

Late Backup

City of Austin Council Message Board

Only City Council members and authorized staff are allowed to post on this message board.
<http://austincouncilforum.org/>

Response to LDC Revision Policy Questions

<http://austincouncilforum.org/viewtopic.php?f=2&t=1127>

Response to LDC Revision Policy Questions

by **Greg Casar**

Page 1 of 1

Posted: **Wed Mar 27, 2019 5:55 pm**

Colleagues,

We both appreciated the conversation at yesterday's work session.

In the spirit of that conversation, here is a preliminary set of answers from us both (CM Casar and MPT Garza) to Manager Cronk's questions. Our answers are structured as selecting an "Option" and then providing Additional Direction to the Manager to further clarify what should be drafted.

[http://assets.austintexas.gov/austincou ... 170214.pdf](http://assets.austintexas.gov/austincou...170214.pdf)

We ask our colleagues, and also the community, to give us feedback on this draft and these ideas. This draft, and your comments, can inform the discussion at the April public hearing, and if it suits a majority of the dais, we can use this as a starting point to create a resolution to attach to our Council vote in April.

- CM Casar and MPT Garza

Re: Response to LDC Revision Policy Questions

by **Jimmy Flannigan**

Posted: **Wed Mar 27, 2019 5:59 pm**

Colleagues,

I am excited to see so many of us on the same page with regards to the City Manager's approach and that we will quickly be discussing and taking action on the key policy issues of the Land Development Code. It is important that Council provide clear direction on key policy drivers at the start will help City Staff draft a new Land Development Code that not only meets the objectives of our community but reflects our City's values. I also agree that we should confirm areas where there is broad consensus in addition to areas which there is more debate. I agree with CM Alter on that point and believe we really are in more agreement than we are not on these issues and it's important to show that to the community. I believe most of us agree that Austin is facing a three-pronged crisis of housing, transportation, and affordability that requires immediate innovative and sophisticated action.

We are at an unprecedented nexus of our City's future and possibly the most consequential time since Save Our Springs. This is a unique moment to approve both a new city-wide mobility plan and a new land development code that will work in conjunction for the next three to four decades and shape the future of our City.

We have a lot of work ahead of us but I have full faith that we can accomplish it together as a Council and a community. To that end, here are the questions that I think are important to deliberate at the beginning and hopefully where we can start taking votes:

***Philosophical

- How long do we expect this code revision to last compared to the timelines of the reports we are relying upon? The Blueprint (135k units) is 10 years. The ASMP is 15+ years. Our strategic direction is just 5 years. A 2020 transit bond could represent decades of future investment. Land Development Codes typically last 30 years. To what extent are we zoning for a 10 year future or a 30 year future?
- To that end, is it possible to develop tools that support incremental development that "levels up" once certain targets are reached? This could allow zoning to naturally evolve over time in response to on-the-ground conditions.
- How will we be measuring this process through the lens of justice, equity, and the systemic racism that underpins Austin's zoning history?

***Policy

- Form-based vs Use-based: Do we want a form-based code or an Euclidean (use-based) Code? How can we get away from regulating uses through zoning categories and move towards regulating uses through policy driven conditions defined in code? Examples: (1) The city's current policy related to the sale of alcohol within 300 feet of certain types of properties. (2) Codifying that no residential units can be located within 1,000 feet of facilities with hazardous material. Through zoning I would like us start with regulating the scale of buildings and avoid site-specific use restrictions so that buildings can be more adaptable.
- Yield vs Forecast vs Capacity: If our City's goal is to yield 135,000 new residential units then what is the level of capacity and forecast we need to approve? I think we need to introduce this 3rd order assumption (Yield) into how we get to 135k units in 10 years. Forecast doesn't account for many other issues that can inhibit an entitled property to develop or redevelop. This has been especially true for much of the greenfield area in D6 which, while sufficiently entitled, has not developed in the decades since those entitlements were granted. So if the desired "Yield" is 135k, then should the forecast be 2x, 3x, or etc. of the yield? And should the capacity then be 2x, 3x, or etc. of the forecast?
- Transit Supportive Density: What are the needed transit-supportive density targets (17 people+jobs/acre for bus, 54 for transit) to help prioritize new units? How do we designate the areas where we want to apply the transit-supportive density targets? How do we insure that we get the transit-supportive density when it is applied?
- Impervious Cover vs Drainage Requirements: Acknowledging that I believe there was broad support for increased drainage requirements, what is the value of impervious cover as an indicator compared to measuring actual run-off or drainage infrastructure? Should impervious cover be a limiting factor for new housing if we require drainage infrastructure that fully captures run-off?
- Parking: In addition to eliminating parking minimums city-wide, how might we adopt parking maximums for developments near transit investments? How do we ensure sufficient ADA accessible parking (including either off-street or converting on-street public parking)? How do we encourage parking for shared-use vehicles (TDM)?
- FAR: What is the role of Floor-to-Area Ratio (FAR) in a form-based code? What does FAR

achieve that is not already accomplished through height, setback, and building cover limitations?

- Lot size/width: What is the value of defining a minimum lot size or width considering that any development would have to comply other regulations including driveway widths, building scale (setbacks, drainage, etc)?
- Compatibility: What should the role of compatibility be? Is there a role for compatibility that instead of reducing the entitlements of the denser zoned property it increases the entitlements of portions of adjacent less-entitled properties?
- Administrative Process: How can we define administrative variances to help support our city goals during the site development process? (Example: could we provide City Staff with some percentage range of flexibility in setbacks to save a heritage tree thereby ensuring the construction of a residential unit?)
- Should we support modifications to McMansion regulations which would shrink the envelope for a tear-down-new-construction single-family home but would expand the envelope for a house-scale 2 or 3 unit building?
- Should we codify the "Affordability Unlocked" policy our City Staff is currently working on? Could this policy be expanded to accomplish additional goals?
- Should we support housing in commercial zoning?
- Should we revisit the Parkland Dedication Ordinance and Parkland Dedication Operating Procedures?
- Are there parts of neighborhood plans that cannot be codified in zoning? If so how can we address them?

Re: Response to LDC Revision Policy Questions

by Ann Kitchen

Posted: Sat Mar 30, 2019 3:42 pm

Colleagues

Thank you all for posting your ideas on the Message Board. I look forward to discussing and taking action this year on the Land Development Code.

Thank you CM Flannigan for posing questions for deliberation. I agree its time for the Council to provide clear direction on key policy drivers - with a level of specificity that ensures we can actually be successful in meeting the objectives of the community and reflecting our core values. e.g. What is it going to take to really get sufficient affordable housing on the ground to meet our goals?

I also agree with CMs Flannigan and Alter that we should confirm areas where there is broad consensus in addition to identifying areas on which there is more debate. At work session I asked the City Manager to create such a list as a beginning point for us to discuss.

Thank you CM Alter for passing out the Goals Statement that several of us worked on last year. The Council talked about that Goals Statement last June and identified many areas on which there is consensus. Perhaps that document can be useful for us as we all think through the issues remaining for discussion in order to give staff policy guidance at a level that is sufficiently detailed to be meaningful.

I am also looking forward to establishing a clear timeline and process for the Land

Development Code adoption.. It's important for the Council and the public to understand when votes will be taken, how the public can express their opinions, and the city team who will be shepherding the process. We are on a tight timeframe and this kind of planning will be important for us in adopting code language this year.

Thank you again to CMs Flannigan, Casar, and Garza for posting their thoughts on the Message Board.

Best
Ann Kltschen
City Council D5

Re: Response to LDC Revision Policy Questions

by **Steve Adler**

Posted: **Wed Apr 03, 2019 4:04 pm**

Colleagues,

Let's get the Manager the policy guidance he requested with his five questions. If we do this part well and by the end of April, informed by the voluminous community, staff, and council work already done, I hope we can get some measure of LDC re-write done by year's end.

Thanks for the Council Members that have gone onto the message board to start the conversation to which I'll now add.

My big takeaway from the last election is that our community wants significant and concrete action on affordability, mobility, and managing the impacts of our rapid growth. So, I'm going to add some more specific proposed policy guidance to address how Council Member Casar and Mayor Pro Tem Garza posted answers might be achieved (I generally agree with what they posted). Our goal should be to provide the Manager with direction sufficient to bring us back a new code quickly.

Linked here ([http://assets.austintexas.gov/austincou ... 160133.pdf](http://assets.austintexas.gov/austincou...160133.pdf)) is an amended and redlined version (V2) of Greg and Delia's post with a few suggested changes and some thoughts on additional policy direction, as well as some thoughts on direction for future planning efforts.

I agree with CMs Alter and Kitchen that there is, and has been, much more on which we agree than disagree with respect to a new land development code.

I look forward to continuing the conversation.

-S

Re: Response to LDC Revision Policy Questions

by **Alison Alter**

Posted: **Thu Apr 04, 2019 4:48 pm**

Colleagues,

I appreciate your thoughtful responses to a complicated set of issues. As I mentioned in work session on the 26th, the document that Mayor Adler, Council Member Kitchen, and I crafted together outlining our shared goals for the land development code revision ([http://assets.austintexas.gov/austincou ... 195617.pdf](http://assets.austintexas.gov/austincou...195617.pdf)) continues to be a guiding document for me as I approach the choices before us.

As we consider our policy levers and approach, I want our direction to be focused on the outcomes we most want to achieve. I believe this Council and the community (which just overwhelmingly supported a \$250 million dollar affordable housing bond) agree that our current market is not producing or preserving sufficient supply of deeply affordable housing. This is why our Strategic Housing Blueprint goals distinguish between affordable units (60,000 needed) and market rate units, with the two together totaling 135,000 units. I would like for us to examine how we can best create and preserve the ~ 22,000 units affordable at 0-30% MFI, ~25,000 units affordable at 31-60% MFI and ~16,000 units affordable at 61-80% MFI. Creating and preserving those units seems to be the largest challenge we face, and one the market alone will not address.

To the extent that the market will not provide affordable units, we need to use the tools we have, foremost among them land banking, subsidies and density bonuses. As we craft any policy direction in response to the City Manager's memo, we must recognize that the success of the few affordability tools we have are a function of how we calibrate by-right entitlements and how they are mapped. We need to be careful to do no harm to existing unsubsidized affordable housing units. We need to make sure that our mapping of by-right entitlements does not undermine incentives to create on-site income-restricted units. We need to make sure that we do not surrender the ability to purchase land for affordable units because we have increased the land values beyond affordable housing providers means by over entitling land without securing community benefits. While some additional by-right entitlements can be considered, we should ensure those increases are calibrated to not undermine our goals to obtain deeply affordable units.

Similarly, our relaxation of parking and compatibility regulations should be calibrated to ensure they strengthen, and not undermine, incentives to allow for the creation of deeply affordable units via our affordability programs. Additionally, I agree with the mayor that these potential relaxations should be considered in a context specific way to the uses and conditions on the ground.

We also should be viewing our future planning options, especially with respect to Activity Centers, as a further tool to achieve our affordable unit goals.

I look forward to the discussion on Tuesday.

Regards,
Alison Alter

Re: Response to LDC Revision Policy Questions

by **Leslie Pool**

Posted: **Thu Apr 04, 2019 7:24 pm**

Colleagues, thanks for your thoughtful comments here. I am in general agreement throughout, in particular with the Mayor's added and specific language relating to policy goals and long-range planning. I am especially supportive of putting the new measuring tool from the UT Gentrification report, "Uprooted," into action as we model or test changes real-time in neighborhoods across the city.

I look forward to our deeper conversation on Tuesday and going forward.

Best,

Leslie

Re: Response to LDC Revision Policy Questions

by Ann Kitchen

Posted: Thu Apr 04, 2019 8:21 pm

Colleagues

Thank you all for your thoughtful comments - as we begin to think about the LDC policy direction we will be discussing soon, I wanted to respond to CM Alter and Pool and share two questions that I am asking staff related to providing more housing choices and developing and preserving affordable housing - both goals that I support.

I am interested, as CM Alter indicated, in focusing direction on the outcomes we most want to achieve. I would like for us to examine how we can best create and preserve the 60,000 units affordable below 80% MFI which I believe is among the most critical challenges we face. That includes permanent supportive housing at a level that can help us address our growing problems with housing for homeless individuals and those struggling with substance use and mental health crises.

I have asked the staff to provide answers for the following two questions to help inform our LDC discussions (understanding that the LDC alone cannot solve these issues):

1) What specific Land Development Code changes can be put in place to help us ensure that we achieve the 60,000 affordable units targeted for Austinites at 80% MFI or below? And that targeted numbers of affordable units are created by increased entitlements, so that we are securing public value goals?

2) What mechanisms/criteria can we use to grant and map increasing entitlements in a way that avoids incenting the acceleration and/or continuation of demolitions, gentrification, and displacement? What ordinance changes can we put in place to ensure that any loss of affordable existing units will result in creation of more affordable units for middle and lower income families, and not just more expensive units?

I look forward to our continuing discussions.

Best Regards

Ann Kitchen
City Council D5

Re: Response to LDC Revision Policy Questions

by **Leslie Pool**

Posted: **Thu Apr 04, 2019 9:27 pm**

Colleagues, thanks for your thoughtful comments here. I am in general agreement throughout, in particular with the Mayor's added and specific language relating to policy goals and long-range planning. I am especially supportive of putting the new measuring tool from the UT Gentrification report, "Uprooted," into action as we model or test changes real-time in neighborhoods across the city.

I look forward to our deeper conversation on Tuesday and going forward.

Best,

Leslie

Re: Response to LDC Revision Policy Questions

by **Jimmy Flannigan**

Posted: **Fri Apr 05, 2019 12:43 pm**

Thank you, everyone, for the many thoughtful ideas to consider. With the City Manager's 5 questions in mind, CM Harper-Madison, CM Kitchen, CM Renteria, and I offer the enclosed document which delves into specifics and offers 15 Questions & Answers that we four agree must first be tackled before the rewrite.

<http://assets.austintexas.gov/austincou ... 122945.pdf>

It is incumbent upon this Council to provide to city staff clear direction on key policy drivers - with a level of specificity that ensures success. If we do not provide specific answers to staff, they will be left to answer them for us.

I believe that one of the major failings of Code Next was exactly this: After the transition from the old at-large council, the new 10-1 council was never presented the opportunity to give clear policy direction at a level sufficient for staff to draft a valid document. The last election delivered a clear message: The community expects this Council to lead and make policy to address affordability and growth.

We invite and welcome your feedback.

Re: Response to LDC Revision Policy Questions

by **Ann Kitchen**

Posted: **Fri Apr 05, 2019 4:11 pm**

Hello all,

In the spirit of providing clear direction and a level of specificity that helps us ensure success, I want to share some additional thoughts on specific policy direction language. The document (<http://assets.austintexas.gov/austincou ... 160729.pdf>) demonstrates

considerable agreement/consensus with previous posts and the 5 point memo from the City Manager, while providing added specificity. I have also proposed additional policy issues that should be considered by Council to provide policy direction on.

Best regards,
Ann Kitchen
City Council D5

Re: Response to LDC Revision Policy Questions

by **Alison Alter**

Posted: **Fri Apr 05, 2019 4:41 pm**

Dear colleagues:

My position on our policy decisions at this point is very aligned with the comprehensive direction provided in Council Member Kitchen's most recent post building on Mayor Adler's previous edits.

Regards,
Alison Alter

Re: Response to LDC Revision Policy Questions

by **Jimmy Flannigan**

Posted: **Fri Apr 05, 2019 4:43 pm**

Thanks for providing your additional thoughts, CM Kitchen. I'm really looking forward to narrowing all these ideas down to clear direction for staff to begin drafting!

For those keeping score, I would answer the Manager's questions A(i)/C/C/C/C which from my perspective is mostly baked in to our joint document.

Re: Response to LDC Revision Policy Questions

by **Paige Ellis**

Posted: **Mon Apr 08, 2019 1:19 pm**

Colleagues -

Thank you for raising a number of important issues that either we or staff will need to sort through to produce our new land development code and map this year. For now, however, let us stay focused on answering the Manager's five policy questions, so that we are prepared to vote and give clear staff direction before the end of the month.

I agree with the Mayor that Austinites sent a clear mandate for action in this most recent election. Affordability, mobility, and environmental protection were the top three concerns I heard again and again when knocking on doors. Fortunately, we know what we need to do - vigorously pursue the goals laid out in the Austin Strategic Housing Blueprint, the draft Austin Strategic Mobility Plan, and the Austin Community Climate Plan - and we now have the opportunity to achieve those goals as we craft a new policy and mapping.

Therefore, I concur with most everything in CM Casar and MPT Garza's answers to the City Manager's questions. I agree that our two highest policy priorities for the code rewrite are

(1) all types of housing for all kinds of people in all parts of town, and (2) a development pattern that supports a 50/50 transportation mode share by 2039. If we all keep these simple but powerful dual goals at the front of our minds throughout our discussions, I believe we will be successful, avoiding the quagmires of the past and ensuring we make the progress that both our community & our climate demand within the year.

To align our housing and mobility planning for maximum impact, my answers to the City Manager's questions are:

- 1: A(i) - Adopt both a new code and new zoning map
- 2: C - Provide greater housing capacity than Draft 3, through enhanced measures to allow construction of additional residential units
- 3: C - Provide for a greater range of housing types than Draft 3
- 4: C - Reduce the impact of compatibility standards on development to a greater degree than Draft 3
- 5: C - Reduce the impact of minimum parking requirements on development to a greater degree than Draft 3

Austin needs increased density along transit corridors and more innovative utilization of transition zones to appropriately meet the demand for missing middle housing and environmental protection. My view on transition zones is outcome-driven: transition zones should offer enough housing capacity allow us to reach our ASHB and ASMP goals. My thoughts are that to reach our desired goals, we should plan and map for a housing unit capacity that is at least twice our intended number of homes, and likely more. To ensure we are not simply guessing at this key multiplier, I suggest Council ask the City Manager to validate our housing capacity model, to check our assumptions against local reality. Furthermore, I encourage the City Manager to provide for Council's and the community's consideration some options for how we build up our corridors and transition zones to reach our goals, including scenarios that illustrate tradeoffs among transition zone features, such as overall footprint, height, and unit mix.

While I wish that simply amending individual portions of the code would get us where we need to be, we have to be mindful that this code needs to last us at least the next 35 years. The growth patterns created with this code will be evident for much longer.

Thanks!

Re: Response to LDC Revision Policy Questions

by **Leslie Pool**

Posted: **Mon Apr 08, 2019 3:23 pm**

Colleagues:

I appreciate all the posted comments and proposals that will prepare us for our discussions, and I am in general agreement with much of it. I would like to share this addition to our collective direction from CM Kitchen and myself. -- Leslie

From Leslie & Ann:

We agree with the Mayor's comments regarding the need for district planning and appreciate the broad outlines provided. Part of the additional direction we want to share is

from previous council direction in Resolution 20170928-101 to establish and begin a system-wide planning process focused on our Imagine Austin activity centers and transit corridors. The process should have some elemental features codified in our LDC, such as identified geographical areas and criteria for determining when an area is ready for planning.

Therefore, we've expanded the section titled "Additional Direction for Future Planning Efforts". The edited document can be found here

[http://assets.austintexas.gov/austincou ... 51719.docx](http://assets.austintexas.gov/austincou...51719.docx) with the new content below:

"Develop a proposed district level (e.g., ERC, North Burnet/Gateway Neighborhood Plan) planning process to be codified in the Land Development Code, that will:

- Identify geographic areas along corridors throughout the city where district level planning will have maximum public benefit, paying particular attention to corridors (including streets and arterials) identified in the ASMP, Project Connect, and where construction, planning, and land acquisition with bond dollars will be applied and can be leveraged, and
- Establish criteria for determining when district-level planning for an area is needed to align with our adopted city goals and plans, including Imagine Austin, ASHB, ASMP, Age-Friendly Austin Action Plan, the upcoming Parks Master Plan, and other relevant plans.

The criteria should include, but not be limited to, the following information resources:

- o Planned transportation investments, including corridors with transportation bonds and public transit investments
- o Affordable housing investments
- o Significant number or scale of private development
- o Market force indicators expressing need and opportunity to leverage an area's potential or significant public investment via facilities or other infrastructure;
- o Areas of vulnerability identified using the mapping tool from the UT Gentrification & Displacement Study, "Uprooted," and
- o Include consideration for inhibiting displacement, preserving cultural and historic assets, promoting multi-generational housing, and support neighborhood schools, particularly schools with under-enrollment or in areas of rapid displacement."

We look forward to our discussion on Tuesday.

Leslie & Ann

Re: Response to LDC Revision Policy Questions

by **Greg Casar**

Posted: **Mon Apr 08, 2019 6:21 pm**

Colleagues,

I have done my best to create a new, comprehensive document that includes everyone's input on how we can move forward together. This document reflects suggestions by all who have posted so far. This way, we can make edits to just one document together, and then pass this document as answers and direction to the Manager's 5 questions.

My intent was to include all the additions suggested in this last week. Any missing provisions or imperfect formatting may have been a simple oversight. I generally did not incorporate deletions of content suggested by Council Members, but I did include the additions from Council Members Harper-Madison, Renteria, Kitchen, Flannigan, Pool, Ellis, Alter and the Mayor into the original document created by Mayor Pro Tem Garza and myself. In order for the document to flow, I did have to edit language, and any edited language is marked in yellow highlight. Also, in some cases the direction provided by different Council Members varied on the same topic (usually in minor ways). I've tried to find middle ground on these issues as a basis for moving forward, and you can find any such edits also in yellow highlight. Also, I have left the question on Compatibility open to the possibility of Enhanced Option B or Option C, as both have been suggested on the message board in the last few days. I look forward to the discussion tomorrow and your input on this document.

<http://assets.austintexas.gov/austincou ... 181542.pdf>

See you in the morning.

-Greg

Powered by phpBB® Forum Software © phpBB Group
<https://www.phpbb.com/>

All times are UTC - 6 hours [DST]
Page 1 of 1