

## RESPONSE TO LDC REVISION POLICY QUESTIONS

### **1. Scope of Code Revision.** To what extent should the Land Development Code be revised?

Options include:

- Option A** Adopt a new Land Development Code, consisting of:
- i. A new Land Development Code (text) and Zoning Map, to take effect concurrently; or
  - ii. A new Land Development Code (text) only, with the effective date deferred until Council adopts a new Zoning Map.
- Option B** Adopt a limited set of amendments to the existing Land Development Code, targeting improvements in one or more policy areas.

**Option A(i) [AK, SA]**, mapping should start with the staff version of the third draft zoning map developed through the CodeNEXT process, with revisions consistent with new policy direction provided by the Council in this document. Council may make map adjustments to address district specific concerns. If more extensive Zoning Map modifications are needed to that go beyond the policy direction provided here by Council or by context-specific/district-specific mapping changes, those modifications would be adopted at a later date after allowing sufficient time to complete any associated planning and testing activities.

Additional Direction: The land development code should be rewritten and remapped as soon as possible. We need a code that allows us to be flexible and creative when addressing the diverse needs of our growing population. Concrete code and map changes should be made in 2019 to make the city more affordable, transit-friendly, and environmentally sustainable. We recognize that all the work that needs to be completed on our code cannot all be done and perfected in a single year. Therefore, for major changes to be made in 2019, the Manager and Council should prioritize “all types of homes for all kinds of people in all parts of town” (our Strategic Housing Blueprint goals) and a development pattern that supports 50/50 Transportation Mode Share by 2039.

The 2019 rewrite/map effort should ensure that the housing capacity for the City is significantly increased so that we can meet our goals in the Austin Strategic Housing Blueprint, Austin Strategic Mobility Plan, and [PE] Austin Community Climate Plan in the timelines detailed in the plans through a housing-focused approach. This should include reforms in the code so that we can meet the City’s goals for the Imagine Austin Growth Concept Map’s Activity Centers and Corridors, and for Missing Middle, and ADUs. Preventing housing shortages, creating income restricted housing for working class people, legalizing less expensive forms of housing, and creating mixed-income & transit-friendly areas are urgent actions for Council to take.

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[1356-#1] Our new land development code should be primarily based on a form-based code. Form-based would facilitate more mixed-use buildings allowing areas to redevelop naturally and incrementally by focusing first on the size and scale of the built environment. To support and complement the form-based code, use restrictions should follow a more context-sensitive policy framework ranging from straight-forward incompatible uses (industrial vs. residential) and uses allowed with certain conditions (access to levels of infrastructure). Simplicity and accessibility should also be priorities when developing a form-based code. [1356-#7] Uses should be regulated through context-sensitive policy within appropriate building scale and not solely through by-lot zoning regulation. For example, daycares should only be restricted from areas that represent a health or safety issue and should have an appropriate building scale that is context sensitive. Care should be taken to not stigmatize particular uses and the vital services they provide for our residents.

[1356-#13] Our goal is to create a simplified and unified Land Development Code that does not allow for a two-part zoning code nor for an opt-out of the land-code reform. We recognize the possibility of needing a mechanism for some properties, with existing complex zoning, to transition to the new Land Development Code.

[1356-#15] Council should set policies driving the site development regulations and staff approved Criteria Manuals should only be the implementation of the Council approved policies.

[SA] The City Manager should have the LDC Revision and zoning map ready for Council action on First Reading in October of this year (the Planning Commission having already issues its report). Votes should be taken in 2019 to implement such changes-- with a focus on reforming the areas outlined in the Manager's memo-- while other priorities may be addressed by future votes after 2019 if they are not able to be addressed in 2019. [AK] The City Manager should:

1. Establish and communicate clearly and transparently the public input process for Council's adoption of the LDC rewrite and Zoning Map, including timelines and feedback mechanisms for public input. Include a transparent and educational public process under which stakeholders are informed how and are confident that their input has been received and is being evaluated
2. Include city-led community stakeholder testing of the proposed non-zoning regulations as directed by City Council Resolution No. 20180628-125.
3. Make significant progress on existing Council key priorities reflected in the LDC rewrite, including:
  - o affordable housing, flood mitigation, green infrastructure, age friendly policies, and creative spaces; and
  - o a balanced approach to determine public processes and administrative changes and mapping and land use categories to ensure we achieve housing and transit supportive uses on transportation corridors and in Activity Centers and not undesirable uses such as self-storage or similarly inappropriate uses in Activity Centers and on transportation corridors.
4. Establish a district scale planning process in response to City Council Resolution No. 20170928-101
5. Council must consider that our process should move forward at the speed of trust, and ensure that we reduce rather than exacerbate public anxiety which often grows when

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there is uncertainty or ambiguity in policy direction. To that end, we should strive to clearly demonstrate our policy goals and direction and confirm that questions that continue to not have clear policy direction should be pursued through ongoing and ambitious public planning processes.

**[SA] Additional Direction for Future Planning Efforts:**

Not all of the work that is necessary to meet our goals can be accomplished this year nor can all our goals be met through the land development code alone. It is not necessary to achieve all our goals this year since development will take place over a longer time-frame. The Manager should layout a more robust and intentional planning process going forward to meet the goals of Imagine Austin, the ASHB and ASMP, and other strategic priorities.

In order to plan for additional housing capacity that is not initially achieved by adopting an initial new code and zoning map, the Manager should develop recommendations to the Council for accelerating the development of district-level plans for areas in our city susceptible to change, such as Imagine Austin Activity Centers and Corridors, with specific goals for each plan related to the ASMP and ASHB.

Planning for all Activity Centers and Corridors should be completed (and/or existing district plans updated) within 5 years, so as to ensure that ASMP and ASHB goals are able to be met. The Council recognizes that additional resources will be required to achieve this scale of planning in this time frame, and the use of consultants should be considered to allow for multiple district-level plans to be developed concurrently in order to meet this timeline.

Planning should not only seek to achieve ASHB and ASMP goals, but other Council priorities, such as [GC] fair housing, anti-gentrification, anti-displacement, regional stormwater and water quality planning, parkland accessibility, utility infrastructure, walkability and connectivity, and other policy priorities associated with complete communities.

Planning should include robust engagement of adjacent stakeholders, but also include participation from across our city, as all parts of Austin have an interest in each part of Austin contributing equitably to our goals being met.

A new Land Development Code alone cannot stop gentrification and displacement, so the Council and the Manager should continue to advance and expedite implementation of the most constructive and impactful recommendations outside of the land development code that have been recommended by the Anti-Displacement Task Force and other similar efforts.

**[LP, AK]** The City Manager should develop a proposed district level (e.g., ERC, North Burnet/Gateway Neighborhood Plan) planning process to be codified in the Land Development Code, that will:

- Identify geographic areas along corridors throughout the city where district level planning will have maximum public benefit, paying particular attention to corridors (including streets and arterials) identified in the ASMP, Project Connect, and where

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construction, planning, and land acquisition with bond dollars will be applied and can be leveraged;

- Establish criteria for determining when district-level planning for an area is needed to align with our adopted city goals and plans, including Imagine Austin, ASHB, ASMP, Age Friendly Austin Action Plan, the upcoming Parks Master Plan, and other relevant plans.

The criteria should include, but not be limited to, the following information resources:

- Planned transportation investments, including corridors with transportation bonds and public transit investments;
  - Affordable housing investments;
  - Significant number or scale of private development;
  - Market force indicators expressing need and opportunity to leverage an area's potential or significant public investment via facilities or other infrastructure;
  - Areas of vulnerability identified using the mapping tool from the UT Gentrification & Displacement Study, "Uprooted;" and
  - Include consideration for inhibiting displacement, preserving cultural and historic assets, promoting multi-generational housing, and support neighborhood schools, particularly schools with under-enrollment or in areas of rapid displacement.
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**2. Housing Capacity.** To what extent should the Land Development Code provide for additional housing capacity in order to achieve the 135,000 additional housing units recommended by the Strategic Housing Blueprint? Options include:

- Option A** Maintain the level of housing capacity provided by current Code (i.e., approximately 145,000 new units);
- Option B** Provide a level of housing capacity comparable to Draft 3 of CodeNEXT (i.e., approximately 287,000 new units); or
- Option C** Provide greater housing capacity than Draft 3, through enhanced measures to allow construction of additional residential units.

**Option C. [AK: B w/targeted C options still means to “provide greater housing capacity” overall than option B]**

Additional Direction: The rewrite/map should enable all kinds of homes in all parts of town for all kinds of people and must help us meet the goals in the Austin Strategic Housing Blueprint. The code should be a tool for equity and fair housing. In order to write an equitable code, we must prioritize the City’s goal of integration while also reducing gentrification and displacement. We recognize that citywide housing capacity is an important step toward addressing these issues, but is not enough alone. We stay committed to using city dollars to subsidize low-income housing, expanding our affordable housing bonus programs, and creating market-rate housing for the middle class through expanding missing middle housing. Key ASHB goals (pg. 16) relevant to the land development code are:

- 135,000 units in 10 years- Current zoning capacity will not allow us to reach our goals. If we do not achieve 135,000 units of housing built, Austin risks becoming even more expensive and exclusive. [1356-#2] To reach 135,000 housing units built, experts have testified to Council that housing capacity (defined not as our zoned capacity, but as our economically feasible capacity as determined by Envision Tomorrow) must be two to three times our forecast goal. There are a wide variety of barriers to building housing. For our yield of housing to not underperform our forecast, our housing capacity may need to be more than three times our housing goal. We recognize that future planning after 2019 can also add capacity, income restricted units, and more missing middle housing.
- [AK- AA] a goal of 60,000 units at 80% or lower MFI
  - [AK] Provide the option of requiring Density Bonus program participation to unlock additional height above 65’ outside of downtown, and provide modeling for different options of height and allowances to achieve a high performing density bonus program.
- At least 75% of new housing units should be within 1/2 mile of Imagine Austin Activity Centers and Corridors, focusing on the Transit Priority Network.

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- [AK - AA] Preserve 10,000 affordable housing units over 10 years
- [AK] Produce 100 Permanent Supportive Housing (PSH) units each year, with half of those units (50) being Housing First
- At least 30% of new housing should be a range of housing types from small-lot single family to eight-plexes to help address Austin's need for middle-class housing and multi-generational housing. Code Next versions 1-3 fell far short of reaching this goal. As stated in staff's memo: "The Draft 3 map largely perpetuate[d] existing zoning patterns that significantly limit the availability of missing middle housing."
- At least 25% of new low-income/affordable housing should be in high opportunity areas—we should attempt to create more income-restricted housing than Code Next V1-3 offered, especially in high opportunity areas where housing subsidies do not produce, relatively, as many units. [AA] Density bonuses should be properly calibrated to produce as many affordable units possible as efficiently as possible.

CodeNEXT version 3 left the majority of housing capacity in lower opportunity areas and the vast majority outside the urban core. [GC] This configuration of housing capacity is not sufficiently equitable or transit-supportive. A new code should be more equitable and transit-supportive than version 3. Changing our code can prevent needless sprawl, impervious cover, and environmental damage, and can address equity. Housing capacity changes should be mapped to reduce sprawl and displacement, not accelerate either.

In 2019, the rewrite/map should make [AK] sufficient reforms to our rules to create enough housing capacity in Activity Centers, Corridors, and Transition Zones to allow us to meet our ASHB and ASMP goals, while maximizing income-restricted housing and mitigating for displacement and gentrification, and be accurately modeled to ensure goals can be met. Corridor and transition zone regulations should be accurately and carefully modeled so that Council and community discussions can be based on policy rather than technicalities [AK] so that Council can focus on achieving policy results.

We should use UT's Gentrification Study map to carefully zone corridors and transition zones in areas that are gentrifying and are susceptible to gentrification to reduce further displacement. We should implement the proposal in the Draft 3 process to not provide extra entitlements on existing, older multifamily properties. [SA] Exceptions to this rule should be considered only when substantial increases in long-term, income-restricted housing units can be achieved above and beyond what is possible under a standard density bonus. The Planning Commission began the process of using the Gentrification Study Map to create different intensities of corridors, and we support that effort. We should attempt to create density bonuses to reach 15,000 new affordable units in higher opportunity areas; this requires more income restricted housing zoned capacity than 15,000 in capacity.

[SA] The proposed land development code and zoning map should provide for greater housing capacity through code revisions to:

- Reduce parking requirements (as suggested in the answer to question 5, below).
- Reduce site development standards for missing middle housing options in order to facilitate development of additional units. [AK] Council will need to determine the

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appropriate criteria to achieve more affordable housing while protecting environment and sustainability, public safety, transportation, utility and right of way needs.

- Revise non-zoning regulations for parcels within activity centers or fronting corridors so as to allow higher housing unit yields by prioritizing among non-zoning regulations only right-of-way acquisition, traffic mitigation and transportation demand management, drainage, [AK] existing tree preservation rules, flood mitigation, and water quality.
  - [1356-#6] Housing affordability should be the primary policy driver, but context sensitivity is key. Areas that lack sufficient infrastructure (like regional stormwater systems) may require more on-site solutions. We should allow some level of variance for some building form regulations (setbacks, height, building cover, etc.) to help maximize the shared community values of housing, parks and tree preservation, and mitigating flood risk. City staff should explore the feasibility of how regulations can overlap (e.g. how a drainage field can also safely serve as open space). We should also involve stakeholders in testing the code to ensure that non-zoning parameters do not needlessly hinder necessary housing.
  - [1356-#14] Impervious cover is a tool that lacks nuance, does too little in critical flooding areas, and is too restrictive where infrastructure exists. More flexibility in impervious cover can be a benefit if it comes with additional drainage infrastructure. This could address key flooding issues and allow increased density (housing, commercial, retail, etc.) especially when near shared community assets. It is not our intent to change regulations governed through the Save Our Springs Ordinance (SOS).
  - [SA] Map transition areas to provide additional missing middle housing consistent with policy direction for Compatibility (as suggested in the answer to question 4, below).
  - [1356-#3] Beginning with the policies proposed in the "Affordability Unlocked" proposal, which acknowledges that regulations inherently raise the cost of building new housing, we should explore applying parts of these policies to developments near shared community assets – such as schools, transit, grocery stores, job centers, medical facilities, parks, and walkable commercial areas – and further expanding the density bonus programs.
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**3. Missing Middle Housing Types.** To what extent should the Land Development Code encourage more “missing-middle” housing types, such as duplexes, multiplexes, townhomes, cottage courts, and accessory dwelling units? Options include:

- Option A** Maintain the range of housing types provided for by the current Land Development Code;
- Option B** Provide for a range of housing types comparable to Draft 3; or
- Option C** Provide for a greater range of housing types than Draft 3.

**Option C** [AK suggests Option B with targeted C options, which is what is generally proposed in Option C]

Additional Direction: Missing middle housing and ADUs are good ways to create family-friendly housing in our existing neighborhoods. More diverse housing types will provide housing for middle class families and help reduce create options for working people to stay in their neighborhoods. The rewrite/map should change regulations to create transition zones that set Austin up to achieve the ASHB 10-year goal of 30% of new housing units built being missing middle housing, especially near community resources, such as schools (to create diverse school populations), health facilities, parks, transit, etc. CodeNEXT fell short of reaching these goals.

[SA] The proposed land development code and zoning map should provide for greater missing middle housing capacity through revisions that:

- Reduce parking requirements (as suggested in the answer to the Parking Question, below).
- Reduce site development standards for missing middle housing options in order to facilitate development of additional units. [AK] Council will need to determine the appropriate criteria to achieve more affordable housing while protecting environment and sustainability, public safety, transportation, utility and right of way needs.
- Map transition areas to provide additional missing middle housing consistent with policy direction for Compatibility (as suggested in the answer to the Compatibility Question, below).
- [PE] Transition zones should offer enough housing capacity to allow us to reach our ASHB and ASMP goals. Staff should provide options of how to build our corridors and transition zones to reach our goals, including scenarios that illustrate tradeoffs among transition zone features, such as overall footprint, height, and unit mix.
- [SA] Map additional parcels for missing middle housing, including creating larger transition zones, [AK] if Council can craft general, context sensitive criteria that will provide sufficient direction to staff. Increasing opportunities for missing middle housing, in any event, will be a continuing goal for future district level planning efforts as suggested in the answer to the Scope question above.

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- [1356-#12] Staff should create options for eliminating minimum lot size and lot width in exchange for minimum outcomes (like number of units).
- [1356-#4] New housing will naturally be distributed throughout the city. One of the main housing issues we need to address is the housing replacement ratio. Today because of our existing regulations we often see a one-to-one replacement ratio where one existing unit is torn-down and replaced by a one-unit new home (often larger). Areas near transit, parks, or other shared community assets are appropriate for denser housing styles. At the same time, we should allow redeveloping areas distant from infrastructure (transit, parks, and shared community assets) to maintain their building form but allow for additional units. [GC] Staff should create options for disincentivizing one-for-one replacement with larger homes.
- [1356-#8] All residential house scale zones should allow for single family homes. Use restrictions should be people-driven and context-sensitive and not driven solely through by-lot zoning regulation. The smallest form of residential development (residential house scale) should allow for single family, duplex, triplex, or ADU development depending on site conditions.
- [1356-#9] We should transform the McMansion regulations to preserve smaller more affordable homes and/or enable more units per lot within the house-scale form of the neighborhood.

ADUs are a vital tool for adding reasonably priced housing in neighborhoods that have become too expensive for young families, and they can help households to stay in their homes. The rewrite/map should allow external and internal/attached ADUs of all types to be more easily created in all residential zones, as stated in the ASHB. The rewrite should also liberalize the types of housing that are acceptable as ADUS, potentially including tiny homes on wheels, Airstreams, modular homes, 3D-printed homes, etc.

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**4. Compatibility Standards.** To what extent should the City's "compatibility standards" (i.e., rules limiting development near residential properties) be modified to provide additional opportunities for development?

- Option A** Maintain compatibility standards comparable to those in the current Land Development Code;
- Option B** Reduce the impact of compatibility standards on development to a degree consistent with changes proposed in Draft 3; or
- Option C** Reduce the impact of compatibility standards on development to a greater degree than Draft 3.

[AK] Enhanced Option B. [PE] Option C.

Additional Direction: See answers to Questions 2 and 3. Compatibility standards in the Code should be set to enable the City to reach its housing and mobility goals. The effects of compatibility standards on housing capacity should be accurately measured. [PE] The Manager should validate our housing capacity model, to check our assumptions against local reality. These metrics could be reached through remapping or through code modifications, or both.

[SA] Compatibility standards and initial mapping should work together in a way that maximizes the amount of potential housing units achievable for parcels on transportation corridors and within activity centers under those parcels' base zoning and with any Affordable Housing Bonus otherwise available.

- Maintain compatibility standards as in the third code draft developed through the CodeNEXT process, triggered by a Residential House-Scale zoning district of an adjacent property or a property located directly across an alley or narrow neighborhood street (60 feet or less).
- Require sufficient no-build zones and vegetative buffers, as in the third code draft developed through the CodeNEXT process, between residential and commercial uses so as to minimize the impact of noise and light pollution, deliveries and trash collection, as well as providing ecological services for trees, habitat, and green storm water controls. [AK] (Include options in the LDC rewrite the community identified parts of the East Riverside Corridor Regulating Plan's (ERC) compatibility requirements that are not part of the current LDC or Draft 3, such as dumpster requirements, that offer improved approaches to mitigate friction between developments and residents.)
- Maximize housing capacity on transportation corridors through mapping to eliminate the impact of compatibility on the corridor-facing property [AK] as follows unless impacted by Council approved context sensitive criteria:
  - If the housing unit yield of a deep lot located directly on a transportation corridor is significantly impacted by compatibility, then the back portion of the lot should

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- be initially mapped with a zone (e.g., RM1 and above) that does not trigger compatibility for the front portion.
- A shallow lot located directly on a transportation corridor should have the lot located directly behind or across an alley or narrow neighborhood street initially mapped with a zone (RM1 and above) that does not trigger compatibility for the shallow lot and is in scale with any adjacent residential house-scale zones.
  - Mapping of additional parcels for missing middle housing and larger transition zones should be provided for in a new map if Council can craft general, context sensitive criteria that will provide sufficient direction to staff. Increasing opportunities for missing middle housing, in any event, will be a continuing goal for future district level planning efforts as suggested at the end of this document.
  - [1356-#10] We should support context-sensitive compatibility based on policy and future conditions, including the opportunity for increased entitlements through compatibility when faced with odd-shaped lots adjacent to shared community assets.
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**5. Parking Requirements.** To what extent should the City's minimum parking requirements be modified to provide additional opportunities for development and/or encourage transit options consistent with the Imagine Austin comprehensive plan?

- Option A** Maintain minimum parking requirements comparable to those established in the current Land Development Code;
- Option B** Reduce the impact of minimum parking requirements on development to the same degree as Draft 3; or
- Option C** Reduce the impact of minimum parking requirements on development to a greater degree than Draft 3.

**Option C.**

Additional Direction: [SA] The proposed land development code (LDC) should reduce the impact of minimum parking requirements on development to a greater degree than in the third draft developed through the CodeNEXT process. One size may not best fit all when it comes to parking and apply different standards for areas that may have contextual factors that suggest different parking standards, such as areas with narrow streets and no sidewalks, and areas around urban schools. General context sensitive standards may need to be broad at this time with refinement determined through future district level planning efforts as suggested at the end of this document.

[1356-#11, and SA] Generally, subject to the detail in this document, we should eliminate parking minimums in areas that are within ¼ mile of activity centers, corridors, and transit stations with high frequency service [AK], subject to context sensitive exceptions to address public safety concerns. [1356-#11 continued] This should be done with the understanding that parking supply will still be determined by both the market and federally mandated ADA-accessible parking and Transportation Demand Management (TDM) requirements. Staff should present options to have parking counted against FAR.

[SA] The proposed land development code should consider requirements and standards for parking that allow parking structures to evolve over time as transportation patterns change, including designs for structured parking that allow conversion to residential or commercial uses as parking needs change.

[SA] The proposed land development code should ensure ADA compliant parking is provided as necessary for all large residential and commercial projects, even where parking is not otherwise required. [AK] The code should require ADA parking spaces for residential and commercial projects that meet a determined threshold of scale or size and require some number of dedicated parking spaces, based on number of units and/or square footage, to ensure those who have

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permanent disabilities, temporary illnesses, or injury are afforded a place to park near where they live, shop, or visit others. This is particularly important with an aging population and generational housing.

The rewrite/map should create a more transit-supportive, multimodal, and accessible Austin. This includes right-sizing future parking supply, but also many other Austin Strategic Mobility Plan goals that will support transit options. As laid out in the memo, excess parking harms housing affordability, transit, and the environment. Key ASMP goals relevant to the land development code are:

- Support shift to 50/50 Transportation Mode Share by 2039
- Promote transit-supportive densities along the Transit Priority Network, especially near bus stops. Persons per acre goals on corridors should be set to achieve transit goals. [1356-#5] Both residential and commercial space density is required to support a robust transit system. Capital Metro's minimum guidelines hold that 16 people or 8 employees per acre will facilitate bus service. Research shows that a target of 54 people and jobs per acre facilitates more high-capacity transit investments. We should aim for much higher targets such as these two minimums to achieve our transit-supportive density targets. The ASMP can provide an initial guide for where we should apply each transit-supportive density target.
- Increase the number of people living and working within a ½-mile of All Ages and Abilities bicycle facilities
- Create complete and connected communities
- Decrease vehicle miles traveled
- Right-size future parking supply