

Terry Leifeste  
4518 Ramsey Avenue

#### ADDITIONAL ADU CONSIDERATIONS

1.) With ADU standards for residential lots in one neighborhood differing from ADU standards for comparable residential lots in another neighborhood, realistically there will be continuous requests for variances resulting in more workload demand for City employees and possibly a need for an increase in employees. This would seem to be contrary to the goal of streamlining the permitting process.

2.) The setback requirements(25 feet in the front,15 feet on the side street,10 feet for the rear, and 5 feet interior)act as a secondary perimeter inside the total lot boundary. As the 40% of total lot size structural limitation, the 45% impervious covering limitation, and the square footage maximum for the ADU all fall inside this secondary perimeter, controls relative to ADU placement for McMansion concerns already are established, again reducing the need for a total lot size limitation on ADU permitting.

Mr. Terry Leifeste  
Austin, Texas 78756

### CONCERNING ACCESSORY DWELLING UNITS(ADU's)

Most of the proposed aspects in the amendments to C20-2014-012 concerning ADU's, such as the parking considerations, separation of structures, and entrance/driveway parameters, address realistically the opportunity of ADU's to facilitate affordability and responsible building. However, the following issues need to be considered --

- 1.) The constraints to curb "McMansion" setback-to-setback construction are laudably contained by the required 40% building coverage. The rainwater runoff controlled by a maximum of 45% impervious covering is a responsible approach to floodwater safety precautions. With these constraints based upon percentages of the square footage of the lot size, and ADU structural square footage limitations, a restriction such as the minimum 7,000 square foot lot size has no empirical rationale for existence. When one takes into consideration that some areas in Central Austin are allowed ADU's with a minimum lot size of 5,750 square feet while other nearby neighborhoods are restricted to 7,000 minimum square footage, it appears the 7,000 figure is arbitrarily discriminatory. This can be remedied by eliminating any minimum lot size in that the above stated 40% and 45% will be self-regulating thus making lot size immaterial. Should there be a rational, non-capricious need for a lot size restriction, it should be consistent at no more than the 5,750 square footage as granted to some neighborhoods. The above solution does not place a needless stumbling block in attaining the espoused goal of affordability for Central Austin housing.
- 2.) In the matter of the ten-foot separation distance between the primary structure and the ADU, does the protrusion of entrance stairs/ramps for either or both structures into the ten-foot area affect the separation distance between the exterior walls? As such stairs/ramps do not constitute living space, it would seem logical that their existence should not cause an increase in the separation span.
- 3.) Homes built outside the limits of the City of Austin during the period prior to 1950, which usually did not have any prohibition against ADU's, should be allowed to keep the same original relevant separation space between the primary structure and the separate garage should the owner choose to build an apartment above the garage site for an ADU. This especially should be pertinent if the home is still occupied by family members of the original owners.

### PERSONAL CONSIDERATIONS

In 1938, my parents moved into their home at 4518 Ramsey Avenue in what is now the Rosedale area which was then outside Austin. I spent my infancy to young adulthood in that house, and later, as I was a single parent, my sons resided there when I had to be away for work. After my mother died in 2009, I permanently returned home.

The knowledge that property taxes were drastically increasing came very abruptly when I changed the house deed from my Mom's name to my name. In the time it took me to sign my signature, the taxes doubled. The trend continues including costs for insurance, utilities, etc. Being a retired senior citizen on a limited fixed income, I realized something had to change.

In walking the Rosedale neighborhood, I noticed many neighbors had secondary living quarters(ADU's), including properties behind and across the street from me. I counted 102 such structures from 40<sup>th</sup> Street to 48<sup>th</sup> Street for Rosedale, Ramsey, and Sinclair Streets, and 42<sup>nd</sup> Street to 48<sup>th</sup> Street for Shoalwood. The above figure is probably conservative in that I could not view behind all houses from the street. This led me to the realization that by building a garage apartment I could obtain additional income to be able to remain in my home, with the

added benefits of having a tenant on premises when I am out of Austin, and in a few decades, having quarters for a caregiver if warranted in my advanced years. Therefore, I got a mortgage to proceed.

I was aware of the 40% of lot size requirement for structural coverage, with my project only covering 34.7%, and the 45% of lot size requirement for impervious coverage, with my proposed coverage being only 40%. After reading a June 28, 2015 article in the Austin American-Statesman I became aware of the 7,000 square footage restriction, and the 5,750 square footage requirement for some neighborhoods. My lot size is 6,750 square feet, the difference being less than the size of many living rooms. Being confused, I visited with the reporter who also was unsure of the definitive criteria for such differences. With so many ADU's in my neighborhood, I figured there had to be a rational solution for me to go forth, so I visited the City of Austin Residential Construction Services Office. While the staff was very helpful and empathetic, they did not know of any solution to my predicament. I visited with other City staff and found no one who could explain any technical necessity, logical explanation, or pertinent historical precedent for the 7,000 square foot lot size requirement for existence of an ADU on a residential lot.

This message is from Thomas Ates.

Dear Planning Commission Codes & Ordinances Subcommittee,

Please support ADUs along with the following recommendations:

Here are some points for improvement in the ADU ordinance:

1. No neighborhood opt-in/opt-out

Letting neighborhoods opt out will both take unnecessary time and attention from city staff, delaying progress, but will have the effect of excluding poorer, often African American or Latino families from high opportunity neighborhoods in Central and West Austin.

2. No creation of some sort of affordability requirement in return for reducing requirements

There is no proof of such allowances in Austin city code being successful in increasing affordability. By some reports, some facet of the code already allows this.

ADUs are naturally affordable - in other cities between 15-30% get used by family and friends virtually rent free. That's better than any other kind of housing already. But require it, and the average homeowner won't do it.

3. Provide for low interest loan programs

Allow affordable housing developers to access a loan reserve pool to build ADUs as subsidized housing.

Allow low-income homeowners access to the same fund in order to develop an income stream or house more family.

4. Design standards and streamlined process

Develop a set of pre-approved designs that can be adapted for no or very little cost, and approve them easily and quickly. Much of this work has already been done, the city just needs to adopt the designs developed by the Alley Flat Initiative.

Regarding STRs, I support staff recommendation.

Thanks,

Thomas Ates

**Memo****Date:** May 19, 2015**Re:** Recommendations for changes to the COA Land Development Code for Secondary Apartments, Alley Flats, and Accessory Dwelling Units in general**From:** Michael Gatto, AIA, Co-Director, Austin Community Design and Development Center (ACDDC)**To:** City of Austin Staff, Planning Commission, and City Council

As a follow-up to previous meetings regarding proposed changes to the Austin Land Development Code, we'd like to make the following recommendations for changes to the code with respect to the development of all Accessory Dwelling Units including Secondary Apartments, as they are also known in the Austin codes. Since the expansion of development rights for property owners is under consideration, we recommend that any new entitlements be clearly tied to affordability requirements.

The Alley Flat Initiative is an Austin program designed to increase the supply of green affordable housing in Austin's urban core by developing Accessory Dwelling Units (ADU's) on underutilized single-family lots. Thus the term 'Alley Flat' is functionally synonymous with the term 'ADU.' ACDDC has been a collaborator on the Alley Flat Initiative along with the University of Texas Center for Sustainable Development and the Guadalupe Neighborhood Development Corporation for over seven years now. Three Alley Flats have been completed and there are four more in some stage of design or development. Thus, we have quite a bit of experience with this type of development. As described at the end of this memo, there are literally thousands of single-family lots in Austin eligible for ADU's and there are many social, economic, and environmental benefits associated with the development of this type of dwelling.

Here is a list of recommended changes to the land development code and the permitting process that would expedite this type of sustainable development in Austin:

**1. Recommended code changes:**

- a. **Prohibit STRs:** We recommend the prohibition of all Short Term Rentals (Type 1 and Type 2) in ADUs to ensure that these units are occupied by Austin residents rather than visitors to Austin.
- b. **Tie Expanded Development Rights to Affordability:** We recommend requiring any entitlement that allows ADU development on lots less than 7,000 square feet to provide an affordable unit under the City's S.M.A.R.T. Housing Program (rent at 80% of MFI or below for at least ten years, or at 60% of MFI or below for at least five years, or some similar formula). In addition, there is currently an ordinance on the books (20080807-091) that diminishes ADU development restrictions on lots with a minimum area of 5,750 square feet if the ADU will be affordable at or below 60% of MFI for at least 20 years. Although this ordinance was enacted 2008, it has not been put into practice, since no neighborhood has

decided to opt in. We recommend that this ordinance be applied city-wide, since this will make it easier for non-profit affordable housing developers who have access to the subsidy required to achieve this level of affordability to build more ADU's. Affordability requirements would only apply to units where rent is charged, not situations where family members or caregivers live in an ADU rent-free.

- c. Expand Secondary Apartment Special Use Infill Tool: The existing code allows development of ADU's on any lot 7,000 square feet or larger. The Secondary Apartment Special Use Infill Tool allows Secondary Apartment development on lots between 5,750 – 7,000 square feet if the neighborhood plan has adopted this tool. Since a significant number of neighborhoods have not adopted this tool, we recommend allowing Secondary Apartment development on any lot greater than or equal to 5,750 square feet in size in order to capitalize on the large number of infill lots in central Austin in this range, with the caveat that lots between 5,750 and 7,000 SF will be subject to the above-described affordability requirements.
- d. Reduce Parking Requirements Except in Congested Areas: Current code requires three off-street parking spaces for lots with a main dwelling unit and an ADU: two for the main dwelling unit and one for the new ADU. Since many existing lots have no off-street parking, the development of an ADU actually triggers the creation of three off-street parking spaces. Given the number of mobility options now available in Austin's urban core in addition to a privately owned automobile, such as bicycling, bus, commuter rail, and Car-2-Go, we recommend that this parking requirement be reduced such that the development of an ADU does not trigger parking requirements for a pre-existing primary dwelling. In this case, when one develops the ADU, parking requirements for an existing primary dwelling do not even have to be considered. We also recommend omitting the parking requirement for the ADU itself if the Walkscore of the property is 80 or more. Please note that current parking requirements may need to be retained in congested areas near public schools, churches, neighborhood commercial districts or other areas where additional street parking might constitute a safety issue.
- e. Consider Reductions in Impervious Cover Requirements Tied to Affordability: The current impervious cover limit for Secondary Apartments is 45%. When addressing both this limit and the parking requirement, it is difficult to design an ADU on lots in the 5,750 – 7,000 square foot range (which is currently allowed in certain neighborhoods). There is currently an ordinance on the books that allows for the impervious cover limit to be increased to 50%, if the ADU will be affordable housing. However, this ordinance is not effective unless adopted into a neighborhood plan and none has adopted this so far. We recommend that the impervious cover limit be increased across the board, again with the above-described affordability requirements for any lot under 7,000 SF.

- f. **Reduce Paved Driveway Requirements:** The current code requires that unless the ADU has vehicular access from a rear alley it must be served by a paved driveway, and that the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide. This is difficult to achieve and also meet the impervious cover requirement, particularly on lots less than 7,000 square feet. We recommend omitting this requirement from the code.
- g. **Total Square Footage Calculation:** Prior to the adoption of the McMansion ordinance (Subchapter F), conditioned space with a ceiling height less than 5'-0", as well as second story porches were not counted in the total square footage calculation. We recommend that Subchapter F be rewritten such that these spaces are not included in the total square footage calculation.
- h. **Increase Second Story Square Footage:** The original ordinance did not put a limit on the square footage for the second story. In fact, the first neighborhood plans that adopted the Secondary Apartment Infill tool had no limitations on square footage other than a maximum of 850 total square feet for the unit. The code was amended to affect all neighborhood plan areas without input or consent from each impacted neighborhood to the current code, which limits the total square footage on the second floor to 550 square feet. We recommend omitting the second floor square footage limit altogether (which may also help address the parking requirement by allowing parking underneath).
- i. **Allow Shared Water Meters:** We recommend allowing the ADU to share a water meter with the primary dwelling if the total number of full bathrooms on the property is three or less (which had been the rule of thumb up until recently).
- j. **Reduce Building Separation to 10':** Although the current code requires a minimum separation of 15' between the primary dwelling and the ADU, a covered walkway is allowed between the units. We recommend reducing the distance of separation from 15' to 10' because 10' is standard everywhere else in the LDC based on fire separation. For example, the standard side yard setback is 5' from property lines so that there's a standard 10' separation from one dwelling to the neighboring dwelling. Less than 10' is allowed as long as fire code is met- namely, the exterior walls may require an increased fire rating.
  - i. We also recommend allowing attached ADU's in order to increase the number of housing options in Austin's urban core.

**2. Recommended permitting process changes:**

- a. **Reorganize code to group requirements for ADUs:** Requirements for Secondary Apartments and Accessory Dwelling Units are sprinkled throughout the land development code, such as Section 25-2-774 (Two Family Residential Use) and Section 25-2-1461 (Secondary Apartment Special Use), which makes issues regarding Alley Flat permitting very difficult to track and

- understand for residential plan reviewers, design professionals, and the general public. We recommend streamlining or reorganizing the code to simplify this.
- b. Develop and adopt pre-approved plans for ADUs: Since this type of development is not as common as others, City of Austin staff members are not familiar with Land Development Code regulations regarding ADU type structures. This has resulted in multiple trips to One Texas Center and additional research in order to achieve building permits for previous Alley Flats. We recommend streamlining the permitting process for Alley Flats by designating a unique Alley Flat permit application that includes pre-approved plans of which ACDDC has several to offer.
  - c. Clarify code definition of alley: There is some confusion in the interpretation of alley definitions, such as 'public alley' versus 'private alley' versus 'vacated alleys' particularly with regard to access. There is also confusion regarding the status of dirt versus paved alleys with respect to access. We recommend clarifying the code to remove some of these distinctions.

Previous research at the University of Texas Center for Sustainable Development has shown that there are over 40,000 lots in Austin with the potential for Accessory Dwelling Unit development, which represents a huge opportunity for affordable housing development in central Austin. This fact and the following benefits of Alley Flat and other ADU development provide compelling motivation to pursue the changes described above:

1. Anti-Sprawl: Alley Flat development doubles the density of existing single-family properties while blending in with the existing neighborhood character. This type of infill housing reduces vehicle pollution, traffic congestion, and preserves rural land.
  - a. This conserves economic resources by utilizing existing infrastructure to serve population growth rather than incurring new costs to duplicate infrastructure elsewhere.
  - b. This locates new housing near job centers (i.e. downtown) and in walkable neighborhoods with more mobility options.
2. Green Building: All Alley Flats achieve at least three stars from the Austin Energy Green Building Program, which means they conserve energy and water and promote healthy indoor environments.
3. Neighborhood Stability: Alley Flats are designed to integrate with the character of existing homes, and the income they generate can help stem the tide of displacement.
4. Improved Alleys: Development of Alley Flats makes alleys cleaner, safer, and more usable.

This memo was written with input from the other Alley Flat Initiative collaborators: the UT Center for Sustainable Development, and the Guadalupe Neighborhood Development Corporation. Please do not hesitate to contact me with questions or concerns. We look forward to working with you to address these development issues through changes to the Austin Land Development Code. Thank you for your consideration.

**Chu, Ming-ru**

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**From:** Dave Reed [REDACTED]  
**Sent:** Friday, May 15, 2015 6:38 PM  
**To:** Chu, Ming-ru  
**Cc:** Heather Falvo  
**Subject:** Input on Accessory Dwelling Unit ordinance

Ming,

Thank you for the hard work you and the other members of staff are expending on the Accessory Dwelling Unit (ADU) proposed ordinance. We attended a portion of the April 28 Planning Commission and understand there are many opinions for and against ADU's.

We would like to add formal comment into the process. Overall, we believe making ADU's easier and more widespread benefit the City of Austin as it continues to grow.

Regarding Lot size:

The original request from the city council asked for the minimum lot size to be considered. The original recommendations to the Planning Commission do not include any changes to the 7,000 sq ft minimum.

A small lot infill option does exist for Neighborhood Planning Areas to allow ADU's (Secondary Apartments) on lots with a minimum of 5,750 sq ft. However, changing Neighborhood Plans is not an easy task. In the spirit of reducing regulatory barriers, the same lower lot size should be incorporated in the new ordinance.

We understand the upcoming overhaul of the land development code may also address lot size and ADU's. Completing and adopting any new land development ordinance is realistically several years away. The city should not miss this opportunity to address additional housing needs now.

Thanks,  
David Reed  
Heather Falvo

## **KISS TWO HOUSES ON ONE LOT**

**Stuart Harry Hersh**

- 1. Allowed on all SF-2, SF-3, SF-5, SF-6, MF, and MU lots regardless of size**
- 2. Must not violate subdivision plat notes, deed restrictions, and restrictive covenants that are valid**
- 3. Not allowed on lots in 100 year or 25 year flood plain or former landfill site**
- 4. No variances on setbacks, building coverage, impervious cover, McMansion, or adopted International Residential Code standards**
- 5. Second house requires only one additional paved parking space that can be placed in tandem or adjacent to existing paved and unpaved parking spaces**
- 6. A water sub-meter with electronic reporting can substitute for purchase of new water and sewer tap**
- 7. Maximum smaller house size is 500 square feet if lot is less than 5,750 square feet**
- 8. Maximum smaller house size is 750 square feet if lot is greater than 5,750 square feet and less than 7,000 square feet**
- 9. Maximum smaller house size is unlimited in size if the lot is 7,000 square feet or greater and development complies with applicable standards referenced above**
- 10. If smaller house has habitable space on the first floor, the house must meet applicable visitability standards.**
- 11. If smaller house or larger house serves household at or below 50% Median Family Income for 40 years through restrictive covenant, S.M.A.R.T. Housing fee waivers and fast track review incentives apply.**
- 12. If smaller house will not be at least 10 feet away from larger house, the International Residential Code standards for fire protection of exterior walls, doors, and windows apply.**

## Chu, Ming-ru

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**From:** Friends of Hyde Park <friendsofhydeparkcontact@gmail.com>  
**Sent:** Tuesday, April 28, 2015 4:50 PM  
**To:** Nortey, James - BC; Lesley Varghese; Roark, Brian - 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; Zaragoza, Nuria - BC  
**Subject:** Parking Survey of Hyde Park for ADU Discussion  
**Attachments:** Hyde Park Car Map -2015-3-22 Final.pdf; Hyde Park Car Map -2015-4-23 Final.pdf; Parking Counts Final.xlsx; Parking Histogram.jpg; Parking Remarks.docx

Dear Planning Commission and Staff,

One of the most commonly heard concerns from ADU detractors seems to be off-street parking. It is a valid concern, and one that should be taken into consideration when making important decisions regarding ADU regulation.

There are two issues to consider when talking about off-street parking and ADUs:

- 1) How many cars will be added to the area.
- 2) What does the off-street parking situation look like in the area.

For number 1, I don't think Austin has done a survey of ADU owners (which would be an interesting experiment), but the state of Oregon recently commissioned a survey in the city of Portland [1]. Making the reasonable assumption that ADU owners in Austin and Portland are somewhat similar, here are some interesting facts:

"ADUs are associated with an average of 0.93 cars per dwelling, lower than the Portland average of 1.31 for all new rentals. Of those 0.93, an average of 0.46 are parked on the street.

Since ADUs are also extremely rare, ADUs have had negligible impact on parking conditions citywide. ADUs may be as effective in reducing vehicles owned per household as transit-oriented developments."

Again, an Austin specific survey would be great, but assuming things are relatively similar the total number of added cars would be negligible.

The second thing that needs to be explored is what the parking situation is in the different areas of the city. After hearing parking concerns from neighbors, some during a previous planning commission meeting, Friends of Hyde Park decided to do a parking survey of the neighborhood. The results were surprising.

We replicated the survey twice, once on Sunday morning (a time when most cars are at home and many visitors are attending church in Hyde Park) and we also did the survey on two Thursday nights (starting at 7pm when most people are home from work). We worked in pairs and counted both cars and empty spaces, making sure to account for curb cuts and no-parking signs. There is certainly a small percentage of human error, but I think it paints a very accurate picture of the parking situation in Hyde Park.

On Thursday:

Only 8% of the blocks were more than half full and only 3 out of 208 blocks in Hyde Park were more than 75% full.

On Sunday:

Only 12% were more than half full and only 6 blocks were more than 75% full with 4 of those being next to HP Baptist church during Sunday service.

Every street more than 75% full was adjacent to streets with over half of the spaces available for parking.

Other neighborhoods might have different parking issues, but this is just an illustration of how negligible the added off-street parking from ADUs would be in Hyde Park.

Thank you,  
Friends of Hyde Park

[1] (<http://www.deq.state.or.us/lq/sw/docs/SpaceEfficient/adusurveyinterpret.pdf>).

**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

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 [REDACTED]  
**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?

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

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

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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@danielperlaky

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**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

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

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.

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

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

[REDACTED]

**Harriet Alexander**

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**To:** Ming-ru  
**Subject:** Accessory Dwelling Units

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

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:** Friends of Hyde Park <friendsofhydeparkcontact@gmail.com>  
**Sent:** Tuesday, February 03, 2015 12:09 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:** Friends of Hyde Park Introduction and ADU Vote  
**Attachments:** FoHP Introduction and ADU Vote.pdf

Dear City Council and Staff,

Please see the attached letter that introduces the Friends of Hyde Park neighborhood association and shares the results of our recently held vote on an ADU resolution.

# Friends of Hyde Park

FriendsofHydePark.com

## **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**

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

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

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

FYI

**From:** Cynthia A Riley [REDACTED]  
**Sent:** Thursday, August 21, 2014 3:51 PM  
**To:** Dutton, Greg  
**Cc:** cynthia@rocketsciencerealty.com  
**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?

**Chu, Ming-ru**

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

This message is from Susan Bell. [REDACTED]

I am whole-hardheartedly 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

**Chu, Ming-ru**

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**From:** Sammy Easterday [REDACTED]  
**Sent:** Tuesday, April 28, 2015 6:09 AM  
**To:** Chu, Ming-ru  
**Subject:** ADU

Please forward to all planning commission members, I find no place that I can email each of them. If there is a link, please send to me.  
Thank you.

Sammy Easterday

Dear Commission member:

Re:

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

Request: Consider an amendment to Title  
25 of the City Code related to accessory  
dwelling units.

Staff: Ming Chu, 512-974-6413,  
[ming-ru.chu@austintexas.gov](mailto:ming-ru.chu@austintexas.gov)

Please do not endorse relaxation of requirements for ADUs as proposed in this agenda item, please deny the request. If you do not deny this request, you will be creating unintended negative consequences to all citizens of Austin in additional trashing deed restrictions and other important restrictions. Additional off street parking, restriction as to location, size, and other vital requirements are necessary. Many residential areas where developers hope to build these have 25 foot streets. With additional street parking, larger emergency vehicles (ambulances, fire trucks, etc.) will not be able to move between parked cars/truck/other vehicles on both sides of the street. In many residential areas, these supposed assists for providing more rental for residents will be used as short term rentals with additional nonresidents constantly moving in and out , additional rental cars on the street. Whether for short term rental or potential Austin residents, additional populations adding to the original infrastructures never built to meet additional housing units and in very many areas, OLD, is dangerous. If these systems fail, it is all Austin taxpayers who have to pay to fix them. Additional public safety will be needed as party goers and others inhabiting ADUs move on private property between residences to the street; accidents, injuries, escalating disagreements and some property destruction can result.

The misnomer that these will help residents keep their property who are increasingly unable to pay current taxes and other expenses of owning a residence is fallacious. If the owner(s) cannot currently afford costs, how are they going get a loan to build

another residence? If a residence is built the property is now an income property with higher tax base. In addition, if history repeats itself, property taxes go up for neighboring residential properties. Another misnomer is that these will be affordable housing, one cannot guarantee this at all, and evidence from Portland and other cities indicate price points at market value for rental units. So, the question becomes, who benefits from relaxation of these rules? One may correctly realize that developers who stand to profit are the real winners, certainly not the citizens of Austin that you are supposed to be serving. One only has to look at the disservice to longtime residents of east side neighborhoods where "gentrification" has driven them out to realize winners and losers in these kinds of real estate issues.

**Chu, Ming-ru**

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**From:** [REDACTED]  
**Sent:** Friday, April 24, 2015 6:47 AM  
**To:** Chu, Ming-ru  
**Subject:** C20-2014-012 - Accessory Dwelling Units  
**Attachments:** ADU Resolution.doc

With regard to item # C20-2014-012 - Accessory Dwelling Units, please see the attached resolution passed by the Hyde Park Neighborhood Association.

Lorre Weidlich  
Co-President, Hyde Park Neighborhood Association

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Get the Free email that has everyone talking at <http://www.mail2world.com>  
Unlimited Email Storage – POP3 – Calendar – SMS – Translator – Much More!

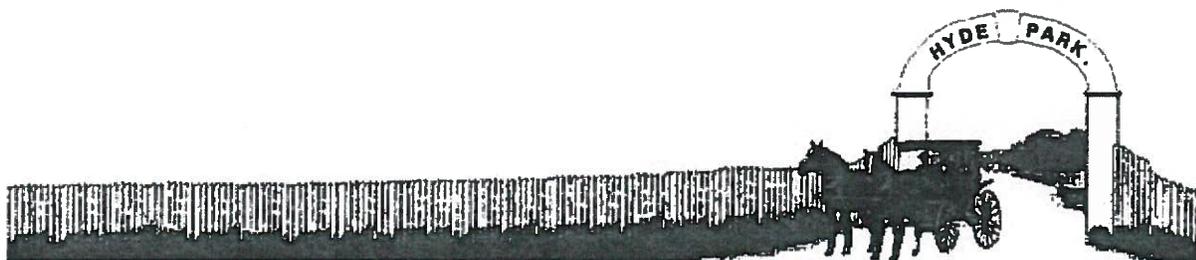
# Hyde Park Neighborhood Association

P.O. Box 49427 • Austin, TX 78765 • [www.austinhdepark.org](http://www.austinhdepark.org)

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The Hyde Park Neighborhood Association passed the following resolution with regard to accessory dwelling units on December 1, 2014:

*City Council resolutions concerning Accessory Dwelling Units (ADUs) should not override the neighborhood planning process or neighborhood plans. Therefore the Hyde Park Neighborhood Association does not support a city-wide or blanket policy change pertaining to the construction of ADUs, such as resolution #20140612-062 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.*



**Chu, Ming-ru**

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**From:** Nathan Vassar [REDACTED]  
**Sent:** Thursday, February 05, 2015 7:51 AM  
**To:** Nathan Vassar  
**Cc:** Anguiano, Dora; Chu, Ming-ru  
**Subject:** Comments Re: Accessory Dwelling Units and Title 25 Amendments  
**Attachments:** Letter\_Allandale\_Neighborhood\_ADUs\_2015.02.05.pdf

All:

Please see the attached on behalf of the Allandale Neighborhood Association regarding agenda item #5a for this evening's meeting.

Regards,

Nathan

--  
Nathan E. Vassar  
Zoning Chair,  
Allandale Neighborhood Association  
[REDACTED]

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

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**

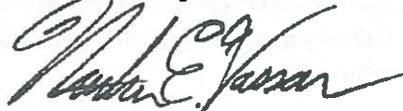
**RE: Allandale Neighborhood Adopted Resolution Concerning Accessory Dwelling Units**

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

**Chu, Ming-ru**

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**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

**Chu, Ming-ru**

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

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:** Susan Moffat [REDACTED]  
**Sent:** Monday, September 15, 2014 2:20 PM  
**To:** Chu, Ming-ru  
**Subject:** Comments on proposed ADU changes  
**Attachments:** ADU comments.docx

Dear Ms. Chu,

I am unable to attend the September 18 meeting to discuss proposed code changes regarding Accessory Dwelling Units (ADUs). Please accept these written comments, also attached as an MS word document, 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.

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 out. Affordability is a critical goal, but there is no way to know with certainty whether 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.

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.

Best,

Susan Moffat

4112 Speedway

Austin TX 78751



## 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.

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

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

Karen McGraw AIA



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.

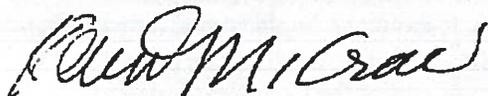
**Residents without cars** - The residents I know without cars generally live in small efficiency apartments. Single garage type apartments are generally too expensive. How does the city expect to ensure that residents in these units do not possess cars?

**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?

**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.**

A handwritten signature in black ink, appearing to read "Karen McGraw". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "McGraw".

**Karen McGraw**

**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

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

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

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

Amy Campney  
Southern Oaks Neighborhood Association member

