



The Cherrywood Neighborhood is bounded by IH-35, 38 ½ St, Airport Blvd and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

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November 6, 2019

Councilmember Kathie Tovo  
District 9  
P.O. Box 1088  
Austin, TX 78767

Kathie,

This letter is submitted by the Cherrywood Neighborhood Association Steering Committee, according to the feedback process for the City of Austin Land Development Code (LDC) revision, as we understand it. The Cherrywood NA is a member of the Upper Boggy Creek Neighborhood Planning Team, but this letter does not represent sentiments of the Upper Boggy Creek NPT.

All the points in this letter were developed in a very short time frame without our customary depth of neighborhood-wide discussion and pursuit of consensus. Our Steering Committee, as surely our broader neighborhood, is not of one mind related to the aspirations, the concerns and the paths forward represented by the LDC rewrite. However, we are submitting these concerns and ideas in the interest of our own future agency in how the new code is implemented in the coming years.

First, we recognize and appreciate the immense effort of City staff and elected officials over the last decade to pursue an inclusive, community input intensive effort to create the vision in the Imagine Austin Comprehensive Plan and then the complex, thankless work of updating the actual code to align with the vision. The rewrite of the code is a vital step toward shaping Austin's future.

We would be remiss if we didn't also acknowledge the Austin Independent School District School Changes process unfolding in parallel with the LDC rewrite. Maplewood Elementary is one of the cornerstones of both the land use and mobility character of our neighborhood, as well as the social community that truly holds us together. The overlapping scenarios of how the LDC reshapes our neighborhood and the future of Maplewood are daunting.

We recognize that for many, including some of our own residents, there is an urgency to adopting the new LDC as currently proposed without further amendments and discussion in order to open the housing market so that more options can be created for rental and affordable units that may also stem the displacement from urban core neighborhoods that has only been increasing in recent years.

We believe our record of actions and engagement with the City and developers over 25 years on small and large land use and transportation projects reflects that we support taking steps toward affordability, inclusion, well designed density, and reducing car-dependency.

We also constantly seek to balance shaping the development growth that occurs in our neighborhood along those principles with preserving the character and feel that are a foundation for nurturing the social community that makes our neighborhood desirable in the first place. We believe the City is also trying to achieve this balance, and that it requires both attention to evidence based practices as well as the emotional intelligence that can be found in strong neighborhood processes.

We acknowledge the evidence behind many of the details in the LDC revision aimed at increasing housing supply, such as lot size minimums, parking requirements, number of units allowed, affordability bonuses, etc. (and equally as many opinions about these details) and the aspiration that increasing overall supply will also increase supply of affordable units as well as greater transit use.

However, our emotional experience is that these aspirations can lose their purpose in actual implementation, especially if new development occurs without any 'braking mechanisms' to help a neighborhood keep pace and adapt, or occurs along corridors where water and sewer infrastructure is physically unable to absorb the increased density. We also have some concern that despite seven years of focus on updating the code, the last month or so of the current LDC rewrite has felt rushed toward a sweeping upzoning of neighborhoods across the city.

The short time allowed to offer a response to the LDC revisions in Transition Zones in our neighborhood prevented us from having the type of broad, inclusive discussion we prefer, and so we are not submitting a neighborhood wide alternative zoning map. However, based on feedback from neighborhood residents we have received over the last month, there are several areas within our neighborhood where the proposed LDC rezoning seems to be more a poor map calculation than any kind of considerate approach to growth, including:

- Blocks south of E. 38 ½ St., between Concordia and Lafayette
  - o Potential opportunities for lots facing on E. 38 ½ St. across from Delwood Center
- Block of Clarkson between E.38 ½ St. and Cherrywood Rd.
- Block of housing bounded by E. 38<sup>th</sup> St. and Giles Rd
- Blocks of Vineland and Grayson north of E. 38 ½ St. which do not front on Airport Blvd.
- Blocks of Grayson and Banton south of E. 38 ½ St. which do not front on Airport Blvd.
- Intersection of Banton and Rountree on Manor Rd.
- Block of Randolph north of Manor Rd facing east
- Blocks north of Manor Rd, between Randolph and Walnut
- Lots facing on Manor Rd, east of Cherrywood Rd
- Blocks north of Manor Rd, between Robinson and Cherrywood Rd.

We feel greater attention by City staff to these areas, especially related to reducing potential encroachment deep on interior streets (10 lots/850 ft. seems excessive) and to increasing opportunities

in targeted areas (some areas seem suitable for MU level zoning), will result in more considerate down-, as well as up-zonings, related to the City's goals and our neighborhood concerns.

Besides these area specific suggestions within the major Transition Zones in the Cherrywood area, we have several other implementation concerns. These are rooted in our belief that neighborhoods are very capable of absorbing change in development patterns and density, but that at a certain rate of change, neighborhoods can't adapt and evolve in a way that retains their fundamental character. Again, we are supportive of the aspirational principles of the LDC rewrite toward affordability and mobility, but we don't want to lose ourselves in the effort. These 'braking mechanism' suggestions have not been as fully discussed as the LDC rezonings, but are meant to inform the implementation of the LDC.

- Aggregation
  - o Many neighborhoods already struggle with developers who buy several adjacent lots and consolidate them into a larger lot with larger entitlements. Dealing with these one or two at a time has been manageable, but once the new LDC is adopted, the concern is that aggregation will increase and the impacts will be multiplied by the increase in units combined with the reduction in parking requirements
  - o We suggest putting a limit on the degree of aggregation, for example:
    - A new consolidated lot cannot be more than x% (e.g., 400%) the square footage of the smallest lot in the aggregation
    - A lot cannot be aggregated again within x (e.g., 3-5) years
    - Cannot aggregate across zoning categories
    - Create aggregation limits based on zoning category
      - E.g., no more than 2 lots in R4, no more than 3 in RM1
  - o Alternately, an 'accelerator mechanism' might be allowing greater aggregation if voluntary affordability is included, or if primary existing structures are preserved, which would likely have the effect of pushing new units to back of lots and taller, which is a well-established pattern
- Area Rate-of-Change
  - o We are well aware we should not suggest a "moratorium", but the basic principle to have the ability to slow down the rate of change is important; inversely, we are also well aware the City of Austin is already criticized for having a slow development approval process and that one principal of the LDC effort is speed up the rate of change
  - o We suggest consideration, or at least discussion, of this concern, for example:
    - Add public process to demolition requests
    - Slow down new building permit approvals based on rate of permit submittals within a certain time period
      - If new permit submittals reach x% of the number of units in a Transition Zone (as counted Jan 1 of that year), then a one year delay on new permits
  - o Alternately, an 'accelerator mechanism' might be allowing more permit requests if the number of affordable units actually delivered exceeds x% share of total units
- Compatibility
  - o Many neighborhoods already see new construction with large entitlement rise up deep on interior streets, often at floor-area-ratios and heights starkly out of context with the

surrounding residential fabric. Designed well, this kind of new development is absorbed easily; designed without consideration of context, this kind of development sours people against any new development

- We suggest processes or restrictions that encourage context sensitive design:
  - Politically support neighborhoods that adopt their own Design Guidelines and the developers that follow them
    - Cherrywood NA Design Guidelines and process can be found here:  
<https://www.cherrywood.org/building-guidelines>
  - Create new compatibility requirements based on proximity to similar size and height structures to slow down isolated, mid-block, out-of-scale housing
  - Create new tree protections, especially related to demolition permits
- Alternately, 'accelerator mechanism' might be if primary existing structures are preserved, greater density or height could be granted

Another, larger idea is to provide an alternative path for neighborhoods to develop their own plans for accommodating some assignment of future housing units, affordable units and transit enhancements. Revisit some of the fundamental principles of neighborhood planning to trust neighborhoods to update their future land use maps to best absorb their share of the Imagine Austin vision. Perhaps give neighborhoods a year to work through their own plan for how to integrate the new LDC goals.

While we have not had the time to comprehensively notify and discuss the points above in this letter with all the residents in our neighborhood, much less those neighbors most directly affected along the corridors and in the Transition Zones, the Cherrywood Steering Committee has the authority to characterize, as best and fairly as we are able, the concerns of the full Cherrywood NA area when time constraints limit our ability to notify everyone and pursue consensus.

Again, we appreciate the time and effort and vision in the LDC rewrite process and product to date. We respectfully submit that our Cherrywood NA has a history of embracing the ideals of the new LDC as well as Imagine Austin. We also recognize that once adopted, we will be on the front line of interpreting and implementing the new code with developers and property owners, home owners and renters, and advocates on all ends of the issues - we are asking for consideration of the points above to help us in the work we'll all be doing.

Whatever happens, we look forward to continuing to discuss zoning and mobility issues and how our neighborhood fits in with the aspirations of the City of Austin with your office, the Mayor and Council, City staff, developers who work in good faith, and all the residents of Cherrywood.

Respectfully,

Jim Walker, Interim Chair  
Cherrywood NA Steering Committee