



Pemberton Heights Neighborhood Association

June 7, 2017

Dear Mayor Adler and Austin City Council Members,

Austin is among our nation's "great" cities. It is beloved by its citizens in part for the wide variety of neighborhoods that reflect the values on which Austin has built its reputation as a great place to live and as a city that values creativity and openness to new ideas.

Pemberton Heights contributes to the high standing enjoyed by the City of Austin, as an established central Austin neighborhood. Pemberton Heights is a unique subdivision transformed from what was a farm in the late 1800s into a single family home development (from 1927 to the early 1940s) and in 2003, it was placed on the National Register of Historic Places as part of the Old West Austin National Register Historic District.

We understand that Imagine Austin informed CodeNEXT. But we see the means that CodeNEXT is using to achieve Imagine Austin priorities as antithetical to the goals of the Pemberton Heights Neighborhood Association, which include to enhance, protect and preserve the character of the Neighborhood; build a sense of community; and develop and implement goals designed to promote mutual interest of the residents of the Neighborhood.

In short, the historic design forms of Pemberton Heights should be protected by keeping our current zoning (SF-2 and SF-3) or a most-similar zoning, under the CodeNEXT rezoning plan (e.g. LMDR or LDR). The current zoning works well for our neighborhood. **We strongly disagree with the imposition of transect zoning on Pemberton Heights.**

Our concerns with CodeNEXT are listed below. These concerns and their needed revisions are based on meetings and many one-on-one conversations with Pemberton Heights homeowners, as well as hearing residents speak out at District meetings and at our own locally organized meetings on CodeNEXT. These concerns and needed revisions are necessary in order for the City to demonstrate a sincere effort to preserve the character, safety and livability of established neighborhoods which contribute mightily to the charm and attractiveness of Austin as one of the nation's "great" cities.

Our Key Recommendations to Change the Draft CodeNEXT Land Development Code and Zoning Maps:

- 1) Remove proposed transect zoning from residential neighborhoods:
Neighborhoods such as Pemberton Heights, and others that are zoned SF-2 or SF-3 under the current City of Austin land development code, should be rezoned to either LDR or LMDR under CodeNEXT. There is limited rationale for taking one zone (SF-3) and creating 6 different single family designations, much less the 3 different zones mapped in our neighborhood. We expect this draft to correct the transect zoning in Pemberton Heights. Transect zones were stated to occur at "commercial edges" and encourage a drop down in density from commercial to residential by accommodating "missing middle" housing. The T3N.DS mapped in the Pemberton Heights neighborhood is not shown on "an edge," and is inappropriate to our neighborhood as mapped -- it needs to be removed.

2) Lack of off-street parking—a public safety hazard:

The current land development code off-street parking requirements should not change under CodeNEXT. The CodeNEXT proposed reductions in required off-street parking requirements will give rise to more cars, more traffic, resulting in dangerous streets and decreased safety for our children and pedestrians. Such a reduction in off-street parking is unacceptable. Austin may want to “aggressively reclaim its neighborhoods from the automobile and set itself on a path towards appropriately dense corridors that encourage and foster a functioning and robust mass transportation network,” but until mass transit in Austin is adequately functioning, we believe all parcels should maintain the current 2 off-street parking spaces per dwelling as a minimum. We also believe that appropriate structured parking for all T4 and T5 Main Street development located along Lamar and W. 38th St must be required.

3) Reinstate the Neighborhood Plan Overlay, Section 23-4D-7090 of the CodeNEXT land development code:

Pemberton Heights was established nearly 100 years ago as a single-family residential neighborhood and continues as such. It is a mature and stable neighborhood, home to historic design forms and more than 40 homes have been designated as historic landmarks. It is a part of the Old West Austin National Historic District and listed on the National Register of Historic Places under the National Historic Preservation Act of 1966. On December 14, 2006 the Austin City Council approved a Neighborhood Plan for the Central West Austin neighborhood planning area (Resolution no. 20061214-014), which includes Pemberton Heights, and on September 23, 2010 the Austin City Council approved an Amended Neighborhood Plan for the Central West Austin neighborhood planning area (Ordinance No. 20100923-102), which includes Pemberton Heights. Reinstate the Neighborhood Plan Overlay in the CodeNEXT land development code.

4) Respectfully request that City Staff, City Council Members, and the Mayor refrain from describing CodeNEXT as a path to affordable housing in Austin:

The City has provided no data to show that CodeNEXT will improve affordability for residents. In fact, the only data the City has provided shows a substantial increase in housing costs. Scenario planning studies released by the City have shown that housing costs and rents will increase nearly 50% under the CodeNEXT plan.

5) Unacceptable construction footprint limitations:

Many homes in Pemberton Heights, a historic district, do not fit these footprints and would therefore be declared "non-compliant," thus encouraging tear downs. It is unclear how any remodeling or additions desired by residents would fair under CodeNEXT without being forced to submit to the Board of Adjustment. CodeNEXT a) has no allowance for any flexibility in the footprint when there is a heritage tree on the property; b) micro-manages porches, ceiling heights and prohibits front yard fences; the historic design forms of our neighborhood should prevail over prescribed CodeNEXT "form"; c) down zones single family and duplex heights to 2-1/2 stories from the current 3 stories; and d) states that "maximum impervious coverage may not be attainable due to unique features on a site...the project shall reduce impervious cover to comply with other requirements. This is in

lieu of the current ability to accommodate these unique features in a more appropriate design.
This inflexibility could lead to down zoning of nearly every parcel of land in Austin.

Respectfully submitted,

Pemberton Heights Neighborhood Association officers and board members

President: Lisa Stark Walsh
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A handwritten signature in black ink that reads "Lisa Stark Walsh". The signature is written in a cursive style with a large initial "L".

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