with multi-family and not single-family structures. At the same time, however, make allowances for existing single- family structures that become non-conforming to be maintained, remodeled, and potentially expanded, so long as they are not demolished or substantially rebuilt. Staff should provide options for minimum unit yield based on the zone. (emphasis added) p. 7

Code revisions to provide additional housing capacity should include: ... Measures to dis-incentivize the demolition and replacement of an existing housing unit(s) with a single, larger housing unit. p. 7

Provide options to revise McMansion ordinance that provide for ability to add a room or limited remodel but constrain ability to demolish existing home and replace with another larger single family home.” p. 9

From the Council discussion on the issue:

“Harper-Madison: So if you were -- what you're saying, if if you were to demolish the house or substantially rebuild it and you were in a zone that's been upzoned, the only thing can do, as opposed to rebuilding your single-family home, is do multifamily.

Kitchen: Yes, that's what it says. I mean, H[ow] else are we going to get to our transition zone mapping?

[Brent Lloyd, Department Officer with final responsibility for text]: ...So once you demolish that with -- that property and you want to rebuild, it would have to

be multifamily.” City Council Special Called Meeting Transcript – 05/02/2019 p. 65

8. How is parking handled in a transition zone – will multi-family and commercial projects have to provide parking?

The Council instructed Staff to eliminate off-street parking requirements except in extraordinary circumstances. And, this applies not just in the transition zones but in the first ¼ mile from a corridor.

“Minimum parking requirements should be generally eliminated in areas that are within the ¼ mile of activity centers, activity corridors, and transit priority network, except that some parking requirements may be maintained for areas where elimination of parking requirements would be particularly disruptive (conditions to be proposed by staff).” p. 14

9. Is increased density in neighborhoods limited to transition zones?

Apparently not.

“Staff will consider mapping missing middle areas in high opportunity areas not impacted by environmental concerns in order to help achieve goals related to housing throughout the city. p. 13

“High opportunity areas” are those that provide access to economic and social opportunities. Here is the map:

<https://www.austintexas.gov/edims/document.cfm?id=318779>

An email from the Mayor seems to confirm that density in neighborhoods is not limited to transition zones.

From: Mayor Steve Adler Subject: An update from Mayor Adler on the future land development code in Austin Date: May 20, 2019 at 5:11:40 PM CDT.....
What about in neighborhoods? Will there be new development entitlements given there?

Yes. In addition to more allowances for ADUs (see above), there will be more opportunity for Missing Middle housing (like duplexes, triplexes and quads) that are built in the same form and scale as a single-family home. There will also be Transition Areas located between the commercial uses on corridors and centers and the adjoining neighborhoods.

10. Is the City contemplating even more housing density *beyond* what CodeNEXT will allow?

Yes.

Staff to provide options for timelines and methods for implementation of the new code and map and to achieve additional housing capacity and affordable housing goals beyond those contained in the new code and map.” p. 3

Furthermore, after homes in transition areas are rezoned to multi-family, there is nothing precluding a developer (and then another) from purchasing the sixth (seventh, eight, etc.) lot from the corridor or other homes on the block or across the street or back fence and requesting multi-family zoning using the CodeNEXT zoning as a precedent.

11. What is the overall housing goal for the City and where does the City plan to put that housing in addition to corridors, centers, and transition zones?

The CodeNEXT housing goal for the City is to create the capacity for 405,000 new housing units by rezoning individual lots.

“The new code and map should allow for housing capacity equivalent to at least three times the Austin Strategic Housing Blueprint (ASHB) goal of 135,000 new housing units.” p. 5

The Council instructed Staff to map a great majority of this new housing capacity (lots upzoned to permit greater density) within ½ mile of corridors and centers. As noted, Staff was told to consider, as well, high opportunity areas.

75% of new housing capacity should be within ½ mile of transit priority networks as identified by the Austin Strategic Mobility Plan and Imagine Austin

activity centers and corridors. Staff should update the growth maps for Imagine Austin including both corridors and centers. p. 9

“Staff will consider mapping missing middle areas in high opportunity areas not impacted by environmental concerns in order to help achieve goals related to housing throughout the city. p.13

12. Are there other concerns with the Council direction to Staff?

Yes. There are concerns that the direction Council has given to Staff will actually work against affordable housing, and could risk displacement of homeowners and renters through redevelopment and higher property taxes. There are concerns that redevelopment maximizing the impervious cover entitlement could exacerbate flooding and drainage problems and potentially reduce the tree canopy in some areas. There are also concerns with the relaxation and in some cases the elimination, of compatibility standards, especially as they apply to commercial development, with the encroachment of incompatible commercial uses, and with the potential elimination of some protective conditional overlays that cushioned the impact of higher intensity zoning. An examination of these concerns (and it is not an exhaustive list) is an important discussion outside the scope of this article.