



# CODENEXT

SHAPING THE AUSTIN WE IMAGINE

## Land Development Code Advisory Group Meeting #61

June 5, 2017 at 6 pm - 9 pm  
Waller Creek Center, Room 104  
625 E 10<sup>th</sup> St  
Austin, TX 78701  
[www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)

**Charge to Advisory Group:** Assist in public outreach and provide feedback on development and implementation of a revised land development code (*Resolution #20121206-074*) and focus its efforts to ensure the CodeNEXT process supports all of the Priority Programs as outlined in the Imagine Austin Comprehensive Plan (*Resolution #20150521-026*).

### AGENDA

#### CALL TO ORDER

#### 1. PUBLIC COMMENT (6:00-6:15)

A representative from Go Austin Vamos Austin read a testimony of another resident who raised questions on how the code is addressing flooding and traffic.

Dave Sullivan responded by citing a portion of the code which has increased the requirements for flood water retention on new developments.

Stuart Hersh recommended that the code should be simplified such as in the days that parts of the city were zoned A,B,C, and D. He also sang a Genesis song to reiterate his point.

#### 2. NEW BUSINESS (6:15-8:55)

##### a. Approval of Minutes

Minutes approved

##### b. Issue briefs for final report

##### i. Chair work group introduces issue briefs (some issue briefs for which little discussion is required may be acted on in one vote)

The following items passed on consent – 4, 5, 6, 26, 27

***Issue 4: Draft does not provide adequate urban heat island mitigation.***

*Recommendations (Consent):*

1. *Define the site plan submittal requirements for three to nine units. Incorporate all tree preservation requirements.*
2. *Provide for combined side and rear setbacks in transect zones for the purpose of tree preservation. Provide front setbacks with sufficient depth for new tree planting.*
3. *Allow site disturbance beyond the limit of construction for site plan exemptions for the purpose of planting trees and installing rain gardens.*
4. *Incorporate green building requirements into all transect zones. Calibrate these requirements to the building form. Incentivize projects that go above and beyond the requirements.*
5. *Incorporate Green Streets standards for street trees including soil volume requirements.*
6. *Incorporate the Functional Green standards into the draft code update.*

***Issue 5: Water stewardship provisions and analyses incomplete.***

*Recommendations (Consent):*

1. *Update the onsite beneficial use section of the draft code to indicate the type of green infrastructure elements to be employed.*
2. *Remove obstacles to the use of rainwater harvesting systems.*
3. *Clearly indicate porous pavement, rain garden, and bio-swale options.*
4. *Clearly indicate that non-potable water options will be available in the future code update.*
5. *Clearly indicate that potable water use regulations will be calibrated to practical landscape outcomes including plant establishment windows and new water conserving irrigation technologies.*

***Issue 6: Stronger provisions needed to preserve natural character, ensure adequate parkland and integrate nature into the city.***

*Recommendations (Consent):*

1. *Require parkland dedication on or off-site if requirements are .25 acres or more.*
2. *Coordinate all aspects of open space standards and prioritize preservation of natural character and green stormwater infrastructure. Incorporate results into the updated draft.*
3. *Update and calibrate the former Subchapter E open space requirements to lot size. Update open space at BRT stops.*
4. *Provide missing items and standards including Definitions and Measurements, Parkland Dedication, Civic and Open Space, Supplemental Standards for Transect Zones, Private Personal and Private Common Open Space, Open Space in Commercial Non-transect zones, and open space in private courtyard forms.*

***Issue 26: Draft does not allow the City to terminate nonconforming uses that threaten general health, safety and welfare.***

*Recommendations (Consent):*

1. *Allow the city to require the termination of nonconforming uses that threaten health, safety and welfare, in accordance with the Texas Supreme Court’s recognition of “the principle that municipal zoning ordinances requiring the termination of nonconforming uses under reasonable conditions are within the scope of municipal police power” (City of University Park v. Benner).*
2. *Create a process for the direct and systematic termination of nonconforming uses that protects communities and which ensures that adequate time is allowed to recoup an owner’s investment in the property.*

**Issue 27: Augment CodeNEXT with new Article 23-3F to support art, music, and culture.**

*Recommendations (Consent):*

1. *Add arts, music culture to the Purpose Statement of General Planning Standards.*
2. *Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F with provisions to support arts, music and culture in Austin.*

**ii. Discussion pros/cons, recommendations**

**Issue 1: Additional data and 3-D modeling needed to optimize CodeNext trade-offs.**

Dave Sullivan states that this is not a code element. Jim Duncan said its more of a process than a code item. Mandy De Mayo is concerned about #1.4 and the misinformation that could be out there without proper context. Mandy is worried about scope and cost for #1.5. Clarification from Eleanor McKinney that “impact per block” would be a generic block. Liz Mueller suggests that we can sort these issues into additional categories cost-benefit wise such as additional analysis needed, policy changes, or this zoning category does not make sense. Liz suggests that we focus on the ones that are directly code issues.

Side bar discussion on the process in total of the CAG report & how specific the recommendations are yet the implications are not completely understood. Liz suggested that the recommendations be written to reveal intent without going to specific into the details of the recommendation.

#5 is struck from the recommendations.

*Recommendations (13-0-0):*

1. *City Council should require additional scenario testing of trade-offs during the process of refining both CodeNext rules and the mapping, in particular of transportation, stormwater capacity, and housing mix by bedroom count.*
2. *City Council should make this decision as soon as possible.*
3. *Fund access and full training on these tools for boards and commissions, and City Council staff.*
4. *Provide access and online training to the public.*

***Issue 2: CodeNext mapping should reflect not just near-term market demand, but Imagine Austin's community***

Melissa Beeler added a recommendation for additional planning to occur after CodeNEXT, in addition to monitoring and evaluation. Liz said she thinks this applies to #2.4, and might need to be pulled out. Further discussion needed on #2.5, Eleanor thinks the current draft map may wipe out some small businesses along commercial corridors. Mandy responded that we all want to support these businesses, but by asking to rebalance mapping is asking someone to do something in which they don't know what it means. Change language from rebalance to consider.

#2.2 Greg Guernsey said staff may reconsider TODs and other small area plans to be rezoned to apply for the proposed zoning types. There currently is no T6, but it is something staff wants to keep in the toolbox for future zoning. Dave mentioned that Opticos said we would wait for property owners to request T6. Duncan is asking why we need a T6, maybe its applying a saw where scissors are needed.

Lauren Ice asked for clarification on #3 in the term "certain." Lauren believes we should be strategic on corridors that have development potential. The language was changed from certain to strategic.

***Recommendations (13-0-0):***

- 1. Map out all Imagine Austin centers and corridors with transect zones over the coming five years.*
- 2. Consider some T6 zoning in regional centers, including the North Burnet Gateway, possibly Howard Lane TODs.*
- 3. Prioritize strategic Imagine Austin centers outside the urban core for additional infrastructure investment to incentivize new development.*
- 4. Consider policy changes to achieve community goals for income and age diversity & livability, in all parts of town, not just areas already experiencing high development pressure.*
- 5. Consider mapping and/or poicy changes to support small and iconic business along corridors and retain the community character.*

***Issue 3: Draft increases complexity by using Transect, Non-transect and legacy Title 25 zones simultaneously.***

#3.2 asks to retire title 25 zones over a period of time. Duncan said they've done this in the past and its been confusing. Have title 25 carried forward, but not where they have to remain like TODs, PUDs, etc.

Jim thinks we need to do more blending. Its not hybrid, its 3 codes. Greg said we have one code and that would include transect and traditional districts. Staff is changing the format so that the codes would look more similar to each other. Jim thinks this problem will exacerbate as it moves throughout the other boards and commissions.

Colby Wallis thinks we need to move away entirely from 3 different types of zoning districts.

Chris Allen thinks the nomenclature is confusing, but the issue that's really confusing is that they have different standards. Liz believes that we should recommend the moving towards one code and council set a deadline to getting us there. Jim explained that we could improve our use-based code to achieve what the form based code hopes to achieve (anti-auto).

*Recommendations (13-0-0):*

1. *Move toward a simpler code with a unified set of standards.*

***Issue 15: Promote context sensitive structures with Floor to Area Ratio maximums, and encourage community benefits with potential increases in FAR.***

Dave quoted Jim in saying that FAR was initially intended for non-residential uses. Chris said FAR allows more flexible in appearance, making more interesting housing forms. Jim said we should look to PDX who limits scale to 2,500 ft.

*Recommendations (8-0-5):*

***Issue 16: Make ADU and cottage scale consistent. (Deleted)***

Mandy feels the ADU requirements are too prescriptive and does not want to make it MORE prescriptive. She is afraid that we do not have it right, now. Chris asked if we just keep the recommendation to the title. Susan Moffatt disagrees and wants the keep it as the draft has it now.

Terry Mitchell said that he fears that whatever we do, we cannot harm affordability. We need to scale as small as possible to keep it affordable. We need to address our biggest issue and balance these other issues against affordability.

Duncan finds it a dilemma that we allow the largest ADUs in the entire country. He suggests that we need to tweak it to include a minimum but not make it overly prescriptive.

Dave said he wants to hear what AIA has to say about this. Dave is pulling 16 completely.

***Issue 18: More study needed to avoid net loss to existing housing stock.***

Mandy is worries that 18.1 would be detrimental to the process. Chris said he would be willing to change the language to have this done concurrently. Mandy cautions the use of the word of affordable without any context, such as referring to old units. Chris said we were referring smaller housing stock, because its often the target to demolition and is built as larger and more expensive.

Dave was concerned about the term demolitions as there is little we can do to prevent them in the code.

Eleanor said she participated in the AIA charrette. Her team's site aggregated T4MS lots to achieve the maximum entitlements, thereby creating demolitions of existing SF-3 housing.

Cesar wanted to know what the mechanisms would be to test and vet these decisions.

Terry thinks that most of the demolitions turn into reconstructions at a higher price. He feels that if more, smaller units would be the replacement it would create a net-gain.

Eleanor wants to add to missing elements that we have not added such as one form that allows more units inside. T districts reduce the lot sizes yet still lower other standards from what is allowed in the used based districts.

*Recommendations (13-0-0):*

1. *The CodeNEXT process should prioritize beta testing/vetting via modeling of real-world development scenarios to avoid acceleration of demolitions.*

***Issue 13: CodeNext mapping should better reflect existing or planned transit.***

Liz said it's a chicken and egg dilemma. Dave said transit follows rooftops. Steve Zettner wants more density in areas near transit. Zettner suggests Northcross be T5.MS. Chris said that Steven's recommendations are too narrow. Terry said transit will respond to codeNEXT.

*Recommendations (13-0-0):*

1. *Recalibrate the mapping along corridors and centers to optimize existing or planned transit lines, and to shape transit-oriented village centers.*
2. *City of Austin Transportation Department should request that CapMetro commit to long-term sites for future rapid transit stations as part of its Connections 2025 plan, including identification of east-west rapid transit lines and stations.*

***Issue 15: Recalibrate proposed compatibility standards to create uniform standard that better balances livability and growth.***

Susan said the compatibility distance has reduced to 50 feet yet has 0 side setbacks or 0 rear setbacks. Susan wants a more thoughtful transition zone like what exists in ERC & Hyde Park NCCD. Susan thinks there is better compatibility for the used based zones than the transects. Liz concerned about 14.2, so it was deleted.

*Recommendations (8-0-5):*

1. *Replace confusing multi-tier system with uniform citywide standard.*
2. *Reinstate current code rules governing noise levels of mechanical equipment, dumpster placement and driveway placement, reflective materials, etc.*
3. *Trigger compatibility rules from all T3 and T4 zones, except T4MS.*
4. *Insert triggers for properties remaining under existing code.*
5. *Calibrate by-right entitlements with new compatibility rules to support affordability bonus program.*

6. *Expand requirements for “green compatibility” - green roofs/walls, bioswales, evergreen shade trees, hedges, sound walls.*

**Issue 21: Create suffix for urban core school areas to ensure public school safety and access.**

Dave believes there are other ways to address parking near schools. He is not against safety but for affordability. Mandy says it feels prescriptive but likes the flexibility provided to homes 80% MFI. Liz was also concerned that the potential for affordable housing could be affected by a blanketed parking requirement by schools.

*Recommendations (8-0-5):*

1. *Develop a zone suffix similar to the proposed O-suffix (PSU – Public School, Urban) or other tool for properties within 600’ of an urban core public school property line to retain current on-site parking requirements for all uses. For single family homes or duplexes, this would require two on-site parking spaces per dwelling unit. For multifamily, commercial or other uses, on-site parking requirements would match those currently contained in the Austin Land Development Code, Section 25-6 Appendix A.  
[https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE\\_C\\_H25-6TR](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_C_H25-6TR)*
2. *For deeply affordable family-friendly units to be rented or priced at 60% MFI (Median Family Income) or below, on-site parking exemptions within 600’ of a public school property line should be determined by the applicable director.*

**Issue 22: Plan for family-friendly housing near urban core schools to retain inter-generational communities.**

Liz agrees with the intent but not the approach. Jim is against creating more subzones and admits that families are heading for the suburbs. See video for Steve’s explanation. Mandy brought up that this may be better in Housing Blueprint, Steve said CodeNEXT is a watershed moment.

Steven replaced all recommendations.

*Recommendations (13-0-0):*

1. *Develop zones with building types best suited for families and entry-level ownership.*
2. *Map more family-friendly housing in transit-oriented areas near schools.*
3. *Determine the legality of requiring a minimum housing mix by bedroom count. If legal, determine minimum mixes appropriate to the new zones.*

**Issue 23: New rules over-simplify opening nightclubs, liquor stores near neighborhoods.**

Dave says it is over restricted. Steven said it was never addressed in Imagine Austin and that we need it.

*Recommendations (12-1-0):*

1. *Restore existing rules on liquor-serving uses to the new code.*
2. *Initiate a process to balance the needs of liquor-serving businesses and adjacent communities.*

**Issue 11: Plan for infrastructure capacity to keep pace with development.**

Jim thinks the infrastructure capacity should be better linked to I.A & neighborhood plans.

10.1 rewritten as Plan for infrastructure capacity to keep pace with proposed mapping. Dave disagrees and said the city has already done this.

1. Direct staff to produce a concurrent study with budget projections for infrastructure improvements to correspond with CodeNEXT mapping.

2-4 stay as is.

*Recommendations (7-1-5):*

1. *Direct staff to produce a concurrent study to create budget projections for infrastructure improvements to correspond to CodeNext mapping.*
2. *Produce analyses of impact of proposed parking reductions for representative areas of the city, including Transect and Non-Transect zones, and adjust as needed before implementing reductions citywide.*
3. *Provide greater detail on proposed parking management districts. Apply a context sensitive approach to residential parking permits.*
4. *Specify how or whether drainage and on-site beneficial reuse requirements and other environmental/infrastructure regulations will apply to 3-9 unit infill developments.*

**iii. CAG vote on brief**

The polling occurred concurrently with the review of Issue Briefs. See above for polling results.

**c. CAG report structure**

This agenda item and the following were not reached before the end of the meeting. The CAG motioned to have a follow up meeting to finish discussing the Issue Briefs prior to their last scheduled meeting on July 5<sup>th</sup>.

**3. AGENDA ITEMS FOR FINAL CAG MEETING (8:55-9:00)**

**4. ADJOURN**

Meeting adjourned at 9:15pm.

## UPCOMING EVENTS

- a. Code TALK – Permitting & Process 6/7
- b. Deadline for feedback to be considered for incorporation into the second draft of the Land Development Code 6/7
- c. Due date for CAG issue briefs for the CAG Final Report 6/7
- d. Last CAG Meeting 7/7

For more information on CodeNEXT please visit our website at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)

To read and comment on the Draft Land Development Code visit [www.codenext.civiccomment.org](http://www.codenext.civiccomment.org)

To see the Draft Proposed Zoning Map visit [www.codenext.engagingplans.org](http://www.codenext.engagingplans.org)

To sign up for Office Hours visit [www.tiny.cc/codenextofficehours](http://www.tiny.cc/codenextofficehours)

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**For more information on the Code Advisory Group, please contact Ashley Greenstein in the Planning and Zoning Department at 512-974-2743 or [Ashley.Greenstein@AustinTexas.gov](mailto:Ashley.Greenstein@AustinTexas.gov).**