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CRESTVIEW NEIGHBORHOOD ASSOCIATION NEWSLETTER

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MAY 2024

H.O.M.E. Initiative - A Threat to Neighborhoods Worse Than CODENEXT

Mayor Kirk Watson and the city council split their H.O.M.E. initiative neighborhood rezoning for redevelopment resolution into two phases. Despite significant and widespread opposition, the Council passed a portion (Phase 1) of their H.O.M.E. ordinance on December 7, 2023 with Council Members Alison Alter and Mackenzie Kelly voting against it. The combined votes of the mayor and eight council members in favor of the zoning changes met the threshold to override over 15,000 protest petitions filed against the ordinance. Here is what it included:

- More dwelling units on single-family lots
- Structures closer to the street
- More cars the street
- More short-term rentals (STRs)
- Bigger buildings from removal of “McMansion” protections
- No more local occupancy limits

Some in the community refer to the resolution as “H.O.M.E.NEXT” because, as Council Member Alison Alter noted, it goes further than CodeNEXT:

“I believe this resolution is much more drastic and goes much further than anything our staff brought to council for a vote during the CodeNext or land development code rewrite process.”

Since December 7, the community was kept in the dark about the details of Phase 2 other than the information in the original resolution. On April 1st (no fooling), a mere ten days before a joint Planning Commission/City Council hearing on April 11 (ten days is the minimum allowable written notice under the law for a hearing), property owners began receiving a purple postcard that, on its face, told the reader



very little other than that land regulations affecting lots with one housing unit were being “revised.” Only by digging into the background information would one know that the Council was proceeding with its plan to reduce both the minimum size of lots and the minimum distance between tall buildings and single-family homes, plain language that the postcard avoided.

The city council meeting to vote on this ordinance is scheduled for May 16 at 10:00 AM. Here are some of the most impactful changes in the proposed Phase 2 ordinance:

Reduction in Minimum Lot Sizes - Phase 2 establishes smaller minimum lot sizes of 2,000 square feet for all SF-1, SF-2, and SF-3 properties without an additional zoning change. SF-1 lots are currently 10,000-square-foot minimum, and SF-2 and SF-3 lots are 5,750-square-foot minimum. A property owner would only have to file a re-subdivision of an existing lot. Staff also recommends simplifying the infill re-subdivision regulations to expedite development reviews.

These smaller lots expand Phase 1 by permitting a single larger lot to be subdivided into separate 2,000 square-foot lots, each with one unit. That subdivision is facilitated by reducing the minimum lot width to 20 feet, reducing setbacks between

See H.O.M.E. continued on page 2

CNA Meeting and Officer Elections

The Crestview Neighborhood Association (CNA) will be meeting on Monday, May 20, 2024 at 7 pm. The meeting will be held in the sanctuary of the Episcopal Church of the Resurrection at 2200 Justin Lane. (Note: This is a different time and place for CNA to meet. Normally CNA meets on the 2nd Monday at the Violet Crown City Church {formally the Crestview Methodist Church} at 1300 Morrow St.) The meeting agenda will include the following: 1) A short presentation about the City’s H.O.M.E. initiative; 2) An update about the development of the Ryan Tract and 3) CNA officer elections. Masks are encouraged and will be provided.

All five executive council positions, including President, Vice-President, Secretary, Treasurer and Newsletter Editor, in

addition to the four advisor positions, Place 1 through Place 4, will be up for election. Vice-President, Secretary and Newsletter Editor will be elected for two-year terms. President and Treasurer will be elected to a one-year term and elections for their positions will be held again in 2025, at that time for a two-year term. By holding elections in this way, CNA will be back on track in May of 2025 with staggered terms. Elections for the four advisor positions are held annually and are for a one-year term.

To be eligible for office, one must be a paid CNA member. To be eligible to vote for CNA officers, one must be a paid member at least seven days prior to the election on May 20, meaning that their dues must be paid by May 12, 2024. (Note: Memberships are due annually on a calendar year basis.)

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CNA Contact Information

P. O. Box 9505, Austin, TX 78766
www.crestviewna.com

CNA General Meetings are held the second Monday of every month at 7:00 PM at the Crestview United Methodist Church, 1300 Morrow St.

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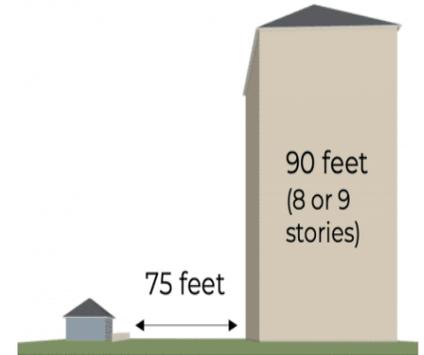
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structures, reducing front and rear setbacks to 15 feet and 5 feet, respectively, and using "flag lots," which locate one or more lots (the "flag") behind the front lot with the rear lot(s) accessible by a driveway (the "pole").

The maximum impervious cover in the front yard is limited to 50% (except for flag lots). Building cover limits are removed, but impervious cover is currently capped at 45% (an increase of 5% for SF-1).

Troubling, too, are the drastic reductions in the compatibility standards being proposed. Compatibility standards establish the distances between tall buildings and single-family properties. In just released details, the Council proposes exempting "medium density" multi-family buildings (up to 36 units per acre) from any compatibility requirements. For higher density multi-family uses and all commercial uses, the Council is increasing the allowable height of buildings to 40' (currently 30' or two stories) if the new building is 25' from a single-family property and to a height of 60' (currently 40' or three stories) if the new building is 50' from a single-family property. The compatibility requirement ends at 75' from a single-family property, meaning that at that distance, a 90' tall building is allowable in commercial (CS) zoning districts using the City's density bonus program.



However, the council's Housing and Planning Committee says the planned ordinance will "adjust setbacks, height, and impervious cover for single-family zoning to allow more units on smaller lots" meaning more last minute, on-the-dias amendments might be forth coming before the final vote.

Questions Raised by the Re-subdivision of Existing Lots

- How will my property taxes be affected? Taxes will increase on the land because land gets taxed based on entitlements. In Mueller, small-lot land taxes range from \$183 to \$275 per square foot. Standard residential lots northwest (by the Arboretum) are valued at \$27 per square foot, while closer to downtown (south of the river), they are at \$42 per square foot. Montopolis is \$17 per square foot. Mueller's small lots are appraised at 1,620% of a standard lot in Montopolis per square foot.
- Does existing infrastructure and water support this 300%+ increase in density?
- Are there adequate public safety facilities, such as fire, police, and EMS stations, to support the increase?
- With more paving allowed in front yards and more density, how will inadequate stormwater infrastructure handle rain events?
- How many trees will be lost to decreased setbacks?

Displacement of Residents

Speculation and redevelopment will cause the displacement of lower and middle-income renters and homeowners, as seen in Houston after small lots were allowed:

See H.O.M.E. continued on page 3

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All residents are invited to join
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Date: _____ New Member [] Renewing Member []

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2024 CNA Memberships

Since the early 1980s when Crestview Neighborhood Association was formed, CNA has been dedicated to improving, preserving and promoting the quality of life, safety and residential character of our neighborhood.

Any resident living within the boundaries of Crestview (Lamar, both sides of Justin, Burnet Road and Anderson) is eligible to join the association. Dues are \$10 per year per household (up to 4 adult members) and are paid on a calendar year basis. To join the association or to renew your membership through December 2024, please use the form above. Make checks payable to Crestview Neighborhood Association or CNA. You may also use PayPal by going to <https://crestviewna.com/join/>. Any questions regarding your 2024 membership can be directed to the Treasurer at joincrestview@gmail.com or by calling 512-458-2488.

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“Intensive demolition patterns combined with the proportion of townhomes in newly built units (which attract higher-income households) foreshadow continued sociodemographic shifts ... [that] contribute to the displacement of long-term residents on fixed incomes ... “
 (From the April 2021 report by the Rice University Kinder Institute for Urban Research, Principal Authors: John Park and Luis Guajardo)

In Austin, after East Side neighborhood plans encouraged and allowed smaller lots and more development, much of the minority population was displaced. Even the city’s own COA Affordability Impact Statement acknowledged as much saying:

This massive inflation in prices is not a function of zoning and its impact to development cost; rather, it is the product of land speculation and the right to treat housing as an

investment.

Market driven solutions to the housing crisis will likely reproduce the same dynamics that play out today, wherein parties with more resources may take advantage of the new regulatory landscape, while those with the fewest resources experience an increase in precarity. Those conclusions were backed up by a report done by UT-Austin’s Rich Heyman for the city titled “The Flawed Logic and Lack of Evidence Behind Austin’s HOME Initiative.” From the Report:



1. The HOME Initiative is based on faulty assumptions that rely on deeply flawed research which itself is not supported by evidence, as well as on research that is not applicable to the Austin context.
2. The increase in land and housing prices in Austin in recent years are the results of fundamental dynamics of urban land markets, long known in the literature, and not due to zoning or other “constraints” on supply. They are the outcomes of market processes, not a distortion of the of them.
3. The HOME Initiative is unlikely to achieve its goals of increasing affordability in Austin and will likely lead to higher property values throughout the city, as well as continued gentrification and displacement in lower-income neighborhoods, home to many of Austin’s residents of color.

See H.O.M.E. continued on page 4



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Research does suggest that deregulation of land use/zoning is likely to increase land values in general and to impact neighborhoods vulnerable to gentrification the most. H.O.M.E. is unlikely to increase affordability for most Austinites.



It is of the utmost importance that we, as a community, join together to voice our views and hold the council accountable for their actions. We must replace the city council's unilateral across-the-board code changes like H.O.M.E.NEXT, which adversely affect our neighborhoods with unintended "consequences" (increased flooding), with zoning and housing regulations based on collaborative community decision-making, such as the neighborhood plans and case-by-case decision-making through the zoning process.

Please take these actions:

1. Mark your calendar and plan to attend/speak at the May 16 City Council Meeting.
2. Call or write the mayor and city council members and tell them that we oppose their H.O.M.E. initiative and the evisceration of compatibility standards that will

destabilize our neighborhoods. You can also tell them that the council's unilateral, across-the-board code changes effectively cut the community out of the decision-making process. The community needs context-specific zoning decisions made on a case-by-case basis where meaningful public input is possible.

Ask them to postpone further action on their H.O.M.E. initiative and instead incorporate its elements into the code by modifying the existing SF-4 zoning category, which will be considered case-by-case through the zoning process. Ask them to acknowledge the critical importance of compatible uses to a liveable city and to create a balanced and inclusive citizen task force to consider compatibility standards that have broad support across the community.

Thank you for your involvement!

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(Acknowledgements and additional resources: This article is a compilation of information from Community Not Commodity's website and an article by Barbara McArthur of the Brentwood Neighborhood Association who has done much of the research on the implications of the H.O.M.E. initiative. For more information, links to sources referenced in this article and interactive maps, you can find them at <https://communitynotcommodity.com/category/blog/>)

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Deed Restrictions Prevail Over H.O.M.E.

By Bill Aleshire, Attorney

On March 27th, we had our summary judgment hearing in the Elm Wood Estates case, where a Dallas developer bought a lot in this central, south Austin neighborhood, and got the City to agree to re-subdivide the lot into 4 lots. There is a valid deed restriction prohibiting more than 2 dwelling houses to be built on the lot as platted in 1953. The developer was trying to use re-subdivision to build at least 8 houses on the lot and told us during the case that Austin's H.O.M.E. Ordinance would allow him to build 36 housing units. Another developer from Wimberley, around the same time, bought a lot and was re-subdividing it into 4 lots (8 houses) as well. We sued the developers, and the Wimberley developer settled; re-subdivided into only 2 lots, one house on each lot.

I represented the homeowners (pro bono) contending that the 2 dwelling-house/lot restriction applies to the lot as originally platted. There are 4 original lots, out of 110 total lots, where more than 2 dwelling houses had been constructed in violation of the restriction. The developer claimed the homeowners had waived the restriction by not enforcing it against those 4 other lots. We argued that was not enough unenforced violations to waive or invalidate the restriction.

353rd District Court Judge Connor granted Final Judgment in our favor and enjoined the developer from building more than 2 dwelling houses on the lot as originally platted in 1953.

This case stands for the proposition that developers cannot violate valid private deed restrictions no matter what approvals they might get from the City. Homeowners should not have to fight the City Council over valid deed restrictions as the City should not approve permits that violate them. If Council was truly supportive of residential neighborhoods, they would do like Houston, and establish an office in the City Attorney's office to enforce those valid deed restrictions citywide.

In Memoriam

Kathey Ann Ferland

After living with cancer and fighting it tenaciously, Kathey Ann Ferland died on June 17, 2023. She was a longtime Crestview resident who had joined the CNA in 1993.

After her initial work experience, Kathey was inspired to work on environmental causes, motivating her to earn her initial Master's degree in Regional Planning from the University of North Carolina in Chapel Hill. Ultimately, she worked for Texas' natural resources agency. Her efforts led her to focus on companies' ability to manage hazardous waste. One career high point was producing a study whose recommendations were adopted, disproving the need for a particular type of facility, consequently eliminating the environmental impacts of their construction and operation.

Kathey then decided to work against climate change. In 2004, she went back to school at UT for another Masters, in Technology Commercialization. She received a grant to create a program at UT, called Texas Industries of the Future, to encourage companies to voluntarily conserve energy and not emit greenhouse gases. Her work included developing an international standard for energy management that is still being used abroad.

In addition to her professional efforts, Kathey said that "the other love of my life is energy, how we use it in our bodies and minds." She taught Ki Aikido for 25 years, and was a 4th degree Black Belt. She described it as "connected to my interest in the environment, how the world works." Kathey was dedicated to the study and practice of Buddhism. She co-founded and nurtured Mariposa Sangha, the local Insight Meditation group. She shares, "I love watching beginners, as the lights come on and they realize they're not prisoners of their minds."

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