

Land Development Code Advisory Group Final Report

Submitted July XX, 2017

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TABLE OF CONTENTS (to be completed)

Executive Summary

Introduction

CAG Member Poll Results

Issue Briefs and Recommendations By General Topic (if you prefer, you could do a separate entry for each issue brief, but with 27 of them it may make the Table of Contents enormously long – your call).

- Code Structure and Analysis
- Environment and Parkland
- Infrastructure
- Building and Standards
- Communities for All Ages
- Process and Nonconforming Issues
- Proposed Future Code Additions
- Affordability Incentives (Placeholder)

Missing Code Elements and Analyses

Conclusion

Appendix

A. About the CAG

B. CAG Member Submissions

- B.1 Details of Proposed Future Code Section on the Arts, Dave Sullivan
- B.2 Compatibility Proposed Green Infrastructure Buffer, Eleanor McKinney
- B.3 Draft LDC Open Space and Environment Comments, Eleanor McKinney
- B.4 Public School Impacts, Susan Moffat
- B.4a Collected Comments, Susan Moffat
- B.5 NBE Presentation Notes for Planning Commission, Eleanor McKinney and

Lauren Ice

- B.6 Number of AISD Students in Recent East Austin Multi-family Developments, Nuria Zaragosa

C. Submissions from City Boards and Commissions

- C.1 Community Development Commission CodeNEXT Letter
- C.2 Design Commission CodeNEXT Working Group Suggested Schedule
- C.3 Environmental Commission Motion on Review Process
- C.4 Environmental Commission Motion, Recommendations
- C.5 Parks Board Resolution

C.6 CAG Boards & Commissions Forum, Staff Response

Executive Summary

Austin City Council in December 2012 created the Land Development Code Advisory Group (CAG) to gather community outreach on the City's effort to rewrite its land development code (CodeNEXT). Council also charged CAG to evaluate CodeNEXT against the eight Priority Programs in the Imagine Austin Comprehensive Plan.

This report summarizes key issues raised by the public, and offers recommendations that attempt to bring the code closer into alignment with the priorities of Imagine Austin. It also includes results of a CAG member poll intended to fulfill portions of the charge related to Imagine Austin and code implementation, as well as a list of key elements and analyses that were unavailable for the CAG's consideration at the time of this report, but which we believe are crucial to an informed review of the draft code and maps. Additional information, including comments received from city boards and commissions, is included in the Appendix. Recommendations and poll results are summarized below. Detailed recommendations are provided in the body of the report.

A. CODE STRUCTURE AND ANALYSIS

1. Obtain additional data and modeling to optimize CodeNEXT trade-offs.
2. Revise mapping to better reflect Imagine Austin goals.
3. Reduce complexity of Transect, Non-transect and Title 25 zones by moving towards a unified code.

B. ENVIRONMENT AND PARKLAND

4. Strengthen measures to mitigate urban heat island effect.
5. Clarify and update provisions for water stewardship.
6. Strengthen provisions to ensure nature, parkland.
7. Strengthen provisions for water quality protections.
8. Allow public gatherings on open space subject to public/private agreements.

C. INFRASTRUCTURE

9. Strengthen drainage provisions to reduce risk of floods.
10. Require infrastructure improvements from major remodels.
11. Create a plan for infrastructure capacity to keep pace with development.
12. Tie reduced parking requirements to clear public benefits.
13. Revise CodeNEXT mapping to better reflect existing or planned transit.
14. Prioritize civic space at rapid transit stations, including along corridors.

D. BUILDING AND STANDARDS

15. Recalibrate compatibility standards to better balance livability and growth.

16. Retain Floor to Area Ratio (FAR) to manage building scale and as a density bonus lever.
17. Model draft code to test McMansion requirements.
18. Model draft code to reduce demolition of existing affordable housing.
19. Provide an exception for alley access requirement for alleys serving both residential and commercial properties.
20. Support cooperative housing with new building type, clearer definitions.

E. COMMUNITIES FOR ALL AGES

21. Require sufficient parking near schools to ensure safety and access.
22. Plan for family-friendly housing near urban schools.
23. Restore existing rules for nightclubs and liquor stores near residences, while working to better balance stakeholder interests.

F. PROCESS AND NONCONFORMING ISSUES

24. Revise proposed public process changes to ensure adequate notice and participation.
25. Clarify nonconforming use/structure language to avoid unintended consequences.
26. Add provision to terminate nonconforming uses that threaten general health, safety and welfare.

G. PROPOSED FUTURE CODE ADDITION

27. Add new section to Land Development Code to support art, music, and culture.

H. AFFORDABLE HOUSING INCENTIVES (28. Placeholder)

CAG Member Poll Results. Results from the CAG member poll intended to gauge progress toward implementation showed a clear majority of CAG members believe the current text and maps require significant revisions or a complete overhaul. Results from the CAG member poll regarding the eight identified Imagine Austin Priority Programs were too varied to be easily summarized. Please see CAG poll section for full results of both polls.

Introduction

The Austin City Council established the Land Development Code Advisory Group (CAG) by resolution in December 2012 with a charge to:

- “assist in public outreach and provide feedback on the development and implementation of the revised land development code” and
- “ensure the CodeNEXT process supports all of the Priority Programs outlined in the Imagine Austin Comprehensive Plan for the City of Austin.”

Pursuant to its charge, the CAG has conducted extensive outreach over a period of years and provided regular feedback to city staff and consultants during its public meetings, as documented on the City of Austin website.¹ Throughout this process, CAG members have fielded a broad range of questions, concerns and suggestions from individuals, business interests, civic organizations, professional associations, neighborhood groups, community activists and many others.

Over the course of these discussions, a number of topics consistently emerged as areas of public interest, with opinion often divided on how best to address them. The release of the draft text in late January 2017, followed by the draft maps in April, showed several improvements over current code but also raised additional questions and concerns.

To aid the work of the Land Use Commissions and City Council, this report identifies over two dozen frequently cited topics and presents an issue brief for each, summarizing the draft code’s approach, highlighting pros and cons and providing recommended changes. To fulfill other portions of the CAG’s charge, this report includes results of a member poll designed to gauge how well the current draft supports Imagine Austin’s eight Priority Programs and to estimate progress toward implementation.

Additionally, the report provides a list of missing code elements and analyses, such as flood impact modeling and the Strategic Mobility Plan, which were not available in time for CAG consideration, but which we believe are crucial to an informed review of the draft text and maps. More information, including submissions by individual CAG members and city commissions, is provided in the report’s Appendix.

Our topic briefs include four types of recommendations:

- 1) corrections or refinements to the code text intended to reflect current city policy more accurately, or to provide additional detail to ensure clarity;

¹ A complete list of CAG agendas, approved minutes and supporting documents may be found here: <https://www.austintexas.gov/content/land-development-code-advisory-group>

- 2) recommendations aimed at moving the code more strongly toward the goals of Imagine Austin, but which would require public discussion and adoption of new policy by City Council;
- 3) recommendations for further data gathering and analysis that would support policy making and assessment of progress toward policy goals over time; and
- 4) recommendations for changes in mapping.

In general, agreement was strongest on recommendations for corrections and clarity. While there was agreement on the utility of gathering additional information or conducting more detailed modeling, members were divided on whether the additional data was worth the additional expense in all cases. In terms of policy, while CAG members generally agreed that policy changes were needed in some areas, there was less agreement on which specific policy approaches, or mapping changes, would be most beneficial or on how to balance competing policy goals that would be affected by proposed changes.

Like the general public, CAG members did not reach consensus on all recommendations contained in this report, but the vote noted on each brief is intended to provide a general sense of the group's view. While CAG members may be divided on solutions, we agree that the issues highlighted here are essential for consideration by the Land Use Commissions and City Council. However, we must emphasize that this report is by no means exhaustive and that many other issues will require debate and deliberation as CodeNEXT progresses.

Given current market pressures, it will be no easy task to balance the multiple goals of the Imagine Austin Comprehensive Plan and to maintain a diverse inclusive community for all. In reviewing future drafts, we strongly encourage decision makers to consider the city's Affordable Housing Blueprint, as well as the final report of the Mayor's Task Force on Institutional Racism, and to act with a view toward slowing gentrification and displacement of longtime residents and communities.

It should also be noted that many CAG members repeatedly voiced concern and frustration over public access to information, the timing and schedule for public review, and public outreach efforts. Despite our numerous meetings and many requests to be part of the substantive process, the CAG was not included in discussions that produced the draft code structure or overall strategies for mapping. For example, many CAG members requested that the draft code be released in modules instead of all at once. Without draft text, the CAG spent much of its time discussing general issues, and many CAG members found it difficult to provide valuable detailed feedback.

The first draft text was released four months ago, with additional sections published less than a week before this report was due to be finalized; the first draft maps were released two months ago and have since been updated with corrections. Despite this compressed time frame, the CAG has attempted to analyze the first draft of the text and map, as well as to prepare and vote on recommendations to be included in this report, before dissolving as an official body. While we acknowledge that the text and map are first drafts and no final decisions will be made from the current versions, it is important to explain that our review of the first draft code and the first draft map has not been as thorough as we might wish due to time constraints.

Furthermore, many CAG members were surprised by the decision to map the entire city all at once, given that the previous City Council had recommended the mapping be done incrementally, and by the decision to use a three-pronged approach, which has resulted in three sets zoning terms and standards in the current draft. Both decisions were made without CAG involvement, nor was there an opportunity for our recommendation. Finally, CAG members have repeatedly expressed frustration over the lack of outreach in languages other than English, and to impacted communities, especially to our city's working poor and communities of color. The outreach that has been conducted to date has been deficient in that it was not designed to convey information in plain language or elicit useful feedback, especially from new voices, on CodeNEXT. We hope that outreach of this nature will improve.

It must be said that not all CAG members agree with all of the preceding criticisms. Some CAG members have recognized that the city has done much more to brief the public on the proposed code than was ever done for the existing Land Development Code. These members recognize that a major undertaking of this kind will inevitably attract critics regardless of the efforts of the consultants, the staff, and the CAG to conduct outreach. These CAG members also supported a more limited role for the CAG of providing feedback and conducting outreach activities, and feel that the feedback given throughout the process was valuable. Rather than criticize the public outreach efforts, these CAG members are grateful for the opportunity to critique the first draft and laud the city for the online tools and public forums that have been held, which exceed any efforts ever made to educate stakeholders about the current land development code.

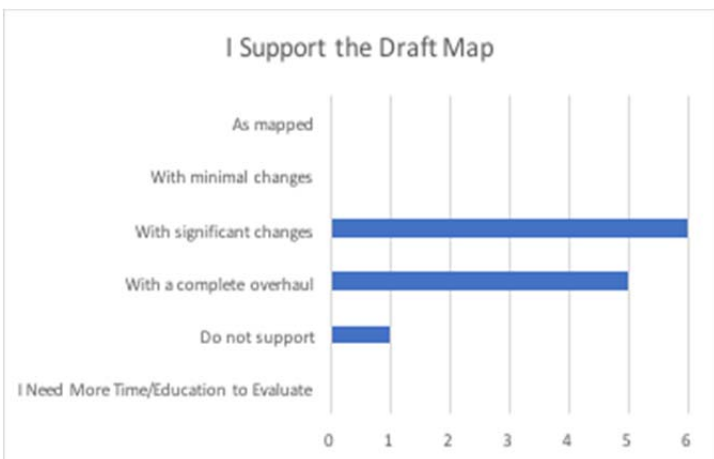
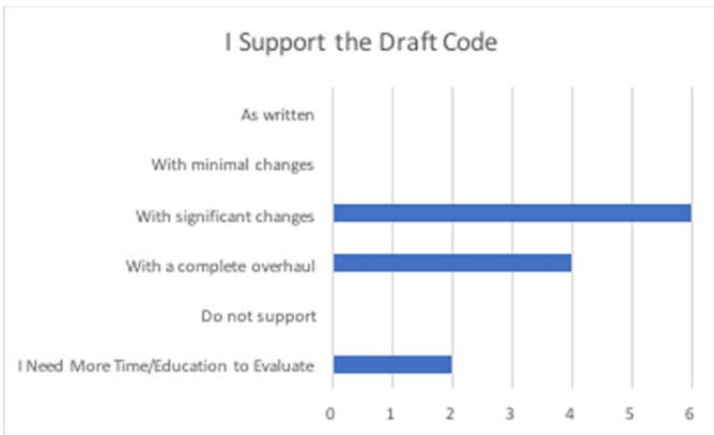
We all acknowledge that the CAG itself was not a representative body. Of the eighteen current CAG members, nine members reside in Districts 9 and 10. Following the election of the 10-1 Council, nineteen CAG members were appointed before the first African-American member was seated. Only two of the current eighteen CAG members are renters, though a third member was a renter at the time of appointment.

Despite these differences of opinions and acknowledged shortcomings, CAG members have greatly appreciated the opportunity to engage in this important effort. We look forward to continued participation as individuals and as a community resource as CodeNEXT moves forward through the public process.

CAG Member Poll Results: Code Implementation and Imagine Austin Priority Programs

To fulfill the portions of its charge regarding Imagine Austin and implementation, the CAG created a poll for its members. Each member was asked to rank how well the current draft text and map support each of the eight Priority Programs identified in Imagine Austin (while CAG’s charge explicitly references IA’s Priority Programs, please note that many of these do not relate directly to the Land Development Code). CAG members were also asked to estimate the level of revisions still needed for the current draft text and map to gauge progress toward implementation and to assist the Land Use Commissions and City Council in setting realistic expectations for their respective workloads moving forward.

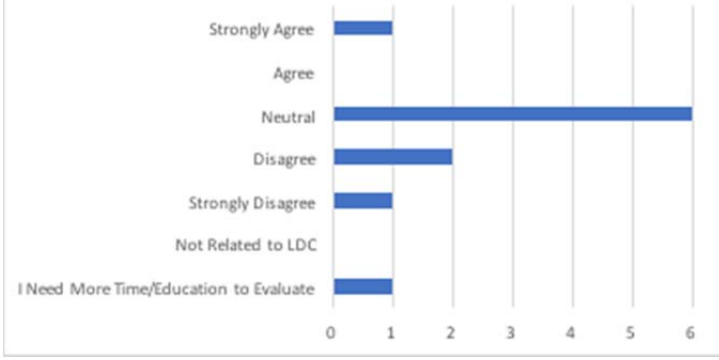
Poll results were as follows:



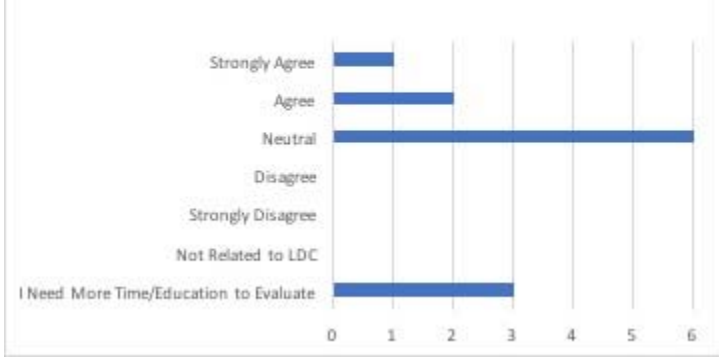
Imagine Austin Priority Programs

The draft code and draft map support the following Imagine Austin Priority Programs:

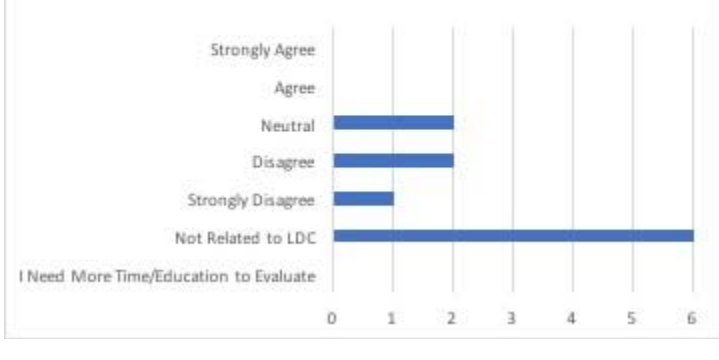
Invest in a Compact and Connected Austin

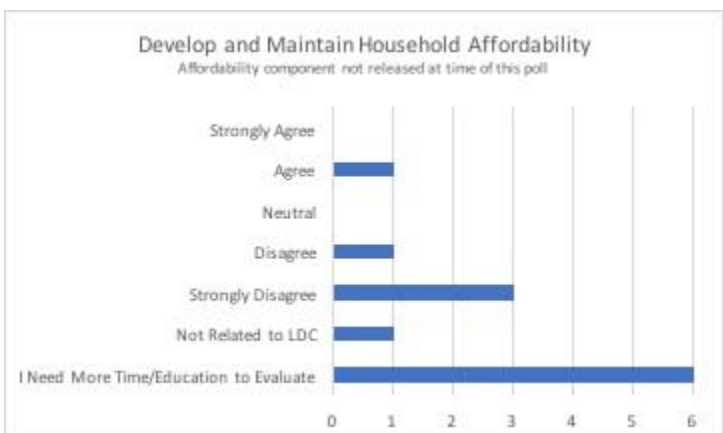
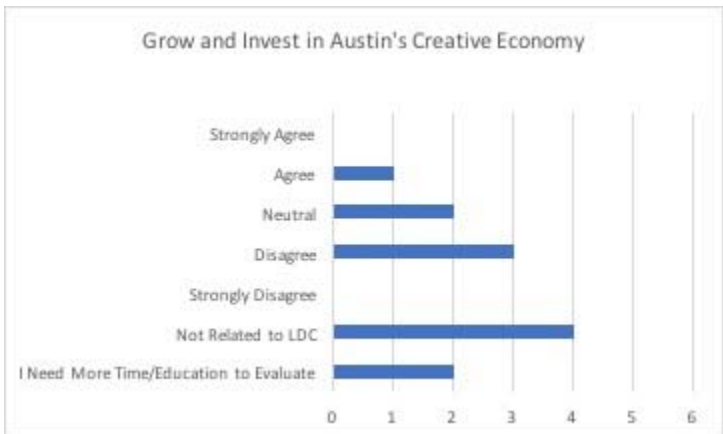
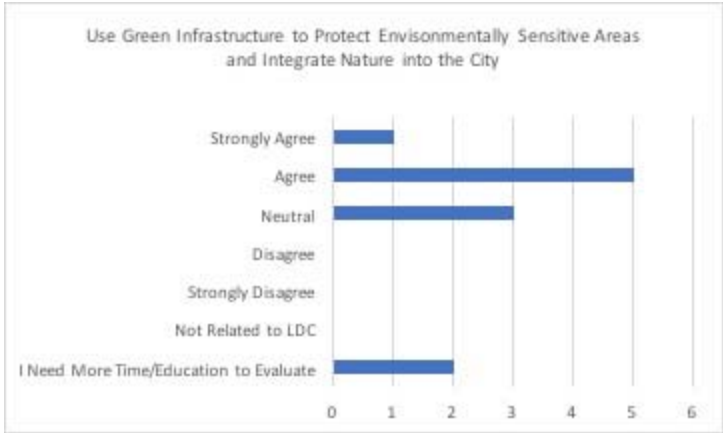


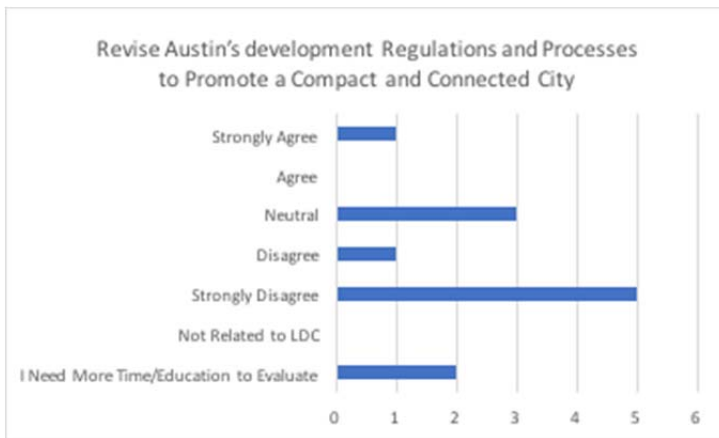
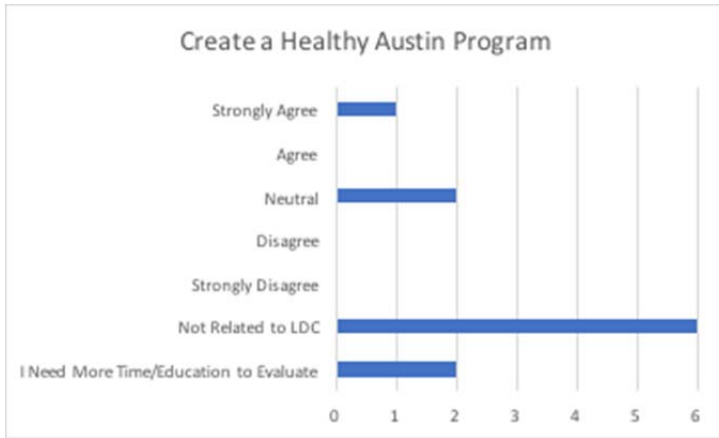
Sustainably Manage Our Water Resources



Continue to Grow Austin's Economy by Investin in Our Workforce, Education Systems, Entrepreneurs, and Loca Businesses







In addition, two CAG members requested that their additional comments be included with the poll results.

CAG Member Eleanor McKinney:

“With so many items still missing from the draft code, it is premature to evaluate how well it follows the Imagine Austin priority programs.”

CAG Member Dave Sullivan:

“Reduce some T4 zoning within some largely detached single-family house neighborhoods to reduce opposition from angry detached single family homeowners.

“Reduce adjacency of T5 zoning to T3 zoning for compatibility.

“Add section to 23-3 for Arts/Music/Culture (recommendations from E.D.D., and arts & music commissions).

“Reduce zoning map complexity by, for example, converting Code 25 zoning labels with conditional overlays to Transect zoning with similar conditional overlay, with plans to sunset all conditional overlays by, say, 2020. So, for example, all of Downtown could be T5 and T6 with CO or NP attached to indicate FAR limits per the Downtown Plan.”

Issue Briefs and Recommendations

In this section, the CAG presents issue briefs for over two dozen topics that consistently emerged as areas of public interest, with opinion often divided on how the code might best address them. Each issue brief contains a summary of the draft's proposed actions on a given topic, followed by pros and cons and recommended changes. Where applicable, the relevant Imagine Austin goals are also noted.

CAG members prepared these issue briefs and recommendations working in small groups organized around general themes (please see Appendix A for working groups and membership). Drafts were first reviewed by the applicable working group before being submitted to the full CAG for additional review.

CAG members considered the recommendations presented here at public meetings on June 5 and June 12, 2017. Recommendations pulled for discussion and voting are listed with numeric results (Support-Oppose-Abstain). Recommendations not pulled for discussion are listed as Consent. Thirteen CAG members were present at the June 5th meeting, with twelve members present on the 12th.

Topic briefs include four types of recommendations, indicated as follows:

(T) indicates corrections or refinements to the code *text* to reflect current city policy more accurately, or to provide additional detail to ensure clarity.

(P) indicates recommendations aimed at moving the code more strongly toward the goals of Imagine Austin, but which would require public discussion and adoption of new *policy* by City Council.

(A) indicates recommendations for further data gathering and *analysis* that would support policy making and assessment of progress toward policy goals over time.

(M) indicates recommendations related to *mapping*.

Issue briefs are numbered for ease of reference and are grouped by general topics: Code Structure and Analysis; Environment and Parkland; Infrastructure; Building and Standards; Communities for All Ages; Process and Nonconforming Issues; Proposed Future Code Additions; and **Affordability Incentives (placeholder)**. Numerical order is not intended to indicate priority.

A. CODE STRUCTURE AND ANALYSIS

1. Obtain additional data and modeling to optimize CodeNEXT trade-offs.

CodeNEXT Draft: Relies on Envision Tomorrow modeling tool to evaluate zoning rules and mapping of new zones. Primary focus is on market feasibility and resulting housing capacity. Less detailed modeling was done of other Imagine Austin goals.

Pros of CodeNEXT proposal:

- Market feasibility is an essential criterion for any zoning process. Mapping development where the market will never build may create economic drag.
- City Council has budgeted a limited amount for CodeNEXT modeling, which must be used prudently.

Cons of CodeNEXT proposal:

- CodeNEXT rules and mapping may not optimize all Imagine Austin goals absent additional modeling of other IA metrics.
- 3-D visualization modeling has not been provided to illustrate potential impacts of draft code and maps.
- Envision Tomorrow data and tools have been largely unavailable to general public, boards and commissions or City Council, limiting informed review.
- City decision makers and the public need more extensive modeling tools to knowledgeably evaluate tradeoffs inherent planning, code and zoning changes, now and in the future.

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. (P)(A)
2. City Council should make this decision as soon as possible. (P)
3. Fund access and full training on these tools for boards and commissions, and City Council staff. (P)
4. Provide access and online training to the public. (P)

Related Imagine Austin Goals: NA

2. Revise mapping to better reflect Imagine Austin goals.

CodeNEXT Draft: Focuses most new entitlements and housing capacity, including missing middle, in urban core Transect zones where redevelopment is already booming and land is at a premium. Non-transect zones are mainly mapped in traditional suburban areas where less new

growth has been seen to date. Draft maps ignore many Imagine Austin centers and do not provide complete communities or missing middle housing types citywide.

Pros of CodeNEXT proposal:

- Market-driven mapping strategy puts more housing where people want to live.
- Zoning that is more certain to result in new development or major redevelopment will increase the city's tax base.
- Concentrating new housing in centers and corridors increases active transportation and transit, potentially lowering carbon footprint.

Cons of CodeNEXT proposal:

- Limiting new development entitlements to fewer areas will increase land prices, make housing costlier, fuel gentrification and displace more long-term residents.
- Proposed mapping does not share development pressures or redevelopment potential equitably across the city, nor allow for diverse housing types in all areas.
- Draft provides relatively little zoning for family housing in urban core, narrowing housing mix, services and age demographics in these areas over time.
- Not all small businesses can function in mixed-use buildings, leaving fewer viable locations for such businesses in Transect areas.
- Draft is a missed opportunity to appropriately map all IA centers and corridors for complete communities.

Recommendations (13-0-0):

1. Map out all Imagine Austin centers and corridors with Transect zones over the coming five years. (P)
2. Consider some T6 zoning in regional centers, including the North Burnet Gateway, possibly Howard Lane TODs. (M)
3. Prioritize strategic Imagine Austin centers outside the urban core for additional infrastructure investment to incentivize new development. (M)(P)
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. (M)(P)
5. Consider mapping and/or policy changes to support small and iconic business along corridors and retain the community character. (M)(P)

Relate Imagine Austin Goals:

Complete communities throughout Austin (IA p. 88)

Implement IA Comprehensive Plan (IA p. 217, p. A-29)

Preserve neighborhood character (IA p. 208)

Promote affordability (IA p. 208)

Support growth concept map (IA p. 103)

Nurture and retain small, local, minority- and women-owned businesses (IA p. 144)

3. Reduce complexity of Transect, Non-transect and Title 25 zones by moving toward unified code.

CodeNEXT Draft:

Introduces Transect zones (23-4D-2), a form-based approach organized by scale of development; and Non-transect zones (23-4D-3, 4, 5), a use-based approach retaining some but not all elements of current zoning. Retains intact Title 25 overlay zones (23-4D-6, 7) for roughly 24% of the city. Provides different definitions, standards, and protections under each approach.

Pros of CodeNEXT proposal:

- Three-pronged approach respects direction of City Council to implement “hybrid” system, placing Transects mainly in urban core while leaving in low-growth areas largely untouched and retaining complex negotiated agreements.
- Non-transect zones can simplify some aspects of current code, e.g by consolidating several overlapping commercial zones.
- In suburban areas, Non-transect zoning may deter owners from holding properties off market in expectation of higher returns in a distant, transit-oriented future.
- Transect zones can ensure more detailed building forms in keeping with area’s built character.

Cons of CodeNEXT proposal:

- Use of multiple approaches is confusing and may result in conflicting interpretations where zones meet.
- Non-transects reinforce less walkable suburban environments, rather than seeding infrastructure to make areas walkable over time.
- Some Transect and Non-transect zone categories are essentially duplicative.
- Non-transect zones are less detailed than Transect or Title 25 zones, potentially creating new loopholes.
- Three-pronged code will require more staff with specialized expertise to administer three major types of development zones.
- Implementing two completely different new zoning approaches on top of existing code raises risk of unintended consequences for residents and property owners.

Recommendations (13-0-0):

1. Move toward a simpler code with a unified set of standards. (P)(T)

Related Imagine Austin Goals:

Provide clear guidance in user friendly format (IA p. 208)

Ensure delivery of efficient services (IA p.208)

B. ENVIRONMENT AND PARKLAND

4. Strengthen measures to mitigate urban heat island effect.

CodeNEXT Draft: Clarifies regulations for trees in ROW and public spaces, increase width of parking lot tree islands and increase soil volume for new trees (23-3C, 23-4E). Allows director to waive site plan submittal requirements for 3-9 units without clear tree or environmental requirements (23-6B). Reduces setbacks to as little as 0' in some Transects, leaving no room for planting or green infrastructure (23-4D). Continues site plan exemption for commercial remodels under 3000 SF (23-6B). Provides placeholder for Functional Green requirement without details (23-4E).

Pros of CodeNEXT proposal:

- Waiver of some site plan submittal requirements could make it easier to develop missing middle housing.
- Reduced setbacks could provide more units.
- Continued site plan exemption for commercial remodels allows small businesses to update without an undue cost burden.
- Increased width of parking lot tree islands and tree soil volume standards benefits tree health and longevity.

Cons of CodeNEXT proposal:

- Proposed building form setbacks are not sufficient for new tree planting, reducing ability to combat heat island effect.
- Reduced setbacks could result in removal of existing trees.
- Site plan submittal requirements for 3-9 units are not yet defined, leaving existing trees unprotected.
- 3000 SF limit for site plan exemptions on commercial remodels may preclude a small business from removing existing asphalt to plant trees or install rain gardens.
- Draft does not require green building standards nor incorporate Austin's nationally recognized green building program, despite buildings being top urban heat generators.
- Draft does not yet incorporate Green Streets standards, including increased soil volume for street trees nor Functional Green standards, for projects with greater than 80% impervious cover.

Recommendations (Consent):

1. Define the site plan submittal requirements for three to nine units. Incorporate all tree preservation requirements. (T)
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. (T)

3. Allow site disturbance beyond the limit of construction for site plan exemptions for the purpose of planting trees and installing rain gardens. (T)
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. (T)
5. Incorporate Green Streets standards for street trees including soil volume requirements. (T)
6. Incorporate the Functional Green standards into the draft code update. (T)

Related Imagine Austin Goals:

Use green infrastructure to protect environmentally sensitive areas and integrate nature into city (IA p. 186)

Create a healthy Austin (IA p. 186)

Strengthen tree protection (IA p. 247)

5. Clarify and update water stewardship provisions.

CodeNEXT Draft: Requires on site beneficial reuse to retain water from minor storm events on property, but does not provide details (23-3D). Requires parking area landscape medians to be graded to receive stormwater (23-4E).

Pros of CodeNEXT proposal:

- Retaining stormwater on site increases creek health through migration of stormwater underground to creeks, filters pollutants with plants, and allows non-potable water to irrigate trees and landscape areas.
- Grading parking area landscape medians to receive stormwater prevents excess water from running off site, while benefitting planted areas.

Cons of CodeNEXT proposal:

- Elements of onsite beneficial use program are not yet available for review; footprint and cost remains unclear.
- Current obstacles to rain water harvesting systems are not resolved.
- Porous pavement is not yet widely understood or utilized.
- Results of Austin Water Forward study will not be available until 2018 and it is not clear how or whether these will be calibrated to Transect and Non-transect zones or public parks and open spaces.
- Use of non-potable water options such as HVAC condensate, gray water, and reclaimed water is not clear.
- Practical water regulations to preserve ecosystem services provided by trees and green spaces have not been incorporated.
- Green Streets standards, which will define bioswale treatments in ROW, are not yet available.

Recommendations (Consent):

1. Update the onsite beneficial use section of the draft code to indicate the type of green infrastructure elements to be employed. (T)
2. Remove obstacles to the use of rainwater harvesting systems. (T)
3. Clearly indicate porous pavement, rain garden, and bioswale options. (T)
4. Clearly indicate that non-potable water options will be available in the future code update. (T)

Related Imagine Austin Goals:

Sustainably manage water resources (IA p. 186)

Use green infrastructure to protect environmentally sensitive areas and integrate nature (IA p. 186)

Create healthy Austin (IA p. 186)

6. Strengthen provisions to ensure nature, parkland.

CodeNEXT Draft: Protects wooded areas with contiguous canopy coverage and individual trees in greenfield development (23-4C). Requires planting of appropriate trees where no canopy exists. Requires site analysis of existing vegetation, habitats, soils, and geologic, historic, and archaeological features to be preserved (23-4E). Requires parkland dedication for all residential zones (23-3B). Requires private personal open space and common open space in Transect zones (23-4D). Requires open space in commercial Non-transect zones and in standards for courtyard buildings, cottage court buildings, and private forecourt frontages (23-4D). Provides new civic and open space typologies and standards (23-4C).

Pros of CodeNEXT proposal:

- Stronger tree requirements for greenfield sites will ensure nature in suburban areas.
- Required site analysis will preserve natural and historic character.
- Requirements for parkland dedication, Transect, and commercial Non-transect zone open space ensure more green features.
- New civic space typologies address pocket parks and plazas needed in denser urban core.
- Required connections from proposed sites to adjacent urban trails improve access to nature.

Cons of CodeNEXT proposal:

- Site analysis may add an extra step to the site plan process.
- Parkland dedication fee-in-lieu option for smaller sites may not yield enough parkland in urban areas.
- Open space items not yet coordinated in draft include: 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.
- Current Subchapter E requirements are not updated in draft. Open space at BRT stops needs definition and standards. Open space should be calibrated to lot size.
- Open space requirements are unclear in residential Non-transect zones and Transect zones.
- Standards for use of stormwater infrastructure as public open space are unclear.

- Draft does not address preserves, creeks, and urban trails, or standards for preserving and enhancing natural bio-diversity.

Recommendations (Consent):

1. Require parkland dedication on or off-site if requirements are .25 acres or more. (P)
2. Coordinate all aspects of open space standards and prioritize preservation of natural character and green stormwater infrastructure. Incorporate results into the updated draft. (T)
3. Update and calibrate the former Subchapter E open space requirements to lot size. (T)
4. Update open space at BRT stops. (T)
5. 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. (T)

Imagine Austin Goals Affected:

- Integrate nature into the city. (IA p. 186)
- Sustainably manage our water resources (IA p. 186)
- Create a healthy Austin (IA p. 186)

7. Strengthen provisions for water quality protections.

CodeNEXT Draft: Article 23-3D retains SOS in its entirety and retains major improvements from 2013 Watershed Protection Ordinance (WPO). Provides more protections for Critical Water Quality Zones. Extends vegetation surveys to residential areas. Codifies protections for critical environmental features. Requires de-compaction of future pervious soils after construction. Creates new water quality fee-in-lieu for suburban watersheds. Requires onsite beneficial use of stormwater. Deletes recent impervious cover restrictions for educational facilities. Maintains 8,000 square-foot of impervious cover as trigger for requiring water quality.

Pros of CodeNEXT proposal:

- Retains important protections for Barton Springs Edwards Aquifer from the Save Our Springs initiative.
- Retains benefits from WPO, such as creek buffers and floodplain protections.
- Provides more protections and improved design standards for crossings in Critical Water Quality Zones to protect water quality, support healthy aquatic habitats, increase stream bank stability, and conserve natural features.
- Extends requirement for vegetation survey to residential sites.
- Requires that critical environmental features and setbacks be shown on preliminary subdivision plans, site plans, and final plats.
- Decompaction requirement helps ensure pervious areas absorb stormwater and reduce long-term maintenance costs.
- New water quality fee-in-lieu for suburban watersheds will allow certain subdivisions of 2 acres or less the flexibility of paying fee instead of requiring water quality on site, reducing time and costs.
- New requirement for onsite beneficial use of some stormwater offers water quality benefits.

Cons of CodeNEXT proposal:

- New water quality fee-in-lieu for suburban watersheds could see reduction in water quality controls, with areas of infill disproportionately impacted. If fee is not high enough, could see water quality degradation. Still unclear how many properties and how much acreage this is likely to impact.
- Environmental Commission no longer has obligation or right to annual review of Urban Watersheds Structure Control Plan, where water quality controls are prioritized instead of fee-in-lieu, removing crucial public oversight.
- Requirement that stormwater fee-in-lieu be based on formula set by Council has been removed, leaving it unclear who approves this formula or can waive fees.
- Draft deletes Impervious Cover Restrictions for Education Facilities adopted in 2016.

Recommendations (11-0-1):

1. Reinstate the Environmental Commission's right to an annual review of the Urban Watersheds Structure Control Plan as well as any new Suburban Watersheds Structure Control Plan. (T)
2. Decrease the threshold for requiring water quality controls from 8,000 square feet of impervious cover to 5,000 square feet, staff's original recommendation. (P)
3. Bring forward the recently codified Impervious Cover Restrictions for Education Facilities found in § 25-8-366. (T)

Related Imagine Austin Goals:

Sustainably manage our water resources (IA p.186)

8. Allow public gatherings on open space subject to public/private partnership agreements.**CodeNEXT Draft:**

Provides for Parkland Dedication (23-3B) and Civic and Open Space (23-4C-1070), some of which is privately owned and publicly accessible.

Pros of CodeNEXT proposal:

- Provides open space, parkland, and civic spaces, much needed in Austin.

Cons of CodeNEXT proposal:

- Draft code provides no detail on the rights of the public in privately owned, publicly accessible parkland, civic and open spaces. This includes space that was subject to parkland dedication, but which the property owner retained and obligated to maintain as private parkland.

Recommendation (12-0-0):

1. Add to sections 23-3B-2030, 23-4C-1070 and elsewhere in the code as appropriate, the following language: "All privately owned, publicly accessible civic, open space, or parkland

subject to 23-3B-2030 or similar provisions in the code shall afford the same rights and protections for free speech and assembly to residents as comparable publicly owned civic, open space, and parkland.” (T)(P)

Imagine Austin Goals Affected:

- Grow as a compact, connected city (IA p. 186)
- Integrate nature into the city (IA p. 186)
- Develop as an affordable and healthy community (IA p. 186)
- Enhance the quality of life for families with children and promote family-friendly neighborhoods and services. (IA p. 173 S P20)

C. INFRASTRUCTURE

9. Strengthen drainage provisions to reduce risk of floods.

CodeNEXT Draft: Article 23-10E requires redevelopment to eliminate erosion impacts and reduce peak flow rate discharge. Emphasizes disconnecting impervious cover and having drainage patterns restore infiltration. Does not account for distinction between current actual impervious cover versus newly zoned impervious cover. Allows staff discretion to grant fee-in-lieu even where downstream flood systems are already at capacity.

Pros of CodeNEXT proposal:

- Adds positive intent statement to Drainage section.
- Requires redevelopment to eliminate erosion impacts, not just “additional” erosion impacts.
- Creates new criteria for approval of development applications that requires proposed development to reduce post-development peak flow rate discharge to match the peak flow rate of discharge for undeveloped conditions.
- Provides new emphasis on having drainage patterns restore infiltration while also emphasizing disconnecting impervious cover.

Cons of CodeNEXT proposal:

- Proposed code revisions are insufficient to reduce growing flooding impacts.
- Director is allowed discretion to grant fee-in-lieu rather than onsite improvements, but draft is unclear on whether director relies on City data or on applicant data to demonstrate adequate downstream flood conveyance capacity. This baseline data should be controlled by City to ensure accuracy.
- Drainage section was not amended to favor new presumption against culverts. Language in drainage section should be changed to reflect this.
- WPD Modeling/Watershed Capacity Analysis is not available yet, nor are assumptions modelers are using. Absent this, it is impossible to judge whether proposed code and map could lead to more flooding.
- City does not have data on current *actual* impervious cover so there is no way to know the impacts of proposed impervious cover changes under CodeNEXT. With added

flexibility and decreased setbacks, it's likely *actual* impervious cover throughout City will increase, but there is no accounting this or potential impacts on localized flooding.

Recommendations (12-0-0):

1. Provide watershed capacity analysis for every watershed in the City to understand and account for the limitations of the modeling and to provide a baseline of actual current impervious cover that will inform our zoning map and maximum impervious cover requirements. (A)(T)(M)
2. Prohibit fees-in-lieu when downstream drainage systems are at or exceeding capacity, eliminating staff discretion in such cases. This could be accomplished by a map, regularly updated with modeled data, to show areas where fees-in-lieu are prohibited. (P)(T)(M)

Related Imagine Austin Goals:

Sustainably manage water resources (IA p. 186)

Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city (IA p. 186)

Create a healthy Austin (IA p. 186)

Strengthen flood control, erosion, and water quality programs, incentives, regulations, and enforcement to incorporate best practices and meet or exceed national standards. (IA p. 255)

10. Require infrastructure improvements from major remodels.

CodeNEXT Draft: Article 23-10E provides flood mitigation and connectivity requirements for new development and redevelopment, but omits remodels.

Pros of CodeNEXT proposal:

- Many small businesses and homeowners carry out remodels on tight budgets. Adding new costs could deter rehab projects that may bring additional benefits.

Cons of CodeNEXT proposal:

- Remodels are most common type of construction project (Mobility Prescription Paper, page 26). Exempting them from infrastructure requirements will undermine city transportation and stormwater safety goals.
- Requiring infrastructure for redevelopment, but not for remodels, may disincentivize beneficial redevelopment.
- Staff has recommended infrastructure requirements for remodels (Mobility Prescription Paper, page 20).

Recommendations (12-0-0):

1. Clarify remodeling threshold for providing public benefit improvements, including flooding mitigation, streetscape improvements and connectivity improvements, e.g. sidewalks and safe crossings, per Mobility Code Prescription Paper, page 17. (T)
2. The scope of upgrade requirements or incentives should reflect the scope of the remodel project. (T)
3. Consider severity of need for the upgrades based on mobility, flooding and infrastructure issues in the surrounding area. (T)

4. Alternatively, incentivize removal of impervious cover and addition of trees and rain gardens, by allowing site disturbance for commercial remodels over the standard threshold without triggering a full-blown site plan. (T)

Related Imagine Austin Goals:

Compact and connected city (IA p. 186)

Encourage practices that reduce environmental impact (IA p. 245)

Ensure land development policies and standards consider public safety and connectivity (IA p. 251)

11. Create a plan for infrastructure capacity to keep pace with development.

CodeNEXT Draft: Increases allowed impervious and building cover in many areas. Increases allowed building height and density in many areas, particularly along corridors. Reduces on-site parking requirements. Allows greater infill development in some areas. Increases occupancy limits in some areas. (23-3, 23-4, 23-10).

Pros of CodeNEXT proposal:

- Requires detention, conveyance, and contribution to the Regional Stormwater Management Program for redevelopment as well as greenfield sites.
- Allows more units on less land, potentially decreasing development costs.
- Could allow more people to live in Austin’s urban core, especially on or near transit corridors.
- Focuses growth on people, not cars.
- Watershed staff has stated that overall allowed impervious cover (IC) would decrease due to reductions from 95% to 90% or 80% in some zones.

Cons of CodeNEXT proposal:

- Does not model new zoning for flood risk, and does not consider conditions in individual watersheds.
- Does not model existing infrastructure capacity for water and wastewater utilities needed to serve greater numbers of residents, nor evaluate sidewalk gaps in many growth areas.
- May increase overall *actual* impervious cover. Single family properties not currently built out to maximum impervious cover may do so as they redevelop. Existing commercial properties at 95% impervious cover may choose to remodel to avoid reducing IC.
- Proposed on-site parking reductions are based on unproven assumption that at least half of Austin residents will not just drive less, but give up cars entirely.
- Draft is unclear on whether environmental regulations will remain in site plans for 3-9 unit infill developments.
- Lack of specific drainage criteria and tree protection could impact downstream flooding and increase the urban heat island effect.

Recommendations (7-1-5):

1. Direct staff to produce a concurrent study to create budget projections for infrastructure improvements to correspond to CodeNEXT mapping. (P)(A)
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. (P)(A)
3. Provide greater detail on proposed parking management districts. Apply a context sensitive approach to residential parking permits. (T)(M)
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. (T)

Related Imagine Austin Goals:

Sustainably manage water resources. (IA, p. 186)

Integrate nature into city. (IA, p. 186)

Compact and connected. (IA, p. 186)

Strengthen flood control, erosion, water quality programs, incentives, regulations, enforcement to incorporate best practices and meet or exceed national standards (IA, CFS A43)

12. Tie reduced parking requirements to clear public benefits.

CodeNEXT Draft:

Reduces on-site parking requirement to one space per unit for residential, including multifamily, and reduces parking for commercial uses, with no parking required for many businesses under 2500 SF in Transect zones. Article 23-4E provides an additional automatic 20% parking reduction if within 1/4 mile from a transit corridor, with a cumulative 40% additional reduction possible under certain conditions.

Pros of CodeNEXT proposal:

- Developers are free to evaluate whether to build more parking, or use space for additional residential and commercial purposes.
- Reduced parking will reduce construction costs, which could potentially be passed on to consumer.
- Draft includes provisions for on-site sidewalk zones and open space.
- Reduced parking could potentially result in reduced impervious cover.
- Reduced parking could reduce car ownership rates.
- Reduced parking can improve walkability for residents near the development, as well as visitors to the development (no parking lots to walk through or curb cuts to cross; services and amenities can be located closer together thereby reducing walking distance).

Cons of CodeNEXT proposal:

- Streets congested by on-street parking are perceived by some as unsafe, deterring potential pedestrians, cyclists and transit users.
- Perception of unsafe streets contributes to families with children leaving urban core.
- Site-level connectivity improvements alone are insufficient to achieve area-wide connectivity.

- Sidewalk and bike lane networks in Austin are incomplete, with estimated cost to build out sidewalks exceeding \$1 billion.
- With few bargaining tools for affordable housing, city should not provide give-away to developers without clear public benefit in return.

Recommendations (12-0-0):

1. Develop a means of capturing specific public benefits related to proposed reduced parking requirements in the draft code. (P)(A)

Related Imagine Austin Goals:

Compact and connected city (IA p. 186))

Develop and Maintain Household Affordability (IA p.186)

Create a Healthy Austin Program (IA p. 186)

13. Revise CodeNEXT mapping to better reflect existing or planned transit.

CodeNEXT Draft:

Maps put higher intensity zoning mainly in Imagine Austin growth areas within urban core, but often out of walking distance of best transit. Conversely, some areas close to quality transit are zoned with less density.

Pros of CodeNEXT proposal:

- Housing in urban core is closer to more destinations than housing in suburbs, so vehicle-miles traveled per resident declines whether or not they use transit.
- Even occasional transit use by new residents increases ability of CapMetro to justify more frequent service, ultimately raising transit quality.

Cons of CodeNEXT proposal:

- Mapping higher intensity zoning in growth areas out of walking distance from good transit options, or in areas with fewer walkable destinations, lowers probability that residents will forego car use, while increasing probability of additional congestion and on-street parking.
- Imagine Austin explicitly calls out principles for mapping along corridors: “To improve mobility along an activity corridor... intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations.” (IA, page 106)
- CodeNEXT Diagnosis Report specifically calls for organizing higher intensity development around transit-oriented nodes on corridors. (CodeNEXT Diagnosis Report, page 48)
- Zoning maps are not correlated with needed transit upgrades to east/west, circulator routes and/or frequency of service.

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. (M)
2. City of Austin Transportation Department should request that Cap Metro 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. (P)

Related Imagine Austin Goals:

Compact and connected city (IA p. 186)

Develop and maintain household affordability (IA p. 186)

Preserve neighborhood character (IA p. 208)

Encourage local businesses (IA p. 194)

Issue 14: Prioritize civic space at transit stations, including along corridors.

CodeNEXT Draft: Article 23-4C on Community Design requires 10% of development site be used for one of several standard categories of civic space. Exempts sites under 4 acres, and sites within 1000' of a park over 1 acre, except for playgrounds.

Pros of CodeNEXT proposal:

- Leaving open space requirements up to developer provides more opportunity for creative solutions, potentially lower development costs.
- Open space taken from smaller sites could hamper project viability.
- Lower open space requirements mean more space for housing, retail, parking, potentially more affordable pricing.

Cons of CodeNEXT proposal:

- To achieve mobility and community goals of Imagine Austin, activity nodes on corridors need higher level of quality.
- Many or most existing parks are off corridors and serve different functions than plaza spaces within transit nodes.
- Exemptions greatly reduce quality of pedestrian experience in many activity nodes along transit network.
- Higher quality public space and pedestrian experience promote child-friendly urban environments.
- More public space cannot be added after development.
- Lack of public space is particular risk for transitional areas designed after WWII, where walkability is poor.

Recommendations (12-0-0):

1. For sites of at least 2 acres adjacent to transit stations require plazas or pocket plazas connecting to the station and accessible to nearby residences without the use of a major roadway. (T)(P)

Related Imagine Austin Goals:

Compact and connected city (IA p. 186)

Create healthy Austin (IA p. 186)
Support walking, biking, transit (IA p. 238)
Integrate nature (IA p. 186)

D. SITE AND BUILDING STANDARDS

15. Recalibrate compatibility standards to better balance livability and growth.

CodeNEXT Draft: Article 23-4 greatly reduces distance in which any compatibility standards apply, while increasing heights and reducing setbacks. Removes consistent triggers, height and setback provisions for Transects, replacing with varied provisions that may or may not be triggered by proximity to a less dense zone. Reduces side and rear setbacks in Transects to 0' in some cases, and removes compatibility for properties on opposite side of street. Provides more consistent rules for Non-transects rules, but also reduces maximum height and setbacks. Removes standards regulating noise levels of mechanical equipment, dumpster and driveway placement, use of reflective materials. Removes Neighborhood Edge Area Development Standards (25-3-151 through 25-3-154). Omits compatibility triggers for the 24% of city to remain under current zoning.

Pros of CodeNEXT proposal:

- Compatibility triggers based on zone, not use, are more predictable.
- Provides landscape buffers in compatibility setbacks.
- Allows more units on less land, which could lower development costs.
- May result in better transitions on greenfield sites where an entire community is planned at once.
- Allows more flexibility for siting dumpsters, driveways, equipment.

Cons of CodeNEXT proposal:

- Negatively impacts daily quality of life for adjacent residents (noise, odors, traffic flow, daylight, privacy).
- Complex rules will add cost.
- Increases land entitlements without compensating community benefits.
- Provides few requirements for “green compatibility.”
- Unclear how rules apply to estimated 24% of city remaining under existing code, as proposed triggers do not reference current zoning categories.
- Zero side setbacks in T4MS and zero side/rear setbacks in T5MS allow 45-85' tall structure at joint property line of single-family home.
- Weakened protections may spur greater resistance to diversity of housing types and uses.

Recommendations (8-0-5):

1. Replace confusing multi-tier compatibility system with uniform citywide standard. (T)(P)

2. Reinstate current code rules governing noise levels of mechanical equipment, dumpster placement and driveway placement, reflective materials, etc. (T)
3. Trigger compatibility rules from all T3 and T4 zones, except T4MS. (T)
4. Insert triggers for properties remaining under existing code. (T)
5. Calibrate by-right entitlements with new compatibility rules to support affordability bonus program. (T)(A)
6. Expand requirements for “green compatibility” to include green roofs/walls, bioswales, evergreen shade trees, hedges, sound walls. (T)

Related Imagine Austin Goals:

Compact and connected (IA p. 207)

Neighborhood character (IA p. 208)

Affordability (IA p. 208)

Clear guidance (IA p. 208)

16. Retain Floor to Area Ratio (FAR) to manage building scale and provide density bonus lever.

CodeNEXT Draft: Removes FAR (ratio of gross floor area to gross site area) in Transect categories. Most Non-transect categories continue to use FAR tool, though it has been removed from LMDR-SL.

Pros of CodeNEXT proposal:

- For Transects, one less regulation to adhere to and monitor.
- May provide greater development potential, which could lower development costs.
- Allows for context sensitivity while retaining neighborhood character through height limits and setbacks. Provides developers with opportunity to creatively navigate unique land characteristics.

Cons of CodeNEXT proposal:

- Existing affordability programs offer a higher FAR in return for affordable units. Removing FAR from Transects may result in less affordable housing.
- Without FAR, structure size is determined by height, setbacks, and maximum building footprints, which are constant regardless of lot size. FAR ensures structures are context sensitive by making the size of structure proportional to size of site.
- Impervious cover is relative to size of site, but for multistory structures, reliance on impervious cover limits does not produce a reasonable scale. Example: A T3.NE 8400 square foot lot with a two-story main house and two-story ADU, without FAR limits, could potentially build a 4900 square foot house and a 1344 square foot ADU, for a total of 6244 square foot of gross floor area, nearly double that allowed today.

Recommendations (8-0-5):

1. Reintroduce FAR in LMDR and in all Transect categories except T6. (T)
2. Require community benefits such as affordable housing in return for proposed increases from current FAR. (P)

Related Imagine Austin Goals:

Household affordability (IA p. 186)

Preserve neighborhood character (IA p.208)

17. Model draft code to test McMansion requirements.

CodeNEXT Draft: Article 23-4D proposes standards that integrate elements of existing McMansion ordinance (Subchapter F) along with new form-based code elements, with intent of carrying forward McMansion requirements. Removes current combination of compatibility “tent” and FAR (Floor Area Ratio) and replaces with setbacks and “building envelopes,” and new height restrictions and standards in Transect zones. In Non-transects, eliminates “tent” but carries over wall articulation requirements and FAR limits from existing code.

Pros of CodeNEXT proposal:

- Removes challenges created by Subchapter F “tent” for permit review and field inspection that translated to longer reviews and higher cost of building design and construction for two-story homes within the Subchapter F “McMansion” area.

Cons of CodeNEXT proposal:

- Combination of regulations in draft do not fully carry over existing McMansion policy and do not adequately limit overall entitlement (measured in FAR) for Transect zone properties currently subject to Subchapter F.
- Preliminary modeling of real-world development scenarios shows as much as 75% increase in FAR under proposed changes from existing .4 FAR limit under Subchapter F.
- Properties on same block have been mapped with Transect and Non-transect zoning, creating confusion for building designers, plan reviewers and homeowners due to differing height standards and limits for Transect and Non-transect zones.
- Highly prescriptive “building envelopes” in Transect zones are too restrictive, increasing challenges and costs to design around trees, site constraints, solar orientation, topography or to add to existing structures.
- Restrictive “building envelopes” could inhibit design flexibility and severely limit ability of designers and homeowners to create unique homes that respond to site or homeowner’s needs.

Recommendations (12-0-0):

1. The CodeNEXT team should beta test the draft code via modeling of real-world development scenarios to ensure that the policies of Subchapter F are effectively carried over to the new code with the smallest possible adverse impact on design cost and design flexibility.
(A)(T)(M)

Related Imagine Austin Goals:

Revise Austin’s development regulations and processes to promote a compact and connected city. (IA p. 207)

Ensure efficient delivery of services (IA p. 208)

Preserve character of different neighborhoods and parts of the city (IA p. 208)

Promote affordability for Austinites at every stage of life and income level (IA p. 208)
Provide clear guidance in a user friendly format (IA p.208)

18. Model draft code to reduce demolition of existing market affordable housing.

CodeNEXT Draft: Proposes new standards for properties throughout city that, in conjunction with draft maps, alter entitlements for nearly all land in city's zoning jurisdiction (Chapters 23-3, 23-4).

Pros of CodeNEXT proposal:

- Has potential to deliver more housing and development choices that could have positive impact on affordability in Austin.
- Offers new choices in denser housing types that aren't permitted under current code and can allow for more land-efficient development.

Cons of CodeNEXT draft:

- Has potential to create increased financial incentive to demolish existing market affordable or near-affordable housing, replacing with new market rate housing that is inevitably more expensive.
- Has not provided modeling to show impact of proposed entitlements on affordability. Preliminary modeling by residents indicates potential for unintended consequences where Transects increase current FAR, increasing likely demolitions of market affordable housing.
- Proposed increases in entitlements could spur more rapid loss of existing housing stock of all types (homes, duplexes, apartments), whether rental or for-purchase.
- Highly prescriptive "building envelopes" in Transect zones will make additions to existing structures more challenging, also creating incentive for demolition.
- Replacing existing Single Family zoning with T4 zones encourages aggregation of lots to achieve new entitlements, again promoting demolition of existing older, affordable housing.
- New market products are overwhelmingly targeted to wealthier single adults or couples, displacing Austin's working families.

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. (P)(T)(M)

Related Imagine Austin Goals:

Revise Austin's development regulations and processes to promote a compact and connected city. (IA p. 207)

Ensure efficient delivery of services (IA p. 208)

Preserve character of different neighborhoods and parts of the city (IA p. 208)

Provide clear guidance in a user friendly format (IA p.208)

19. Provide exception for alley access requirement for alleys serving both residential and commercial properties.

CodeNEXT Draft:

Requires that an interior lot served by an alley must have its driveway at the alley, not at the street (23-4C-1060(C)(2)).

Pros of CodeNEXT proposal:

- Reducing the number of driveways opening onto streets will promote walking and biking by increasing safety for pedestrians and cyclists.
- Walkable urban neighborhoods often feature alleys, creating option to reduce on street motor vehicle presence.

Cons of CodeNEXT proposal:

- Does not recognize unique compatibility or access problems for residences that share alley with adjacent commercial property. Alleys behind commercial properties are likely to have noisy dumpsters, parked delivery trucks, or persons loitering which may hinder or prevent access to a home's driveway (examples: East Cesar Chavez, East 11th, East 12th, South Congress, and Duval, all of which share alleys with adjacent homes).
- Forces owners who wish to redevelop their lots to put new driveway onto same alley that serves restaurants and bars.
- Narrow width of some older alleys may not provide sufficient turning radius especially when combined with traffic and equipment for commercial uses.

Recommendations (9-0-3):

1. Draft code provisions on alley access should provide an exception for cases in which an alley also serves commercial property, as well as residential. (T)

Related Imagine Austin Goals:

Compact and connected city (IA p. 186)

20. Support cooperative housing with new building type, clearer definitions.

CodeNEXT Draft:

Defines Cooperative Housing as: "A residential project of more than three units in which an undivided interest in land is coupled with the exclusive right of occupancy of any unit located on said land, whether such right is contained in the form of a written or oral agreement, when such right does not appear on the face of the deed." (23-2M-2030). Does not offer specific provisions to acknowledge or support coops or co-housing.

Pros of CodeNEXT proposal:

- Coops are important addition to provide diverse housing types and boost affordability.

Cons of CodeNEXT proposal:

- Draft definition describes “limited equity coop” common in New York that operates like condominium, not cooperative community.
- Draft definition does not allow for true cooperative living, an important affordable housing option for increasing numbers of residents.
- Draft does not provide co-housing forms.

Recommendations (10-2-0):

1. Revise draft definition of cooperative housing to: “A housing arrangement in which residents share expenses, and ownership, and in which all profits or surpluses are allocated to purposes that benefit current or future residents.” (T)
2. Raise occupancy limit for cooperative housing to 2 adults per bedroom. (P)(T)
3. Reconsider parking requirements to better support cooperative housing. (P)(T)
4. To facilitate co-housing add a new type to cottage court with a larger main house and separate duplex or cottage units on either side. (T)

Related Imagine Austin Goals:

Increase variety of housing options for family and non-traditional households (IA p. 172)

Increase dense, compact family-friendly housing. (IA p. 173)

Promote affordability for Austinites at every stage of life and income level (IA p. 208)

E. COMMUNITIES FOR ALL AGES

21. Require sufficient on-site parking near schools to ensure safety and access.

CodeNEXT Draft: Cuts on-site parking requirements by half or more for all housing types and commercial uses citywide, including areas immediately adjacent to public schools in the urban core (Article 23-4D, 23-4E).

Pros of CodeNEXT proposal:

- Reduced parking requirements may reduce development costs.
- Limiting parking availability may encourage residents to give up cars, reducing carbon footprint.
- Pedestrian advocates believe reduced parking can improve walkability for residents.
- Some CAG members believe sidewalk construction, road design improvements, parking limitations on streets near schools and other measures could mitigate cons of the CodeNEXT proposal.

Cons of CodeNEXT proposal (See Appendix B.4 for details):

- Will result in more vehicles parked on streets near schools, constricting visibility in high-risk environment that includes small distracted children, teen drivers, busy parents, school buses.
- School pick-up areas must handle from 300 to 2900 students, plus faculty and staff, arriving and leaving daily. Congested street conditions increase stress and prolong the period of highest perceived risk.

- Sidewalks in urban core areas are often missing or incomplete, forcing young pedestrians to walk in street.
- Congested street conditions impair emergency vehicle access.
- Urban schools rarely have sufficient on-site parking to meet needs of staff, students and parents. Nearby street parking is essential to satisfy Texas school accountability laws that rate schools on parent and community participation in school meetings, events and volunteer activities.
- Typical parking remedies cannot address safety and access issues for urban core 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?nodetid=TIT25LADE_C H25-6TR

(P)(T)(M)

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. (P)(T)

Related Imagine Austin Goals:

Enact land use and policies that promote family-friendly communities. (IA p. 173 S P20)

Ensure children in every part of town have access to excellent education (IA p. 174, S P26)

Partner with Austin area school districts to enhance policies and priorities that support neighborhood-based schools. (IA p. 174 S P27)

22. Plan for family-friendly housing near urban schools.

CodeNEXT Draft:

T5 and T4 zones mapped along corridors represent most of the potential new housing (Article 23-4D). The allowed building types in these zones will yield relatively few multi-bedroom units suitable for families.

Pros of CodeNEXT Draft:

- Singles and couples represent dominant market demand in urban areas.
- Zoning mostly large apartment complexes with a high proportion of efficiency and one-bedroom units may accelerate long-term affordability of housing for this segment.
- Concentration of wealthier creatives in urban places will boost tax revenue and support a vibrant urban retail and services sector.

Cons of CodeNEXT Draft:

- Families are important to diversify a city's talent pool and economy. To be environmentally sustainable, Austin needs a strategy to retain families (38-40% of population) in urban areas.
- Families generally don't use efficiency and one bedroom units (See Appendix B.6).
- Per national data, once a community drops below 70% housing with at least two bedrooms, the housing mix prevents a natural age curve.
- Mapping does not reflect new Strategic Housing Blueprint passed by Council in April, which calls for prioritizing family housing near urban schools and defining housing mix benchmarks to retain inter-generational communities.
- Narrow housing focus will promote decline in school enrollment and businesses serving families.
- San Francisco and Vancouver now require at least 35% 2-BR and 3-BR units in mixed use zones. Emeryville CA requires 50% 2-BR and 3-BR units.

Recommendations (13-0-0):

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

Imagine Austin Goals Affected:

Affordable communities for every stage of life (IA p. 208)

Range of housing types for all ages and abilities (IA p.238)

Encourage families with children with variety of housing types (IA p. 235)

23. Restore existing rules for nightclubs and liquor stores near residences, while working to better balance stakeholder interests.

CodeNEXT Draft: Allows alcohol-serving uses by right, or with just CUP or director approval, in T3, T4 and T5 Transect zones and many commercial Non-transect zones. An 'open' sub-zone extends these uses to additional zones that would not otherwise allow them. New zones and sub-zones are liberally mapped throughout urban core. Residents can no longer use right of petition to oppose these uses.

Pros of CodeNEXT proposal:

- Simplification of process for opening a bar is market-friendly.
- Bars and alcohol-serving restaurants add additional uses within walking distance of residents and may serve as live music outlets.
- Conditional Use Permit (CUP) process remains in place in many cases, providing mechanism to address neighborhood concerns in some areas.

Cons of CodeNEXT proposal:

- New rules over-simplify opening nightclubs, liquor stores near neighborhoods.
- Increasing bar density on corridors is not an Imagine Austin goal, and City Council has set no policy directive for this.

- Most urban corridors already have bar/liquor store density of 4-9 outlets per mile.
- Because new rules are simpler than rezoning and fail to consider existing bar density on as criterion, bar densities will very likely increase.
- Corridors with higher bar densities may morph into entertainment districts, with wider service area, higher traffic, more parking, and late night activity in conflict with needs of local residents.
- Numerous academic studies show strong correlation between bar density and violent crime (ex. Wechsler, 2002; Toomey, 2012; Wo, 2016).

Recommendations (12-1-0):

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

Related Imagine Austin Goals:

Encourage families with children in established neighborhoods (IA p. 235)

Align future growth with small area plans (IA p. 237)

Create healthy Austin (IA p. 186)

F. PROCESS AND NONCONFORMING ISSUES

24. Revise proposed public process changes to ensure adequate notice and participation.

CodeNEXT Draft: Article 23-2C reduces periods for mailed notice, posted notice, public response and administrative appeals. Allows public hearings to proceed despite notice errors. Allows one-year site plan extensions without public notice. Removes requirement for staff to host meeting to resolve issues and include all parties. Prohibits ex parte communications about an appeal by interested parties or members of public, but not by applicant or applicant’s representatives. Removes appellant’s right to rebuttal. Removes mailed notice requirement to organizations for Areawide Interlocal agreements. Omits information about valid petition rights. Expands administrative approval by Minor Use Permit (MUP) tool.

Pros of CodeNEXT proposal:

- May reduce time for project approvals, potentially lowering development costs.
- Makes site plan extensions easier to obtain.
- Eases scheduling by allowing staff to resolve issues with applicant without requiring presence of opposing side.

- Saves money by omitting mailed notice requirement to organizations for Areawide Interlocal agreements.
- Allows board/commission members to communicate directly with applicant regarding an appeal.
- Reduces code length by omitting valid petition information, which is available in state law.
- Posting errors will no longer delay hearings.

Cons of CodeNEXT proposal:

- Reduced notice, posting and appeal periods are insufficient to respond to proposals that may significantly impact residents' quality of life and property values.
- Removes public's ability to resolve issues, provide rebuttals or protest site plan extensions.
- Denies public equal access to board and commission members.
- Forces civic organizations to scan published notices for proposed changes to Areawide Interlocal agreements.
- Allows public hearings to proceed despite errors in posted notices, which may affect public's ability to participate.
- Disadvantages residents who are unfamiliar with state law valid petition rights.
- Transfers authority from elected/appointed officials to unaccountable city staff.
- Does not establish clear notice requirements for MUPs.
- May undermine public trust in city actions.

Recommendations (10-0-2):

1. Reinstate current code provisions governing mailed notice, posted notice, public response, administrative appeals, site plan extension notice, required meetings to resolve issues including both parties, appellant's right to rebuttal, and mailed notice to organizations for Areawide Interlocal agreements. (T)
2. Provide information about valid petition rights, similar to that provided for vested rights in 23-K-2. (T)
3. Clarify notice requirements for MUPs and consider placing this tool in hands of Land Use Commission, not city staff. (T)
4. Revise proposed language to explicitly prohibit ex parte communication regarding appeals by applicant and applicant's representatives, as well as public. (T)
5. Remove proposed language that allows hearings to proceed with notice errors. (T)

Related Imagine Austin Goals:

Ensure efficient delivery of services (IA p. 208)
 Provide clear guidance in a user friendly format (IA p.208)

25. Clarify nonconforming use/structure language to avoid unintended consequences.

CodeNEXT Draft: Article 23-2G merges nonconforming uses and noncomplying lots or structures into a single term for all (nonconforming). Does not clarify that existing conforming uses, structures or lots will remain conforming with adoption of new code. Removes provision that discontinues nonconforming Type 2 STR by 4/1/22. Allows change from nonconforming use to less intense nonconforming use or to Conditional Use by administrative approval. Removes

provision that limits modification of height and setback noncompliances. Removes regulations for rebuilding destroyed noncomplying structures (time limits, increases in square footage, location). Allows continued nonconformance for parking after noncomplying structure is terminated. Wording on small lot amnesty in Transects may be interpreted to allow any existing lot to be subdivided to 25'.

Pros of CodeNEXT proposal:

- Simplifies terms for nonconforming structures/uses.
- Eases change of existing nonconforming use to less intense nonconforming use or to Conditional Use.
- Increases flexibility for owner to rebuild after destruction of nonconforming structure.

Cons of CodeNEXT proposal:

- May create thousands of new nonconforming lots, uses or structures absent language to grandfather properties that were conforming at code adoption.
- Administrative approval of nonconforming use to less intense nonconforming use is subjective and effectively extends nonconformance.
- Administrative conversion of nonconforming use to Conditional Use removes public input; also fails to clarify whether conversion terminates nonconformance, potentially extending life of a problematic use.
- Increases nonconformance by allowing iterative additions to setbacks.
- Allows expansion of structure already deemed nonconforming over unlimited time period by removing rebuilding requirements for destroyed nonconforming structures.
- Extends problematic parking situations by allowing nonconforming parking to continue after noncompliance termination.
- Vague wording on small lot amnesty may be willfully misinterpreted.

Recommendations (10-0-2):

1. Insert language to ensure that existing structures/lots/uses that were conforming/complying at time of code adoption are not rendered noncomplying by code changes (see 25-2-942, 25-2-962). (T)
2. Require public process for change from one nonconforming use to another, and for conversion to Conditional Use. (T)
3. Clarify whether conversion to Conditional Use terminates nonconforming use. (T)
4. Reinstate existing code section that allows only one modification to height and setbacks for nonconforming structures (25-2-963(H)). (T)
5. Reinstate current code provisions for rebuilding a destroyed noncomplying structure, including time limits, gross floor area and interior volume, and location and degree of noncompliance (25-2-964(B)). (T)
6. Require termination of nonconforming parking when nonconforming use/structure is terminated. Reinstate code provision stating the discontinuation of nonconforming STR Type 2 by April 1, 2022 (25-2-950). (T)
7. Revise language in Transects to clearly state that grandfathering of 25' lots applies only to specific lots already granted small lot amnesty prior to code adoption. (T)

Related Imagine Austin Goals:

Revise regulations, processes (IA, p. 207)

Neighborhood character (IA, p. 208)
Clear guidance in user-friendly format. (IA, p. 208)

26. Add provision to terminate nonconforming uses that threaten general health, safety and welfare.

CodeNEXT Draft: Generally allows nonconforming uses to continue (23-2G-1050(B)). Termination of nonconforming uses is limited to “a change or abandonment of the use or the destruction of, or damage to, the structure in which the use occurs” (23-2G-1060(A)).

Pros of CodeNEXT Draft:

- Leaves in place current city approach to nonconforming uses.
- Protects property owners who operate nonconforming uses.

Cons of CodeNEXT Draft:

- Exposes communities to potential threats to health, safety and welfare from nonconforming uses.
- Limits City’s ability to remove threatening nonconforming uses.
- Does not give the City the full authority that the State Supreme Court has recognized.
- Continues a history of environmental injustice.

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). (T)
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. (P)(T)

Related Imagine Austin Goals:

Create healthy Austin (IA p. 186)
Efficient delivery of services (IA p.186)

G. PROPOSED FUTURE CODE ADDITION

27. Add new section to land development code to support art, music, and culture.

CodeNEXT Draft: Omits provisions designed to sustain and strengthen Austin’s music and arts industries and communities.

Pros of CodeNEXT draft: NA

Cons of CodeNEXT draft:

- Missed opportunity to support artists, musicians, businesses and creative industries that are vital to Austin’s cultural and economic life.
- Does not support Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability, both of which reference need for regulations to sustain and strengthen music and arts industries and communities.

Recommendations (Consent):

1. Add arts, music and culture provisions to the Purpose and Applicability sections of General Planning Standards (23-3A-1010 and.23-3A-1020). For proposed language, please see Appendix B. (P)
2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F to provide citywide regulations to promote arts, music and culture. For details and proposed elements, please see Appendix B. (P)

Related Imagine Austin Goals:

Grow Austin’s creative economy (IA p. 186)

Implement strategies to sustain live music industry (IA p. 199)

Reimagine development tools to support creative industries (IA p. 199)

H. AFFORDABILITY (Placeholder)

28. Affordability (Placeholder)

CodeNEXT Missing Topics and Analyses

This section lists key topics currently missing from the draft code or analyses that are deemed critical to informed review of the text and maps, but were not available in time to be considered for this report. We encourage the Land Use Commissions and City Council to seek this information and to make appropriate additions or revisions as the draft code and maps continue to move through the adoption process.

A. Text and Mapping

1. Interim planning step, as described by consultants, that bridges the gap between broad 500,000' view of Imagine Austin and current 100' view of text and mapping.
2. Strategic Mobility Plan.
3. Residential Heavy Site Plan Requirements.
4. Water Forward Sustainable Water Management Recommendations.
5. Functional Green Program in Transect Zones with 80% IC or greater.
6. On-site Beneficial Use Standards.
7. Urban Trails.
8. Open Space Supplemental Standards for Transect Zones.
9. Private Open Space Types and Standards, including transformation of Alleys into Public Space.
10. Landscape Setbacks and Compatibility Buffers coordinated with Transects.
11. Arts and Culture.
12. Definition of "growth center."
13. Clear amendment process for Comprehensive Plan.
14. Complete communities.
15. Major portions of current Educational Facilities provisions.
- 16.

B. Analyses to Support Proposed Changes

1. Flood capacity analysis for each watershed (expected late summer 2017).
2. Infrastructure analysis to support proposed increases in density.
3. Analysis of impact on property tax appraisals, housing and rental costs.
4. Planning for public facilities such as fire stations, water retention ponds, etc., to support proposed increases of density.
5. Analysis of impact on public schools.
6. Analysis of impact on displacement/gentrification.
7. Analysis of impact of proposed parking reductions for representative areas.
8. Analysis of whether proposed changes are likely to shorten or lengthen development process.
9. 3-D modeling to demonstrate proposed changes.
10. Equity analysis, similar to the city's new Equity Tool, to demonstrate the impact of CodeNEXT text and map on vulnerable populations including but not limited to racial and ethnic minorities, low-income individuals and families, limited English proficiency populations and immigrant populations.

C. Process

1. Stakeholder process to resolve major areas of conflict.
2. Lack of Spanish language materials.
3. More concerted effort to reach working class communities, communities of color, and communities outside downtown area.
4. Analysis of CodeNEXT process through city's new Equity Tool.

Conclusion

As the CAG submits its final report, CodeNEXT remains very much a work in progress. A number of critical code elements and analyses were not released in time to be considered for this document. Flood impact modeling, for example – essential to ensuring the safety of Austin residents - is not expected to be available until late summer.

As the draft text and maps evolve, they will require many more close readings by a wide range of residents, interested parties, city staff, consultants and decision makers. Both documents must embody and balance the multiple goals expressed in the Imagine Austin Comprehensive Plan, while being as usable, complete and error-free as possible. Corrections and improvements will be ongoing in the coming months.

Austin continues to experience severe growing pains and it is likely impossible to fully reconcile the many divergent community viewpoints related to land development. In this report, CAG members have attempted to identify chief issues of concern and to provide constructive recommendations for improvement based on the current draft documents and the broad range of feedback received to date. However, we must emphasize that the issues contained in this report are by no means exhaustive and that many others will require consideration as this process progresses.

The CAG concludes its work as an official body with the submission of this report. However, many individual CAG members have expressed willingness to serve in a resource capacity to the Land Use Commissions and the Austin City Council, and we encourage commissioners and Council members to contact us as this work continues.

The new code will have far-reaching impacts on the lives of Austin residents for a generation or more. It deserves our hardest work and deepest thought to get it right.

Submitted July XX, XX

By the Members of the City of Austin Land Development Code Advisory Group:

Jim Duncan, Chair,
Dave Sullivan, Vice Chair
Cesar Acosta
Christopher Allen
Melissa Beeler
Mandy De Mayo
Richard Heyman

Lauren Ice
Patricia King
Eleanor McKinney
Terry Mitchell
Susan Moffat
Elizabeth Mueller
Eric Schultz
Jose Valera
Colby Wallis
Nuria Zaragoza
Steven Zettner

(Please ensure all names appear on same page in final doc)

Appendix A

About the Land Development Code Advisory Group (CAG)

The Austin City Council established the Land Development Code Advisory Group (CAG) by resolution in December 2012.[1] The original eleven-member body was charged with assisting in public outreach and providing feedback on the development and implementation of a revised land development code for the City of Austin.

In May 2015, the 10-1 Council approved second resolution[2], which increased the CAG to 16 members to ensure representation for each Council district and a diversity of viewpoints.

Nominees were to include renters and renters' advocates, green building and landscape architecture professionals, neighborhood advocates, neighborhood association leaders, and those with expertise related to economic impacts of the code rewrite. The term for these members was set to expire in September 2015.

The May 2015 resolution further provided that, effective September 30, 2015, the CAG would consist of 17 members: one appointed by each City Council member and two by the mayor, with five additional members appointed by Council Committees designated by the mayor. Members were to be selected for experience in household affordability, environment and conservation, green planning and design, urban planning and architecture, construction and permitting, historic and neighborhood preservation, health and human services and small local businesses, with representation of both homeowners and renters. This resolution further directed the CAG to ensure the CodeNEXT Process supported the Priority Programs outlined in Imagine Austin.

In August 2015, the City Council approved a third resolution[3] expanding the CAG to 18 members, and authorizing the Joint Committee of the City of Austin, Travis County and the Austin Independent School District to nominate an individual to serve as a representative of one or more independent school districts and as a resource on potential impacts of CodeNEXT on public schools.

During the past four years, CAG members have met regularly as a body[4], provided robust public comment opportunities and participated in countless informal outreach activities. CAG members have met with scores of local organizations, as well as hundreds of individuals, to provide information about the code rewrite process and solicit feedback. Members have appeared on local radio shows, addressed city boards and commissions, posted information to community listservs, participated in panel discussions, attended community forums, provided updates to elected officials, responded to media inquiries and listened to a broad range of opinions from residents and businesses.

Throughout these activities, the CAG has consistently complied with all aspects of the state's Open Meetings and Open Records laws. A complete list of CAG agendas, approved minutes and other supporting documents may be found here: <https://www.austintexas.gov/content/land-development-code-advisory-group>

Working Groups

In 2016, the CAG appointed an Executive Work Group composed of Chair Jim Duncan, Vice Chair Dave Sullivan, and CAG Members Melissa Beeler, Eleanor McKinney and Susan Moffat. In 2017, CAG members created four small working groups to research and prepare issue briefs and

recommendations for the group's final report. Topics and members of these working groups are listed below:

Diverse Communities

Cesar Acosta
Chris Allen
Mandy DeMayo
Rich Heyman
Eleanor McKinney
Susan Moffat

Environment

Lauren Ice
Patricia King
Eleanor McKinney
Eric Schultz

Housing Types and Mobility

Melissa Beeler
Liz Mueller
Dave Sullivan
Nuria Zaragoza
Steven Zettner

Permitting and Development Process

Jim Duncan
Terry Mitchell
Colby Wallis

During the course of its existence, the CAG has experienced some degree of turnover, as members resigned and were replaced by new nominees. All CAG members, past and present, were approved by a vote of the full City Council. We are immensely grateful for their service in this important civic endeavor.

[1] Austin City Council Resolution No. 20121206-074

[2] Austin City Council [Resolution No. 20150521-026](#)

[3] Austin City Council [Resolution No. 20150806-048](#)

[4] See agendas and minutes at

http://austintexas.gov/cityclerk/boards_commissions/meetings/2017_111_1.htm

APPENDIX B: Submissions from CAG Members

Appendix B.1 Proposed Arts, Music and Culture Code Section

Submitted by CAG Member Dave Sullivan

Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of:

- protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and
- supporting housing and jobs for musicians and artists, and
- sustaining these important elements of Austin's economy.

Specifically, CAG recommends the following actions:

1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose statement in Chapter 23-3: General Planning Standards for All [1]. The clause that appears in bold font below would add reference to a to-be-written section governing arts, music and culture.

"23-3A-1010 Purpose

This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; **and to sustain the local arts, music, and culture communities and industries.** These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter.

"23-3A-1020 Applicability

This Chapter applies to all development within the City of Austin and the ETJ."

2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below.

- a. Allow artists to sell finished goods from their live/work home studios. Specify in which districts a live/work artist may "sell", including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope.
- b. In designated town/regional centers and activity corridors allow density bonus rules to trade greater building entitlements for including live music venues or other forms of performance art on the first floor or for preserving an existing iconic venue on the tract.

- c. Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per Council District.
- d. In establishing capacity rating for theater or arts venue consider how the venue is used in addition to overall size.
- e. Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc).
- f. Codify of Agent of Change principle.

Additional Background: Imagine Austin and Code Prescriptions Support New Code Section

Justification for the proposed new code section comes from the Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 Imagine Austin Comprehensive Plan is “Grow and invest in Austin’s creative economy.” A short term (1-3 years) work program item is: “Explore and re-imagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries’ facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space.”

The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan:

- Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.
- Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ).
- Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and creative industry businesses.
- Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development.
- Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans.
- Create incentives, and programs to promote the inclusion of public art into new development.
- Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises.
- Establish incentives and regulations to promote the creation of artists’ live/work space in residential areas that allow for limited gallery space.

Further, the Code Prescription on Household Affordability written in 2016 in response to the CodeNEXT consultant’s Code Diagnosis, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions:

- Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate

commercial space allowances in corridors, centers, and in between these areas and neighborhoods.

- Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging small non-profits. The existing density bonus provisions will be evaluated to determine if they can incorporate preservation or development of a music or creative venue that will be used for rehearsal, gallery, studio, performance, or exhibit spaces and offices.
- The opportunity to expand live/work units will be found in all form-based code districts in order to promote the opportunity for the small businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by the different form-based code districts but also in the regulation of building types to ensure the proper form to allow for live-work units.

[1] see <https://codenext.civicomment.org/chapter-23-3-general-planning-standards-all>

(INSERT ADDITIONAL APPENDIX PDFS HERE IN ORDER SHOWN)

B.2 Compatibility Proposed Green Infrastructure Buffer, Eleanor McKinney

B.3 Draft LDC Open Space and Environment Comments, Eleanor McKinney

B.4 Public School Impacts, Susan Moffat

B.4a Collected Comments, Susan Moffat

B.5 NBE Presentation Notes for Planning Commission, Eleanor McKinney and Lauren Ice

B.6 Number of AISD Students in Recent East Austin Multi-family Developments, Nuria Zaragosa

Appendix C. Submissions from City Boards and Commissions

C.1 Community Development Commission CodeNEXT Letter

C.2 Design Commission CodeNEXT Working Group Suggested Schedule

C.3 Environmental Commission Motion on Review Process

C.4 Environmental Commission Motion, Recommendations

C.5 Parks Board Resolution

C.6 CAG Boards & Commissions Forum, Staff Responses

