

**ORDINANCE AMENDMENT REVIEW SHEET**C2  
1

**Amendment:** C20-2014-012 accessory dwelling units

**Description:** Consider an ordinance amending City Code Title 25 to reduce regulatory barriers to building accessory dwelling units including minor setback changes and reduced parking and driveway requirements.

**Proposed Language:** See attached draft ordinance.

**Summary of proposed code changes:**

- Reduce building separation from 15 feet to 10 feet.
- Allow an entrance within 10 feet of a property line.
- Remove driveway placement requirement.
- Reduce parking requirement to 0 spaces for units 550 square feet and less, and 1 off street space for units larger than 550 square feet.
- Require high windows on 2<sup>nd</sup> story walls within 10 feet of a lot line abutting a single family use or zone.
- Apply the ordinance citywide.

**Background:** Initiated by Council Resolution 20140612-062.

In June 2014, City Council approved a resolution to develop an ordinance that reduces regulatory barriers to make accessory dwelling units easier to build, in particular, “eliminating parking and driveway requirements.”

Staff held two public meetings in September and October 2014. The goal of the first meeting was to solicit feedback from community members on what they considered to be the positive and negative impacts of more ADUs. The proposed amendments were presented at the second public meeting where community members could comment on specific recommendations. The proposed ordinance is a result of discussions with zoning, comprehensive planning, CodeNext and residential review staff and community comments.

The proposed ordinance was presented and discussed at the Codes and Ordinances Subcommittee meeting three times, the second of which was attended by many community members who spoke both in support of and opposition to the changes. The most contested items are reducing the parking requirement and whether the ordinance should be applied citywide or on an opt-in/out basis.

**Staff Recommendation:** Staff recommends the proposed code amendment and that it be applied citywide.

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**Board and Commission Actions**

**March 17, 2015:** No recommendation by the Codes and Ordinances Subcommittee on a 2-1 vote (Commissioner Stevens nay; Commissioners Chimenti and Zaragoza absent).

**April 28, 2015:** To be reviewed by the Planning Commission.

**Council Action**

**May 7, 2015:** A public hearing has been set.

**Ordinance Number:** NA

**City Staff:** Ming Chu    **Phone:** 974-6413    **Email:** ming-ru.chu@austintexas.gov

C2/B

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 25-2-774 (*TWO-FAMILY RESIDENTIAL USE*), 25-2-1463 (*SECONDARY APARTMENT REGULATIONS*), AND CHAPTER 25-6 APPENDIX A (*TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS*) OF THE CITY CODE RELATING TO ACCESSORY DWELLING UNITS.

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

**PART 1.** City Code Section 25-2-774 (*Two-Family Residential Use*) is amended to read as follows:

**§ 25-2-774 TWO-FAMILY RESIDENTIAL USE.**

- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a two-family residential use the minimum lot area is 7,000 square feet.
- (C) The second dwelling unit:
  - (1) must be contained in a structure other than the principal structure;
  - (2) must be located:
    - (a) at least ~~[15]~~ 10 feet to the rear or side of the principal structure; or
    - (b) above a detached garage;
  - (3) may be connected to the principal structure by a covered walkway;
  - ~~[(4) may not have an entrance within 10 feet of a lot line;]~~
  - ~~[(5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;]~~
  - ~~[(6)]~~(4) may not exceed a height of 30 feet, and is limited to two stories;  
[and]

1  
2 [(7)](5) may not exceed a gross floor area of;

3  
4 (a) 850 total square feet; or

5  
6 (b) 550 square feet on the second story, if any;

7  
8 (6) on a wall within 10 feet of a lot line that abuts a lot zoned SF-5 or more  
9 restrictive use, the second story may only have clerestory windows with a sill  
10 height of 66 inches above the second story finished floor.

11  
12 (D) Impervious cover for the site may not exceed 45 percent.

13  
14 (E) Building cover for the site may not exceed 40 percent.

15  
16 ~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~

17  
18 **PART 2.** City Code Section 25-2-1463 (*Secondary Apartment Regulations*) is amended  
19 to read as follows:

20 **§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.**

21 (A) A secondary apartment is not permitted in combination with a cottage or  
22 urban home special use.

23  
24 (B) A secondary apartment must be located in a structure other than the principal  
25 structure. ~~[The apartment may be connected to the principal structure by a~~  
26 ~~covered walkway].~~

27  
28 (C) The secondary apartment:

29  
30 (1) must be contained in a structure other than the principal structure;

31  
32 (2) must be located:

33  
34 (a) at least ~~[15]~~ 10 feet to the rear or side of the principal structure; or

35  
36 (b) above a detached garage;

37  
38 (3) may be connected to the principal structure by a covered walkway;

39  
40 ~~[(4) may not have an entrance within 10 feet of a lot line;]~~  
41

1 [~~(5)~~] unless the secondary apartment has vehicular access from a rear alley, it  
2 must be served by a paved driveway, and the portion of the driveway  
3 that crosses the front yard must be at least 9 feet and not more than 12  
4 feet wide;]

5  
6 [~~(6)~~](4) may not exceed a height of 30 feet, and is limited to two stories;  
7 [and]

8  
9 [~~(7)~~](5) may not exceed a gross floor area of;

10  
11 (c) 850 total square feet; or

12  
13 (d) 550 square feet on the second story, if any;

14  
15 (6) on a wall within 10 feet of a lot line that abuts a lot zoned SF-5 or more  
16 restrictive use, the second story may only have clerestory windows with a sill  
17 height of 66 inches above the second story finished floor.  
18

19 (D) Impervious cover for the site may not exceed 45 percent.


20  
21 (E) Building cover for the site may not exceed 40 percent.

22  
23 [~~(F) Other than in a driveway, parking is prohibited in the front yard.~~]  
24

25 **PART 3.** City Code Chapter 25-6 Appendix A (*Tables of Off-Street Parking and Loading*  
26 *Requirements*) is amended to read as follows:

27 **CHAPTER 25-6 APPENDIX A.**

28 **PART 1 – MOTOR VEHICLES**  
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Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
<i>Residential Uses</i>		
Cottage special use Mobile home residential <del>[Secondary apartment special use]</del> Single-family residential Small lot single-family residential Townhouse residential <del>[Two family residential]</del> Urban home special use	2 spaces for each dwelling unit	None  
<u>Secondary apartment special use</u> <u>Two family residential</u>	<u>Principal unit: 2 spaces</u> <u>Second unit: 0 spaces if 550 sq. ft. or less, 1 space if more than 550 sq. ft.</u>	<u>None</u>

**PART 4.** This ordinance takes effect on \_\_\_\_\_, 201\_.

C2/X

**RESOLUTION NO. 20140612-062**

**WHEREAS**, the Imagine Austin Comprehensive Plan prioritizes the need for a mix of housing types across the city, including both rental and homeownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families; and

**WHEREAS**, accessory dwelling units ("ADUs") can provide new housing units without changing the feeling or texture of established neighborhoods and allow more efficient use of existing housing stock and infrastructure; and

**WHEREAS**, ADUs can help homeowners make ends meet while providing affordable, central-city rental opportunities for single young people, seniors, and multi-generational families by providing a mix of housing that responds to changing family needs and smaller households; and

**WHEREAS**, 34% of Austinites live in single person households; and

**WHEREAS**, currently ADUs of up to 850 square feet are allowed on lots of at least 7,000 square feet by right, or on lots that are 5,750 square feet if that neighborhood has opted in to the Secondary Apartment Special Use Infill Option through their neighborhood plan; and

**WHEREAS**, currently, if an ADU is SMART Housing certified in a neighborhood planning area that has adopted the affordable housing option, it may be allowed increased impervious cover and increased gross floor area; and

**WHEREAS**, a 500 square foot ADU is likely to be relatively affordable; and

C2/A

**WHEREAS**, Portland and other cities have reduced obstacles to ADUs by means such as waiving development fees and parking requirements in an effort to encourage the development of ADUs; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. The City Council initiates amendments to Title 25 of the City Code and directs the City Manager to develop an ordinance that reduces regulatory barriers to the development of ADUs that are less than 500 square feet in size and located on a lot containing at least one owner occupied structure, whether principal or accessory. The ordinance could be applied citywide or as an infill option.
2. The ordinance should include, but need not be limited to, eliminating parking and driveway requirements.
3. The City Manager is further directed to convene a stakeholder process to develop additional recommendations for ADUs of any size, including but not limited to code amendments that:
  - a. reduce minimum lot size;
  - b. reduce building separation requirements;
  - c. increase maximum gross floor area for 2<sup>nd</sup> story ADUs;
  - d. create design standards for ADUs; and
  - e. allow a legally non-complying structure to add an ADU, if located on a lot with sufficient area.

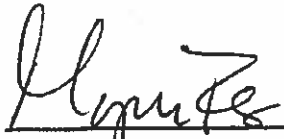


C2/C1  
Construction of this ordinance should take into account the effect of similar ordinances in peer cities on the supply of housing, particularly affordable housing, and on the character of single-family neighborhoods.

4. The City Manager is directed to present the proposed ordinance to the City Council within 120 days.

**ADOPTED:** June 12, 2014

**ATTEST:**

  
Jannette S. Goodall  
City Clerk



**AFFORDABILITY IMPACT STATEMENT**  
NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT  
CITY COUNCIL AGENDA:  
RESOLUTION No: 20140612-062

C2/10

PROPOSED CODE AMENDMENT:	PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE AMENDING SECTIONS 25-2-774 (TWO-FAMILY RESIDENTIAL USE), 25-2-1463 (SECONDARY APARTMENT REGULATIONS), AND CHAPTER 25-6 APPENDIX A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS) OF THE CITY CODE RELATING TO ACCESSORY DWELLING UNITS.
IMPACT ON REGULATORY BARRIERS TO AFFORDABLE HOUSING DEVELOPMENT	<p><input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p> <p>THE PROPOSED CODE AMENDMENT SUPPORTS THE GOALS OF IMAGINE AUSTIN HOUSING AND NEIGHBORHOOD POLICY 1: DISTRIBUTE A VARIETY OF HOUSING TYPES THROUGHOUT THE CITY TO EXPAND THE CHOICES AVAILABLE TO MEET THE FINANCIAL AND LIFESTYLE NEEDS OF AUSTIN'S DIVERSE POPULATION.</p>
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	<p><input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p>
IMPACT ON COST OF DEVELOPMENT	<p><input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p> <p>ALLEVIATING SOME REGULATIONS AFFECTING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS CAN REDUCE THE COST OF HOUSING DEVELOPMENT. THIS INCLUDES:</p> <ul style="list-style-type: none"><li>- REDUCTION IN THE MINIMUM DISTANCE FROM THE PRINCIPLE STRUCTURE</li><li>- REMOVING THE REQUIREMENT THAN AN ACCESSORY DWELLING UNIT BE SERVED BY AN ALLEY OR PAVED DRIVEWAY</li><li>- REDUCTION IN THE PARKING REQUIREMENT FOR ACCESSORY DWELLING UNITS</li></ul>

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IMPACT ON PRODUCTION OF AFFORDABLE HOUSING	<input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL  THE PROPOSED AMENDMENTS COULD HAVE A POSITIVE IMPACT ON THE DEVELOPMENT OF ACCESSORY DWELLING UNITS. ACCESSORY DWELLING UNITS AS A HOUSING TYPE COULD PROVIDE OPPORTUNITIES FOR HOUSING THAT IS MORE AFFORDABLE TO MORE PEOPLE AS WELL AS PROVIDE PROPERTY OWNERS WITH AN OPPORTUNITY TO CREATE AN ADDITIONAL REVENUE STREAM THEREBY IMPROVING OVERALL HOUSEHOLD AFFORDABILITY.
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	ACCESSORY DWELLING UNITS ARE A HOUSING TYPE THAT HAS BEEN UTILIZED BY DEVELOPERS OF INCOME RESTRICTED AFFORDABLE HOUSING. THE PROPOSED AMENDMENTS WOULD REMOVE BARRIERS TO USING THIS HOUSING TYPE AS A TOOL TO PRODUCE INCOME RESTRICTED AFFORDABLE HOUSING.
ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	
OTHER HOUSING POLICY CONSIDERATIONS:	
DATE PREPARED:	FEBRUARY 2, 2015
DIRECTOR'S SIGNATURE: _____	

C2  
1/2

accessory dwelling units (ADU)



City of Austin Planning & Zoning Department  
April 28, 2015

C2/13

Resolution No. 20140612-062

**Reduce regulatory barriers** to building  
Accessory Dwelling Units < 500 square feet located  
on a lot with at least 1 owner occupied structure,  
including eliminating parking and driveway  
requirements

3

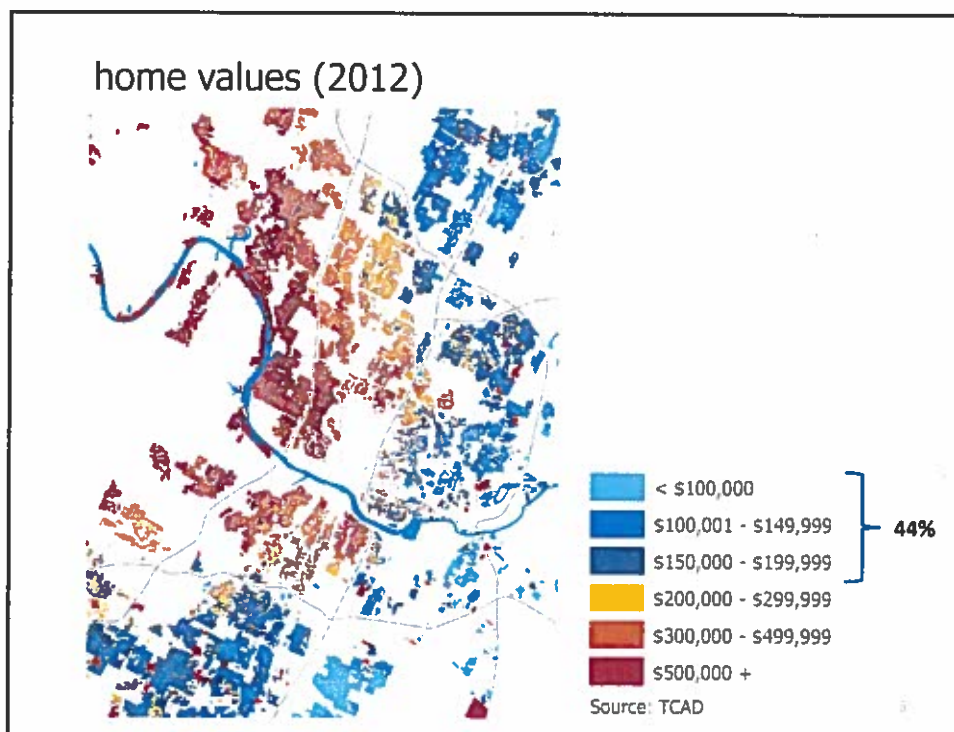
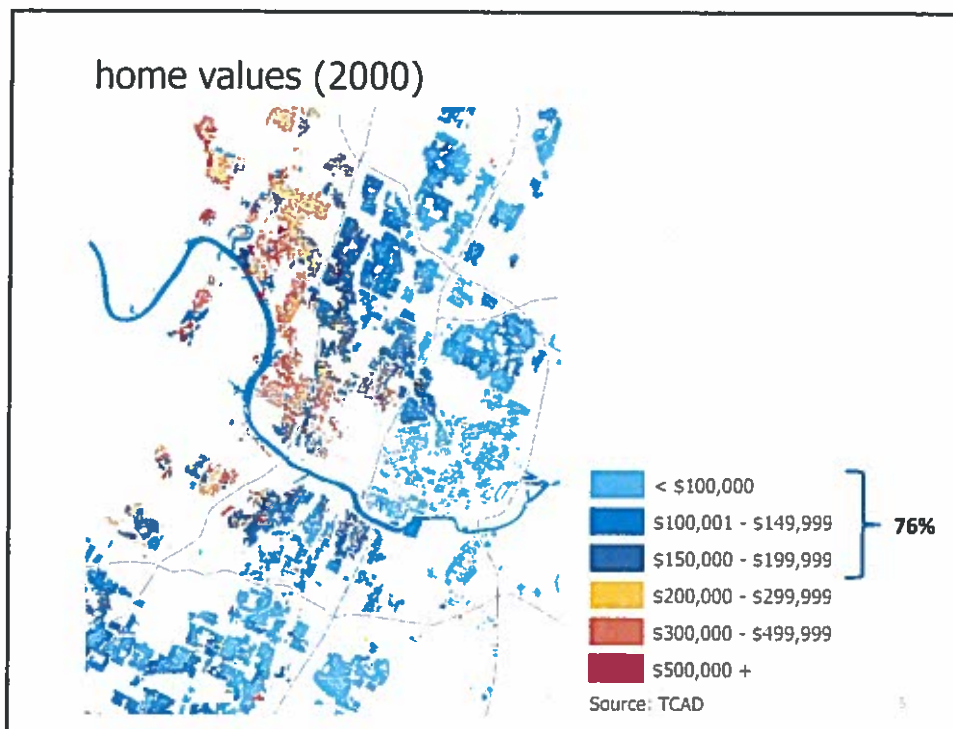
Resolution No. 20140612-062

Develop recommendations for Accessory Dwelling Units  
of any size, including:

- a. reduce minimum lot size
- b. reduce building separation requirements
- c. increase maximum gross floor area for 2<sup>nd</sup> story ADUs
- d. create design standards

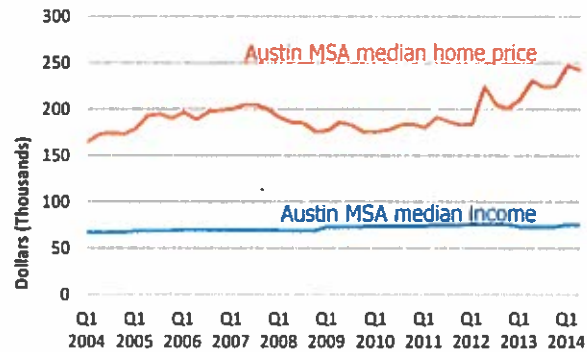
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C2/14



C2/15

## home price vs. median income



Median income has not kept pace with rise in home price.

NAHB Housing Opportunity Index, Austin MSA, 2000-2013

## housing choices

Housing choices needed for smaller households:

- **34%** of households are 1 person
- **2.49** people in average household
- **8%** are 65+

Flexibility needed in housing choices:

- **11%** of renters do not have a car
- **8.5%** of families are multi-generational
- **8%** are 65+

Source: US Census, American Community Survey, 2012

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## what did the community say?

### benefits:

- prefer ADU + house to duplex or large house
- stay in neighborhood, age in place
- house family, intergenerational family
- rental income
- more people and homes closer to destinations
  - more walkable
  - more transit viable
  - reduce traffic

## what did the community say?

### negatives:

- more cars parked on street
- will ADU be affordable
- potential effect on property tax
- reduced privacy
- impact on infrastructure / impervious cover
- neighborhood planning process threatened
- no type II short term rentals

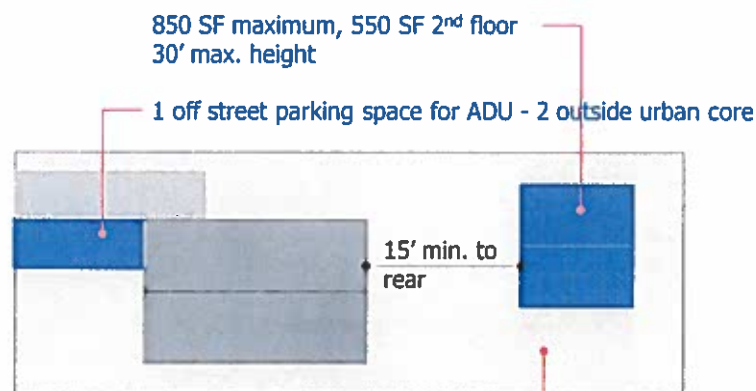


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## comparison of regulations

	AUSTIN, TX	PORTLAND, OR	SANTA CRUZ, CA	SEATTLE, WA	VANCOUVER, WA	MINNEAPOLIS, MN
Maximum SF	850	800	500-800	600-1,000	800	800-1,000
Maximum Ht.	30' (2 stories)	18' (+ garage)	22'	23'	25'	20'
Minimum lot size	7,000 SF (5,750 in some NPA)	detached structures <15% of site area	5,000 SF	4,000 SF	5,000 SF	None
Minimum building separation	15'	6'	10'	5'		20'
Parking required	2 (1 in urban core)	None	1 (2 for 2 BR)	1 (0 in urban center)	None	None
Owner occupied	No	No (64% are)	Yes	Yes	Yes	Yes
Attached ADU allowed	No	Yes	Yes	Yes	Yes	Yes

## what do our regulations say?



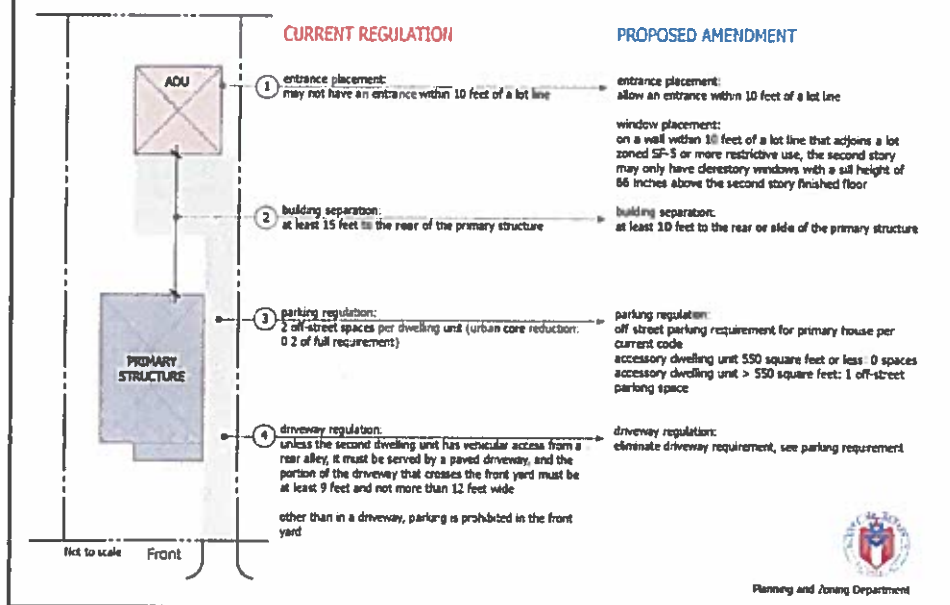
SF-3, 7000 SF minimum lot size,  
5750 SF in adopted NPAs

45% max. impervious cover  
40% max. building cover

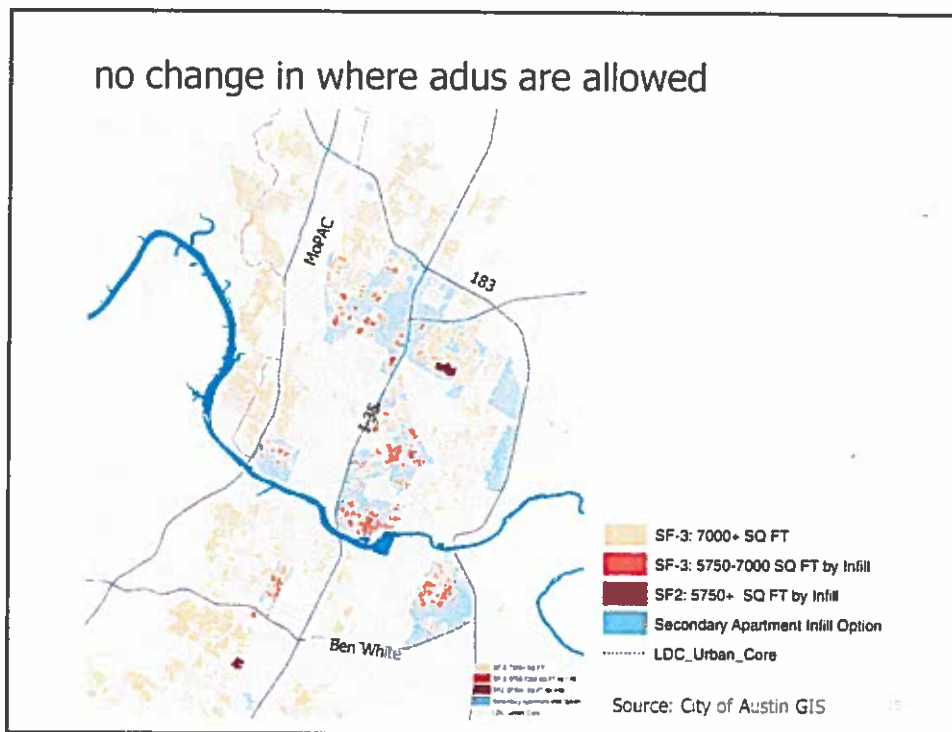
Source: Section 25-2-774 and 25-2-1463 of Austin City Code

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## current regulations – proposed amendment



## no change in where adus are allowed



C2/19

## Amendment C20-2014-012: Accessory Dwelling Units

### BACKGROUND

Accessory dwelling units have existed for a long time – think of carriage houses, backyard cottages, alley apartments). They have come into the limelight recently because many metropolitan areas are experiencing significant housing pressure due to housing demand outstripping supply. Secondary units, relative to other types of housing, are a low impact way to add housing stock and provide income to property owners. They can be affordable since the land is available at no additional cost.

Accessory dwelling units, also called secondary apartments, granny flats, carriage houses, are second, usually smaller dwelling units on a property with a primary residence. It can be an apartment above a garage or workspace, a small house in the backyard, or an attic apartment. It is a self-contained unit with its own bathroom and kitchen.

*Imagine Austin's* goals for the City's housing are made clear by the Develop and maintain household affordability Priority Program. It says, "to meet the market demand of our growing and diversifying population, the range of available housing choices must expand throughout the city...The introduction and expansion into the market of housing types such as row houses, courtyard apartments, bungalow courts, small-lot single family, garage apartments, and live/work units can meet this emerging demand." (IACP, p 201) The Housing and Neighborhood building block enumerates policies including P1, which says "Distribute a variety of housing types throughout the City to expand the choices available to meet the financial and lifestyle needs of Austin's diverse population." P15 says, "Protect neighborhood character by providing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods." (IACP, p. 137-8)

Community benefits: because they are small units, they are low impact in terms of energy use and because they are infill housing, they are low impact in terms of infrastructure. If they are built in the central core, where lot and street configurations (and alleys) would most easily accommodate ADUs, they would have good access to transit. Accessory dwelling units offer great flexibility for property owners; they could provide housing for aging parents, adult children, extended families, friends, renters, etc. As people age, and many wish to age in place, an ADU could accommodate changing needs without moving. They could provide relatively affordable housing for small households in desirable, single family neighborhoods in an increasingly expensive region.

Demographic facts that highlight a need for more housing options in the City of Austin:

- 55% of households are renters
- 11% of renters do not own a vehicle
- 34% of households are 1 person households
- 8.5% of households are multi-generational
- 8% are 65 years+

### EXAMPLES FROM OTHER CITIES

Many cities recognize accessory dwelling units as a *part* of their housing strategy. Portland has had ADU regulations in place since the 1990s and has made amendments to make construction easier. Since 2010, the city has waived development fees to encourage more construction of ADUs. California has passed several laws to lower regulatory barriers to constructing secondary units. A 2003 bill requires that each city in the state have a ministerial process for approving secondary units.

Santa Cruz: "The ADU Development Program is designed to encourage development of small-scale neighborhood compatible housing and to discourage the proliferation of poorly-constructed illegal ADUs. At the same time, construction of ADUs promotes infill development and sustainable land use patterns, resulting in transportation patterns which in turn reduce pollution." (<http://www.cityofsantacruz.com/index.aspx?page=1150>) Santa Cruz created a manual to guide homeowners thru the process and a library of designs by local architects.

Seattle: "Backyard cottages are a small but important part of what makes Seattle livable and sustainable."  
(Director, Seattle Dept. of Planning and Development)

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Vancouver, WA: "The purpose of these code provisions is to: (1) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for elderly parents, providing housing for their children, companionship, security, services, or other purposes; (2) increase the supply of affordable housing units within the community; and (3) ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of single-family neighbourhoods." (Section 20.91.202 of Municipal Code)

Minneapolis, MN: "Allowing accessory dwelling units in Minneapolis is an important way to provide more housing options in our neighborhoods...people who want ADUs to be allowed for extended families, to help seniors stay in their homes, and to provide a way to add more housing units gradually in neighborhoods over time."

(<http://www.ci.minneapolis.mn.us/cped/projects/ADU>)

#### WHAT DOES THE RESEARCH SAY?

In Portland, financing, construction costs and design constraints were the most common barriers. Rental income and housing family members were the two most frequently cited reasons for building an ADU. The difference between the vacancy rate of ADUs and comparably sized regular apartments is minute and is not statistically significant. About 80% of ADUs were used for long-term permanent housing. An ADU is associated with reduced demand for parking, 0.46 cars parked on the street. (Palmeri, Jordan, *Accessory dwelling units in Portland, Oregon: evaluation and interpretation of a survey of ADU owners*, State of Oregon Department of Environmental Quality, June, 2014)

In the East Bay of SF Bay area, parking requirements, zoning codes, procedural requirements and lack of financing options are noted as barriers to building an ADU. About 85% of ADUs provide housing. The authors' "survey showed that households occupying secondary units are disproportionately likely to have no cars at all: 23% have zero cars, versus 17% of households overall in the study areas." (Chapple, Karen, *Yes in My Backyard: Mobilizing the market for Secondary Units*, Center for Community Innovation, June, 2012)

#### CURRENT REGULATIONS

##### 25-2-774 TWO-FAMILY RESIDENTIAL USE

(A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.

(B) For a two-family residential use the minimum lot area is 7,000 square feet.

(C) The second dwelling unit:

- (1) must be contained in a structure other than the principal structure;
- (2) must be located:
  - (a) at least 15 feet to the rear of the principal structure; or
  - (b) above a detached garage;
- (3) may be connected to the principal structure by a covered walkway;
- (4) may not have an entrance within 10 feet of a lot line;
- (5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
- (6) may not exceed a height of 30 feet, and is limited to two stories; and
- (7) may not exceed a gross floor area of:
  - (a) 850 total square feet; or
  - (b) 550 square feet on the second story, if any.

- (D) Impervious cover for the site may not exceed 45 percent.
- (E) Building cover for the site may not exceed 40 percent.
- (F) Other than in a driveway, parking is prohibited in the front yard.

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#### 25-2-1463 SECONDARY APARTMENT REGULATIONS

- (A) A secondary apartment is not permitted in combination with a cottage or urban home special use.
- (B) A secondary apartment must be located in a structure other than the principal structure. The apartment may be connected to the principal structure by a covered walkway.
- (C) A secondary apartment:
- (1) must be contained in a structure other than the principal structure;
  - (2) must be located:
    - (a) at least 15 feet to the rear of the principal structure; or
    - (b) above a detached garage;
  - (3) may be connected to the principal structure by a covered walkway;
  - (4) may not have an entrance within 10 feet of a lot line;
  - (5) unless the secondary apartment has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
  - (6) may not exceed a height of 30 feet, and is limited to two stories; and
  - (7) may not exceed a gross floor area of:
    - (a) 850 total square feet; or
    - (b) 550 square feet on the second story, if any.
- (D) Impervious cover for the site may not exceed 45 percent.
- (E) Building cover for the site may not exceed 40 percent.
- (F) Other than in a driveway, parking is prohibited in the front yard.

#### COMPARISON OF OTHER CITY REGULATIONS

	AUSTIN, TX	PORTLAND, OR	SANTA CRUZ, CA	SEATTLE, WA	VANCOUVER, WA	MINNEAPOLIS, MN
Maximum SF	850	800	500-800	600-1,000	800	800-1,000
Maximum Ht.	30' (2 stories)	18' (+ garage)	22'	23'	25'	20'
Minimum lot size	7,000 SF (5,750 in some NPA)	detached structures <15% of site area	5,000 SF	4,000 SF	5,000 SF	None
Minimum building separation	15'	6'	10'	5'		20'
Parking required	2 (1 in urban core)	None	1 (2 for 2 BR)	1 (0 in urban center)	None	None
Owner occupied	No	No (64% are)	Yes	Yes	Yes	Yes
Attached ADU allowed	No	Yes	Yes	Yes	Yes	Yes

#### How does Austin compare with other cities' regulations?

As the chart indicates, 800 square feet is about the average maximum size for accessory dwelling units so Austin is exactly amongst the average. Some cities specify a percentage of the primary structure as the maximum size for the ADU but cap the ADU at 800 SF. Austin's maximum height is higher than other cities, but the limit to two stories is in line with all other cities. Austin's minimum lot size is higher than all other cities; Minneapolis and Portland have no minimum. Austin's parking requirement is slightly high. Three other cities have no parking requirement for a second unit regardless of the unit's square footage. The owner occupancy requirement is less restrictive in Austin than most other cities and Austin is the only city that does not allow attached accessory dwelling units.

C2/12

## PROS AND CONS TO CHANGES TO REDUCE REGULATORY BARRIERS

### CONS:

- Fear there will be an influx of ADUs that will change and or destroy a neighborhood's character (what 'character' does this refer to? Scale/massing of buildings? Architectural style? Amount of building/impervious coverage? The people who live in the units? Many neighborhoods already have ADUs so they are already part of the neighborhood's character)
- Excessive parking on street (parking supply varies by neighborhood; parking requirement is a minimum and may be exceeded, a new or extended curb cut is about the same length of a parking space effectively shifting the road space from public to private use)
- More traffic (traffic will be dispersed – ADU adds one unit at a time; a vehicle would add a few trips to the neighborhood)
- Fear of increased tax appraisals due to proximity to property with ADU

### PROS:

- Flexible housing situation for property owner
- Rental income
- Diversify housing types in neighborhood
- Allow people who cannot afford to buy opportunities to live in a greater variety of neighborhoods
- Low impact infill development – compact unit size means lower energy costs, utilizes existing infrastructure

**Chu, Ming-ru**

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**From:** Zapalac, George  
**Sent:** Thursday, March 05, 2015 1:14 PM  
**To:** Chu, Ming-ru  
**Subject:** FW: opticos conversation about adu ordinance



Ming,

John Miki is OK with passing these comments along to the Committee and attributing them to Opticos.

George Zapalac  
Division Manager  
Planning & Development Review Department  
(512) 974-2725  
[george.zapalac@austintexas.gov](mailto:george.zapalac@austintexas.gov)

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**From:** John Miki [<mailto:john.miki@opticosdesign.com>]  
**Sent:** Wednesday, March 04, 2015 6:36 PM  
**To:** Zapalac, George  
**Subject:** Re: opticos conversation about adu ordinance

George

These are not the comments I was worried about. These are fine to send on or attribute to Opticos. Other refinements may come up as we move forward with codenext.

John

Sent from my iPhone

On Mar 4, 2015, at 3:14 PM, Zapalac, George <[George.Zapalac@austintexas.gov](mailto:George.Zapalac@austintexas.gov)> wrote:

George Zapalac  
Division Manager  
Planning & Development Review Department  
(512) 974-2725  
[george.zapalac@austintexas.gov](mailto:george.zapalac@austintexas.gov)

---

**From:** Chu, Ming-ru  
**Sent:** Wednesday, March 04, 2015 1:43 PM  
**To:** Zapalac, George  
**Subject:** opticos conversation about adu ordinance

Hi George,

Here's a summary of what I remember Opticos saying about staff's draft ADU ordinance:

1. Concerns about allowing primary house to be behind ADU (we addressed this and modified regulation to allow ADU behind or to side of primary)

**Chu, Ming-ru**

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**From:** Roberto Rodriguez [REDACTED] >  
**Sent:** Monday, March 30, 2015 5:05 PM  
**To:** Chu, Ming-ru  
**Subject:** Re: ADU status

C2  
24

Thanks. My specific comments are:

1. I agree with the changes removing the restriction on entrance within 10 feet of property line. I think an ADU should be able to have an entrance within 10 feet of property line.
2. I do not support that all ADUs or secondary apartments >550sf require their own designated parking spot. I think there are other solutions that make sense, such as basing the parking requirement on other factors such as a low walkability score or large distance from public transit, or other solutions such as parking permits to preserve street parking for neighborhood residents. Requiring a parking space can be a huge obstacle for homeowners wishing to create secondary apartments who otherwise would be able to based on lot size and FAR/impervious cover rules.

Thanks again,  
Roberto

On Mon, Mar 30, 2015 at 4:49 PM, Chu, Ming-ru <[Ming-ru.Chu@austintexas.gov](mailto:Ming-ru.Chu@austintexas.gov)> wrote:

The document that says Ordinance No. at the top is the actual ordinance proposal. It has the amendments tracked in the document. If you would like to support or oppose specific regulations, you can send me an email outlining your comments, and I will include that in the backup material provided to the Planning Commissioners.

Thank you for following this issue.

Ming

**From:** Roberto Rodriguez [<mailto:rrodriguez712@gmail.com>]  
**Sent:** Monday, March 30, 2015 4:17 PM

**To:** Chu, Ming-ru  
**Subject:** Re: ADU status

thanks, is that the format that it goes to Planning Commission meeting, or will there be a more finalized version reflecting staff input?



**Chu, Ming-ru**

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*Ch/15*

**From:** David Conner <[REDACTED]>  
**Sent:** Wednesday, February 04, 2015 2:02 PM  
**To:** Adler, Steve; Houston, Ora; Garza, Delia; Renteria, Sabino; Casar, Gregorio; Kitchen, Ann; Zimmerman, Don; Pool, Leslie; Troxclair, Ellen; Tovo, Kathie; Gallo, Sheri; Halley, Shannon; Fisher, Ashley; Chincanchan, David; Solorzano, Nicholas; Tiemann, Donna; Vaclavik, Charles; Diaz, Joe; McNeeley, Kimberly; Pat.Fueller@austintexas.gov; Lumbreras, Bert; Wilson Beverly; Nicely, Katherine; Zaragoza, Nuria - BC; Varghese, Lesley - BC; Roark, Brian - BC; Nortey, James - BC; Jack, Jeff - BC; Hatfield, Richard - BC; Oliver, Stephen - BC; Stevens, Jean - BC; Hernandez, Alfonso - BC; Chimenti, Danette - BC; Rusthoven, Jerry; Guernsey, Greg; Meredith, Maureen; Chu, Ming-ru  
**Subject:** A response from homeowner and member of the Hyde Park Neighborhood Association

Dear Mayor, Mayor Pro Tem, City Council, City staff and Commission members:

My name is David Conner, past President of the Hyde Park (HP) Neighborhood Association, past Vice-Chair of the Hyde Park Neighborhood Contact Team, and longtime Chair of the Development Review Committee of the HP neighborhood Association.

I am sending you this letter as a homeowner and member of the Hyde Park Neighborhood Association (HPNA).

It is my understanding a letter regarding ADUs from a new organization called the "Friends of Hyde Park" (FOHP) was sent out to you. As a homeowner and a member of the Hyde Park Neighborhood Association, I just want to be sure you understand that this organization does not represent either the Hyde Park Neighborhood Association or the Hyde Park Contact Team recent votes and positions on ADUs. Those official results were sent to you.

The membership of this organization (FOHP) has not been fully vetted and the self-appointed Board of Directors and their policies and procedures and by-laws, or lack of, needs to be fully considered.

HPNA has and continues to have an active and viable neighborhood planning process, and this plan and its process was legitimized and recognized by the city neighborhood planning rules and procedures. HPNA, as in the past, will continue to refine its plan, but should only be done through a formalized and thought-out process, and only initiated through a neighborhood planning amendment procedure.

Please feel free to contact me for any additional questions or concerns.

David Conner  
3820 Avenue F

## COMMENTS ON PROPOSED ADU CHANGES

C2/26

I am unable to attend the September 18 meeting to discuss proposed code changes regarding Accessory Dwelling Units. Please accept these written comments and share them with all involved city staff and decision makers.

First, as a guiding principle, any proposed changes should be designed to meet the stated goals of the City Council's ADU resolution, specifically:

- *Providing new housing units "without changing the feeling or texture of established neighborhoods";*
- *Providing a mix of housing types "including both rental and homeownership opportunities";*
- *Helping homeowners "make ends meet while providing affordable, central-city housing opportunities."*

The following recommendations are submitted with the above goals in mind:

**1. Any reduction in requirements for Accessory Dwelling Units should be created as an optional planning tool, to be adopted by individual areas through the city's well-defined Neighborhood Plan amendment process - not as a blanket citywide change that undermines the city's own established process.**

Every Austin neighborhood presents unique challenges with respect to lot size, traffic patterns, parking, flood risks, and other important considerations. Further, different challenges may apply to certain smaller areas within a given neighborhood, for example, an area that experiences heavier traffic due to the presence of a school or day care.

For these reasons, any reduction in ADU requirements should be created as an optional planning tool, to be enacted through the Neighborhood Plan amendment process only after careful consideration of local impacts. This process will ensure that new additional units do not overburden existing infrastructure or negatively impact the health, safety and privacy of immediate neighbors, meeting the stated goal of not "changing the feeling or texture of established neighborhoods" as clearly set forth in the Council resolution.

Please bear in mind that countless Austin residents have volunteered thousands of hours for months, and in some cases years, to create well thought-out Neighborhood Plans at the city's request. To override these carefully crafted and approved Neighborhood Plans, some of which have been incorporated into city code as NCCDs (Neighborhood Conservation Combining Districts), is insulting to the good faith efforts of citizens and undermines trust in the city's own well

established planning process.

**2. Any reduction in ADU requirements should prohibit new units from use as Commercial Short Term Rentals (Type 2 STRs).**

To ensure the stated goals of increasing rental and homeownership opportunities and affordability, the city arguably has an interest in prohibiting *both* Type 1 and Type 2 STRs for any new ADUs, thus ensuring the maximum amount of new housing stock is available for use by Austin residents. In fact, if widely used, Type 1 STRs alone (in which the homeowner occupies one unit onsite) would have the potential to remove most or even all newly created ADUs for use as traditional long-term rentals by Austin residents. That said, some homeowners may prefer to use a second dwelling unit as Type 1 STR and this may reasonably address the stated goal of "helping homeowners make ends meet."

However, it is imperative that any new ADUs built under reduced requirements be *prohibited from use as Commercial Type 2 STRs*, in which a non-resident investor removes housing stock from the market that would otherwise be available to Austin residents, either as renters or homebuyers.

By reducing requirements for ADUs, we effectively grant increased value to some property owners (possibly at the risk of diminished value for nearby neighbors) with the stated purpose of gaining more housing and increasing affordability. If we do not ensure that these new units actually increase housing options for Austin residents, we severely undercut the chief goals of the proposed change.

**3. Retain current impervious cover limits to reduce flooding risks.**

As Austin becomes more built out, areas not previously considered flood-prone are now at increased risk. While the Onion Creek area made headlines last year, other localized flooding events are becoming more common, as more pervious cover is lost to development (for example, during heavy rains this past summer, Avenue A north of 40<sup>th</sup> Street was under several feet of water, a first according to longtime residents).

The city's impervious cover limits are in place for sound public safety reasons. They should not be reduced without a thorough study of flooding impacts, including the calculation of specific impacts for any proposed reduction if it were taken on every eligible lot citywide. Again, the established Neighborhood Plan amendment process would allow for more fine-grained application of ADU changes, allowing residents with direct knowledge of flooding patterns or other safety issues to address these concerns.

**4. Absent a Neighborhood Plan amendment process, retain all current parking requirements for safety, visibility and access.**

Many of the typically narrow residential streets found in Central Austin neighborhoods are already overloaded with cars, especially in areas with stealth dorms or a high number of existing accessory units. While some streets may easily accommodate the additional vehicles that a reduction in parking requirements would allow, in some locations a blanket reduction may pose serious safety hazards for drivers, pedestrians and children, as well as neighborhood schools, day care centers and small businesses. Austin's lack of a reliable sidewalk network forces most pedestrians to walk in the street and, due to lack of funds, this problem is not likely to be fixed any time soon. Further, increased street parking reduces visibility for residents trying to exit their driveways and, on some highly congested streets, has already reduced access for emergency vehicles.

C2/18

It is hoped that many ADU renters would not use cars, but clearly this cannot be enforced. From a public safety perspective, a fine-grained approach that considers each area's unique traffic challenges makes far more sense than a blanket citywide change.

**5. Consider the impacts on nearby neighbors in contemplating changes to maximum gross floor area, building separation requirements and legally non-complying structures.**

Imagine your neighbor has an older garage that was built before the city code required setbacks; this garage sits right on your property line and has been deemed a legally non-complying structure (this is not an uncommon scenario in older Austin neighborhoods). Now your neighbor wants to top it with a large second-story unit that looms over your yard. Absent setbacks, it will block sunlight to your garden and allow a full view of your children at play. Because of reduced building separation requirements, it may effectively create a two-story wall along your property line, blocking the few breezes that used to make your yard bearable during Austin summers. Would you say this has "changed the feeling and texture" of your neighborhood? Has it helped or hurt your own property values? What is the impact on your privacy? Absent answers to these critical questions, the city should retain existing limits for gross floor area and building separation, and not grant a blanket pass to legally non-complying structures.

**6. Affordability claims are far from clear.** Finally, it's been said allowing more ADUs will increase affordability, presumably by increasing available rental stock and allowing homeowners to realize additional income. However, with escalating construction costs, additional home insurance, and ongoing maintenance and utility costs for a second unit, the math on this is far from clear. Further, property taxes can be expected to increase due to the presence of a second unit, at the same time homeowners will lose any homestead property tax exemption on that portion of their property that is rented. While affordability is a critical goal, but there is no way to know with certainty that the

proposed changes will, in fact, help individual property owners. The city should be careful of raising expectations that may not be borne out in practice.

C2/19

In closing, I believe the city should respect its own well-established neighborhood planning process and allow reductions for ADU requirements only as an optional tool that considers each area's unique geography, traffic and parking patterns, pedestrian uses, flood risks, and impacts on nearby neighbors, schools and businesses. By contrast, a sweeping citywide change has potential to harm the health and safety of residents or alter the fabric of our city in ways that we may not foresee or intend.

Thank you for your consideration of these important issues.

Submitted by:

Susan Moffat  
4112 Speedway  
Austin TX 78751  
[REDACTED]

Allandale Neighborhood Association  
P.O. Box 10886  
Austin, TX 78766  
*allandale.neighborhood@gmail.com*

C2/30

February 5, 2015

City of Austin Planning Commission  
Codes and Ordinances Subcommittee  
City Hall - 301 W. 2<sup>nd</sup> Street  
Austin, Texas 78701

**VIA EMAIL**

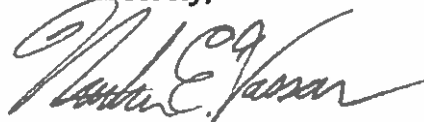
**RE: Allandale Neighborhood Adopted Resolution Concerning Accessory Dwelling Units**

Dear Subcommittee Members:

The Allandale Neighborhood Association Executive Committee (the "ANA") provides the enclosed resolution regarding Accessory Dwelling Units and proposed modifications to Title 25 of the Austin City Code. The ANA appreciates your consideration of the enclosed adopted motion, adopted by the ANA on February 4, 2015.

Please let us know as there are questions.

Sincerely,



Nathan E. Vassar  
Zoning Chair,  
Allandale Neighborhood Association

c: Ming Chu  
Dora Anguiano

Enclosure

**Executive Committee of the Allandale Neighborhood Association**  
**Resolution Opposing Chapter 25 Amendments Authorizing Accessory Dwelling Units in Single Family Neighborhoods**

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Whereas the ordinance amending City Code Title 25 relating to reducing regulatory barriers to the development of Accessory Dwelling Units (ADUs), City of Austin Resolution No. 20140612-062:

- Violates the essential elements of deed restricted neighborhoods in Austin
- Creates a moral hazard by encouraging development in violation of:
  - Restrictions agreed to by all buyers in the subdivision
  - Restrictions filed in Travis County and approved by the City of Austin
  - Plats recorded in Travis County and approved by the City of Austin
- Monetizes the value of a home at the expense of future and existing homeowners
- Lays a heavy and costly burden on citizens who have paid taxes and supported this City should they decide to defend their deed restrictions
- Initiates a serious step in the eventual termination of all deed restrictions by City of Austin
- Launches another serious blow to the character of neighborhoods
- Countermands maximum occupancy limits
- Increases danger on local streets:
  - Endangers residents in neighborhoods with no sidewalks
  - Promotes on-street parking thereby making narrow streets
  - Fails to recognize the number of houses with only a one car garage
  - Fails to address streets utilizing residential parking permits
- Increases density without increasing affordability:
  - Fails affordability as it is tied to the homeowner, not the renter
  - Fails to recognize and plan for increased citywide traffic as is required by City Council members who are duty bound by State Law to consider the health, safety, and welfare of their citizens in the drafting of laws
- Allows for 500 sq ft up to three stories in height:
  - Violating, again, restrictive covenants
  - Blocking sunlight on neighboring lots
  - Reducing privacy as new residents can peer into backyards
  - Reducing privacy as delivery people, repairmen, etc. walk between adjoining houses with clear views into windows hitherto private
- Increases school crowding
- Increases crime
  - Allows access to backyards by anybody holding a clipboard or wearing some kind of uniform
- Increases fire hazards:
  - Eliminates access to rear units by fire and EMS vehicles and requires human transport of heavy fire lines and equipment
  - Reduces water pressure for fire fighting, a fact already existence in Crestview and other neighborhoods
- Bypasses, again, crafted neighborhood plans and makes a mockery of promises to citizens regarding the enforceability of those plans
- Increases flooding by introducing more impervious cover
- Ignores increased loading on water, waste water, electricity, and park capacities
- Ignores other approaches to affordability:
  - Requiring the City to be responsible for the expense of adding affordable housing rather than dropping this in the backyards of homeowners who built and are building this City
  - Increasing minimum wage through lobbying the Texas Legislature in past sessions
  - Creating transit ready and interior lands for its share of affordable housing, like the Bull Creek Tract

Therefore the Allandale Neighborhood Association Executive Committee opposes the ADU ordinance in its concept and conceit as a basic forfeiture of the City's obligation to organize and pay for affordable housing through bonds and obligations rather than ravage the very planning structures it approved, ignoring public safety, and jeopardizing one of the great cities of the American Southwest.

Sponsor: Allan McMurtry

# Friends of Hyde Park

FriendsofHydePark.com

C2/3

## Board Members:

Pete Gilcrease  
**Chair**

Alejandro Puyana  
**Vice-Chair**

Mike Pikulski  
**Treasurer**

Mary Lou Serafine  
**Secretary**

Matt Desloge  
**Board Member**

Teresa Griffin  
**Board Member**

Ricky Hennessy  
**Board Member**

## Press on FoHP:

KUT

KUT 2

Impact News

Daily Texan

## City Council Members,

First, we would like to congratulate each of you on your recent election. It is an exciting time for Austin and we look forward to the new city council and the continued growth of our city.

We represent Friends of Hyde Park, a new neighborhood association in Hyde Park. We are open to all residents, business owners, and property owners in Hyde Park, and we think the voice of all stakeholders should be more available to city leaders, especially in light of the new emphasis on citizen communication. After only a few short weeks, we are already the largest neighborhood association in Hyde Park with over 190 members and growing. We have no membership fees, and all of our voting is done securely online, over several days for the greatest stakeholder input. All voters are verified, and the names of all voters are presented with every vote for independent verification.

We are addressing you today to share the results of our first vote. Because this issue is appearing soon before the council, we thought it would be good to weigh in on. The text of the resolution was:

"In order to increase housing options for renters and provide more flexibility for property owners, I support easing restrictions on accessory dwelling units (granny flats, secondary apartments, garage apartments)."

Our members voted 91 in favor and 65 opposed.

While the current working draft by city staff to address changes to accessory dwelling units is a great start, the Friends of Hyde Park board members believe that the Planning Commission and the city council should consider lowering the lot size requirements to build an ADU. With increasing property taxes, it might be one of the pieces of the puzzle that allows some homeowners to stay in their homes. ADUs provide the additional benefit of starting to address the lack of housing options for Austinites and provide owners with the flexibility to house their elderly or disabled family members that need family care.

We look forward to working with the city to address important issues that impact both the city and Hyde Park. Please let us know if you have any questions or if we can be of any help in the future.

Thank you,

Friends of Hyde Park Board Members



Chu, Ming-ru

C2/3

**From:** Pete Gilcrease  
**Sent:** Tuesday, November 18, 2014 12:02 PM  
**To:** Rusthoven, Jerry; Guernsey, Greg; Meredith, Maureen; Leffingwell, Lee; Riley, Chris; Cole, Sheryl; Martinez, Mike [Council Member]; Spelman, William; Dutton, Greg; Chu, Ming-ru  
**Subject:** Re: Hyde Park Neighborhood Plan Contact Team Resolution

City Council Members and City Staff,

The HPNPCT vote had 23 people voting in favor. If all stakeholders in attendance at the meeting were allowed to vote, this would not have passed. The Contact Team bylaws put strict guidelines on who can vote, which, unfortunately, disenfranchises and prevents most stakeholders in the planning area from participating in votes.

The Hyde Park neighborhood plan already encourages ADUs, but it was never incorporated into our NCCD, so if the Planning Commission and the City Council take Hyde Park's neighborhood plan into consideration, the choice should be to support City Council Resolution #20140612-062 by allowing ADUs on smaller lots. Italicized text is directly from the Hyde Park neighborhood plan:

*"Modify single family permitted uses to permit the traditional garage apartment or two-family use."*

*"Two-family development is a characteristic pattern of the neighborhood including garage apartments and small residences facing side streets. These developments should be permitted in a controlled way as an alternative to converting or adding to a primary structure to achieve a legal duplex development"*

*"Hyde Park has historically provided affordable housing through a variety of housing choices:*

- \* two family housing*
- \* garage apartments*
- \* multifamily that looks like single family*
- \* apartment complexes*
- \* rental houses"*

Thanks,  
Pete Gilcrease  
Hyde Park Contact Team Chairman

On Tue, Nov 18, 2014 at 11:59 AM, Pete Gilcrease <[pete.gilcrease@gmail.com](mailto:pete.gilcrease@gmail.com)> wrote:  
City Council Members and City Staff,

The following resolution passed the Hyde Park Neighborhood Plan Contact Team.

"City Council resolutions concerning Accessory Dwelling Units (ADUs) should not override the neighborhood planning process or neighborhood plans. Therefore the Hyde Park Neighborhood Plan Contact Team does not support a city-wide or blanket policy change pertaining to the construction of ADUs, such as the Martinez-Riley resolution passed by the City Council on June 12, 2014. We see our neighborhood plan, which grew out of a process of civic participation, as central to maintaining the character and the quality of life of our neighborhood."

Thanks,  
Pete Gilcrease  
Hyde Park Contact Team Chairman

**Chu, Ming-ru**

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CV/134

**From:** Pete Gilcrease, [REDACTED]  
**Sent:** Tuesday, November 18, 2014 12:00 PM  
**To:** Rusthoven, Jerry; Guernsey, Greg; Meredith, Maureen; Morrison, Laura; Leffingwell, Lee; Riley, Chris; Cole, Sheryl; Tovo, Kathie; Martinez, Mike [Council Member]; Spelman, William; Dutton, Greg; Chu, Ming-ru  
**Subject:** Hyde Park Neighborhood Plan Contact Team Resolution

City Council Members and City Staff,

The following resolution passed the Hyde Park Neighborhood Plan Contact Team.

"City Council resolutions concerning Accessory Dwelling Units (ADUs) should not override the neighborhood planning process or neighborhood plans. Therefore the Hyde Park Neighborhood Plan Contact Team does not support a city-wide or blanket policy change pertaining to the construction of ADUs, such as the Martinez-Riley resolution passed by the City Council on June 12, 2014. We see our neighborhood plan, which grew out of a process of civic participation, as central to maintaining the character and the quality of life of our neighborhood."

Thanks,  
Pete Gilcrease  
Hyde Park Contact Team Chairman

Comments on Proposed Amendments to COA ADU Regulations: October 2014  
Katie P. Halloran  
1401 Concordia Avenue  
Austin, TX 78722

C2/13

**Entrance placement:** support changes.

**Window placement:** I'd like to understand the reasoning for this. There are many existing principal dwelling units adjacent to lots with zoning more restrictive than SF-5 that have windows on second stories. Are we unnecessarily punishing or treating differently secondary apartments? Or are we going to apply this standard to new principal dwelling units as well? I see benefits and drawbacks to this proposed amendment but natural light in all dwelling units is critically important for human health and well being...

**Building separation:** support change- this is important for long narrow lots. Helps property owners save/preserve small original structures at the front of the lot instead of demolishing just to be able to develop the back/rear of the property.

**Parking regulation:** I think that secondary units, "ADUs", (including the 850 sq ft units) should not require provision of a third off-street parking space, if two are already provided given the principal structure. Austin should not maintain suburban site development standards. If we are looking for low-impact central city density, which supports better transit, requiring that third space results in more costly development, more impervious cover, and ignores existing available parking on city streets. What is wrong with parking on streets?

**Driveway regulation:** support change.

**Owner occupancy requirement:** this is confusing. What is the proposal? Please clarify.

**Chu, Ming-ru**

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**From:** Susan Bell [REDACTED]  
**Sent:** Monday, October 20, 2014 7:04 PM  
**To:** Chu, Ming-ru  
**Cc:** [REDACTED]  
**Subject:** Accessory Dwelling code reductions

C2/36

This message is from Susan Bell. [REDACTED]

I am whole-heartedly in favor of reducing regulatory barriers to building accessory dwellings. I have considered building such a unit because I have an aging mother. She currently lives at the Village Christian Apartments, which is a complex for seniors with the rent based on their income. One of these days she will no longer be able to live by herself and living on our property might be her only affordable option. We currently have no driveway, and we would be unable to put one in that could serve our house and the back yard because of our 100 year old oak trees. Some people have expressed concerns about homeowners property taxes increasing, and in turn the neighborhood rents would go up. However, I disagree. I feel like this is what Austin needs, especially in Central Austin where cheaper rents are hard to find. Another way to look at it...even if my property taxes go up (even though they're already ridiculously high), having a unit to rent would help my family be able to stay in our home. If we sold our home, because we could no longer afford the property taxes (seems like it might be a possibility in the not too distant future), someone would just come in and buy it for the lot, tear down our house, and build a big fancy one - which really WOULD increase property taxes in a way that would raise rents! Sadly, this is what is happening ALL OVER my neighborhood. Please ease these accessory dwelling restrictions. Thank you - Susan Bell

Karen McGraw AIA  
4315 Avenue C  
Austin, Texas 78751

C2/13

September 18, 2014

Ming-Ru Chu  
Planning and Development Review  
City of Austin

Comments regarding current ADU proposal  
Please forward this to the Planning Commission and City Council

Ms. Chu,

Having spent many years working in the adopted City of Austin neighborhood planning process both as a volunteer and professional consultant, my opinion of the current proposal to blanket the city with ADUs is clearly out of line with the city's extensive efforts to plan individual neighborhoods. Should this be deemed to be a good idea, it should be implemented only through the adopted City neighborhood planning process by adding an optional tool to the current neighborhood plan toolbox. This could certainly happen as part of the CodeNext process.

**SF2 zoning and Deed Restrictions** - This proposal or any action resulting from it including establishing a new planning tool should not encourage the addition of ADUs that would override local deed restrictions or apply to SF2 zoning that is specifically designed for one dwelling unit only. This violates the expectation of homeowners who have invested in such areas. In Hyde Park the Patterson Heights area and in the Hancock Neighborhood the Beau Site area were rezoned to SF2 to stop the city from issuing duplex permits against deed restriction.

**Eliminating driveway and parking requirements** - Local areas differ in lot sizes, traffic, street widths etc.. Forcing this use in all neighborhoods is simply a political action with no planning information to back it up. The purpose of neighborhood planning is to appropriately address these differences. In Hyde Park several subdistricts in the local NCCDs allow two-family use on lots as small as 5,900 square feet to respect existing patterns. In other areas HPs narrow streets are already lined with cars bringing into question the public safety impact of adding additional dwelling units without parking. Since current regulations allow two of the required parking spaces to be "tandem" or stacked in a driveway, we already have extra cars on the streets for many existing dwellings. Waiving all parking requirements for these new units should only occur where there is ample on-street space for additional cars.

**Residents without cars** - The residents I know without cars generally live in small efficiency apartments. Single garage type apartments are generally too expensive. How does the city expect to ensure that residents in these units do not possess cars?

**Dwellings or hotel rooms?** - There is no suggestion that there would be a prohibition on renting such units as STRs so the idea that this proposal helps density is highly questionable. A small duplex unit adjacent my house just got approved as an STR taking a rather small affordable unit off the market. Why add more units when you are already removing units from the market for dwellings?

01/15/58

**Increasing Maximum Gross Floor area for second story units** undoes regulations hard fought by residents to keep these units compatible with single family housing. Any increase in McMansion FAR should not occur because it undoes another set of regulations that protect single family areas.

**Non-complying structures** should not have second stories allowed in required setbacks. This infringes on adjacent neighbors. It may result in fire walls at the property line to meet building code regulations and reduction in windows. A building without a proper setback generally cannot be maintained without use of adjacent property. This might also allow other non-compliances, such as lack of parking for an existing structure to continue.

In closing, I believe the City Council should respect the city's well-established neighborhood planning process and allow changes such as this only after careful local consideration and widespread notification and input. This means much more deliberation than one stakeholder meeting held simultaneously against the candidate forum for the area most at risk (District 9). Neighbors in Hyde Park spent years developing NCCDs to provide appropriate zoning to protect the character of Hyde Park. The proposed ADU blanket overlay will invalidate those efforts and deny the responsible planning process that has been followed in the past.



Karen McGraw

**Chu, Ming-ru**

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**From:** Jeff Barber [REDACTED]  
**Sent:** Monday, September 22, 2014 1:59 PM  
**To:** Chu, Ming-ru  
**Subject:** Fwd: ADUs Comment

C2/9  
15

Sent from my mobile office iPhone.

Begin forwarded message:

**From:** Jeff Barber <[REDACTED]>  
**Date:** September 18, 2014 at 3:13:34 PM PDT  
**To:** "[ming-ru.chan@austintexas.gov](mailto:ming-ru.chan@austintexas.gov)" <[ming-ru.chan@austintexas.gov](mailto:ming-ru.chan@austintexas.gov)>  
**Subject:** ADUs Comment

I am writing to voice my opposition to the occupancy requirement for ADU's.

It is my firm belief that this restriction will result in the reduction of the number of ADUs built. Why reduce ADUs when we need more and not less? I am very concerned that in an attempt to fix a problem the City of Austin is making the problem worse and more complex with many unintended consequences.

Also ADUs are more appealing and more functional than attached duplexes. If we stop builders from building ADUs will they not just build less appealing duplexes? What exactly does that accomplish? The ADUs fit in more with most central Austin neighborhoods. Please reconsider this action.

Thank you,

Jeff Barber, MBA, MS, DrPH

**Chu, Ming-ru**

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**From:** Cheryl Campbell [REDACTED]  
**Sent:** Thursday, September 18, 2014 3:52 PM  
**To:** Chu, Ming-ru  
**Subject:** Accessory Dwelling Units

C2/40

As a homeowner in the Garrison Park district, I would like to voice my objections to rezoning this neighborhood to allow rental properties in virtually every backyard on my street and in the area. I moved here four years ago because of the mostly owner-occupied, single family homes. The streets here are quiet and very few people use them to park their cars. Not only would this change with rental properties being increased, but so would the stability and peacefulness of the neighborhood. It concerns me that neither residence has to be owner-occupied, that the off-street parking requirement has been dropped, and that there has been little discussion on the number of adults/children who can occupy the different sizes of ADUs.

It is my hope that City Council will not rezone this area, and certainly not before we have a district representative.

Thank you.

Cheryl Campbell  
2106 Whitestone Drive  
Austin, TX 78745



**Chu, Ming-ru**

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**From:** Claire Deyoung [REDACTED]  
**Sent:** Thursday, September 18, 2014 3:30 PM  
**To:** Chu, Ming-ru  
**Subject:** Comments on proposed Accessory Dwelling Unit changes

C2/1

Dear Ms. Chu

I am writing to you because I am unable to attend the meeting tonight, September 19, 2014. There are many considerations that must not be omitted from the discussion of "Accessory Dwelling Units." I am listing a few of the salient and meaningful topics that will require very careful deliberations in order to protect our neighborhoods, particularly those that are already close to town, and becoming more dense with housing units.

Any new ADU's built under reduced requirements must be prohibited from use as a Commercial Type 2 STR, in which a non-resident investor removes housing stock from the market that would otherwise be available to Austin residents, either as renters or homebuyers.

It is hoped that many ADU renters would not use cars, however this is enforceable. Traffic must not become an obstacle to residents.

The city must retain existing limits for gross floor area and building separation, and not grant a blanket pass to legally non-complying structures.

Affordability is a stated goal for these "Units", but there is no assurance that the proposed changes will, in fact, help individual property owners.

Impervious cover limits are in place for sound public safety reasons. These are effective and must be insured.

The Neighborhood Plans must continue to be the decider for any reduction in ADU requirements as an optional planning tool. Action through the Neighborhood Plan amendment process may be appropriate, but only after there is careful consideration of all local impacts.

Any sweeping citywide change has potential to harm the health and safety of residents or alter the fabric of our city in ways that we may not foresee or intend.

I ask that my comments be retained with the discussion and documents that are being gathered tonight and at other meetings on the subject of "Accessory Dwelling Units," and that they be forwarded with any staff recommendations.

Thank you,  
Claire deYoung  
4612 Red River St.  
Austin, Texas 78751

**Chu, Ming-ru**

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**From:** kimbrough gray [REDACTED]  
**Sent:** Thursday, September 18, 2014 2:45 PM  
**To:** Chu, Ming-ru  
**Subject:** ADU feedback

C2/42

I am writing to voice my opposition to the owner occupancy requirement. If this passes the result will be that builders will simply build large less affordable houses instead of ADU's or unattractive attached duplexes.

ADU's don't allow builders any more impervious cover or more square footage. All they allow is for builders to build housing stock that is more affordable and generally looks better.

There is no reason to take this option away.

This is espically true since the goal of relooking at ADU's was to make it easier, not to further restrict it for the people (non-owner occupants) that are currently building the majority of ADU's in the city. It would be odd if an ordinance to ease restrictions on ADU's actually resulted in less ADU's built.

A few more points

ADU's that are sold seperately offer an option for young families to live in central Austin. It would be sad if Austin decided to take that option away.

Since newly built ADU's follow current building standards and are small they result in low energy use per person. This helps the environment and is good for long term affordability.

**Chu, Ming-ru**

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**From:** Marc McDaniel [REDACTED]  
**Sent:** Thursday, September 18, 2014 11:45 AM  
**To:** Chu, Ming-ru  
**Subject:** Proposed ADU Code Change.

C2  
43

I don't object to the basic idea of accessory dwelling units in our neighborhood (Heritage Neighborhood), but I don't see any compelling reason to relax all the pragmatic development requirements in the current code.

If the parking requirements are eliminated...then, obviously, the tenants are going to park on the street. Many of our neighborhood streets are essentially single track with cars parked on both sides of the street. Who hasn't done the "pause and wait" routine for opposing traffic because there is not enough street width to allow two vehicles to pass. (Try driving down 30th between Guadalupe and Lamar.) Tenants without cars are a small minority. That may change in 20 years, but it is not the reality now. Maybe I would consider relaxing the parking requirements if there was a minimum street width, or if the ADU tenants were prohibited from having a car (not practical to enforce).

Reducing the impervious cover is a water quality and storm water run-off issue. How is this going to be mitigated or offset with the proposed ordinance?

I see no reason to allow ADU's to:

- a) reduce the minimum lot size,
- b) reduce the building separation requirements, and
- c) increase the maximum allowable height.

My take on this is that If the lot is not big enough to support an ADU under the current code, then I don't think it should be built. The proposed ordinance sounds like an end-run on the McMansion ordinance.....build an ADU and you get relaxed requirements.

Marc McDaniel  
512.431.3730

**Chu, Ming-ru**

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**From:** Jacquelyn A Barber [REDACTED]  
**Sent:** Wednesday, September 17, 2014 9:18 PM  
**To:** Chu, Ming-ru  
**Subject:** ADU Ordinance

CZ/44

I heard that there were going to be changes to ADU's. At first I was happy to see that Austin was going to do something to address our chronic affordability issues. ADUs allow young families to buy and move into starter homes in central Austin neighborhoods.

But recently it sounds like Austin will be having an owner occupancy requirement for ADUs. This will of greatly reduce the number of ADU's that would otherwise be built.

This is not a step forward. Instead its a huge step back. Not only is it bad policy its morally wrong. Austin needs to encourage builders to build more of these small units. Not completely block them from doing so.

**Chu, Ming-ru**

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**From:** Daniel Perlaky [REDACTED]  
**Sent:** Wednesday, September 17, 2014 6:22 PM  
**To:** Chu, Ming-ru  
**Subject:** Comments on Granny Flat infill housing options

02/45

Hello Mr. Chu,

I'm writing to express my full support for allowing properties with less than 7000 square feet be able to build a granny flat in the back. The 500sq. foot maximum seems reasonable to both maintain non-pervious cover but also enable smart and efficient infill residential housing. It's great for homeowners and great for the city by encouraging breathable density, walkability and a more tightly-knit community. These units are also amazing for renters who get more affordable options and for family members who want to live close to their children and grandchildren while having their own spaces.

There are many examples of granny flats positively impacting communities, especially rapidly growing ones like Austin.

I wish I could be at the meeting but I'll be out of town. So this letter will have to serve as the expression of my full support for making it easier for homeowners to build small detached structures on their properties.

Thanks very much,

Daniel

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**Daniel Perlaky**  
multimedia design and creative direction  
(415) 350 6870  
[REDACTED]

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**Chu, Ming-ru**

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**From:** Larry Akers [REDACTED]  
**Sent:** Sunday, September 14, 2014 12:30 PM  
**To:** Chu, Ming-ru  
**Cc:** Larry Akers  
**Subject:** comments on proposed ADU ordinance

C2  
46

There are plenty of very good reasons for the "regulatory barrier to development" imposed by parking area requirements in the Land Development Code. If the goals of the ADU ordinance are really what the WHEREAS's say they are, and if the City streets are not to be degraded by vehicles owned by ADU occupants, then the ordinance should require that any unit permitted under the ADU be occupied only by persons possessing no motorized vehicle except, perhaps, for the two-wheeled variety.

Otherwise, the ADU ordinance is little more than a freebie to developers to let them out of the responsibility to mitigate tenant vehicle impact by allowing the dumping of tenant vehicles onto City street right-of-way.

Nothing stops anyone who wants to provide "affordable, central-city housing opportunities.." blah-blah-blah from building efficiency apartments. An ADU is just an efficiency apartment without social responsibility.

If this vehicle tenancy policy is not incorporated into the ADU ordinance, or if it is not enforceable, then ADU's should not be allowed.

Larry Akers

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Sent with [Postbox](#)

**Chu, Ming-ru**

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**From:** mc [REDACTED]  
**Sent:** Thursday, September 04, 2014 3:11 PM  
**To:** Chu, Ming-ru  
**Subject:** Granny Flat

C2/4X

As a resident of Austin, I fully support the changes needed to make more granny flats available and incentivized for other Austinites. Although I currently own my home now, I haven't always. I spent my earlier years living in CA in granny flats, saving money, biking and walking to work. As a renter, granny flats are the best. You get to actually develop a relationship with those you live near and you feel part of a neighborhood.

Cheers,  
Mercedes Cooper  
417-C W. Johanna St  
78704

Sent from my iPad

**Chu, Ming-ru**

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**From:** Dutton, Greg  
**Sent:** Thursday, August 21, 2014 4:07 PM  
**To:** Chu, Ming-ru  
**Subject:** FW: ADUs/Microhousing

C2/48

FYI

**From:** Cynthia A Riley [mailto: [REDACTED]]  
**Sent:** Thursday, August 21, 2014 3:51 PM  
**To:** Dutton, Greg  
**Cc:** [REDACTED]  
**Subject:** ADUs/Microhousing

This message is from Cynthia A Riley. [REDACTED]

Mr. Dutton -- I know the NIMBY folks are hopping mad about ADUs. I just wanted to thank you for working on these issues. I hope to see more smaller units and density in close-in areas like mine (78745). I'm also hoping to see a larger effort from the City to encourage them once the rules are opened up a bit (pre-approved ADU plans, SMART-housing like VIP permitting, etc.) We could be doing so much for affordability. On that topic -- any hope the micro-housing will have owner-occupied requirements to keep them from being hotels for the rich?



**From:** Brandon Tucker [REDACTED]  
**Sent:** Tuesday, August 26, 2014 1:19 PM  
**To:** Denton, Jennifer  
**Subject:** ADU letter

C2/49

Hi Jennifer, here are my comments on ADUs in Austin. Thanks,  
Brandon

Frankly, I don't think we'd be as willing to live in central Austin without the "Granny Flat."

- Our first Accessory Dwelling Unit was at a house in Brykerwoods, which had a 400-square-foot one-bedroom above the garage. Its income helped us pay our property tax bills as well as fund improvements to the house. The space began as a long-term rental, but we eventually converted it to an owner-occupied short-term rental. With a little extra management, we could make more money while leaving the space open for when friends wanted to visit over the holidays or other times of year. We never had a complaint.

When we moved to North University in 2013, we found a house with a defunct, 220-foot studio original to the house above a tiny garage. The only tenants in there were rodents, it seemed. We fixed it up and now rent it out on a furnished, month-to-month basis. Our tenants have been many walks of life: students who need a semester or summer lease, folks moving to and from Austin, a military family getting ready to be re-stationed elsewhere in the U.S. and other unique situations. We are happy to serve as an option to people who can't commit to a one-year lease or home purchase but appreciate a great neighborhood more than square footage.

I do believe homes currently without an ADU should be permitted to build one with a couple caveats. Few things seem more distasteful to a historic block than when a home's new addition chews up most of the backyard. Perhaps an ordinance about how an ADU's square footage can only be a certain percentage of the lot -- or a percentage of the square footage of the main home, would help keep "McMansions" or "stealth dorms" at bay. Also, the homeowner should be able to determine the amount of cars the ADU tenant can have (zero, if they'd like) and restrictions on the amount of cars a SF lot can have should be the same whether or not it has an ADU. The aim of an ADU is to improve population density, but that shouldn't have to assume more cars or distasteful construction in our neighborhoods.

ADUs help keep our neighborhoods diverse socially and economically and become more vibrant (and safe) as more people walk our streets and patronize our neighborhood local businesses.

One day, maybe our ADU will become an office or a kid's bedroom -- or maybe even a place for Granny. For now, we appreciate the income and the chance to live with new people who love our neighborhood like we do.

Brandon Tucker

North University @brandontucker

## Harriet Alexander

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To: Ming-ru  
Subject: Accessory Dwelling Units

C2/SD

To: Ms. Ming-ru Chu, Planner  
Planning and Development Review Department  
City of Austin

Thank you for your phone message and email regarding tonight's meeting regarding Accessory Dwelling Units.

Though I do plan to attend the meeting, I am writing to describe my family's need for such arrangements.

I am an 84 year old mother of two sons with disabilities. Both receive Social Security Disability payments, and one also receives SSI. The 56 year old son is head injured, has sight and hearing impairment, knee injury, and walks with a cane. He does not drive. He lives in a 368 sq. ft. condo I purchased around the year 2000. It is a block and a half or so from a bus stop, so he rides the bus when he wants to go out, though the walk to the bus stop is daunting in 100 degree weather.

I drive him to the grocery store, doctor, barber shop, etc. He is smart and reads a lot; however, he cannot handle money, so I must dole out small amounts to him twice a week. I have a helper come every other week to clean and help with other chores. He pays me rent in accordance with SSI rules.

My 50 year old son has a mental disability. He is very conscientious about taking his meds, does not drink or smoke, cooks himself healthy meals, and helps me with some chores and does odd jobs for others. He drives an old pickup truck.

My daughter and son-in-law who live and teach in Boston bought a house on Woodrow Ave. for him to live in as joint owner in 2002. My own home off Shoal Creek and the other two properties are within a mile of each other, which has been very convenient for me to provide help for them.

The Woodrow house was built in 1951, has 756 square feet, and is on a 50 X 195 ft. lot. The #5 bus route is across the street.

We have been day dreaming about the possibility of adding structures for my head injured son and myself to the lot on Woodrow Ave. We all three really like our privacy, so would like for our units to be visually separate in three 65 by 50 ft. segments of that 50 by 195 ft lot. Help that we need indoors and out can be provided on the same day by the same worker with much less expense. And, I might not always be able to provide transportation to my head injured son, so he could ride the bus to the grocery store further north on Woodrow Ave. And his brother could more conveniently provide medical transportation.

When I die, and my Boston family retires, they can move to my home on that Woodrow lot and continue the care I have been providing their two brothers.

We talked to someone in your department a few years ago and were told that current building codes would not allow such use of the Woodrow Ave. lot.

All my family greatly appreciates your attention to this possible solution to real needs.

Harriet Alexander  
(512)454-9373  
2402 Sonora Ct.

**Chu, Ming-ru**

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**From:** Doris Coward [REDACTED]  
**Sent:** Tuesday, August 19, 2014 4:12 PM  
**To:** Chu, Ming-ru  
**Subject:** ADU in the Hyde Park neighborhood

C2/5

Ming Chu,

I well understand the benefits of ADUs. In fact I have a garage apartment in the Hyde park neighborhood on a 10,000 foot lot. I use the space for my visiting family or visiting family of neighbors. I occasionally rent it to visiting UT Austin faculty or to foreign graduate students who do not have cars.

My concern about ADUs has been where the ADU dwellers will park their cars. Most developed lots in HP do not have enough parking spaces for dwellers who have more than one car unless they park in tandem. Hyde Park residents who are not family members do not like the inconvenience of parking in tandem. For example, my across the street neighbors do not park in tandem. One of their cars is always parked in the street across from my home. Their next door neighbor - a young professional - has two roommates, both of whom have cars. The young professional parks his car in a space behind the house. The two roommates and the visitors of all three occupants park in front of my house. Some of the visitors are long term visitors whose cars are parked in the street for weeks at a time.

I live on a 30 foot wide street. With cars parked on both sides of the street, my street becomes a one-way street. Exiting my driveway becomes dangerous under this condition. Increasing the density on my street by adding new ADUs on smaller lots would make these problems even worse.

I do not support the proposed regulations to permit ADUs on lots smaller than what is currently permitted by the city. Thank you for this opportunity to express my view.

Doris Coward

**Chu, Ming-ru**

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**From:** Mary Pustejovsky [REDACTED]  
**Sent:** Monday, August 18, 2014 4:39 PM  
**To:** Chu, Ming-ru  
**Subject:** ADU ordinance

Hello

I am unable to attend the public meeting regarding accessory dwelling unit regulations. However, I would like to voice my support for reducing barriers to building these types of units. I live in a very desirable neighborhood (Crestview) and it is primarily single family. There are many persons I have met who have voiced their interest in living in my neighborhood who cannot afford renting an entire house. For example, a single mother with a child was hoping to find a small apartment for her and her son but there are few, if any, available in our area. In effect, we are ensuring that our neighborhood remains unaffordable to many Austin residents who would likely make great additions to our neighborhood. In addition, there are persons who are nearing retirement age who are concerned about rising property taxes, even on homes which they own free and clear (no mortgage). By allowing them to build an ADU, they will have a steady source of income in retirement which will allow them to remain in their home.

I feel that ADUs are one of the best ways to increase density while retaining neighborhood character. Because the landlord often (though not always) lives in the main house, they are very careful about selecting tenants who will not disturb them. This is much preferable to large apartment complexes run by absentee landlords, who often have much less stock in the development of the neighborhood.

I would support modifying restrictions on lot size (either dropping completely or at least lowering the minimum), impermeable cover (increasing), and parking requirements (dropping/eliminating) to allow for ADUs to be developed. This should be done city-wide without requiring neighborhood plan amendments. The only area where I think this might be necessary is particularly fragile watershed protection areas such as Barton Springs, which should retain impermeable cover restrictions.

Thank you for the opportunity to voice my opinion.

Mary Pustejovsky

**Chu, Ming-ru**

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**From:** Scott Way [REDACTED]  
**Sent:** Monday, August 18, 2014 8:26 AM  
**To:** Chu, Ming-ru  
**Subject:** ACCESSORY DWELLING UNIT REGULATIONS

C2/53

I saw an announcement about the discussions related to accessory dwelling units, and changes to the regulations. One thing I'd like to bring up is exterior stairs in the side-yard setbacks. Many folks want to create accessory dwelling units above garages/storage areas, but there often isn't enough room for interior stairs and/or exterior stairs would take up valuable yard space and reduce privacy of the primary residence as well as the accessory dwelling. I don't believe the existing rules allow for stairs to be built in the side-yard setbacks, but allowing them there would encourage accessory dwelling units.

Thanks,

Scott Way  
Work: 512-344-3421  
Cell: 512-589-0284

**Chu, Ming-ru**

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**From:** Amy Campney [REDACTED]  
**Sent:** Friday, August 15, 2014 6:18 PM  
**To:** Chu, Ming-ru  
**Subject:** Sona member

C2/54

I support keeping the current code that allows sf-3 houses to have ADUs.

Amy Campney  
Southern Oaks Neighborhood Association member