

PLANNING COMMISSION RESPONSE TO CODENEXT PRESCRIPTION PAPERS

PP 1 | NATURAL AND BUILT ENVIRONMENT

PP 2 | AFFORDABILITY

PP 3 | MOBILITY

General Comments

The following commentary provided by the Planning Commission is the summary of Natural and Built Environment and the Affordability Working Groups, (WG) as well as additional feedback reviewed by the Planning Commission for Council, Staff, and CodeNEXT review. Its substance is not intended to be exhaustive of all Prescription Paper content or the only opinions regarding the prescriptions themselves. Rather this is a desired checkpoint by the Planning Commission on the Prescription Paper process thus far. Each comment has been tagged as being by the Working Group (i.e. NBE WG 1) or by the larger commission (i.e. PC 1). We recognize that the prescriptions will have a large impact on the drafting of the code, currently in progress. It is understood that our feedback will likely not impact the prescriptions themselves. However, because the prescriptions as formulated, in our opinion, do not sufficiently address how the code will respect or resolve competing values going forward (such as balancing infill growth with preservation or providing density to support transit while maintaining measures of compatibility) we feel the bulk of the conversation of how successful can the code be as our next tool kit is still ahead of us.

There are some key steps in moving towards our new draft code that we feel should be kept in mind.

1. Provision of successful plan or process for mapping the city is quite possibly the most important matter of business. Form Based Code, as the likely backbone of our code, is dependent upon context sensitive decisions which can better address competing values. Without a agreed upon mapping plan in place and the necessary resource and willingness to see it through, the content of the code may continue to be unrealized for large portions of the community no matter how much the current code improves upon our existing code.
2. The values articulated as policies in Imagine Austin go into considerable detail with prescribed actions for the community and City Council to consider. We continue to feel that the prescriptions before us today and the upcoming draft code should clearly show how we are connecting the dots of Imagine Austin with our code elements. Creating a new list of items that may feel independent of previous processes might create unnecessary confusion in understanding why we might change certain aspects of our current code. Imagine Austin policies are a great roadmap for this clarity in process.
3. In recognizing that the content or desired mechanisms for impact of many of the prescription items may be confusing or difficult to understand, we strongly suggest that the prescriptions themselves continue to receive considerable attention. We hope City council, the wide range of supporting boards and commissions, staff and the community at large continue to utilize these documents in preparation for the draft code. We are hopeful and strongly encourage CodeNEXT staff and Opticos to provide connecting links in the draft code illustrating how code language is in response to these prescriptions, Imagine Austin policies and other milestone documents that have brought us forward.
4. We understand staff will not revise the PPs based on public comment before the draft LDC is released in 2017. Before that draft LDC is released, staff should publish summaries of the comments they received on the PPs and indicate how those comments will be reflected in the initial draft. This will assist boards and commissions, Council and the community to better understand how feedback is received and where it impacts the development of the code thru the prescription paper process.
5. Planning Commission recognizes that there has been ongoing changes within CodeNEXT staff throughout the course of the code rewrite. It is important for the outcome of the product received, the processes used, and the trust formed with the community that we have the experience and leadership to bring us to the key milestone of a draft code. Those important qualities will not lessen in importance during next year's draft code review and the subsequent mapping. We have heard that the consultant, Opticos, has had increased involvement during recent CAG meetings with positive impact. We ask that Council explore all options to ensure that staff has adequate resources internally as well as from CodeNEXT consultants for consistency and quality in both the product as well as process.

NATURAL AND BUILT ENVIRONMENT (NBE) | PRESCRIPTION PAPER RESPONSES

- WG 1 Overall, we commend city staff and consultants for adopting the Prescription Paper (PP) approach. It's a useful starting point for launching the new Land Development Code (LDC). Generally, the initial PP identifies many key values that are important to Austinites when addressing growth in our community. We offer the following constructive suggestions.
- WG 2 Transparency in the code development process is a key value to the community as well as the Planning Commission. We feel it would be helpful and effective considering the complexity of our code to:
- (i) cite the existing LDC provisions affected; and

(ii) state whether the existing LDC provision is unaltered, being made more or less stringent, or is being deleted with each specific prescription

NBE lacks specific citations to some existing ordinances, such as SOS, Protected and Heritage Trees, Hill Country Roadway, etc. Moreover, the PP refers generically to “tools” without elaborating on what those tools are. Finally, comments such as “retain something similar to” (Compatibility), “as opportunities grow” (Redevelopment), “protection of “significant trees” are too vague and need more specificity in future PPs.

Trust and transparency go hand in hand. If staff and consultants will provide greater specificity in other PPs, it will create transparency in a way that builds trust between stakeholders, boards and commissions, and city staff and consultants.

- WG 3 Many task forces or workgroups that studied specific areas are generically mentioned in the NBE PP. Future PPs should provide links to their reports or recommendations.
- WG 4 Demolition of modest housing in Austin’s older neighborhoods to make way for larger, more expensive homes is occurring at a frightening pace. The LDC rewrite should not facilitate this. Imagine Austin states that more density will be encouraged along corridors and in centers, but that redevelopment will not occur in other areas. These older neighborhoods are where Imagine Austin says redevelopment won’t occur. The new LDC must not relax site development standards in these neighborhoods and should provide tools that require new housing and changes to reflect local development. Doing otherwise harms affordability by allowing expensive new SF housing stock to supplant, existing, modestly priced SF housing stock.
- PC 4 Prescripton 4 under "REDEVELOPMENT" (page 30-31) states that we should "provide a diverse array of housing and building types leveraging redevelopment". It states that this redevelopment should afford access to amenities and transit and occur in the compact manner Image Austin calls. Planning Commission understands that Imagine Austin does not state there will be no redevelopment in older neighborhoods. The Comp Plan nor our code supports zero redevelopment as this means you could not replace a home with another home. We challenge ourselves as a community to update our housing stock without disrupting the character of a community as this would better allow for redevelopment that aligns with character and is supported by our current and future single family zoning designations. We promote ways in which we facilitate growth to the edges of surrounding established neighborhoods closer to the activity corridors so that redevelopment can:
- a. utilize transit and reduce auto dependence for greater numbers of Austinites
 - b. provide deeper levels of affordability thru increased numbers of units near corridors than what current zoning may provide in redevelopment scenarios
 - c. provide relief for growth needs throughout Austin, while balancing the desire to protect elements of the character within single family neighborhoods further away from activity corridors
- WG 5 Parking and connectivity standards need to be much more flexible and context sensitive. There need to be multiple standards that allow for adaptation among different neighborhoods. Connectivity and reduced parking standards for redevelopment adjacent to existing SF neighborhoods should be mitigated by other protections for those neighborhoods.
- PC 5 Significant new development in recent years under the current Subchapter E (Commercial Design Standards) have largely failed in greenfield and redevelopment scenarios to provide the degrees of connectivity desired during this significant code change. The value of connectivity has been attempted to be improved by an updated code in recent years. We need to better understand the inhibitors to "connectivity" as well as come to understanding as to what successful connectivity can be in greenfield and redevelopment scenarios. Talking connectivity has not provided the additional tools for congestion relief. Updating the code without true critical working mechanisms would be a costly and devastating setback to the community as a whole.
- PC 5 The Planning Commission understands that the parking issues related to revelopment significantly limits smaller developments to a deeper degree than larger developments. We believe that both large and small developments should have the tools necessary to be contributors to the vitality of our neighborhoods. Envisioning and implementing necessary infrastructure is a critical component independent of the code rewrite. Where possible the code should direct us to provide infrastucture that supports large and small redevelopment needs. We believe mechanisms to provide resources for public parking structures along as part of activity corridors to be shared by smaller businesses and residents alike would significantly reduce the need for other less effective and often confusing code measures intended to resolve parking overflow problems. As we transition over time to greater reliance on a transit network, we need to continue to resolve overflow issues of directing growth, affordability, vibrancy and traffic to the corridors.
- WG 6 The NBE PP recognizes the well-known inadequacy of the stormwater utility system in the central city, which was built before there were government standards to ensure development didn’t cause flooding. Redevelopment must be required to improve the drainage situation in the central city, but the degree to which it must be improved should factor in whether the higher cost of redevelopment in the central city incentivizes sprawl.
- WG 7 Compatibility is referred to as a “simplistic reliance on height”. There are many other issues other than height addressed in current

compatibility standards. Abandonment of height could easily result in an equally “simplistic reliance” on other factors. Efforts to provide compatibility through landscaping may have merit, but landscaping alone depends on maintenance and season as to its effectiveness and can’t be relied upon to provide compatibility.

PC 7 The PC understands the values which comprise our current Compatibility Standards. There is a wide range of viewpoints within the community as to what is effective and what isn't within the regulations. It is clear from ongoing feedback on "compatibility" as well as from revisions to compatibility at the TOD's and the ERC, that how we achieve many shared goals of transitioning between differing form and uses will be a challenging conversation. The NBE prescriptions, as laid out on pages 22-23, do not effectively bring address just how the compatibility will be adjusted to achieve a balance of our values to reach these Imagine Austin goals. This conversation should not continue to be put off as it will be disruptive to the drafting of the code. That being said, the NBE does effectively outline "Where are we now" with five points that should be reviewed in depth when considering how we achieve greater balance of protection and better redevelopment.

AFFORDABILITY | PRESCRIPTION PAPER RESPONSES

- WG 1 The affordability prescription paper does a good job of explaining market affordable housing, and how it makes up the vast majority of our affordable housing stock. However it does not propose any prescriptions for monitoring or preserving affordable units that occur naturally in the market, outside of affordability programs.
- a. Demolished housing units must be tracked in order to evaluate the success of affordability programs.
 - b. Increased entitlements must be calibrated to ensure they do not incentivize the demolition of market affordable units.
 - c. Our older stock of market affordable units must be preserved or replaced when facing demolition
- WG 2 The site-plan requirement is disincentivizing missing middle developments. Its application and its processes must be evaluated in order to remove this barrier for projects with as few as 3-8 units. Improvements to the site plan review process need to address how we can achieve such things as greater environmental protection than the standard Single Family or Duplex review currently provides while simultaneously not penalizing a developer with considerable costs, plan review times and permitting delays, all of which ultimately penalize the homeowners or renters.
- WG 3 In instances where entitlement increases are applied in order to achieve greater affordability, some measure of affordability outcome must be clearly defined and required on site.
- WG 4 Planning efforts must prioritize areas where Austin is experiencing the most growth, and where we are likely to have the greatest impact. Currently the greatest growth, and the greatest potential for creating complete connected communities lies in the development of greenfield sites.
- PC 4 It is imperative that we increase resources for planning efforts in areas of significant growth and opportunity, not just in areas where planning efforts have already been underway. With current resources, we will likely find considerable conflict as to where planning resources go to receive a mapping of the new code versus areas which are seeking relief from constant growth and pace of change.
- WG 5 In light of the finding regarding Austin’s economic segregation, and to ensure we are pursuing fair housing policies, the growth concept map must be evaluated to consider activity corridors and centers west of Mopac.
- PC 5 Considering the continued pace of change in Austin since Imagine Austin, we strongly recommend that the 5 year update to Imagine Austin proactively look at the Growth Concept Map with respect to the need for increased proactive planning in areas where we have designated a desire for growth as well as looking at other commercial corridors beyond the core of central Austin for inclusion into such vital planning efforts. We recognize that in the wake of CodeNEXT there has not been significant planning resources for planning for mapping of the code, however there could be significant delays in mapping the code if we don't consider these key comprehensive planning steps that look beyond the specifics of just one corridor or one neighborhood planning area.
- WG 6 It may be valuable to consider a prescription to bring housing to job centers as well as office centers of various scales should be considered or other areas where a mix of uses within our current zoning may be not just of significant impact but more importantly actually attainable.
- WG 7 Several prescriptions have a basis in our current land development code. We believe strongly that there must be an evaluation of how the programs are moving the needle on affordability before we incorporate them in our new land development code: i.e. infill tools, fee in lieu, density bonus and live/work units.
- WG 8 There is support for incentivizing a mix of housing types, especially many are interested in entitlements that would increase density without increasing the current FAR or impervious cover. We believe they would better fit the character of already developed areas, and would produce a smaller product, more likely to increase affordability.

- PC 8 Fitting into the community character when providing "missing middle housing" under future code/zoning scenarios should show us how appropriate or desired form can be achieved yielding additional units. These illustration(s) should show what's allowed/achievable under today's code with respect to FAR, impervious cover, setbacks, height restrictions, etc. and what could be achievable under alternatives. It will be important to show what's possible under current and possible alternatives next to one another and how more importantly how these help us with reaching deeper measures of real and relative affordability. It is possible thru such exercises and studies that we as community become less focused on one tool or measure and focus more on the ones that provide the best results for missing middle housing.
- WG 9 Different areas of town have different economic realities. An entitlement might promote affordability in one part of town while it might push out lower income residents in another. We believe the code should be sensitive to that reality in order to address economic segregation. It is important that we are looking at each of these affordability prescriptions thru the lenses of different areas of Austin and what will contribute to best results comprehensively.
- WG 10 Although we understand that the affordability prescription paper intended to focus only on topics that fall squarely within the land development code, we believe it would be of great value to report on topics that are integral to the affordability conversation, even if, at least in part, they fall outside of the LDC re-write scope. I.e. Public private partnerships, the use of public lands, historic preservation districts, homestead preservation districts. As well as an outline on ways in which city government can support the land development code via next steps and assumptions that the code rewrite team may see as necessary for the future success of this rewrite.

MOBILITY | PRESCRIPTION PAPER RESPONSES

- WG 1 The Work Group supports all of the prescriptions conceptually. However, the lack of detail provided in most of the prescriptions prevents the Work Group from providing stronger support. We note that the lack of detail has been a shortcoming of all the prescription papers. The Work Group attended the CAG meeting where the Mobility prescription Paper was discussed. It was obvious from the discussion among CAG members that the paper lacked detail and clarity.
- WG 2 Regarding the Transportation Demand Management (TDM) prescription, most provisions of CodeNext will involve the same number of city reviewers looking at the same number of development applications, albeit under new standards. As such, there will be no need to spend money hiring more staff for those reviews. TDM is different. TDM reviews, monitoring, and enforcement will be a labor intensive task existing staff can't absorb. Council will need to fund new staff that are hired, trained, and ready to implement the new Code upon its adoption.
- WG 3 Regarding development in Imagine Austin centers, Council should direct their Economic Growth and Redevelopment Service Office to focus its efforts on using economic incentives to recruit employers to locate in the centers so that the people who live there can work and play without having to commute to downtown.
- WG 4 Regarding development along Imagine Austin corridors, encroachment into abutting neighborhoods needs to be mitigated. If Imagine Austin and CodeNext result in densification of neighborhoods along the corridors, that impact should be mitigated by requiring affordable housing. That is, Council should consider relaxation of compatibility standards only if the developer provides onsite affordable housing.

Thank you for your time in reviewing our study of the first three CodeNEXT prescription papers. We look for ways to continue to support the CodeNEXT process and Council in its stewardship during the challenging code rewrite process.

Sincerely,



Stephen Oliver
Planning Commission Chair