

Zilker Neighborhood Association

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September 12, 2022
Executive Committee
Austin Neighborhoods Council
c/o Julie Woods, Sector 7 Representative

Dear Julie:

The Executive Committee of the Zilker Neighborhood Association has voted to submit the attached resolution to the Austin Neighborhoods Council, regarding amendments to Austin's Planned Unit Development (PUD) Ordinance and the need for an economic analysis of PUDs. It covers the same issues discussed at the last South Central Coalition meeting on September 10. Please forward it to the ANC executive committee.

Some background: ANC has long been concerned about the use of PUDs for urban infill projects. That concern was expressed in 2014 in ANC's candidate questionnaire for the initial election of the 10-One City Council: "How would you change Austin's PUD ordinance and its application within urban areas? If you support the creation of urban PUDs, please address the relationship between community benefits and additional entitlements."

In 2018 a District 5 candidate questionnaire focused on two flaws in the PUD ordinance: "Will you vote to repeal the PUD Ordinance or amend it to require that it strictly apply to a minimum of 10 acres and require funding for on-site affordable housing based on the total area of the project, not just the bonus area?"

Today, three PUD applications illustrate the worst abuses of Austin's PUD process:

1. 305 S. Congress (Statesman PUD), representing PUDs within the Waterfront Overlay
2. 4000 blocks of S. Lamar (Brodie Oaks PUD), representing PUDs within the Barton Springs Zone
3. 517 S. Lamar, representing PUDs of less than 10 acres

The purpose of this resolution is to recognize that the use of PUDs is out of control, to offer amendments to the PUD ordinance that will correct the worst abuses, and to suggest a more comprehensive approach to reforming the PUD process.

Thank you for all your help on this.

All the best,
Lorraine Atherton
Zilker NA Zoning committee member
ANC Sector 7, Council District 5

RESOLUTION OF THE AUSTIN NEIGHBORHOODS COUNCIL REGARDING
Amendments to and Economic Analysis of Austin's Planned Unit Development (PUD) Ordinance

Whereas, for the last fifty years, volunteers in neighborhoods and on boards and commissions have been negotiating environmental protections and improved standards for redevelopment of:

1. Austin's waterfront and urban watersheds,
2. the Barton Creek watershed and the Barton Springs Zone, and
3. housing downtown and along major corridors in Austin's central neighborhoods; and,

Whereas, those community standards have been codified in:

1. the Waterfront Overlay Ordinance of 2009,
2. the Save Our Springs Ordinance of 1992, and
3. various Vertical Mixed Use (VMU) Overlay ordinances since 2006, including the June 2022 amendment setting the affordability level for rental units at 60% MFI and raising the standard for tenant rights; and,

Whereas, Austin's PUD ordinance is based on superiority rankings, requiring a lengthy review process to determine whether proposed site plans of at least 10 acres comply with existing code and also provide significant superiority; and,

Whereas, that review process consumes an enormous amount of staff time and other public resources, which should not be wasted on small projects or on proposals that are more clearly accommodated under other parts of the Code; and,

Whereas, PUD applications in the Waterfront Overlay, or in the Barton Springs Zone, or in a VMU overlay that do not meet the requirements of the property's existing ordinances are by definition not superior to existing code; and,

Whereas, the South Central Waterfront (SCW) Vision Framework Plan was adopted to prevent PUD developments such as the proposal at 305 Congress (the Statesman PUD) and the two subsequent PUDs under review for 311-315 South Congress Avenue and 200 East Riverside Drive, as well as the completed 401 South First Street; and,

Whereas, the SOS ordinance provides a redevelopment exception in § 25-8-26, which allows projects that cannot comply fully with the SOS ordinance to redevelop within certain limits; and,

Whereas, a PUD application has been submitted for the 1.87-acre property at 517 S. Lamar, well below the 10-acre requirement, making the false assertion that 10% of rental units affordable at 60% MFI "is far superior to the requirements" of the property's VMU zoning; NOW, THEREFORE,

BE IT RESOLVED THAT the Austin Neighborhoods Council requests:

1. that the Austin City Council deny the PUD application at 305 S. Congress for failure to meet requirements of the Waterfront Overlay Ordinance and the SCW Vision Framework Plan,
2. that the Austin City Council deny any current PUD applications within the Barton Springs Zone that do not fully comply with the SOS ordinance and recommend that the applicants reapply under the SOS redevelopment exception, and
3. that the Austin City Council deny the PUD application at 517 S. Lamar for failure to meet the 10-acre size limit; and,

BE IT FURTHER RESOLVED THAT the Austin Neighborhoods Council requests that the City Council begin the process to amend Austin's PUD ordinance

1. to prohibit the use of PUD zoning within the Waterfront Overlay,
2. to prohibit the use of PUD zoning within the Barton Springs Zone,
3. to provide for the rejection of applications that do not meet the 10-acre minimum at the beginning of the Development Assessment stage, and
4. to change the affordability calculations within the PUD ordinance to reflect the total area of the project, not just the bonus area, and to match or exceed the affordable housing standards approved in the June 2022 VMU ordinance; and,

BE IT FURTHER RESOLVED THAT the Executive Committee of the Austin Neighborhoods Council will create a task force to review the history of Austin PUDs and their economic effect, and report back with recommendations for further revisions or repeal of Austin's PUD ordinance.

Presented to ANC Membership: [date]

Membership Approved: [date]

Sponsor Contact: [name, ANC position, contact email or phone for comments]