

# Dawson Neighborhood News

July / August 2016 Newsletter of the Dawson Neighborhood

Next Meeting Monday, August 8 at 6:30pm

at So. Austin Multipurpose Center, 2508 Durwood

## Transportation Projects around Austin

You may have heard about the Slaughter Lane Bridge being taken down in late June. This is the start of several proposed transportation projects beginning to happen on Austin Roadways. There was a Transportation Town Hall Meeting at El Gallo on May 14, hosted by Eddie Rodriguez and Pio Renteria, and both in attendance.

There are three transportation projects that were presented at the meeting: MOBILITY35, 183 NORTH and 183 SOUTH and SH 71 EXPRESS. Some are in progress now. Some may require bond money. If these projects start soon they may be finished in about four to six years.

This was a two and a half hour meeting covering all three projects and with Q&A from the audience. So I will briefly try to summarize and refer to the project websites for accuracy and up to date facts. They said they would keep their websites active and they will definitely contain more info than I could write down. I am not sure if funding was established yet for all projects. Some of these projects have spokesmen that may be available to meet with us at our scheduled meetings. They are still having local info meetings about several of the projects.

### MOBILITY35

This includes all of I-35, all 588 miles, divided into five sections. Austin is a part of the Capital Region, which runs from Hays County to Williamson County. This is a five-phase project proposed to better manage traffic through Austin and corrects problems found with the roadway presently. Where it affects our neighborhood directly is the now narrowing section of the Highway when it reaches 71 and bottlenecks in both directions, causing people to choose S. Congress instead. They are going to try correct this by increasing the number of lanes and controlling access. They are also planning to better manage the entrances and exits from the highway, and create turn-arounds at several crossing roads so that cars can cross the highways to the other side and not have to wait to make two left turns at the lights. This is the project Kirk Watson has also been promoting. Their website has more info, e-newsletters, and updates. Website: [my35.org/capital/default.htm](http://my35.org/capital/default.htm)

### 183 NORTH and 183 SOUTH

The 183 South will enhance the area where 183 and 71 meet. They are supposed to not be going on at the same time as the SH 71 project. Less traffic stops with ways to reduce drive times and give another choice to stay off IH 35 and nonstop travel with flyovers and turn-arounds. More accessibility to bikes and Pedestrians to get across 183, and they are turning the old steel bridge into a bike/pedestrian path. They are going to better landscape the area and make easier access to the park on the east side near Bolm. Website: [183South.com](http://183South.com)

### SH 71 EXPRESS

The South portion of this project could also affect us. It runs from about the Airport to past 1-30. This is in progress and is supposed to be done close to the end of the year, and yes it includes a toll road element. More ramps, exits and wider roads, and hopefully faster progress through the area. Website: [sh71express.com](http://sh71express.com)

## Toss Pizzeria & Pub 2901 South First Street at El Paso

Toss Pizzeria & Pub was in full operation for their soft opening on July 4th week end and by the grand opening on Thursday, July 28, Toss was a well-honed pizza machine. Grand opening was a charity event and Austin Pets Alive received donations from the pizza slices, games and patrons. The pet friendly patio was full of four-legged friends and everyone had fun.

BUT, there's much more than delicious pizza! Wednesday is Wingsday and the half-price Wings are already a legend. Choose from mild, spicy, pesto, el pastor, garlic parmesan, BBQ, and cajun dry rub (a dry wing, getting rave reviews.)

There's local draft beer, speciality drinks and tasty wines, including well-priced, house wines. Try a frozen margarita made with roasted pineapple and jalapeno infused tequila, fresh lime juice, agave syrup and pineapple juice or countless other concoctions. Enjoy wide-screened TV with your favorite sporting events. Cornhole and Darts are played out back.

The seating capacity of Toss is about 60 people inside and 45 seats outside in both a covered and open patio, both pet-friendly. Everything is made in-house, from scratch, so sit-back and enjoy our newest pub. Open 5pm-midnight. Expanded hours soon.



**IS OPEN!!**

Toss Pizzeria has already become  
a favorite spot for Dawson  
Neighborhood residents.

Please join us for our  
**Half-Price Wings**  
Every Wednesday!  
5pm - 12am

Mention this newsletter to receive  
a free Toss Pizzeria Koozie!

**DNA Agenda** — New Business  
Patricia Sprinkle of the Austin  
Neighborhood Council  
Roger Cauvin the Friends of Austin  
Neighborhoods  
Old business  
Dunlap Group Home discussion

**DNPCT Agenda** — New Business  
Kam Magor to talk about El Paso Street  
Bridge Public access  
Neighborhood tour by Greg Anderson  
Old business (as time allows)  
NPCT city meeting report  
2510 S Congress City Planning Meeting  
New Road constructions report from the  
Transportation meeting at El Gallo

# OCCUPANCY LIMITS AND FAIR HOUSING CHOICE

(This issue is one of interest to many residents of our neighborhood. The views expressed are those of the authors. Look for opposing view in our next newsletter.) This memorandum is offered to identify erroneous statements made in the CodeNEXT Household Affordability Prescription. The CodeNEXT Advisory Group, City of Austin staff, and external consultants should make applicable corrections to the Prescription and to the Draft Strategic Housing Plan.

The CodeNEXT Household Affordability Prescription contains the following statement: "In 2014, the City adopted a notable code amendment regarding dwelling unit occupancies, which has a negative impact on fair housing choice." (p. 20) The recently released Draft Strategic Housing Plan written by the Neighborhood Housing and Community Development Department contains this statement: "On March 20, 2014, the City of Austin amended its city code regarding dwelling unit occupancy to reduce the maximum occupancy limits for single family homes in certain zoning districts and for duplexes from six unrelated adults to four. The ordinance has a provision excluding group home-type settings from the limit. This occupancy change could raise the cost of housing for unrelated roommates since housing costs will be split among fewer occupants. The limits are most likely to affect the city's student population and co-ops but could also have implications for persons with disabilities who reside together in a group setting that is not a licensed group home. In this case, the city would need to make a reasonable accommodation to the ordinance to avoid fair housing violations." (p. 17)

These two statements are neither factual nor accurate, and they should be deleted from both the prescription and the draft housing plan. The first statement, saying that Austin's occupancy limits have a negative impact on fair housing choice, is not founded in either fact or law. The second statement is apparently drawn from language in the report by BBC Research & Consulting (Denver, CO) in 2014 titled Analysis of Impediments to Fair Housing Choice City of Austin, which is paraphrased and copied selectively by city staff. In its analysis of impediments to fair housing, BBC Research & Consulting says this: "On March 20, 2014, the City of Austin amended its city code regarding dwelling unit occupancy to reduce the maximum occupancy limits in single family homes in certain zoning districts and for duplexes from six unrelated adults to four. The ordinance has a provision excluding group home type settings from the limit.

This change has the potential to raise the cost of housing for unrelated roommates since housing costs will be split among fewer occupants. It is unclear how many of Austin's households are made up of units with five and six unrelated occupants and, thus, how many "excess" roommates need to find other housing units. At any rate, the change in occupancy limits will create additional demand for housing for those displaced from their current units. Without further study of the types of households living in five- to six-roommate situations, it is also unclear if the change disproportionately impacts a certain protected class. The change is most likely to affect the city's student population, but could also have implications for persons with disabilities who reside together in a group setting that is not a licensed group home. In this case, the city would need to make a reasonable accommodation to the ordinance to avoid fair housing violations." (Section IV, p.18)

The Planning and Zoning Department staff has asserted that occupancy limits have "a negative impact on fair housing choice". BBC did not say this. It simply said that the amendment "has the potential" to raise housing cost and that the impact is "unclear". BBC, however, made its own inaccurate statement by assuming that the 2014 amendment displaced current occupants. BBC's statement showed a lack of basic understanding of Austin's ordinance for the following reasons:

- 1) It ignored that the 2014 amendment applies to only newly constructed dwelling units within the McMansion area.
- 2) The purpose of the 2014 amendment was to preserve affordable existing housing by taking away financial incentives for its demolition and the displacement of longtime residents – both owners and renters.
- 3) The 2014 amendment did not affect the over 200,000 units grandfathered by the ordinance. These units continue to be available for occupancy of up to six unrelated adults.
- 4) While the current number of households with more than four unrelated adults is small, the impact of items 2) and 3) is to increase the likelihood of the preservation of existing high occupancy units – both those currently used by six unrelated adults and those that might be similarly used in the future
- 5) The report ignores the common use of occupancy limits in both small and large U.S. metropolitan areas,
- 6) Both the United States Supreme Court and the U.S. Department of Justice have found that occupancy limits are not discriminatory per se, and
- 7) It is not shown how an occupancy limit of four in Austin would be any more discriminatory than an occupancy limit of six. Note that the Austin occupancy limit of four is above the national average and significantly above the average in the State of Texas (based on 2014 research).

The 2014 amendment passed by the prior city council with only one dissenting vote. It was renewed by the current city council in 2016 by another large margin. None of the usual real estate industry interests spoke against the 2016 action. There is clearly a community consensus in favor of the current occupancy rules.

The 2014 amendment worked. It achieved its intended purpose. It slowed dramatically the demolition of older, affordable housing to be replaced by high-occupancy, less affordable duplex buildings, particularly in the neighborhoods near the university. The change had an immediate and beneficial impact on neighborhoods. In the Northfield neighborhood, for example, demolitions for these types of buildings practically ceased.

Austin's occupancy rules and the enforcement thereof do not violate fair housing laws. As a protected class, students and persons with disabilities have not been prejudiced by the current rules, and there is no basis in federal or state law for implying the contrary. The city already makes reasonable accommodation for unlicensed homes occupied by persons with disabilities, and there is more than ample grandfathered housing available to them. Further, since the enactment of the 2014 ordinance, neither the City nor the Austin Tenants' Council have recorded complaints from people with disabilities who believe they have been denied housing because of the occupancy rules.

Years have been spent discussing this ordinance. It was reviewed for more than a year by the City Planning Commission. Two different city councils voted almost unanimously in favor of the current rules. Twenty-plus neighborhood associations – representing East, West, South, and North – supported the 2016 amendment. It is time to put this discussion to rest and to remove all references to the occupancy ordinance from the Draft Housing Plan and the Affordability Prescription. There do exist real barriers to fair housing choice; this is not one of them. Let's stop the fabrication of specious arguments in favor of density and start a real, transparent dialogue about how the CodeNEXT process can implement the vision of imagine Austin.

(signed) Mary Sanger, Secretary, Hancock Neighborhood Association; Mike Wong, former President, Northfield Neighborhood Association; Mike Hebert

## **DNPCT Meeting, June 13, 2016 draft minutes**

Discussion from The Guesthouse Hotel, 2510 South Congress, regarding variance request 25-2-1067(F) and 25-2-1067(H).

Church in Austin representatives presented case against the developers' proposals. Citing noise from the specific nature of the hotel business.

DNPCT Members asked questions regarding the feasibility of moving the pool to another location on the lot. Peter Davis proposed moving pool to 50' from western property in exchange for support of variances.

Guest House representatives explained that they could, however the rise in elevation would actually exacerbate noise pollution from the pool even though it would technically be further away from the adjacent residential lots. They also mentioned that if they needed to move the pool further away due to the variance not being granted, they would not need to build sound abatement walls surrounding the pool area.

Election held by DNPCT Members:

Results: 9 votes for both variances; 2 votes only for driveway variances; 7 votes against both variances; 3 abstentions

**Note: Meeting notes are in draft mode until formally voted on and approved at the next DNPCT meeting.**

## **DNA Meeting June 13, 2016, draft minutes**

Old business: The Great Outdoors: received a response from COA indicating positive progress toward resolution; no other news.

Miller Nuttle from Bike Austin: described how they work to get more people walking and riding bikes in Austin; COA is being urged to support the Bicycle Master Plan, a mobility bond of ¼ \$billion that the council is discussing for the Fall elections. Motion in support of Bike Austin's proposal passed.

New Business: Toss Pizza's owners arrived to tell us that they are opening at the old Deutchman's Plumbing business on S. 1st. Open 5 pm to midnight. Toss Pizzeria offered to sponsor the next newsletter.

Kam brought up the city's ordinance against cutting large trees. On Cumberland, the owners cut down an old mesquite tree before anyone could stop them. Permits for moving trees are available. The rule is 19" in diameter. Recommends vigilance when we hear chainsaws to call the city to get out someone out to stop the work.

Permitting process requires planting new trees to replace them.

Marisa explained that Gillis pool was supposed to open today but didn't. COA Aquatics says that the city is training lifeguards so the pool can open once the city can staff the pools.

Zach, resident of Dunlap Street spoke. 3814 Wadford has been turned into a Bridgeway to Recovery property for residents in substance abuse recovery. Drug paraphernalia has been found in the area and reported to the APD. Approximately 13 cars have been parked nearby; Bridgeway CEO acknowledged presence of 10 adults. Membership expressed support for residents' concerns, recommended various approaches. Motion to write a letter to Councilman Renteria passed.