



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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February 15, 2020

Mayor Adler, Councilmember Tovo, Councilmembers,

The Cherrywood Neighborhood Association (CNA) Steering Committee met on February 12, 2020 and finalized this letter related to the Land Development Code (LDC) rewrite process which also reflects a collaboration with the Scheiffer-Willowbrook Neighborhood Association (SWNA). Both CNA and SWNA are members of the Upper Boggy Creek Neighborhood Plan Area (UBC NPT).

We support the vision of the Imagine Austin Comprehensive Plan and understand the need and over seven year history of the LDC update to this point. We support the goals of increasing housing supply and well-designed density as a general means towards social goals of affordability, mobility mode shifting, and urban amenities. However, we also believe in the role of small area, neighborhood scale planning as the necessary detail to actually achieving these goals.

Our neighborhoods were originally subdivided during the 1940's. The Cherrywood NA formed in 1995 and in 2018 represented almost 2,000 households and almost 5,500 people<sup>1</sup> in a 478 acre area. According to US Census data, between 2010 and 2018, both the number of housing units and population grew faster in Cherrywood than for the City of Austin as a whole. The Cherrywood NA represents roughly 0.5% of the city's housing and population. According to City of Austin building permit data over that same time frame, almost 60% of the new housing in Cherrywood was flagged as 'missing middle' type housing by city staff<sup>2</sup>. We are a hot market, urban core neighborhood.

Our neighborhood has racially specific exclusionary deed restrictions from the 1940's (later determined unconstitutional). We enjoyed a period of diversification in property ownership, but by the 1990's a gentrification cycle had begun. Today we are substantially white and trending upward in affluence (which is causing property tax pressure on many residents on low or fixed incomes). The Cherrywood and Scheiffer-Willowbrook areas are not included in the Uprooted study area or in the proposed equity preservation area. On paper, we look like a stereotypical NIMBY neighborhood.

With that context in mind, and with neighborhood planning as a framework, we write to you to deepen our agency in our own future and toward the social goals of Imagine Austin and the LDC rewrite. We have created a draft alternative zoning map we believe is a better fit for ongoing growth in our neighborhood and a couple of policy recommendations we believe will help us manifest the City's stated social goals. We encourage you to consider our proposals as you move through adoption of the new LDC. We will also share these products and our process with any developer or property owner pursuing development under the new LDC.

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<sup>1</sup> 2018 Census estimates

<sup>2</sup> Issued Construction Permits: <https://data.austintexas.gov/Housing-and-Real-Estate/Austin-Strategic-Housing-Blueprint-Goals-Issued-Co/ne6i-4jv2>

We developed set of guiding principles (attached) to guide this map and policy recommendations over the last three months in parallel and informed by the City's process and conversations. Over 100 unduplicated residents of Cherrywood have attended various meetings in person and more have weighed virtually on the principles, map and policy recommendations.

### **Alternative Map**

We request consideration of our parcel level alternative zoning recommendations for the LDC rewrite as shown in the CNA Alternative Map v3, attached. These recommendations reflect our principles, multiple neighborhood meetings as well as individual property owner and resident requests. We believe this alternative map achieves the city level goal of increasing the entitled potential housing unit supply while also reflecting the actual neighborhood level trends in densification as well as stewardship of the nature and character of our neighborhoods.

Briefly, our mapping process included the following steps:

- Identifying misrepresentations in the proposed LDC map from October, 2019, many of which are still reflected in the most recent updated LDC map. There are few of these relative to the total number of parcels, but they represent an important clarity necessary between a city-level mapping exercise and a neighborhood-level planning exercise.
- Refining the definition of 'transition zone' to include a focus on 'centers' instead of only linear corridors. This adds a fundamental planning perspective related to place-making and how people actually engage with corridors and places within neighborhoods.
  - o In Cherrywood, this refinement is more evident along E. 38 ½ St. than on Manor Rd.
  - o In Scheiffer-Willowbrook, this refinement is most evident in the parcels one block removed from the E. 38 ½ St. corridor.
- We did not change the proposed LDC zoning on any parcels fronting Manor Rd, the major 'transition zone' in Cherrywood, mostly MU and higher density designations.
- We down-zoned parcels beyond 5-6 lots deep on streets coming off of corridors. We believe you have heard multiple stakeholders push back on how deeply into interior streets the proposed zoning should extend. In most of these areas we down-zoned from R4 to R3.
  - o We realize R4 includes the housing density bonus and R3 does not. Please see our policy recommendations related to affordability before passing judgment on this down-zoning.
- We up-zoned parcels in several areas, mostly from R2B to R3, where increased density is a good fit based on the street and other land use adjacencies.
  - o We added R3 the length of Cherrywood Rd because it functions as a corridor for our neighborhood as well as this section of East Austin, even if it does not meet the strict definition of a corridor in the Austin Strategic Mobility Plan. In addition, Cherrywood Rd is wider than E. 38 ½ St. and can accommodate on-street parking, which E. 38 ½ St. cannot.
  - o Street sections along Clarkson, Randolph and E. 32<sup>nd</sup>, east of Cherrywood Rd.
- There are likely additional detailed down- and up-zoning opportunities worth discussing as the process moves forward, even beyond approval of the LDC rewrite.
- The I-35 frontage road, while a corridor, isn't addressed with rezonings in the proposed LDC. We have identified a block and half deep section of parcels between Dean Keeton Blvd and Wilshire Blvd for future planning once the Texas Department of Transportation current intentions for renovating the decks section of I-35 become more public over the coming months.
  - o Similar future planning focus may be appropriate for Airport Blvd. as well which directly impacts Cherrywood, Schieffer-Willowbrook and several other UBC NPT members.

- Identified major development opportunities for large residential projects. In the tradition of the Upper Boggy Creek Neighborhood Plan, there are several large, non-residential zoned lots that are prime opportunities for multi-family, mixed used projects that could accommodate a large amount of affordable units.

## **Policy Recommendations**

We request consideration and dialogue on two policy areas – compatibility and affordability. We believe the policy elements of actually implementing the LDC social goals and Imagine Austin vision are equally if not more important than the specific rezoning of specific parcels, and the discussion of these policy elements will continue well beyond the formal adoption of the LDC rewrite.

Related to compatibility, we are concerned with ensuring that new development responds to the context of the neighborhood. We believe good site and structure design can address almost all compatibility issues, but the city cannot prescribe good design through the LDC. We believe a significant amount of new density and housing can be achieved in a context sensitive way, but that private developers and property owners seeking to maximize the entitled potential of a property often only adhere to the minimum compatibility requirements.

The Cherrywood NA approved Design Guidelines in 2005, which are available online and sent to all parties seeking project approvals in our neighborhood. We believe we have a strong track record working with developers and property owners on utilizing these guidelines to improve the success of their projects, both for existing residents living around the new development and for the contribution of the structure to the neighborhood fabric.

We believe extending additional, limited authority for design review to neighborhoods is a solution worth exploring. Design review is a tool within historic districts, and the Cherrywood and Scheiffer-Willowbrook NAs will pursue our options for historic status. Given our broader neighborhood history and current demographics noted in the opening paragraphs, we are excited about the opportunity to demonstrate how a neighborhood could use historic district tools to pursue social goals such as affordability and diversity.

Without historic district designation, we believe another option could be requiring neighborhood design review if a structure is demolished. In essence, if a developer or property owner receives approval for a demolition permit, then they are required to have neighborhood review of their site plan before they can be approved for any new building permits on that parcel. This could provide additional information to city staff reviewing impervious cover, trees, parking and other compatibility requirements.

Our other policy recommendation relates to affordability, both preserving existing affordable housing units and people as well as pursuing as much affordability in the new housing units in our area as possible. We have found few tools beyond the Preservation incentive in the draft LDC that help with preserving existing housing, which is more likely to be market rate affordable units. However, we remain hopeful that our ongoing interest in this area, and the collaboration below, will yet yield some opportunities for existing units.

For new housing units, the Cherrywood and Scheiffer-Willowbrook NAs will welcome any developers or property owners who opt-in to the affordable housing bonus program, along with a good faith approach to design compatibility (especially important with the additional density granted by the bonus program). But we remain skeptical that many, if any, developers or property owners will opt-in to the bonus program in urban core neighborhoods like Cherrywood and Scheiffer-Willowbrook, and we are also skeptical new affordable units will naturally result as a co-benefit of dramatically increasing the supply of new housing city-wide through the LDC.

We are aware that our alternative map recommends down-zoning a number of proposed R4 and RM1 parcels to R3, which does not offer access to the affordable housing bonus program. However, the last decade of construction in our neighborhood has been more in line with R3 (allowing up to 3 units), a majority of which has been flagged as the ‘missing middle’ housing type the LDC seeks to create. We believe our focus on R3 is an

acceleration of this trend and has greater potential to actually realize 'missing middle' rental and ownership housing.

We are further committed to using our influence to work with developers and property owners to choose to include affordability in their projects, even if they are not accessing the bonus program or otherwise required to provide affordability. Again, we believe that while we may appear on paper not to be neighborhoods that would be expected to embrace density and affordable housing, we are therefore exactly the types of neighborhood which should embrace density and affordability.

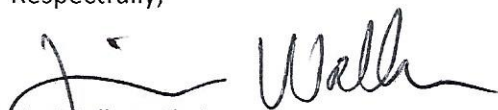
We will engage with the Blackland Community Development Corporation (Blackland CDC), which is adjacent to Cherrywood NA and within the UBC NP area, as a potential partner in securing voluntary affordability from developers and property owners, as they have already done in several projects in recent years, with a focus on affordable rental units.

We are also working to finalize a collaboration with the Guadalupe Neighborhood Development Corporation (GNDC), one of only a handful of formal community land trusts in Texas, toward pursuing affordability in new housing units in the Cherrywood area, both rental and owner units. This collaboration will enable GNDC to extend their affordability tools and expertise into a larger section of Austin; and allow Cherrywood NA to offer clear, proven, long-term options to developers and property owners to choose to include affordability in their projects - even if they do not opt-in to the City's bonus program.

Some of our own residents are skeptical of this collaboration, or of the idea that Cherrywood or Scheiffer-Willowbrook should pursue affordability goals at all. However, we believe creating some options for pursuing affordability above and beyond the bonus program is necessary and a better application of our time and energy than not creating any options and hoping for affordability just to appear.

We reiterate our commitment to achieving the City's goals in the Imagine Austin plan as well as in the LDC rewrite. All we ask is consideration of adopting our alternative zoning map into the LDC and to work with us on the policy areas of compatibility and affordability.

Respectfully,

  
Jim Walker, Chair  
Cherrywood Neighborhood Assoc

  
Priscilla Ebersole, Chair  
Scheiffer-Willowbrook Neighborhood Assoc.

Cc: Mayor Adler  
Councilmember Tovo  
Austin City Councilmembers  
Annick Beaudet, Assistant Director, Austin Transportation  
Cherrywood Steering Committee  
Scheiffer-Willowbrook Executive Committee

**Cherrywood Neighborhood Association**  
Principles for City of Austin Land Development Code rewrite  
updated Jan 19, 2020  
(Edits to principles based on residents feedback Nov 2019 through Jan 2020)

**Preservation of natural character**

Goal: Voluntarily inventory significant trees and natural areas ahead of future development (aligned with Council compatibility).

Goal: Maintain sustainable, functional green spaces for existing and future residents (UBC NP Goal 5).

**Compatibility of new growth with residential character**

Goal: Promote new housing that reflects the context of existing housing, but is open to a diversity of architecture (UBC NP Goal 3)

Goal: Maintain robust, functional storm-water drainage for benefit existing and future residents (UBC NP Goal 5)

Goal: Identify historic structures and areas within Cherrywood area.

Goal: Develop creative tools that empower owner-occupants and families to add housing on their lots.

**Stewardship of existing housing stock**

Goal: Promote stewardship of existing housing already occupied at a variety of income levels (UBC NP Goal 3)

Goal: Identify and try to accommodate how future residents of Cherrywood might live, work and play

**Monitor change in property tax impacts**

Goal: Monitor rate of change and type of growth; help the City and developers be good stewards of existing affordable housing, while developing new housing

Goal: Develop programs to help existing low- to moderate-income renters / owners remain in place

**Focus change on corridors**

Goal: Balance accommodation of ongoing and anticipated growth with preserving the existing character of Cherrywood. (UBC NP Goal 1 & 2)

Goal: Focus first on non-residential parcels next to corridors where large opportunities exist, especially as identified in UBC NP, and put less initial focus on residential lots facing interior streets.

Goal: Monitor rate of change and type of growth; help the City and developers shape growth that is context-sensitive and achieves neighborhood and City goals.

**Ensure new housing includes affordability**

Goal: Actively engage in achieving affordability in new housing, both income-restricted and market, that serves a variety of income levels

Goal: Monitor affordability of new units

**Quality of infrastructure and services**

Goal: Maintain and encourage a range of neighborhood-level and district-level services for existing and future residents that enhance the cultural, social, and educational fabric of the neighborhood (UBC NP Goal 6)

Goal: Maintain sustainable, robust, functional storm-water drainage for existing and future residents (UBC NP Goal 5)

**Enhance mobility within and to/from neighborhood**

Goal: Emphasize pedestrian and cyclist safety (UBC NP Goal 4) through ongoing refinement and implementation of Cherrywood Sidewalk Master Plan and other plans

Goal: Encourage public transit use (UBC NP Goal 4)



# UBC NA Alternate to Proposed LDC Zoning

**UBC Neighborhoods**

- Cherrywood NA
- Schieffer-Willowbrook NA
- Wilshire Wood-Dellwood I
- Blackland NA
- Dellwood II NO
- Rogers-Wash/Holy Cross
- Upper Boggy Creek NPT

- Natural Area
- ★ Future Optpy
- Activity Centers

**Alternate Zoning**

- R2B
- R3
- R4
- RM1
- PR
- Corridor Buffer

**COA Floodplain**

- 100-Year
- 25-Year

