Code Next

Land Development Community Advisory Group

Code Diagnosis Draft: May 5, 2014 Jeff J Jack Review Comments, May 20, 2014

Summary of Key Findings

1. Ineffective Base Zoning Districts

   The example of Single Family SF-3 zoning covering many different types of single family housing has been cited as an example of the "ineffectiveness" of the base zoning districts.

   ? How has "ineffective" been defined, measured and by whom? So what is in the current code that is "ineffective"?

   ? How is it "ineffective" in reflecting the community's values that are embedded in our small area planning such as neighborhood plans or in the many individual zoning negotiations our neighborhoods have agreed to?

2. Competing Layers of Regulations

   The assumption here is that the many overlays make the code so "convoluted" it is unusable.

   ? If the many overlays are "compressed" into new base zoning districts, will it eliminate any substantive elements of the existing base district zoning plus the overlays?

   ? If we "compress" the overlays with different base districts, how many new base districts would be created that would ensure that the substantive elements of the current code are not lost?

   ? Many of our neighborhood plans and individual zoning negotiations are based on these conditional overlays, many of which have to do with allowing only certain uses in exchange for relaxing or amending site development standards, how will these agreements be honored in the simplified code?

   ? If the use of Form Based Code is being considered and it does not specifically address uses, how will adverse uses proposed for a complying building form be dealt with if not in the zoning regulations or overlays?

3. Complicated "opt-In and Opt-Out" system

   The optional code elements that have been adopted by various neighborhood planning areas are seen as resulting "unpredictable development…"

   ? Exactly why are these opt-in, opt-out code elements considered "unpredictable"?

? Since these options are embedded in every neighborhood plan that has been adopted by the Council how are going to ensure that they are maintained as proscribed on page 207 of the Imagine Austin Plan?

? Austin is a city of many different communities and each with specific character and cultural values. As an example front yard parking may be a completely acceptable practice in some neighborhoods but would be frowned on in other areas. So how can a "simpler" code without such opt-in opt-out mechanisms reflect the diversity of our community?

4. Lack of Household Affordability and Choice

It is stated that the demand for affordable housing is not keeping pace with the growing needs

? Data from the EPS study has indicated that we have actually constructed new housing at a faster pace than the growth in population. Given that how do you explain the lack of affordable housing.

? Will changing residential zoning entitlement to allow for more diverse housing types within existing neighborhood been analyzed with regard to the property tax implications to the existing residents of this increase in entitlements. Another way to put this will such added density make the city more affordable for our existing residents, if so how?

? Has there been any study or data available that indicates that increasing zoning entitlements to allow for more secondary units will actually provide any more affordability to the occupants of those units and to the original property owners?

? Data on increasing entitlements for multi-family and mid and high rise development indicate that the added construction costs of this very dense housing will be very prohibitive to the ability to provide affordable housing units, how does this impact the desire for affordable housing choices in Austin?

? An analysis of the relationship of density of various peer cities versus the number of cost burden households suggests that as a city gets denser the affordability issue get worse. Do you have any data that shows a city that has gotten denser it has become more affordable and the actual cost of living has gone down relative to income levels?

5. Auto-Centric Code

It has been stated that parking for the car is "compromising the character of Austin communities."

? What data do you have that indicates the modal shift that would have to take place to significantly reduce the use of cars in our city? And at what point would the alternative modes actually reduce the need for parking?

? The quality of life in our neighborhoods is impacted by overflow parking from adjacent commercial development and inadequate parking being provide in many of the multi-family developments along our neighborhood streets. So how is reducing parking requirements even further going to impact residential streets?

? If all planned mass transit projects were approved and competed, how much reduction of traffic and parking needs would there be in Austin's neighborhoods?

6. LDC not always in line with Imagine Austin

The IACP clearly states that neighborhood plans should not be changed in the LDC process and the Mayor has stated that existing neighborhood plan will not be changed except through the neighborhood plan amendment process.

? In the IACP there are many stated goals and objectives. The focus on "compact and connected" is just one of the priorities. At what point does striving for a "compact and connected" city and the embedded push to add density to our existing neighborhoods, conflict with other priorities such as maintaining the character of our neighborhoods or ASLA's recommendation on an integrated code that is ecologically responsible?

? Does this process of re-writing the LDC have a means to know when pushing "compact and connected" has reached the tipping point where it then becomes in direct opposition to other IACP priorities.

? Is the current staff effort to review existing neighborhood plans an attempt to make changes to these plans now so that they can be considered consistent with the IACP and therefore the new code that is supposed to be in alignment with the IACP would not them be technically in conflict with neighborhood plans?

? The Planning Commission in it's recommendation to the city council on adopting the IACP, stated the following:

1. Contract for a comprehensive analysis of the potential economic impact that the full implementation of the IACP may have on the City of Austin and it's citizens, along with a comparison of this economic picture to the current trend scenario from which we hope to diverge."

Further more the it is stated in the IACP the following:

"Impacts on sustainability and livability by increased infill and density of units, including associated infrastructure costs and impacts on affordability, should be identified prior to adoption of a new city code."

? Will the envision tomorrow tool that is being used in the LDC re-write process provide indicators and out comes that meet the stated objective of the IACP and the Planning Commission recommendation?

The following key findings are group together.

7. Lack of Usability and Clarity

8. Ineffective Digital Code

9. Code changes that adversely affect departmental organization

10. Incomplete and Complicated Administration and procedures

? What percentage of the negative comments about the current code are related to the Administrative and procedural issue noted in these key findings?

Comment:

The example of the McIntosh computer to suggest just how outdated our code is, is an effective visual prop. It suggests that our code is old, outdate and not up to the task of complex, complicated, city making it unusable, ineffective and therefore it needs to be replaced with a simpler, easy to use model. That visual is a very effective marketing tool for this agenda.

But consider this comparison, a 1957 Chevy Belair and 2014 Lexus sedan.

The 1957 Belair is a relatively simple car that almost any mechanic could work on with a modicum of experience, the carburetor is right there, the clutch and transmission a no brainer, oil pan is easy to get to, and so forth. It is a relatively uncomplicated car. Now compare that to the Lexus of today

The Lexus is very complicated, a machine that has been designed to provide high performance in almost every aspect of car design, from the steering to the stereo sound system, it is a very complex machine, almost every aspect of it is “special” or unique. That complexity would seem to make the Lexus a car that was very hard to deal with, somewhat like the complexity that some suggest is our existing code. But the Lexus is a car that has overcome it’s complexity borne out of it customization, by the use of technology. With hundreds of sensors, on board computers, digital displays and programmed testing of almost every aspect of the cars performance, you just plug it in and it tells you what is going on with the car, a truly smart car that does not sacrifice it’s performance to make it easy for a shade tree mechanic to be able to work on that car!

? So my question is this. If we use the current GIS and computing capacity we now have, could we not model every lot in the city with the zoning conditions and all other constraints on design, such as topo, trees, easements, etc. so that you could just type in the address and immediately have all the pertinent data one needs to do ones due diligence prior to purchasing a property, design a code compliant building and get it reviewed by the city of Austin in a much more timely manner and without the kinds of mistakes that are made when a staffer has to wade through hundreds of pages of code to do their review? Would this not save us a lot of money in the long run with less mistakes, less staffing needed, and speed up the process for the development community saving them money and time as well?