

Cracking the Code Public Meeting
May 19, 2014
Penn Field, 3601 S. Congress, Austin

Questions gathered from event attendees – PART II

Q: What role will the neighborhoods play in the CodeNEXT densification proposal?

A: CodeNEXT is not a densification proposal. It is a process of rewriting the regulations which govern development in Austin and preparing a set of zoning and other tools which can be applied by the City Council to specific parcels of land. It is true that the Imagine Austin Comprehensive Plan does anticipate higher density in designated activity centers and corridors; however, any zoning changes made after the adoption of CodeNEXT can only occur after review by the Planning Commission and approval by the City Council. Any zoning requests that are inconsistent with adopted neighborhood plans will also require amendment of the neighborhood plans. Neighborhoods will be involved in such changes just as they are now.

Q: Will all photos submitted by neighborhoods for the Community Character in a Box exercise be on the website?

A: The vast majority of the photos received to date are up on the CodeNEXT website and Flickr site: <https://www.flickr.com/photos/119725136@N06/sets>. A few images have not been posted to the website because they are duplicative or contain objectionable material.

Q: Rather than focus on implementing small lot amnesty tools across neighborhood plans, why not just reduce or eliminate minimum lot sizes city-wide?

A: CodeNEXT is looking to change the one-size-fits all approaches to Austin's zoning. A citywide change to minimum lot size would continue the current one-size-fits all approach.

Q: Many new developments are not well connected to the existing street grid, typically due to neighborhood association complaints and concerns. Is this something that can be improved through the code rewrite, to encourage a more connected grid?

A: The subdivision ordinance is currently being reviewed outside the CodeNEXT process; this review provides an opportunity for greater connectivity to be required. The emphasis on street connectivity needs to be accompanied by new street standards to ensure that new streets accommodate multiple modes of transportation and are sized appropriately to minimize any impacts on surrounding areas.

Q: Concerning Issue #5, Auto-Centric Code – First, couldn't agree more re: parking minimums! However, have you considered other elements of the code that encourage auto dependency? E.g. low densities, isolated walkable nodes surrounded by single family, poorly connected street grid, etc.

A: There are many components to the existing code that are not in line with the imagine Austin goal of compact and connected, and these components will be evaluated as part of the code revision

Q: Form Based Code – Does this restrict only size and scale or is use also considered?

A: Form-based Codes regulate both form and use. As an example, see the Flagstaff zoning code (which contains both conventional and form-based elements) at

<http://www.flagstaff.az.gov/index.aspx?nid=1416>.

Q: Why is “compatibility” or “character” defined by what is already built in the immediate vicinity and not the general area relative to the rest of the city? For example, a single-family home should not be “compatible” with any site 1-3 miles from downtown even if the surrounding buildings are currently single-family homes.

A: Community Character documentation is an effort to document the existing character of a neighborhood reporting area. It is not meant to define what the character of a neighborhood reporting area will be in the future. Decisions on the future character will be made by City Council based on neighborhood plans (where they exist) and Imagine Austin.

Q: Is it true that CodeNEXT will require a mass rezoning of 6 streets either side of So. Congress – to Mixed Use and Multi-Family?

A: No. It sounds like this is a reference to the “Missing Middle” housing slide that is part of many of our CodeNEXT presentations. There is a common misunderstanding of the meaning of this slide in the community. The slide shows a range of housing types such as courtyard houses and four-plexes that are typically not allowed by our current code. The slide is intended to illustrate the range of housing types that could be allowed by a new code, not how they could be implemented. CodeNEXT does not establish requirements for rezoning. It provides a set of zoning tools that can be applied by City Council to individual parcels of land. Decision on changes to the zoning map will be made by City Council in late 2016/early 2017.

Q: With CodeNEXT not even half formalized and not due to be completed until next year, why have residential zoning changes been recently made contrary to neighborhood citizen input? Specifically large tracts of formerly SF-1 housing were changed without transparency to SF-3 in Creekside/Coronado Hills.

A: There have not been any recent zoning changes from SF-1 to SF-3 in the Creekside/Coronado Hills area. The only changes that have occurred in this area involved the adoption of some of the neighborhood planning infill options, allowing “cottage special use” and “urban home special use” on certain properties. These changes were adopted by City Council in 2012 in conjunction with the neighborhood plan, but the base zoning was already SF-3 and was not changed.

Q: The current council hired the consultants who were aware of your point of view regarding priorities for Austin. What happens if new council doesn’t want much of what your priorities are for Austin?

A: The new Council will have an opportunity to reaffirm or modify decisions made by the existing council in early 2015. If the new Council chooses to move in a different direction the CodeNEXT team will work to implement that.

Q: It seems to be all focused on facilitating more development. Corridors defined and imposed from outside of neighborhoods. Complete lack of comprehension of “natural” “green” “unique neighborhoods” essential requirements of functioning ecosystem. No comprehension of effects of impervious cover. Assumption that “Imagine Austin” in any way represents what most residents of Austin think or want.

A: Over 18,000 Austinites participated in the creation of the Imagine Austin Comprehensive Plan. It was overwhelmingly recommended by the Imagine Austin Task Force and unanimously approved by Planning Commission and City Council. Conservation and the environment is one of the “Building Blocks” of the plan (see page Imagine Austin Plan, page 149 at

<http://austintexas.gov/sites/default/files/files/Planning/ImagineAustin/webiacpreduced.pdf>).

The LDC and the CodeNEXT efforts implement existing plans and planning efforts which have been adopted by the City Council

Q: Please put neighborhood boundaries on the next set of posters.

A: The posters will be included in the Community Character manual, adjacent to pages which show the neighborhood boundaries.

Q: Compatibility – current definitions of compatibility kick in for huge swathes of the city based on current use, not even zoning. Why wasn’t this part of your diagnosis? This triggers very large setbacks, height limits that cover huge parts of the city.

A: Compatibility, subchapter 10 of Chapter 25-2 of the LDC, is one of many layers that have been added to the existing LDC, as discussed in Section 3.2 of the Code Diagnosis. Other layers include subchapter E and subchapter F. Compatibility is a very important topic in Austin and was the subject of the first CodeTALKS that were held on June 12 and June 14 at the Palmer Events Center.

Q: Who decides how the new codes get mapped to the old ones?

A: City Council will make the ultimate decision. When the new code is being readied for adoption in 2016 the team will engage with City Council on draft zoning maps and how to deploy the new zones across the city.

Q: How do expansive historic districts fit into a potential update to the LDC? It seems like careful balance is needed to allow flexibility and infill.

How will the code protect our historic neighborhoods and houses? Allowing multiple housing in a historic district will mean that smaller historic houses will be sacrificed for investment properties like duplexes, etc.

A: Historic districts are an important tool and one that has an important role in remaining in the LDC. The LDC may look at providing additional tools or refinements to the existing tools that protect existing Historic Districts.

Q: I participated in my neighborhood reporting area’s Community Character in a Box kit during the first phase, but I did not submit my photos yet (or I wanted to take more pictures and submit them). Can I still submit photos?

A: Yes, just use the unique email address that was sent with your box. If you lost or forgot the email address, please contact Paulina Urbanowicz at 512-974-5658...

Q: Opt-in/Opt-out tools have been used to recognize differences in neighborhoods and different needs. Are you suggesting as a policy we no longer employ this?

A: Opt-in/Opt-out has served as an important tool for refining where neighborhood plan tools are appropriate. However, the implementation method --having to refer to a separate map and not being able to quickly and easily understand if the tools apply to a property-- is an issue that needs to be refined. The CodeNEXT process will also allow for an examination of each of the individual tools and the ability to refine them. Refinements to the tools would occur in 2015 and 2016, with input from the neighborhoods on which tools they wish to apply.

Q: Rapid development given market conditions will profoundly impact City in next two years. Any quick fixes under consideration for most obvious problems you (we) have diagnosed?

A: As we proceed through the process it is possible that we will identify some near-term measures that can be undertaken to address critical issues. However, because the existing Code deficiencies are so pervasive and the various Code sections so interrelated, we have to be careful that any short-term fixes are part of the overall context of the Code revision.

Q: The existing code forbids or penalizes dense development in much of the core. How is the rewrite going to improve this situation to allow for a more compact, walkable city?

A: We will be evaluating existing Code provisions that conflict with the vision of Imagine Austin and identifying improvements that allow for increased density in appropriate situations, while also providing adequate protection of existing neighborhoods.

Q: Household Affordability – The suggested changes strike me as timid. Have you considered at least putting a proposal on the table that would radically expand housing supply and really make a dent in the housing affordability crisis?

A: The Code itself has an effect on affordability but cannot be the only mechanism for addressing the affordability problem. The Code Diagnosis discusses (on p. 56) other strategies that might be employed in a more comprehensive approach to household affordability.

Q: You mentioned in one slide that showed a vast amount of asphalt for parking that our code is too auto-centric. I agree, however, you also mentioned you wanted to develop nodes of density. How do you bridge the gap between existing big box stores and commercial development now and the VMU's we want in the future at those nodes? That seems critical.

A: Suburban-style development can be designed to facilitate a transition to a more walkable pattern of mixed-use development. As an example, special regulations are being considered for Highland Mall to help achieve this transition.

Q: Sustainability is a key value in the community and Imagine Austin. How will that factor into the various tools and code alternatives? For example, how will the impervious cover limits be maintained?

A: The Code can encourage the provision of green infrastructure in appropriate locations, such as rain gardens for stormwater control in lieu of standard detention ponds. There may also be different ways of regulating impervious cover in different contexts in order to achieve a more sustainable result.

Q: Is there a city that acts as a good precedent for Austin to move forward with its code? What city would Austin look like?

A: Opticos has recently prepared new codes for Cincinnati and Flagstaff that contain certain features that may be useful in Austin. However, the code developed for Austin will recognize its unique characteristics and values and not try to make it look like any other city.

Q: How does the planning process ensure adequate parking near business to avoid “spill” into neighborhoods – while encouraging alternative transportation modes?

A: Parking regulations must be approached as an overall strategy with requirements tailored to the context. Mixed-use centers with parking shared among various types of development can significantly reduce the parking demand and encourage alternative transportation modes without resulting in parking spilling over into neighborhoods.

Q: Will the code rewriting process address how projects are reviewed by different departments separately and sometimes disconnectedly?

A: The code revision will generally address what types of permits are needed and how they are approved, but it will not delve into the details of the review process. There is a separate study underway to assess and improve the review process.

Q: How will CodeNEXT address compliance enforcement and waiver requests? Who/from department or council?

A: The code revision will address in general terms how the ordinance is enforced and how waiver requests are handled.

Q: What if the home owners in the South Austin neighborhoods vote no on change to the current neighborhood plan, zoning and FLUM?

A: The South Austin Combined Neighborhood Plan is the neighborhood-created vision for how to manage the changes occurring in the neighborhood—as well as Austin as a whole—and to implement Imagine Austin at the scale of the neighborhood. The plan identifies areas where neighborhood character should be maintained and where growth should be directed through character districts, which will be used for evaluating future development proposals/rezonings and will guide implementation of the revised Land Development Code. The plan also addresses transportation, parks and green infrastructure, and city services at the local level, fleshing out how these citywide issues identified in Imagine Austin apply to South Austin.

In addition to the neighborhood plan, Planning Commission and City Council will consider adopting Special Use Infill Options, such as secondary apartments or urban homes, which are a part of a zoning overlay that will provide additional options for residential property owners.

If these infill options are adopted by City Council, residential property owners will have some additional options for the types of single and two-family buildings they can construct, which may contribute to household affordability and more walkable neighborhoods, both goals identified in Imagine Austin. CodeNEXT will provide the tools for realizing the land use aspects of the neighborhood vision, including character districts and any infill options adopted.

Q: Will E.T.J. “neighborhoods” be included?

A: Parts of the Land Development Code (such as drainage and water quality requirements) apply throughout the Extraterritorial Jurisdiction or ETJ (which extends 5 miles beyond the city limits). Other parts, such as zoning regulations, apply only within the city limits. As portions of the ETJ are annexed into the city limits, they will be subject to all provisions of the Code.

Q: There’s a resolution before city council Thursday that requests that accessory development units be used as tools city wide. In what city have you noted (Opticos) where ADU’s were implemented city wide?

A: The resolution is occurring outside of the CodeNEXT process. Portland, Oregon is one city that allows ADU’s citywide.

Q: There is an assumption that if Austin densifies its neighborhoods through infill tools – garage/alley flats – we will address affordability. Never read a study that diversity addresses affordability.

A: Accessory dwellings can provide a source of additional income to a homeowner and may offer a more-affordable housing choice to the renter. They will not in themselves solve the affordability problem, but they can be one tool to address the problem.

Q: When you mentioned affordable housing being impeded it was only in the context of developers. What about impediments to government owned housing?

For the most part, government-owned or supported housing is subject to the same development regulations as privately-owned housing, and therefore would benefit from Code changes just as private development would.

Q: How do you plan to integrate sustainable water and green infrastructure into the new transitional zones?

A: The City has an interdepartmental team which is evaluating how to promote the use of innovative methods of stormwater treatment and other forms of low-impact development. The team will work with public stakeholders to finalize recommendations for future update to the Environmental Criteria Manual or amendments to the Watershed Protection Ordinance. Proposed changes will be incorporated into the new code.

Q: How can we get a code that is closer to the Flagstaff code than to other form based codes?

A: City Council will decide in the fall of 2014 what basic approach the Code team should take in writing the new Code. This may include incorporation of form-based elements into

the Code. There will be opportunities for public input at this time and throughout the project to express your ideas about what the Code should include.

Q: How will CodeNEXT deal with deed restrictions? Or will it?

A: Deed restrictions are private agreements which the City does not enforce. Therefore, they are not part of the Code revision process.

Q: Is the city going to slow down neighborhood plans or major code revision initiatives and wait for CodeNEXT?

A: The current schedule is for a final Code to be presented to City Council for adoption in the fall of 2016. As we get closer to that time, staff will likely request that Council suspend major code revision initiatives until the new Code is adopted.

Q: Has Opticos signed a new contract and will next council deal with new draft of code?

A: Opticos is currently only under contract for the first phase of the project, which includes listening and understanding, the Code Diagnosis, and development of alternative approaches to the new Code. A contract for the second phase will be signed later this year. This phase will include preparation of a draft Code and presentation to the City Council for adoption in the fall of 2016.

Q: Will CodeNEXT trump 1) neighborhood plans 2) HOA's 3) already developed older neighborhoods – i.e. no available building lots left?

A: CodeNEXT is not a plan but a tool for implementing plans that have been adopted by City Council, including Imagine Austin and neighborhood plans. Zoning adopted by City Council following the completion of CodeNEXT will be consistent with Imagine Austin and the neighborhood plans.

Q: Does GIS system take into account neighborhood infill already built re: people / acre? [We assume you're talking about the Envision Tomorrow model which is being developed to evaluate the effects of the new code, but we don't understand the question].

Q: Why this effort? We spent 2 years and untold staff's neighbor hours (re: cost) to do the neighborhood plan.

A: CodeNEXT is intended as a tool for better implementing neighborhood plans. It is not intended to replace or circumvent the adopted plans.

Q: If a neighborhood has a neighborhood plan that does not approve infill options, will CodeNEXT exclude those also in its plan?

A: CodeNEXT will respect the decisions that have already been made concerning infill options in neighborhood plans but will hopefully give neighborhoods some better tools to consider to allow compatible infill. Recently City Council initiated a Code amendment to expand the use of accessory dwelling units citywide. That amendment is proceeding in advance of CodeNEXT and could affect what is allowed in an area with an adopted neighborhood plan.