



HISTORIC LANDMARK COMMISSION RECOMMENDATION 20191118-5A.4

Date: November 18, 2019

Subject: Land Development Code Revision

Motioned By: Koch

Seconded By: Valenzuela

Recommendation

Changes to the proposed Land Development Code. See attached document.

Description of Recommendation to Council

Recommendation by the Historic Landmark Commission to Council regarding the Land Development Code Revision.

Rationale:

See attached document.

Vote

For: Koch, Valenzuela, Reed, Featherston, Heimsath, Jacob, Tollett

Against: Myers

Abstain: None

Absent: Hibbs, Little, Papavasiliou

Attest:

Emily Reed

Chair, Historic Landmark Commission

Historic Landmark Commission

Recommendation on Land Development Code Revision

November 18, 2019

The Historic Landmark Commission's mission is to promote historic preservation in Austin through the retention of the city's older and historic buildings and neighborhoods. The Land Development Code revision does not go far enough to encourage the continued use of existing building fabric, which is a vital component of a diverse, vibrant, and equitable community. Because of the compressed timeline for review and feedback, our comments are not comprehensive, but focus on items of most immediate concern.

We believe that historic preservation is an essential part of managing change in a healthy, dynamic, sustainable, prosperous, and equitable city. Any code rewrite should include it as a priority.

1) Aim for Affordability, Density—and Character

We are concerned about older neighborhoods whose built character tells multilayered stories of local communities and helps define Austin's identity. Some of these neighborhoods possess the integrity to be designated as local historic districts; others do not. If form-based zoning is aligned more closely with historic development patterns and scale, it has the potential to preserve neighborhood character in each of these areas while allowing compatible and denser development.

We have identified some specific changes below and ask that additional options to retain existing buildings be researched and identified. We believe that older neighborhoods can accommodate density in a way that preserves their historic pattern and scale via ADUs, duplexing, and context-sensitive additions and new construction.

Historic districts at the local level are an important tool to plan holistically for neighborhood growth and change in some of Austin's oldest and most significant neighborhoods, though just 0.56% of buildings are zoned HD. We recognize the potential tension between these districts, where new construction must comply with design standards intended to ensure compatible changes, and transition zones that allow a dramatic increase in density and height. While no overt conflict exists on paper, in practice property owners will be faced with difficult choices. We strongly request that tools for balancing those choices be explored.

- a. *Priority:* Identify and implement tools for balancing upzoning with retention of neighborhood character in historic districts and historic landmarks, especially in transition zones. Possible examples include TIF districts, PIDs, transfers of development rights, façade easements, and design option points.
- b. Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning throughout the city, not just with properties electing to use the preservation incentive.
 - i. For new construction, limit front façade height to the prevailing height of the neighborhood, with additional stories set back at least 15'.
 - ii. Require upper-story setbacks of 15' or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 30+, 40+, or 50+ years old].
- c. Maintain the historic street pattern with context-sensitive form-based zoning.
 - i. Require new buildings to be set back at the median setback of the block.

- ii. Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.
- d. Create incentives to retain historic-age commercial buildings in transition zones (e.g., grant additional height for commercial buildings with stepped-back addition if existing building is retained). The preservation incentive currently applies to residential properties; however, historic commercial buildings that contribute to the overall character of existing neighborhoods could also benefit from the incentive. Historic commercial buildings located in proposed transition zones will now face the greatest potential for demolition.

2) Streamline Historic Review Processes

The Commission supports the recommendations offered by Historic Preservation Office staff to streamline historic review processes, clarify requirements, and address inconsistencies in current code. We would like to emphasize one item:

- a. Remove the requirement that the Commission must make a recommendation to Council no later than 14 days after the public hearing is closed (§ 23-3C-10100(F)(4)a). Since the Commission meets monthly, this precludes postponement of cases unless the public hearing remains open.

3) Increase the Effectiveness of the Preservation Incentive

The preservation incentive has the potential to retain neighborhood character, increase density, and further sustainability goals—but *substantial changes must be made to ensure it meets all goals*. The Commission generally supports the focused recommendations offered by Preservation Austin and AIA Austin regarding the incentive. We are keenly interested in knowing more about how the incentive will work in practice. If the recommended changes are not made, we request that the incentive be renamed to avoid confusion with preservation of buildings.

In particular, we strongly support the following recommendations:

- a. Require the front wall and front side walls (including exterior wall materials), roof configuration, and roof pitch of existing principal buildings to be retained; and require additions to be constructed behind the roof ridgeline or set back at least one-half of the width of the front wall. These are essential provisions to ensure that the preservation incentive truly preserves building and neighborhood character.
- b. Increase impervious cover by 5% and allow pervious driveway materials to allow more flexibility with new construction.
- c. Limit FAR for new construction to .6. This will balance an increase in potential density with preservation of existing character.
- d. Ensure that technical requirements do not discourage or prevent use of the preservation incentives (e.g., site improvement upgrades, water meter tap size).
- e. Calculate allowable added habitable space on the square footage of the existing and new structures, not the value of the existing structure; or allow attics and basements to be converted to habitable area without counting the added space as a cap. These measures will preserve the original form of the house while increasing usable space.
- f. Clarify that low-rise multifamily buildings qualify for the preservation incentive.
- g. Allow design flexibility with regard to the site, as recommended in more detail by Preservation Austin and AIA.

- h. Employ flexibility in designating principal dwellings; the front existing house should be able to be counted as an accessory dwelling unit.
- i. Consider relocation on the same lot on a case-by-case basis. The existing relocated building should be required to be kept at the front of the lot, with a similar setback and orientation to the street.
- j. Use a credible common definition of preservation: “The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property... Retention of the greatest amount of historic fabric along with the building’s historic form.” (Source: *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. U.S. Department of the Interior, National Park Service Technical Preservation Services, Washington, D.C. 2017)

4) Ensure a Successful Revision Process

We respectfully request additional time to review and comment on the code. The proposed revision will substantially impact the form and direction of our city for generations to come, particularly the central city that contains most of Austin’s historic resources.

We recognize the need for change, but want to make certain—through careful review and thorough modeling—that the new code will advance a compact, connected, affordable city that retains the unique character built and stewarded by generations of Austinites.

- a. Evaluate how proposed code changes will affect historic preservation in Austin, including impacts on existing historic landmarks and historic districts, National Register properties and historic districts, potential historic resources that have been identified but not designated, and historic-age resources that have not yet been evaluated for potential significance.
- b. Hold a public hearing focused on the code relative to historic resources in our city.