



CONGRESS
FOR THE NEW
URBANISM
CENTRAL TEXAS
CHAPTER

CHAPTER OFFICE
P.O. Box 685261
Austin, TX 78768
info@centraltexascnu.org
www.centraltexascnu.org

BOARD OF DIRECTORS

Mike Clark-Madison
President
Laura Toups
Vice-President
Leah Bojo
Treasurer
Katherine Gregor
Secretary
Sarah Andre
Mark Gilbert
Frank Harren
Greg Kiloh
John Lawler
Gabriel Montemayor
Erika Ragsdale
Garner Stoll
Heyden Walker
Nicole Warns

Sinclair Black
Director Emeritus

Mike Krusee
Director Emeritus

NATIONAL OFFICE
140 S. Dearborn St.
Suite 404
Chicago, IL 60603
Tel: 312-551-7300
Fax: 312-346-3323
cnuinfo@cnu.org
www.cnu.org

July 5, 2016

Greg Guernsey, AICP
Director, Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Re: CodeNEXT Prescription Paper "Manage Our Growth, Keep Our Character – Natural and Built Environment Prescription" (Prescription Paper #1)

Dear Mr. Guernsey;

Please find the attached response to the Prescription Paper #1 from Congress for the New Urbanism - Central Texas Chapter (CNU-CTX).

CNU-CTX is dedicated to making better places for people in Central Texas. We bring together experts, leaders and communities to guide our region toward creating more livable and resilient communities people love. Our work and mission to affect change through education and advocacy is guided by the [Charter for the New Urbanism](#).

Imagine Austin envisions our city growing in a Compact and Connected form and CodeNEXT is a crucial step if the city is to realize on this vision. It's critical that we get it right.

We certainly appreciate the thoughtful approach being taken by City staff in drafting the prescription papers. However, we do have some concerns in the draft version of Prescription Paper #1. We respectfully submit the attached response paper and appendix for your consideration.

Very respectfully yours,

By: _____
Laura Toups, Vice President
The Congress for the New Urbanism - Central Texas Chapter

cc:

Jim Robertson
Paul Digiuseppe
Jennifer Todd
Jim Duncan
Jose Valera
Nuria Zaragoza
Elizabeth Mueller
Patricia King
Eleanor McKinney

Guy Dudley
Kevin Wier
Colby Wallis
Roger Borgelt
Susan Moffat
Dave Sullivan
Lauren Ice
Many De Mayo
Terry Mitchell
Dr. Richard Heyman

The Congress for the New Urbanism - Central Texas Chapter
Response to initial draft of Prescription Paper #1
Executive Summary

While the Board of the Congress for the New Urbanism – Central Texas Chapter appreciates the time and effort expended by City of Austin staff in preparation of the initial draft of prescription paper #1 (“the paper”), we believe that the policies, goals and objectives of Imagine Austin demand a number of significant revisions.

The current draft speaks in terms of a “grand balancing” of Austin’s public values, as if each of those values was negotiated and balanced against one or more contradictory values that, if strongly espoused by Austin’s residents, would have led to a different development code based on competing values. Quite to the contrary, Imagine Austin represents a set of consistent and complementary values that work together to achieve a clear and compelling result that is enunciated plainly within Imagine Austin’s vision statement.

Imagine Austin already contains the proper “prescriptions” to achieve our goals; the most important of which is that we become more compact and connected. In order to do so, we must make significant changes in our land development pattern (compact) and in our transportation network (connected).

Contrary to what some have asserted, “compact and connected” is not just one of many “competing” principles in the plan, it is the overarching principle around which Imagine Austin was created. This broad principle impacts virtually everything about the identity of the city and its people, including affordability, environmental sensitivity and fiscal health. As stated in the plan itself:

“This comprehensive plan focuses on creating a sustainable city. The way Austin has grown for the last 60 years comes at a troubling price in terms of social segregation and isolation, public health, air and water quality, loss of natural open space and agricultural lands, and climate change. Sprawling, low-density development drives up the public costs for roads, water lines, and other infrastructure that must be continually extended to far-flung new development. Austin simply can’t afford to ignore the costs associated with the way we’ve grown. The patterns of the past decades are neither environmentally nor fiscally sustainable.” Imagine Austin, page 7

The conclusions and recommendations reached in that very public process have already been thoroughly laid out in clear and concise language in the final adopted plan and should be used to guide the development of Austin’s land development code. Nonetheless, we have drafted responses to specific portions of the first draft of prescription paper #1 in the pages following.

Essentially, CNU supports the Imagine Austin Comprehensive Plan and the objectives and “prescriptions” contained in the plan. The creation of a “Compact and Connected” Austin, which is the consistent, complimentary and thoughtful prescription already contained within the pages of Imagine Austin, promotes “complete communities” that clearly improve:

The Natural and Built Environment:

- By reducing the number of miles driven per day through becoming more compact and connected, we reduce pollution and conserve energy.
- More compact, urban development patterns, provide huge gains in water conservation and energy conservation.
- More compact development increases opportunities for preservation of natural habitat and open space in appropriate areas such as flood plains, for preservation of the aquifer, and for land preservation generally.

Household Affordability:

- Promoting more living units per square mile generates an increased housing supply, resulting in lower rents and lower purchase prices.
- By decreasing the number and length of automobile trips and by making public transit more efficient and more available, we reduce transportation expenses for more households.
- Compact and connected development lowers utility costs per household by decreasing typical monthly usage and by allowing far more cost-efficient construction and maintenance of utility infrastructure.
- More cost-efficient utility and transportation infrastructure reduces taxes and reduces the need for additional bond issuance, thus increasing household affordability.

Mobility:

- A compact city makes public transit more cost-efficient and more effective in moving people where they want and need to go.
- The achievement of more compact development patterns over time will reduce the per-trip of costs of transit.

Fiscal Health

- Sprawl has huge negative fiscal impacts over time.
- These fiscal impacts directly impact property taxes and general economic prosperity, and thus negatively impact the fiscal health of individual Austin residents.

General Quality of Life and Health:

- A more compact and connected city encourages more walking, bicycling and other healthy outdoor physical activity.
- A more compact and connected city increases opportunities for human interaction, and reduces the social and cultural fragmentation created by sprawl.
- A more compact and connected city allows more of Austin's citizens to share in a common identity and a common experience, and results in a higher quality and more interesting, more inspiring built environment, thus promoting a sense of belonging and a shared sense of collective pride in our community.

Appendix-A

Specific comments to:

“The Next Austin: Manage our growth; keep our character –Natural and Built Environment Code Prescription”

Introduction:

“Ultimately, the Land Development Code reflects a grand balancing of our public values – livability, affordability, environmental protection, mobility, and preservation versus change. CodeNEXT has benefitted from valuable community engagement for more than three years, and these Code Prescriptions represent a proposal for how the new code can strike a balance that achieves our city’s vision for itself as expressed in Imagine Austin.” -Code prescription paper #1 page 5

Comments to Introduction:

- 1) This statement confuses the distinction between the practice of making city plans and implementing plans. The notion that a code revision project is fundamentally about balancing the plan’s adopted vision, policies, and actions against itself or other values of the community is fundamentally erroneous. An adopted comprehensive plan by definition is based on, and contains a community’s values in an integrated and balanced fashion. This idea is firmly established in longstanding city planning practice, the Austin City Charter, and Imagine Austin itself.
- 2) The remaining work to be completed by CodeNEXT is primarily coding rather than planning. CodeNEXT has already conducted a listening and outreach process to carefully assess community sentiment and conducted extensive surveys to document the existing character of Austin and the current status of the Land Use Code. It is now important to recognize that this project is fundamentally about creating a new land use code not rethinking Austin’s adopted plans or revisit the values of the citizens of Austin. CodeNEXT should use the vision, policies, and recommended actions of the Imagine Austin Comprehensive Plan and attached small areas plans to create a new code and zoning map and should resist engaging in additional topic by topic or fragmented visioning and planning exercises.
- 3) There is no need to “balance” complimentary and carefully integrated city planning policies found in Imagine Austin. Austin’s adopted planning vision is to encourage development to occur in a compact and connected manner. These concepts were extensively tested through scenario planning and found to advance Austin’s livability, affordability, environmental protection, and mobility. The vision is to create “complete communities” that reflect all of these Austin values in a coordinated manner.
- 4) Rather than attempting to revisit or rebalance the adopted policies of Imagine Austin, CodeNEXT should use the “Complete Community Indicators” found on pages 224 and 225 of Imagine Austin to help test proposed code changes in terms of how effectively they achieve our vision.

Water and Watersheds -Prescriptions 1 – 4

1. Maintain Austin’s historic watershed regulations and recent Watershed Protection Ordinance improvements.

2. Incremental redevelopment should occur in step with an evaluation of infrastructure, including drainage capacity.

3. Redevelopment – like new development -- will be required to mitigate for the site's share of existing downstream flooding. This means reducing post-development peak rates of discharge to match peak rates of discharge for undeveloped conditions, instead of existing pre-development conditions. Undeveloped conditions are assumed to be grassland unless otherwise demonstrated by the applicant.

4. Tools for mitigating flood impacts could include on-site detention, off-site detention, off-site conveyance improvements, or participation in the Regional Stormwater Management Program (RSMP). Determining the appropriate flood mitigation tool will depend on the location in the watershed (e.g., headwaters) as well as the available downstream capacity. Generally, on-site detention is appropriate in the upper portions of a watershed, whereas lower portions of a watershed are more suitable for conveyance upgrades or participation in RSMP. – Code Prescription paper #1 page 10

Comments to Water and Watersheds Prescriptions 1 - 4

- 1) These “prescriptions” are internally inconsistent and not in conformance with Imagine Austin’s policies to encourage and incentivize redevelopment.
Prescription #1 suggests retaining historic and recent changes to the watershed ordinances and prescription #3 proposes to extensively change those requirements for redevelopment projects.
- 2) While we agree with the goal of reducing downstream flooding as proposed by prescription #3 we are concerned this requirement may be too high a bar, discouraging needed redevelopment- especially smaller scale infill projects – and result in fewer projects that offer real improvements over the existing conditions.
- 3) We agree that redevelopment requires an evaluation of existing infrastructure capacity (as suggested by prescription #2) but it should also recognize that “incremental redevelopment” frequently presents opportunities to accomplish much needed upgrades to infrastructure capacity. Austin has well established methods to determine who equitably pays for upgrades triggered by new and redevelopment projects. Generally, development pays for infrastructure expansions needed for the proposed development. Equitable cost-sharing may be triggered when benefits accrue to other property owners or the general public.
- 4) As a whole, these proposed prescriptions may detrimentally dis-incentivize the redevelopment of ageing and auto-dependent corridors and strip centers and prevent their evolution into walkable or complete communities that work for transit.
- 5) These prescriptions for Water and Watersheds seem rigid and lack contextual differentiation. While retaining parts of the existing and historical watershed regulations for greenfield and low density development may be desirable, CodeNEXT should take advantage of this opportunity to propose necessary adjustments.

As we rapidly become a big city our policies need to adjust from those appropriate for a mid-sized city highly focused around downtown to a big city that needs additional mix-use corridors and centers.

For those centers and corridors and adjacent missing middle housing our, regulatory schemes should adjust from rigid mathematical formulas to more performance based approaches. This may mean focusing on height (or perhaps floor area ratios as we presently do downtown) and eliminating trip generation, density caps, unnecessary separation of land uses, and impervious surfacing requirements. Since a hybrid code is anticipated this should be possible in a highly context sensitive manner.

Water and Watershed - Prescription 5: *New and redevelopment sites will be required to retain and beneficially use stormwater onsite -- a practice already implemented by numerous states and major cities around the country. Code prescription paper #1 page 11*

Comments to Water and Watershed Prescription 5:

What states and major cities have implemented these policies? Should this prescription treat new and redevelopment sites in the same manner when Austin's policies favor redevelopment?

Water and Watershed - Prescription 6: *Require sites and subdivisions to prevent off-site discharge from all rainfall events less than or equal to the 95th percentile event through practice that infiltrate, evapotranspire, and/or harvest and use rainwater. This can be accomplished through the use of green stormwater infrastructure -- both passive technologies, such as rain gardens and porous pavement, as well as more active technologies like rainwater harvesting systems and green roofs. – Code prescription paper #1 page 11*

Comments to Water and Watershed Prescription 6:

- 1) Reasonable “payment-in-lieu” should be an option for constrained sites, when on-site retention and beneficial reuse is not practicable and would discourage the redevelopment.
- 2) Preventing off-site discharge from all rainfall events less than or equal to 95th percentile event may have negative impacts on downstream natural ecosystems and agriculture.

Landscape and Trees - Prescriptions 8 and 13:

8. Set impervious cover limits as a maximum, not a guarantee of buildable land. It is possible that an impervious cover limit will not be reached due to unique site characteristics, such as regulated trees. Tree regulations, therefore, will apply regardless of a site's allowable impervious cover limit and may impact the final allowable impervious cover.

13. Explore opportunities to improve tree preservation for “missing middle” developments. For example, protecting trees smaller than 19” might be an opportunity to bridge the gap between the current commercial site plan recognition of trees (8” inch and greater diameter trees) and single-family home development (19” and greater diameter trees). - Code prescription paper #1 page 17

Comments to Prescriptions 8 and 13:

- 1) We generally support developing more context sensitive approaches and improving administrative procedures to apply Austin's landscape and tree regulations. We, however, question prescriptions #8 and #13. The goal should be a well canopied city with shaded streets and sidewalks all can enjoy, and

the rules should be in service of that goal. Where mitigation can result in superior outcomes it should be allowed and encouraged.

- 2) These absolute prescriptions seem to conflict with the articulated approach of increasing flexibly to create a healthy city-wide tree canopy. Prescription #8 implies that tree preservation trumps all other site development considerations. Planting new trees rather than retaining inappropriately located trees or trees with short life expectations can actually result in viable tree canopies that provide more shade for buildings, sidewalks, and streets.
- 3) Prescription #13 suggests additional restrictions for the “missing middle” housing. Why should the lowest intensity use (single family homes) be the least restrictive in terms of the preservation of existing trees when that use has the most flexibility to preserve trees? The reverse is both more practical and equitable. Single family home construction generally offers more opportunities for tree preservation and covers larger areas of the city than does the more intensive missing middle housing types.

Compatibility and Transitions Comments:

- 1) We support the description of the problems associated with Austin’s current “one size fits all” compatibility standards in the section titled “where are we now?”. We also concur with the direction found in “where do we want to be” and support integrating transition standards into form based zoning requirements.
- 2) We encourage the CodeNEXT team to offer a broader range of flexible and context appropriate compatibility and transition solutions for all districts. Techniques for compatible transition should include the location and orientation of buildings and parking lots, lighting standards, landscaping, and fence placement.

Design for mobility - Prescription 1: *Parking: Reduced parking minimums in areas of the city targeted for compact development, especially when those areas have robust transit and other mobility options. This will be a continuation of the approach taken in the recent code amendments regarding Accessory Dwelling Units (ADUs), where parking requirements were reduced in settings close to Imagine Austin Corridors. –Code prescription paper #1 page 26*

Comments to Mobility Prescription 1

- 1) We support the sections describing “where we are now” and “where we want to be”. We suggest amending the prescription #1 regarding parking to also look for opportunities to reduce required parking citywide. Imagine Austin targets the entire city for more “compact and connected” development not just centers and corridors. Even far flung car dependent areas of Austin should not be required to provide more parking than is actually needed. We recommend documenting peak usage of existing surface parking lots through satellite imagery and base parking reductions on actual usage.
- 2) We support the prescriptions regarding connectivity but point out that additional prescriptions are needed. The subdivision regulations need to ensure connectivity through minimum block lengths and the watershed regulations need to be amended to facilitate necessary connections such as creek crossings. The existing subdivision and watershed regulations prohibit compact and connected development and are not coordinated with adequate complete street standards and connections to adjacent properties.

Redevelopment – Prescription 1

“Imagine Austin’s Growth Concept Map calls for: promoting a compact and connected city; promoting infill and redevelopment as opposed to low-density, greenfield development; and focusing new development in activity Corridors and Centers accessible by walking, bicycling, transit, and car. But since relatively little undeveloped land remains within our Corridors and Centers (as well as much of the central city), accomplishing that will require a regulatory environment that supports redevelopment and infill while balancing that goal with other public values such as water quality and stormwater protection, tree protection, adequate parking, neighborhood character, and compatibility. That balancing act between Imagine Austin’s vision to grow as a compact and connected city and other public values is discussed here and in other sections of this paper.” –Code prescription paper #1 page 29

Comments to Redevelopment:

- 1) We fundamentally disagree with this whole notion. The choices evaluated through the Imagine Austin process were not between no development versus redevelopment but between compact redevelopment over sprawling greenfield development. It was assumed that 750,000 additional residents might move into Austin’s jurisdiction (based on conservative population projections) by 2039. Affordability, air quality, mobility, water usage, livability, fiscal impact and a broad range of other environmental protections all were found to benefit from promoting compact and connected development patterns over sprawling greenfield development.

Redevelopment is also favored because it can provide opportunities to improve water quality, storm water protection, tree protection, neighborhood character, and better transitions between uses. While we recognize the need for appropriate regulatory standards to guide redevelopment we strongly object to portraying complimentary values as competing.

- 2) While CNU supported the recently adopted Accessory Dwelling Unit Ordinance, we encourage CodeNEXT to take the next step and convert this ordinance from a “duplex-lite” concept into a more comprehensive city-wide Accessory Dwelling Unit Ordinance. For regulatory purposes ADUs should be viewed as a single family rather than a two-family use.
- 3) We note the excellent list of connectivity requirements for form based districts and we encourage CodeNEXT to evaluate similar (context sensitive) requirements for the remainder of Austin.

Greenfield Development Comments

We support the greenfield prescriptions with the following exception:

“Retain many of our current environmental protections, such as stream setbacks, tree preservation requirements, sensitive feature protection, and impervious cover limits.” –Code prescription paper #1 page 35

Appropriate connectivity may require additional stream crossings and walkable, mixed use centers may require additional methods to aggregate or alter impervious cover limits. Lot by lot application of impervious cover limits is not appropriate for mixed use centers and corridors, even in greenfield locations.

Parks and Open Space: Build Great Public Spaces Comments

While we support most of the findings and prescriptions found in this section the terms and concepts as presented are confusing. For regulatory purposes the concept of requiring the dedication of land for active parks needs to be differentiated from the concept of preserving open space to protect the intrinsic characteristics of land such as waterways and their adjacent flood plains, steep slopes, riparian areas, or wildlife habitats.

The title of this paper itself “Parks and Open Space: Build Great Public Spaces” illustrates this confusion. While the idea of building great public spaces is applicable to urban parks and plazas it isn’t central to the concept of preserving environmentally sensitive or flood prone areas from development. We recommend appropriately differentiating these concepts and translating them into appropriate prescriptions. We offer the following specific suggestions:

- 1) Austin presently requires the dedication of land or fee-in-lieu for public parks as a function of numbers of acres per anticipated future population. We view this formula as appropriate for parks but not for open space. The land use code should require the preservation of all flood prone land and provide equitable incentives (such as cluster development or density bonuses) to preserve other environmentally sensitive land in greenfield locations.
- 2) Park dedication and/or fee in-lieu requirements should be made highly context sensitive and offer different requirements for: a) greenfields; b) redevelopment; c) redevelopment within $\frac{1}{4}$ or $\frac{1}{2}$ miles of existing parks; d) development or redevelopment in downtown and Imagine Austin centers and corridors.

Conclusion

CodeNEXT should focus on Austin’s recent successes. Austin has a dynamic and successful downtown. Development standards for downtown can be translated into standards (provided that height limits and floor area ratios are made context appropriate) for our emerging transit corridors and centers. The Mueller Development is a national model for sustainability and livability and its development standards could easily be translated into new standards for greenfield development.