

Compatibility Standards: Preserving Privacy, Equity Sunshine and Character

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Compatibility standards are a performance zoning tool used to preserve and protect established urban character.

Compatibility standards are most appropriate in cities, such as Austin, that do not have the most stellar track record of basing zoning decisions on consistent and sound planning principles.

Compatibility is a Coast to Coast Concern!



Los Angeles

Austin

Miami

There are two ways incompatible land uses usually occur.

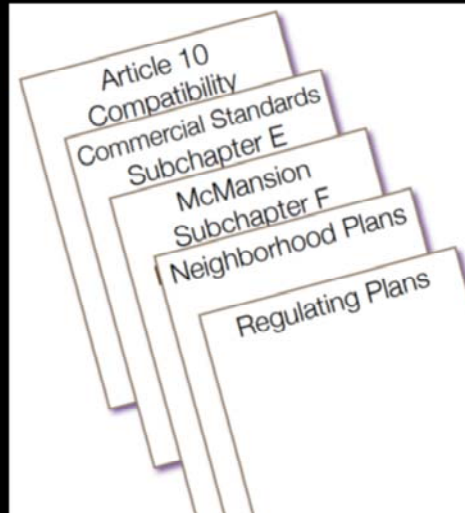
One is by the TYPE of use, such as a loud music venue next to a senior citizens home. Use districts can prevent that.

And the other is by the FORM, or scale and bulk, of use, such as a high-rise overshadowing a single family home

Here are three examples of the latter:

1. **Wilshire Boulevard** (future Burnet Road and Lamar Boulevard?)
2. **Downtown Austin** (loss of sunshine - 7th Street in Old West Austin)
3. **Miami** (loss of privacy - Condo offended by backyard pool activity)

Compatibility in Austin



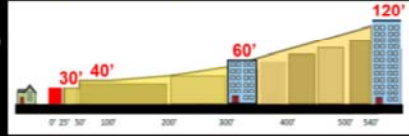
In Austin, compatibility is a major zoning issue and regulated in five places in the land development code.

However, the two primary legislative references to compatibility are found in Article 10 and Subchapter F.

Compatibility in Austin

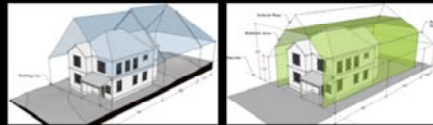
Commercial (Article 10)

- Limits heights within 540' (45° plane)
- Limits lighting (cut-off) and noise (70db)
- Requires screening (storage & waste)
- Prohibits reflective/intensive activities
- Requires massing and clustering



McMansion (Subchapter F)

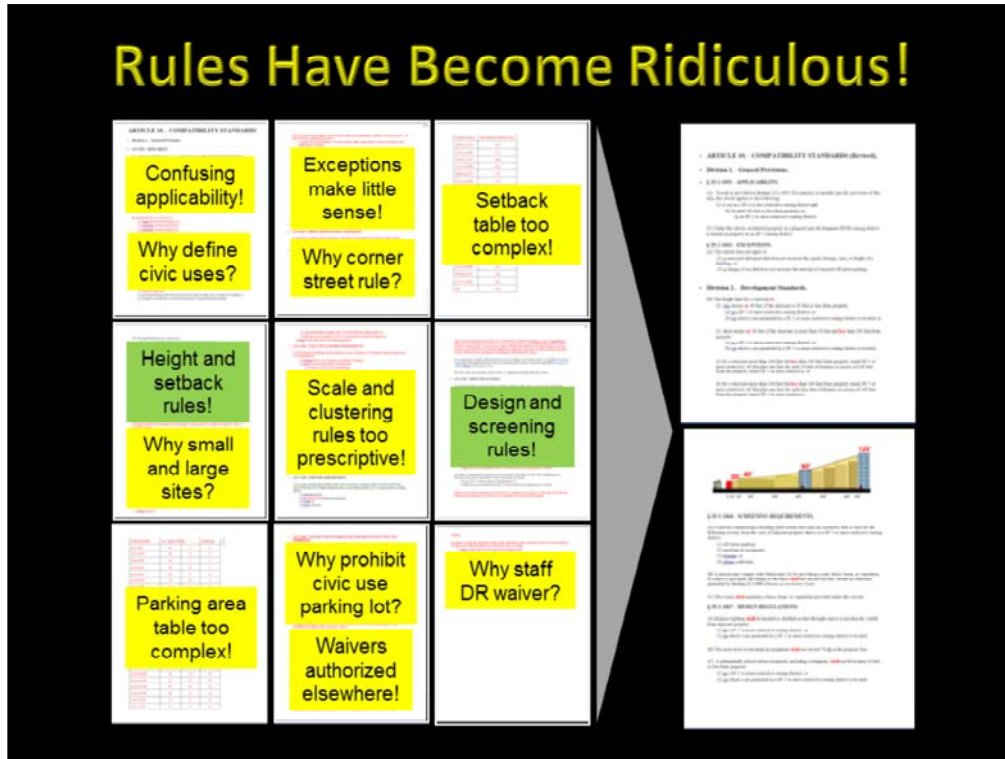
- Limits house size (2300sf/.4 FAR)
- Limits house height (32')
- Limits buildable area (45° plane)
- Decreases alley setbacks for ADUs
- Requires sidewall articulation



Article 10, the commercial compatibility standards, were adopted in 1986 to provide modest buffers and ensure that new multi-family and commercial development did not dwarf nearby single family homes by limiting their maximum achievable height.

Subchapter F, the McMansion compatibility standards, were adopted in 2006 to minimize the potential outsized impact of residential infill and remodels on surrounding properties by defining acceptable building areas for each residential lot.

Rules Have Become Ridiculous!



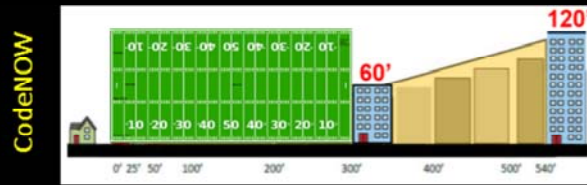
Over time, Article 10 has become saturated with many confusing and overly complex amendments.

While the original basic height, setback and buffering formulas remain, they are now buried among other questionable provisions.

For example;

- why are civic uses and parking areas highlighted?
- why are sites divided into two sizes?
- why are scale and clustering rules so prescriptive?
- why are parking and setback tables so complex, and
- why are redundant waiver procedures included?

CodeNOW vs. CodeNEXT

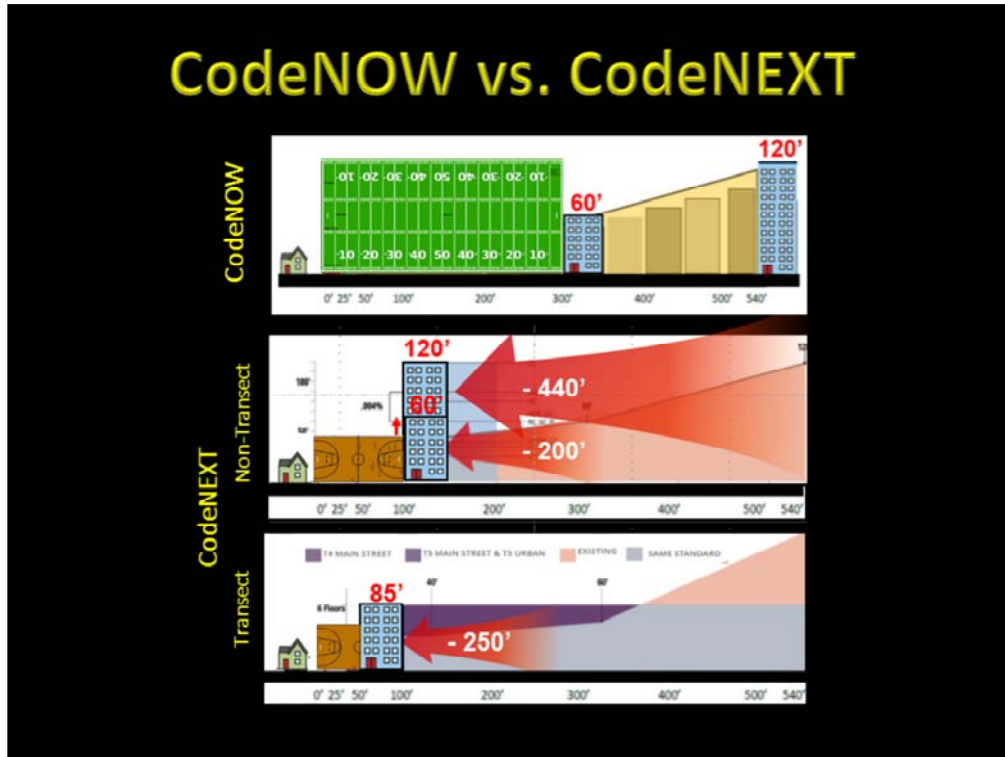


Core Article 10 rules still focus on building height and setback.

For example, six-story high-rises must now be at least 300 feet, or a football field away, from any single family home.

And buildings 12-stories or higher must be at least 540 feet away, or one-tenth of a mile.

CodeNOW vs. CodeNEXT



As part of CodeNEXT, Opticos has proposed that Article 10 be replaced with a “baked-in” system that, depending on zoning district, could allow high-rises essentially next door to single family homes.

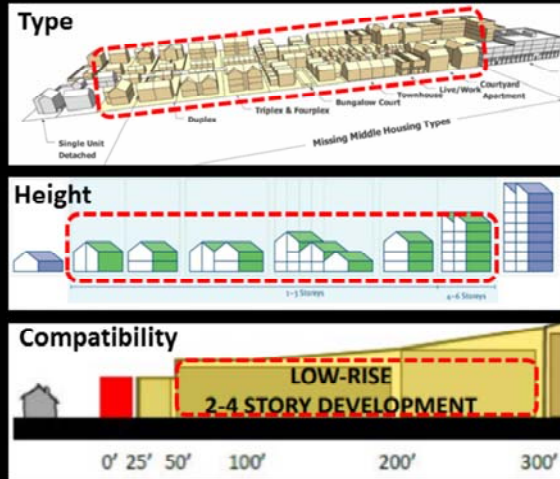
In the suburbs, high-rises could be 100 feet away, or the length of a basketball court, while, in the urban core, that distance could possibly be only 50 feet, or a half-court away.

Thus far, the new proposal has not been warmly-received!

Incompatible Missing Middle Myth

Missing Middle Housing ACDDC and UTCSD May 2016

"While the City of Austin regulates residential development compatibility through the McMansion ordinance, most missing middle housing types are required to comply with much more burdensome commercial compatibility requirements. If a site is commercial or multifamily and is within 540 feet of a lot with a single-family or duplex use, the development must comply with commercial compatibility requirements."



In addition, staff has complained that compatibility rules inhibit the provision of “missing middle housing,” which is totally untrue.

Since most missing middle housing is less than three stories in height, they do not even trigger Article 10 height thresholds.

In fact, the only compatibility rules that would affect missing middle housing are buffering, such as fencing and landscaping, which are also generally required by other code provisions.

“Council Digests CodeNEXT Compatibility Standards”

by Jack Craver, Austin Monitor, June 8, 2017

“City Council members don’t know quite what to make of the new design and compatibility standards offered in the current draft of CodeNEXT, the proposed overhaul of the city’s Code. During a Council work session Wednesday, a number of Council members voiced confusion and concern about whether the new code would allow tall buildings to tower over single-family homes and whether it would incentivize the construction of larger, more expensive homes in a neighborhood otherwise traditionally composed of small houses....”

Under the proposed code, compatibility standards would instead be based on the zones in which the property is located. The size of nearby homes was not the top concern voiced by residents he had talked to, said (John) Miki. Instead, he said, they were concerned about “how does that building look from the street, how deep into the lot it gets,” a claim that Council Member Alison Alter pushed back on. “That’s not the concern I’m hearing,” said Alter. “The concern I’m hearing is whether they can afford to live in Austin.” In a separate exchange, Miki and fellow consultant Peter Park conceded that the new approach could lead to demolitions of small homes in neighborhoods that currently have small lots and strict size restrictions in favor of larger, more expensive homes....”

When initially presented to city council, the new baked-in compatibility concept was met with “confusion and concern.”

It was also disconcerting to council when Opticos conceded that the new approach could accelerate the demolition of small homes.



Thank You!

Bottom Line: While our current compatibility formula might have warts, the consultants have thus far offered no viable alternative.

I would suggest that we clean up current ordinance language and go back to the drawing board to test new formula numbers.

Thank You!