



June 7, 2017

CONGRESS
FOR THE NEW
URBANISM
CENTRAL TEXAS
CHAPTER

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Mr. Greg Guernsey
Director
Planning and Zoning Department
City of Austin

Re: CodeNEXT

Dear Mr. Guernsey,

The Congress for the New Urbanism, Central Texas Chapter (CNU-CTX) strongly supports the revision of the City of Austin's land development code, as called for in Priority Program #8 of the Imagine Austin Comprehensive Plan.

This is a once-in-a-generation opportunity, and it is important that we as a community get it right. While CodeNEXT has many positive attributes, significant changes need to be made to ensure that it realizes Imagine Austin's promise of a genuine improvement on the current land development code. As such, CNU-CTX would like to see the following changes so that we can fully implement the priorities of Imagine Austin.

Transect Zones

CNU-CTX strongly supports the use of form-based codes and the rural-to-urban transect as developed and refined by The Congress for the New Urbanism members and supported as a best practice by the CNU-affiliated Form Based Codes Institute (<http://formbasedcodes.org/>).

The Congress for the New Urbanism views

“disinvestment in central cities, the spread of placeless sprawl, increasing separation by race and income, environmental deterioration, loss of agricultural lands and wilderness, and the erosion of society's built heritage as one interrelated community-building challenge. . . We stand for the reconfiguration of sprawling suburbs into communities of real neighborhoods and diverse districts.”

This is an acute problem in Austin; we have recently been called one of the most segregated cities in North America by the Martin Prosperity Institute at the University of Toronto. We believe that the first step to desegregating Austin is through adopting a form-based code *throughout* the city, and thus eliminating the non-transect zones that are set forth in the CodeNEXT draft.

We recommend the following best-practice principles be adopted in subsequent drafts and maps of CodeNEXT:

- Adopt a unified language in the code by utilizing *only* transect zones and eliminating non-transect zones and legacy zoning.
- Absorb existing Neighborhood Conservation Combing Districts (NCCDs) into the transect zones.
- Eliminate neighborhood plan references. We can preserve character without preserving these documents, and the content of these plans can be absorbed by transect zoning.
- Calibrate the transects, not to existing character and entitlements, but to Imagine Austin priorities. Using transects to reinforce development patterns that originated decades ago, when Austin was a much smaller community, ignores the reality that Austin is growing and changing rapidly. This only further exacerbates our community's challenges with affordability and failing transportation networks.
- Apply more T4 zones to the draft map. T5 should be mapped to Imagine Austin Centers and Corridors. Concurrently, T4 should be mapped at least one quarter-mile off of IA Corridors and ¼ to ½ mile from IA Centers and transit stops on Imagine Austin Corridors, particularly those with current high-capacity transit service, proposed-high capacity service, and those undergoing improvements through the mobility bond program.
- Apply T6 zones to the Central Business District, the Domain, and other existing high-density areas.

Supportive Principles from the Charter for the New Urbanism:

#17: The economic health and harmonious evolution of neighborhoods, districts, and corridors can be improved through graphic urban design codes that serve as predictable guides for change.

#15: Appropriate building densities and land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.

Missing Middle Housing

CNU-CTX strongly supports the inclusion of 'missing middle' housing types throughout CodeNEXT's transect zones. Although the term 'missing middle' was developed by lead CodeNEXT consultant Opticos Design, the types themselves are time-honored solutions to the need for housing diversity in cities. The Congress for the New Urbanism has embraced the concept of missing middle housing (<http://missingmiddlehousing.com/>).

Opticos' use of this important tool in the CodeNEXT draft and map seems to be constrained by an emphasis on the preservation of community character over the need to adapt and change to meet the needs of a rapidly growing city.

CNU-CTX recommends:

- Adding more T4 to the central core and include more missing-middle alternatives in the T4 zones. Currently, the majority of missing-middle appears in T5, and the use of these types in T4 is minimal.
- Calibrate missing-middle housing types (and all building types) to Imagine Austin, not just to existing neighborhood character. Current legacy zoning categories appear more flexible than some proposed building types, and current projects that are very well received in the market (Mueller, for example) would not be possible under CodeNEXT as drafted.
- Uphold Accessory Dwelling Unit (ADU) regulations passed in 2014. While ADUs appear to be allowed in more districts under this draft code, it appears that some important applicable site development standards are altered, such as the rear setback requirement on a lot without an alley and the requirement that the back unit be smaller than the front, rendering ADUs more difficult to build on many lots than under current regulations.

Supportive Principles from the Charter for the New Urbanism:

#7: Cities and towns should bring into proximity a broad spectrum of public and private uses to support a regional economy that benefits people of all incomes. Affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.

#13: Within neighborhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community.

Small-Scale Incremental Development

CNU-CTX strongly supports the numerous CodeNEXT provisions that better facilitate small-scale incremental development. The Incremental Development Alliance (<http://www.incrementaldevelopment.org/>), a CNU affiliate organization, provides resources and best-practice principles for implementing small-scale incremental development.

CNU-CTX recommends:

- Expand the ‘Residential Heavy’ site plan exemption, currently proposed to increase to developments of up to 16 housing units, to include small-scale mixed-use commercial and cultural facilities as well. The current complicated, time-consuming and expensive process of obtaining a full site development permit presents a barrier to the successful implementation of many small-scale projects. We would like to see the program include expedited permitting along with the reduction of other barriers to small-scale development, such as complicated requirements for water quality and detention, parkland dedication, and streetscape and utility conflicts.
- Review and revise local amendments to the International Residential Code (IRC) and International Building Code (IBC) to ease and enhance the effectiveness of the “Residential Heavy” concept at the administrative level. Specifically, the thresholds regarding the number of dwelling units per structure or site at which either the IRC or IBC is

implemented should be reviewed. These thresholds directly impact the City's ability to review projects within its Residential Review group versus its Commercial Review group (not only for purposes of Site Plan but also Technical Review). Changes could provide significant relief from development barriers in the form of time, expense, and complexity of review efforts.

Supportive Principle from the Charter for the New Urbanism:

#4: Development patterns should not blur or eradicate the edges of the metropolis. Infill development within existing urban areas conserves environmental resources, economic investment, and social fabric, while reclaiming marginal and abandoned areas. Metropolitan regions should develop strategies to encourage such infill development over peripheral expansion.

Parking and Transportation

CNU-CTX strongly supports the elimination of minimum parking requirements in transect zones as well as on corridors with access to high-capacity transit and multiple mobility services (e.g., rideshare, carshare, bikeshare). Although the CodeNEXT team has made great strides toward reducing existing parking requirements, CNU-CTX sees a great deal of opportunity in further decreasing Austin's reliance on auto-centric design. Aligning our parking regulations with the goals set out in Imagine Austin will play a significant role in supporting transit and will enable the citizens of Austin to dramatically reduce their dependence on automobile ownership.

CNU-CTX recommends:

- Ensure and expand the zero-parking requirement in Downtown Austin into other Imagine Austin Centers, while supporting a comprehensive transportation demand management program that leverages traffic impact analysis waivers.
- Outside of Downtown Austin and in non-IA Centers, increase the maximum parking adjustment, which is capped at 40% in the current draft. Implementing transportation demand management practices and employing the use of existing public and private mobility services will enable a building owner to significantly decrease the need for vehicle storage.
- Replace the level-of-service (LOS) metric with vehicle miles traveled (VMT) in the Transportation Criteria Manual and traffic impact analyses. This policy is becoming increasingly commonplace in cities and states across the U.S., as it prioritizes the movement of people over the movement of single-occupancy vehicles. This simple policy change will go a long way toward reducing development costs and discouraging unnecessary auto-centric street design.

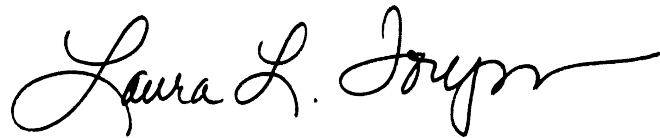
Supportive Principles from the Charter for the New Urbanism:

#8: The physical organization of the region should be supported by a framework of transportation alternatives. Transit, pedestrian, and bicycle systems should maximize access and mobility throughout the region while reducing dependence upon the automobile.

The citizens of Austin supported the Imagine Austin Comprehensive Plan as a way forward for our city into the future. We need a draft code that reflects that vision of the future. CodeNEXT is our opportunity to shape our city into the affordable, mobile, and inclusive place that Imagine Austin promises.

CNU is a multi-disciplinary organization recognized globally as a leader in city-building. The local members of the Congress for the New Urbanism, Central Texas Chapter stand ready to provide assistance and expertise on this topic that affects affordability, an issue at the forefront in Austin right now.

Regards,

A handwritten signature in black ink that reads "Laura L. Toups". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Laura Toups
President

CC: Jorge Rousselin, City of Austin, Planning and Zoning Department
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