



**PLANNING COMMISSION RECOMMENDATION 20170711-E-1**

Date: July 11, 2017

Subject: **CodeNEXT**

Motioned By: Commissioner White    Seconded By: Vice-Chair Kazi

**Recommendation**

*See attachment.*

**Vote: 9- 0**

For: Chair Oliver, Vice-Chair Kazi and Commissioners Anderson, Nuckols, Schissler, Seeger, Shieh, White and Zaragoza.

Against:

Abstain: Commissioners McGraw, De Hoyos Hart and Vela

Absent: Commissioner Thompson

Attest:

A handwritten signature in black ink, appearing to be "R. B. White", written over a horizontal line.

Date: July 11, 2017

To: Mayor Adler, Mayor Pro Tem Tovo, City Council, Planning Staff, and CodeNEXT Consultants  
From: City of Austin Planning Commission

## CodeNEXT Draft 1.0 Review and Recommendation Summary

Whereas, the zoning tools in the code will likely be used for the next 30 years,

Whereas, Imagine Austin envisioned compact, walkable, complete communities in all parts of Austin including a mixture of housing types,

Whereas, the current toolbox does not extend the range to very small lots and small rowhouses,

Whereas, the current tools in some areas propose transitioning residential properties from 2 units per lot to 3+/single family lot have not been vetted, and/or lack a clear methodology of application,

Whereas, some transect zoning appears to have been mapped without case studies and to not physically be able to achieve the density intended,

Whereas, compatibility of transect zones with non-transect and legacy zoning has not been vetted,

Whereas, Imagine Austin also envisioned activity centers and corridors to encourage density and improved urban/pedestrian friendly form but the current mapping does not manifest this vision,

Whereas, clear criteria, road map and timelines for future planning of areas to fully utilize new zoning tools has not been provided or discussed,

Now, therefore,...

We, the Chair and members of the Planning Commission, realize that at this point we do not have a complete document to evaluate, or a full understanding of the portions of the code that have been released. With that caveat, we submit our preliminary impressions as not to miss the opportunity to offer guidance in order to inform the commission draft.

As expressed by the Zoning and Platting Commission, we too would set the goal that the entire city operate under one set of land development regulations, and hope that with more creative discussion we can achieve that. However, in this memo we also offer alternative and interim proposals to that goal.

Prior to embarking on continued updates and revisions to Draft 1.0, provide an overview of the key structural, text, mapping, and development process direction changes to be included in Draft 2.0. It is essential for our successful next steps to align collective expectations so as to utilize the critical resources involved in Draft 2.0. In doing so, we can assure the community that each Draft of CodeNEXT is narrowing in on a more simplified and predictable development that embodies and implements the wide range of goals of Imagine Austin.

### **Public Review Draft Text and Public Review Draft Map comments to be considered for Commission Draft text and map:**

**Mapping to align with Imagine Austin corridors and centers:** Imagine Austin envisioned activity centers and corridors to encourage density and promote development that furthers a wide range of goals and policies. The current mapping does not manifest this vision. Staff and consultant to align text and mapping targeting Corridors/Centers transitioning from Non-Transect zoning to Transect zoning. Consideration and future presentation of such tools/regulations as large acre (pre-site plan) "master plans" for sites larger than 10 acres so that planning processes can be initiated in areas where we need planning prior to significant change/growth. These master plans may have regulations that trigger connectivity plans and resources for supportive larger regulating plans as part of a public process. Sites smaller than 3 acres, and between 3 and 10 acres may need alternative or "lighter" processes.

The next iteration of mapping shall clearly identify proposed transition zones where feasible (present methodology) between corridors and neighborhood cores. This step has been previously outlined in CodeNEXT efforts (i.e. prescription papers) and will be valuable in identifying consistent measures city wide for missing middle housing while protecting the existing character of neighborhood cores. Simultaneous efforts should be made to expand the range of missing zoning tools that work with the variety of neighborhood fabrics.

Existing regulating plans at TOD's should be reviewed for updates so as to be in alignment with goals and strategies described above.

**Complete Communities:** Imagine Austin envisioned compact, walkable, complete communities in **all parts** of Austin, including a mixture of housing types. Ensure the map reflects these core priorities of Imagine Austin. Zoning tools and mapping should direct and incentive greenfield development to be compact and connected.

**Potential interim zoning:** Consider interim zoning regulations in areas of transition that prohibit certain types of auto oriented uses in areas targeted for future T zoning so that interim developments do not prohibit success of future planning efforts in areas of current and future growth.

**Supporting Imagine Austin with increased housing options and alignment with existing Neighborhood Plans:** Non-transect zoning needs to more be in line with current standards...at minimum should allow .4 FAR with same exemptions as we have now. This way can better calibrate bridge to the transect allowance which is more than allowed now and not create all sorts of noncompliant structures.

**Broadly applied blend of T-3 and LMDR:** Planning Commission has consistently heard that Community Character both within and beyond the adopted Neighborhood Planning Areas may be more centered on density and total allowable SF (equaling a scale/mass), rather than dictated more by setback and form. We believe that attempts to provide T3 and T4 zoning within cores of residential neighborhood areas is causing undue confusion and disruption to the benefits of current SF-3 zoning without providing substantial benefits. It may be necessary to have a more blended version of LMDR and T3 that can be more widely applied rather than creating new uncertainty of development in residential core areas that are already established with infrastructure and typology that will largely not change in the next 40 years. Increased zoning attention in core residential neighborhood areas with an estimated limited gain in more affordable units distracts mapping resources from the analysis and desired benefits of looking to establish a range of missing zoning tools between these single family residential cores and our corridors and at activity centers.

Consider simplification of FAR and exemptions portions of existing code, possibly thru increased FAR (i.e. .45 or .5) and have no exemptions. This will maintain scale/size controls of within the form. Increased scale (square footage) of single family homes will continue increased frequency of tear down in neighborhood cores.

Consider tying FAR to number of units if applied to “missing middle” strategies in order to prevent the unintended consequence of bigger 1 unit homes.

Address and respect SF-1 and SF-2 development conditions with Draft 2.0 zoning tools.

**Increased flexibility:** Current T and Non-T residential tools may be overly restricted with respect to flexibility and form. Consideration for ease of remodel/expansion rather than inadvertently pushing towards more tear downs to each increased desired SF should be reviewed further. Case Studies would be extremely helpful. Look at sites where topography and

trees impact development options. Removed form restriction disallowing 2-story behind existing 1-story homes as this will increase frequency of tear downs.

Proposed form will yield increased monotony of residential home form beyond that of current McMansion. Propose revised form restrictions that increase design flexibility in meeting intent of preserving neighborhood character. Neighborhood character has been increasingly presented to Planning Commission by stakeholders as the number of units and scale of home and less about a very specific form at the street, side and rear.

**Redevelopment:** Provide additional tools including new building forms and subdivision regulations that promote density while encouraging the preservation of existing structures.

Review impact of increased impervious cover in areas without updated storm water controls. Consider increased storm water controls for missing middle small lot resubdivisions.

**Home ownership opportunities:** Provide zoning opportunities for additional fee simple housing products that provide entry-level home ownership.

**Compatibility Standards:** The proposed multi-factorial compatibility scheme needs to be simplified and standardized in order to provide protection and predictability for both residents and developers. East Riverside Corridor compatibility could be used as a model as it has been mentioned by consultants as in line with best practices.

Draft 1.0 compatibility measures and mapping intermingles different standards often on to a single property. This would be more problematic than the deficiencies in current compatibility standards. The confusion over the combined mapping/compatibility triggers needs to be addressed and resolved in Draft 2.0.

**Expansion of small lot options:** Provide additional small lot options including high density small lot (i.e. 25' x 40' lots), medium density small lot (i.e. 50' x 70' lots with development standards aligned with SF-3 development standards), and smaller row-houses (two-story).

**Cottage Court and Cottage Corner:** Provide modeling to ensure viability. Continue study of corner lot options. If properly calibrated, this zoning tool may be helpful in providing smaller missing middle options in appropriate conditions. Identify methodology for appropriate conditions.

**Development Process:** Further review of how the transition of a Conditional Overlay and Rezoning based development process to a CUP/MUP model will yield a workable development model in Austin that doesn't increase the workload of the boards and commissions. Feedback from development community, BOA members, and Planning Commissioners suggest there may be unintended consequences to a model with unsustainable results. Test cases of how old cases would work thru the system should be presented prior to Draft 2.0.

## **Staff and Consultant support:**

**Connectivity:** Review with PC, Public Works, and Fire Dept and Transportation Dept. the included connectivity measures and forthcoming roadway requirements. Current connectivity policies, Commission recommendation, Council designs have given mixed signals as to best practice to achieve broad and localized connectivity. Prior to Draft 2.0, it is critical that tools with zoning, code text be aligned with political willpower, planning efforts to achieve real measures of connectivity success. Providing density (thru current/future zoning tools) without real connectivity will limit the benefits of this gained density and actually may be of detriment to our complete communities concepts.

**Parallel Planning:** Establish language in process with respect to establishing regulating plan areas at Imagine Austin corridors/centers. Work with PC to identify other transit supportive or areas of growth where future plan areas (even as small as a critical intersection) should be included in parallel/subsequent planning process. Identify connections between mobility bond spending and mapping areas so that land use planning and transit supportive improvements are best aligned.

**Future Planning:** Develop clear criteria, “a road map”, with timelines for future small area plans at activity centers/corridors to fully utilize new zoning tools. Provide process language requiring that areas within future regulating plans will be considered for rezoning from Non-Transect to T zoning in forthcoming planning processes. We recognize that these recommendations are still speaking in terms of T/Non-T zoning structure. However, our expectation is that Draft 2.0 will address these planning issues within the context of providing a consolidated singular Zoning structure/nomenclature.

**Related Planning Efforts:** Outline as part of CodeNEXT approach the critical supporting planning efforts (possibly not listed here) that are critical to the success of the tools and mapping approach taken in upcoming Draft 2.0. We imagine these efforts would include, but not be limited to, the impact of the forthcoming Transportation Plan (January of 2018) on mapping and proposed future planning processes.

## **Future steps to prepare for vote on Commission Draft text and map:**

### **UPDATE 7/11/17**

- Provide update on new structure of Drafts 2.0 and 3.0 based upon 6/13/17 Council Work Session discussion. **COMPLETE**
- Provide overview report of scope of updates/direction to be included in Draft 2.0 for 6/27 PC Meeting - **INCOMPLETE**
- Provide a report of key areas of findings from community input by 7/24/17
- Continue gathering input from Boards and Commissions prior to Draft 2.0 and present key findings by 7/24/17
- Coordination with AIA Charrette for 6/27 PC Meeting (full report in 7/17) - **COMPLETE**
- Provide briefing/update on Corridor planning and mobility bond funding related to a having a comprehensive understanding of the ongoing development of corridors/centers.
- Provide test cases of development process for common or difficult PC/ZAP/BOA cases to illustrate working model for CUP/MUP vs. Conditional Overlay and other current development models.
- Presentation of Density Bonus (Release 6/23) for 6/27 PC Meeting **(REV 7/20/17)**
- Provide additional feedback on existing NCCD's, TOD's and other existing planning tools.
- Presentation of modeling of zoning tools in by 6/27 PC Meeting **(REV – 7/20/17)**
- Provide briefings by other related departments impacted by code changes (i.e. Fire Department, Development Services) to ensure we are working to minimize internal conflicts of code.
- Request for 5 year Imagine Austin Update indicator draft for 6/27 Meeting. Per Comp Plan Staff:
  - 7/20 Comp Plan Joint Committee Briefing
  - 8/17 Complete Draft Report distributed by Staff
  - 9/12 Briefing on IA 5 year Update to PC
  - 9/28 or 10/5 Briefing to Council

Respectfully,



Stephen Oliver, AIA  
Planning Commission Chair  
City of Austin