

Notes from meeting with Council Member Jimmy Flannigan Jan. 25, 2020, Balcones Country Club

City Representatives

Jimmy Flannigan, District 6 Council Member - district6@austintexas.gov

Nathan Jones-Meyer, Policy Advisor - nathan.jones@austintexas.gov

HOA Board Members Present: mail.bvshoa@gmail.com

Jim Aberle, Past President

Don Gutierrez, Membership

Cathy Brocato, President

Nancy Shindler, Secretary

Jacque Forrest, ACC Chair

Pat Zigrossi, Past President

ACC Members Present: acc.bvshoa@gmail.com

Kay Wolking Bratton

Vicki Jacobi

Tony Brocato

Jerry Lozano

For more information on the proposed Land Use Code (LDC) from the City of Austin:

- Go to <http://www.austintexas.gov/ldc>.
- Most information pertinent to the SF1 to R2A rezoning is in Chapter 3 of the proposed code.
- At <http://www.austintexas.gov/department/land-development-code-drafts>, scroll down to **Land Development Code Revision Second Reading Draft Zoning Maps**. Click **Proposed Zoning Map**.
 - Click the magnifying glass to enter a specific property address. More information about that property will display.
 - Be sure to scroll through all pop-up boxes to view all available information about the property.
 - Click the information icon to see additional instructions.

To contact Councilman Flannigan:

- E-mail to district6@austintexas.gov or Jimmy.Flannigan@AustinTexas.gov.
- Go to <http://austintexas.gov/department/district-6-council-office-contact-information> and complete the submission form.

Note: the information below was provided by District 6 Councilman Jimmy Flannigan at a meeting with the Balcones Village/Spicewood HOA board members and members of the Architectural Control Committee. The board simply is reporting this information without comment, endorsement, or argument.

- History.
 - For more than a century, the City Council was elected from a group of citizens who ran for at-large Council positions. All Council members represented the

entire city. In 2012, voters approved geographic representation so that each Council Member's position now represents a particular area (District) within the city. The new plan was implemented in 2015. Only the mayor is elected by the entire city.

- The current land use code was written in the 1980s during the real estate decline. It is no longer suitable for Austin in the 2020s and going forward.
- In 2015, the Council was asked to create a new Land Code but no direction was given. CodeNEXT became a conglomeration of excerpted codes from other cities with additions from our own Council. There were many issues and conflicting rules within this code. It was abandoned in 2018. When the CodeNEXT proposal was rejected by voters, City Council was given authority to rewrite the land use code.
- In May of 2019, the Council once again embarked on revising the Austin Land Development Code (also known as LDC), but this time in a more organized manner.
- By voting down CodeNEXT in 2018, the voters said that a code rewrite would be done by the city council.
- Goals (Council recognizes that not all goals are achievable).
 - Grow in the way we've decided to grow, not the way we are forced to grow.
 - If the city grows better, traffic will stop getting worse.
 - More taxpayers in the same area means that taxes will be lower.
 - Improve housing capacity.
 - Emphasizing middle class and workforce citizens.
 - Provide more affordable (income-restricted) housing.
 - Develop more mixed use walkable communities.
 - Simplify and streamline regulations.
 - Strengthen flooding protection.
 - Preserve open space.
 - Eliminate conflicts in the existing code.
 - Reduce the taxable expense of building additional expensive city assets such as new fire houses and police stations that would be required when the city expands beyond its current boundaries. Expanding growth within the existing city's current space helps to serve this purpose, thereby reducing tax increases and contributing to affordability.
 - The new code will be implemented gradually over several decades.
- Types of zoning in the proposed code.
 - All residential housing codes start with the letter R (R-2, R-2A, R-3, R-4, etc.). Generally, but not necessarily, the numbers indicate the number of housing units allowed on a specific lot.
 - R2A is the new baseline for the city.
 - R2 and R2A allow but do not require a second dwelling unit on a property.
 - Other codes include Mixed Use, Main Street (having high capacity transit), Regional Center Zone, Commercial, Industrial, and Other (public areas, aviation, parks, etc.).

- PUD (Planned Unit Development) will remain unchanged.
- Deed restrictions.
 - The city does not look at deed restrictions when considering a building permit.
 - The city does not get involved in enforcing deed restrictions.
 - Deed restrictions are a private contract between homeowners.
 - Deeds are enforced through title companies. Title companies are regulated by the State Board of Insurance.
- Specific to Balcones Village/Spicewood.
 - The current zoning for Balcones Village/Spicewood is SF-1. This category will not exist in the new Land Use Code.
 - All country club land is zoned RR-low intensity because it is owned by a private entity.
 - Affordable housing requirements apply only to R4 and above, not R2 or R3, so they would not affect Balcones Village/Spicewood.
 - Preservation incentive.
 - If a building is 30 years old or older, the owner can keep the current house and add another unit. This provision likely will affect many of the homes in Balcones Village/Spicewood.
 - Impervious cover requirements (maximum of 45%), setback requirements, and height requirements will not change under the new code.
- Flooding.
 - According to the Councilman Flannigan, “the City needs to find other ways to address flooding or we’re just going to raise taxes to address” the problem.
 - The new code lowers the amount of allowable impervious cover to 45%. Property that currently is paved under the current code is grandfathered. However, any rebuilds must conform to the new 45% limitation.
 - Councilman Flannigan says that the Travis/Williamson county line is drawn to reflect the topography of the watershed. He says that water in Travis County generally flows into Travis County and water in Williamson County flows into Williamson County.
 - The northwest Austin area generally is the highest point in both Travis and Williamson counties. Since water flows downhill, our area-wide risk of flooding is low.
- Traffic and sprawl.
 - The proposed code attempts to provide structure to help plan transportation infrastructure.
 - Sprawl equals greater cost to the city. For example, it is less expensive to provide emergency services when the population is concentrated. Emergency vehicles don’t have to travel as far. Infill development helps control taxes.
 - Property taxes paid by city residents go to support public activities, parks, and libraries. Support for other city services is provided by other funding.
 - Fire department incidents.

- There were about 100,000 emergency calls routed to the fire department in 2017.
 - Of the calls to which a fire truck responded, fewer than 1% were actual structure fires. Only 1/3 were related to any type of fire, and 2/3 were medical calls only (no fire).
 - As it is far more expensive to send out a fire truck than an ambulance, the city needs to find a way to respond to medical calls with an ambulance rather than a fire truck.
 - Ambulance calls typically are billable to medical insurance, Medicare, or Medicaid. Calls made by a fire truck usually are not billable.
- New concepts.
 - Affordability.
 - Half of the new affordable housing should be “really affordable”.
 - Affordable housing density bonus program.
 - Only allowed in R4 or above, not R2 or R3, so it would not affect Balcones Village/Spicewood.
 - Based on 80% of median family income, calibrated annually.
 - Redefine the definition of “remodel”.
- Protests.
 - According to Councilman Flannigan, under Texas law protests are allowed only on an individual property, not city-wide. For example, a property owner might protest the zoning on their property, but protests on the city-wide code revision are not allowed.
 - The protest process is for individual spot zoning only.
 - The petition that is available online is for individual properties, not for a comprehensive rewrite of the zoning code. If a citizen wants to express their opinions and thoughts, they must register and attend a scheduled City Council meeting that has designated time for citizen input. When the times for citizens to speak are announced the times will appear on the "Message Board" at <https://austincouncilforum.org/>.
 - Some opponents to the current proposal are PACs and are building a mailing list by asking people to sign their protest. The protest will be invalid and will not be considered by city council.
 - There are no exclusions from rezoning.