



City of Austin

COMPREHENSIVE LAND DEVELOPMENT CODE REVISION Advisory Group - Comment Form

(Please print legibly. This page will be electronically provided to the City Council)

Your name: Dave Sullivan

Which consultant(s) are you commenting on? (Please circle as appropriate)

☒ **Clarion Associates of Colorado, LLC**

☐ **Opticos Design, Inc.**

Your comments about the Consultants:

Clarion's experience with Austin is very important, in particular with the Commercial
Design Standards. They did a better job in terms of describing how to maintain
harmony between single family areas and more intense development.

I was present for the afternoon question and answer period at the Council meeting,
and I watched the earlier presentations and question and answer period on the Channel
6 Website. I also participated in the afternoon session for the LDC Advisory Group.
Both teams are excellent.

Other comments:

As mentioned above, both teams are excellent.
However, were the decision up to me, I would select Opticos.

Thanks for your comments. Consultant presentations can be viewed at:

Comments may also be submitted via e-mail by the close of business March 13, 2013.

Please send e-mail comments to: mark.walters@austintexas.gov



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Your name: Stephen Oliver, AIA (Planning Commissioner)

Which consultant(s) are you commenting on? (Please circle as appropriate)

☒ **Clarion Associates of Colorado, LLC**

☒ **Opticos Design, Inc.**

Your comments about the Consultants:

Based on research of each of the respective firms, their presentations to Council, and dialogue with the Consultants at City Hall, it is my opinion that the two firms offer vastly differing perspectives on their approach to our code rewrite. I believe, while both are qualified, Opticos Design is better suited for Austin's next great code challenge, despite staff's recommendation which I believe has potentially some flawed matrix scoring.

1. During Council Presentations, Clarion stated clearly and unequivocally that there would be "no rezonings" and "no neighborhood plan amendments". However, later said they needed a better understanding of all the issues (presuming after diagnosis) before key decisions should be made. These comments to Council are clearly conflicting and confuse the community, staff, and city leaders from the outset as to what is necessary to achieve the goals of Imagine Austin. It lays down a roadmap that in my opinion will not work and should not be considered or pursued.

2. Opticos, based on previous work and presented graphic abilities, offer a stronger team with respect to communicating difficult code and zoning issues that are inevitably wrapped up in the community's basic understand of what you can and cannot design and build. Helping the community to better understand our code hurdles through visual and verbal methods is critical to get out of a fear based decision making mindset. It appears also that Opticos's communication strengths are not at the expense of other areas of expertise on their team. I believe their overall creativity and the ability to think outside the box with a strong voice is critical attribute for this difficult process.

3. As stated by Mayor Leffingwell, recent design standards (Subchapter E and F) developed in association with Clarion Associates have created far more problems than successes for Plan Review Staff, Architects, Engineers and Developers. While not all

of the ongoing problems with these code documents may be the direct product of this consultant, their leadership, expertise and direction is critical. Their lack of leadership in the transition into the use of their product has been greatly deficient and they should have spoken up if we were misusing or misapplying their work. If they only become drafters of consensus based code approaches in order to avoid hot button issues with the public, what assurances are they giving us as "experts" within their field that we will not repeat history with their team at the helm. We need stronger leadership than what they have provided as consultants so that we can align the intent of code and design standards with a simple code that enables success rather than contributing to conflict and confusion.

Clarion received a perfect 10 out of 10 for Experience with Austin issues which for me begs the question...Are we grading the quality of that experience?

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Your name: Melissa Neslund

Which consultant(s) are you commenting on? (Please circle as appropriate)

Clarion Associates of Colorado, LLC

X Opticos Design, Inc.

Your comments about the Consultants:

I believe this consultant team is the clear leader for the following reasons:

- 1) They addressed the need to assess existing plans, policies, etc. while recognizing there will likely be context-sensitive solutions that address the need to protect neighborhoods and promote infill. Standards can be put in place that address the transitions, but they may look slightly different than what we have on the books today. If we truly want to achieve the policies and goals of Imagine Austin, we have to rely on the Growth Concept Map and be willing to approach this process and the existing policies and plans as an open book.
- 2) In my opinion, their team is comprised of local and national leadership that can get this Code rewrite done. Their approach included a strong organization and mobilization process; they stated a desire to get stakeholders to buy-in and take ownership of the process. I think this is critical.
- 3) The fact that they included the Citywide mapping exercise in their approach and presentation was a plus. It's important in order to analyze the existing conditions, reconcile and understand the level of non-conforming uses/zoning and also to plan for future development. This effort should run parallel to the code rewrite and I believe the mapping will inform the code rewrite in some cases.
- 4) Their approach included an assessment of capacity, including staffing, the permitting process and identifying individuals who deal with the Code on a regular basis. In order to get this rewrite correct, I believe this is a critical piece of the puzzle. If this is not an element at the forefront of this process, we are missing the boat and will continue to have some of the same issues and challenges we face today. The code and process go hand in hand.

Other comments:

In reviewing Staff's scoring, Opticos took the lead on the interview portion of the scoring and was neck in neck on the other categories. Based on my personal impression of their presentation and the Q&A session we had, I believe they are the

leading team. Their team appeared most suited and experienced to navigate the challenging public “no change” mindset. They have proven results across the nation and locally. I believe they have a plan and approach that can bring the community together to rewrite the Code in a manner that achieves the goals of Imagine Austin. I hope you will consider this feedback when making your final decision.

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Your name: Melissa Neslund

Which consultant(s) are you commenting on? (Please circle as appropriate)

☒ **Clarion Associates of Colorado, LLC**

☐ **Opticos Design, Inc.**

Your comments about the Consultants:

Good presentation overall, but I noted some key items of concern:

- 1) They noted their main approach would be to respect existing plans, including providing no changes to neighborhood plans, no zoning changes, respecting compatibility standards, etc.. While I think respecting and understanding the existing plans is critical, I strongly believe everything needs to be on the table to get this right. In order to reach the goals and policies approved in Imagine Austin, there may need to be some significant changes to existing policies and plans that are currently on the books. Perhaps there is a better way to protect neighborhoods beyond a one size fits all compatibility standard; we saw some good examples used in Denver/Raleigh that were context sensitive. Business as usual is not working and we've all agreed there needs to be a new approach to growth, planning, etc.
- 2) I also have significant concern that they touted their work on the Commercial Design Standards Ordinance, Subchapter E. The fact that they are unaware of the non-user-friendliness of that document, the fact that well over 50% (I've been told by Staff in the past that it's closer to 80%) of all submittals seek alternative equivalent compliance, and we (the City and stakeholders) are on our 3rd significant revision to that ordinance, is alarming. The current major amendment being processed is reorganizing much of the document and is also proposing changes to help produce the type of development the ordinance originally intended to produce. Most troublesome is that they appear to have no clue the amount of time and money that Staff, consultants and stakeholders have spent since this ordinance was approved to improve it. Furthermore, when I asked what they could do differently to improve the outcome of the proposed LDC ordinance re-write, they indicated more staff training. In my opinion, it's far beyond that. This is a flawed ordinance. Implementation and understanding how a Code is functioning is critical and they are unaware of the challenges and obstacles this ordinance produced.
- 3) I also have concerns that they excluded the mapping exercise from their approach. I believe analyzing the existing zoning and land uses goes hand in hand with this re-

write. Separating them completely is the wrong approach. The approved Resolution states “all land development regulations including zoning and map, subdivision regulations... shall be consistent with the comprehensive plan”. I do not believe this goal can be met if mapping is not a parallel exercise.

- 4) They also did not speak to the very broken process in their presentation. Per the Resolution approved by City Council “the Imagine Austin Comprehensive Plan calls for revising Austin’s development regulations and processes to promote a compact and connected City”. Process is key in my opinion. It was only addressed by this group once the question was asked.

Other comments:

In reviewing Staff’s scoring, I found it interesting that Clarion took the first place slot marginally by a couple of points but more interestingly that they gained first place position based on their submittal, not their interview or presentation. Opticos took the lead on the interview. While the submittal is very important, many times in my experience, the packages that are submitted are compiled by marketing staff, existing resumes, previous submittals, etc. I think the interview, presentations and Q&A tell the real story. I hope you all will consider this when making your final decision.

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Your name: _Will Herring_____

Which consultant(s) are you commenting on? (Please circle as appropriate)

☒ **Clarion Associates of Colorado, LLC**

☐ **Opticos Design, Inc.**

Your comments about the Consultants:

I support the Clarion consultant group over Opticos. There are three reasons why I feel Clarion would be the best fit for Austin.

1. Clarion has partnered with the Imagine Austin consulting group and Imagine Austin is arguably the most important guidepost for this code re-write.
2. The local team of Clarion has a good feel for the political climate of Austin. I think that citizen activists have made Austin the city that it is – one of the most sought after cities to live in the country. Understanding what has made Austin this way, particularly how politics work in this town, is vital to the success of the code re-write. This code needs to be custom, specifically for Austin and its politics. Clarion demonstrated to me that they understood this.
3. Opticos plans on going to each new council member (once 10-1 is implemented) and getting their opinions on the FLUMs for each district – this is impractical and will lengthen the amount of time this code re-write takes. This individual lobbying exercise will complicate this process and delay fixing the problem at hand – the current overly complex code.

Other comments:

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Your name: _____James Duncan_____

Which consultant(s) are you commenting on? (Please circle as appropriate)

☐ **Clarion Associates of Colorado, LLC**

☐ **Opticos Design, Inc.**

Your comments about the Consultants:

I have concerns about both teams and wish the city had the opportunity to evaluate more proposals. My major concerns are that the Clarion team does not have someone in a major role with actual public sector experience drafting, adopting, administering and enforcing a new code for a major city, and my greatest concern about the Opticos team is that they might lean too heavily toward form-based solutions and not give due consideration to established use-based and performance-based provisions in our current code that need to remain, but be cleaned up. Having Peter Park on their team is a real asset if he is being offered in a major role. An obvious distinction between the two teams is that one (Clarion) will approach the project primarily from an attorney's perspective and the other (Opticos) will approach it more from a design perspective.

Other comments:

Receiving only three proposals and having only two teams for the City Council to select from for a well-funded high profile project such as this is unfortunate. With so few proposals, maybe all three teams should have been allowed to present to City Council.

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Your name: **Mandy De Mayo**

Which consultant(s) are you commenting on? (Please circle as appropriate)

★ **Clarion Associates of Colorado, LLC**

★ **Opticos Design, Inc.**

Your comments about the Consultants:

I was troubled by Clarion's upfront assurance that there would be no changes to the existing neighborhood plans and no rezonings as a result of the LDC rewrite. That seemed to be a premature assurance and counter-intuitive to the LDC rewrite goals.

When we met with the "Four Cities" panelists, all of them spoke about looking at how neighborhood plans (and the accompanying FLUMs) fit into the overall comprehensive plan vision. Some of the existing plans were incompatible with the comprehensive plan. In those cases, bold leadership was required in order to ensure that the comprehensive plan vision was achieved.

There were many things I liked about Opticos. First, I appreciated their ability to display concepts and convey information visually. Second, their team members (particularly Peter Park and John Fregonese) have both unique skills and experiences that would benefit the LDC rewrite process. Third, Opticos has a subconsultant (ECONorthwest) that is specifically charged with household affordability.

Regarding affordability, both firms had some similar thoughts (allow more diverse housing types, make the process more predictable, etc.). However, Opticos had more thoughtful and thorough approaches. Opticos provided examples of incentivizing the "missing middle housing" with its bungalow court development in Richmond, CA. Opticos also talked about minimum lot sizes and nonconforming lots (very relevant to Austin) that hinder affordability. In addition, Opticos discussed supporting minority and low-income businesses along commercial corridors.

I think Opticos is better positioned to tackle the LDC rewrite in Austin.

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Your name: Dave Sullivan

Which consultant(s) are you commenting on? (Please circle as appropriate)

☐ Clarion Associates of Colorado, LLC

☒ Opticos Design, Inc.

Your comments about the Consultants:

Of the two, Opticos is superior in terms of visualizing design. They are more specific
about means to promote housing affordability. Peter Park is a chief asset to this team, as
his experience as a planning department director is very important. Two other important
assets are Fregonese and McCann Adams. I observed the tools Fregonese's firm
provided during ECT, and believe they would be very valuable for the Code re-write.

I was present for the afternoon question and answer period at the Council meeting,
and I watched the earlier presentations and question and answer period on the Channel
6 Website. I also participated in the afternoon session for the LDC Advisory Group.
Both teams are excellent. Were the decision up to me, I would select Opticos.

Other comments:

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Walters, Mark

From: Chris Bradford [REDACTED]
Sent: Wednesday, March 13, 2013 4:27 PM
To: Walters, Mark
Subject: Comment on candidates for LDC revision consultants

Mark,

I'm a member of the Land Development Code Revision Advisory Group. I have reviewed the consultants' presentations and Staff's evaluation matrix. I also attended the brief Q&A session with other Advisory Group members.

I believe that both Clarion and Opticos are highly qualified candidates. Both gave impressive presentations. Both can and would do competent work, in my opinion. But I believe Opticos is the better choice for the LDC Revision than Clarion for three reasons.

First, Clarion's past experience with Austin's LDC is a strike against it. Clarion codified the McMansion Ordinance and drafted the City's Commercial Design Standards. These subchapters are two of the densest, most complicated pieces of regulation in the LDC. One of the purposes of the rewrite is to clarify and simplify the Code. I am concerned that Clarion may have a more difficult time making a clean break with the existing code given its authorship of a substantial portion of it.

Second, Opticos will likely produce a more graphic, form-based code, which I believe will ultimately garner more citizen support and be easier to implement.

Third, and finally, Opticos has demonstrated a better sensitivity and awareness that Austin is missing the "middle" of the housing spectrum -- i.e., duplexes, triplexes, row houses and the many other types of housing lying in the spectrum between single-family homes and mid-rising apartments. These affordable housing types simply aren't built much in Austin today, and the existing Code is a large reason why. Given its presentation, I believe Opticos will more likely propose Code solutions for incentivizing (or at least allowing) the "missing middle."

Thanks,

Christopher B. Bradford
Attorney at Law
2620 Kinney Oaks Ct.
Austin, Texas 78704
(512) 809-8564
[REDACTED]