



# AIA Austin

June 16, 2016

The Honorable Steve Adler, Mayor  
Honorable City Council Members  
Code Advisory Group Members  
City of Austin CodeNEXT Staff

RE: CodeNEXT Code Prescription Paper #1 - Natural and Built Environment

Dear Mayor, Council Members, CAG Members, and CodeNEXT Staff,

AIA Austin's membership represents over one thousand local architects, designers, and allied industry members that result in unmatched experience and expertise in issues related to the built environment. Our members care deeply about the community, the ways our city accommodates growth, and the policies that ultimately codify the vision set forth in our comprehensive plan - Imagine Austin. To this end, we offer the following responses to the Natural and Built Environment prescriptions; including items we felt weren't addressed in the prescription paper:

## WATER AND WATERSHEDS

- Prescription: Incremental redevelopment should occur in step with an evaluation of infrastructure, including drainage capacity.  
*Response: It is unclear what existing problem this is intended to solve. It will always be more affordable for a city to upgrade existing infrastructure for incremental growth in compact areas than it is to build and maintain new infrastructure that serves low-density greenfield developments.*
- Prescription: 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.  
*Response: This prescription puts significant cost burdens on existing small urban infill sites. Compact redevelopment and infill is a stated goal of Imagine Austin, but requirements such as this will impede this type of growth. Existing sites should be grandfathered in to the current practice of designing for discharge at existing pre-development conditions, and incentives put in place to encourage on-site mitigation to pre-development (grassland) levels.*



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- Prescription: Tools for mitigating flood impacts could include on-site detention, off-site detention, off-site conveyance improvements, or participation in the (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.

- a. Where applied, on-site detention may be achieved either aboveground or underground depending on the nature of the project area (dense, urban site versus non-dense suburban site).
- b. Sites participating in the RSMP will have to demonstrate no adverse impact from flood or erosion potential; adequate downstream flood conveyance capacity; and compliance with the requirements for beneficial use of stormwater.

*Response: Conveyance improvements and RSMP are preferred strategies. Stormwater treatment should be dealt with as a regional system instead of the current practice of building thousands of small drainage ponds, all of which have harmful impacts on an individual site's development potential. Imagine Austin addresses this very issue suggesting "a regulatory framework to incentivize the use of Low Impact Development (LID) features such as rainwater harvesting, increased permeable surfaces, rain gardens, green roofs, green streets, and naturalized water quality features such as bioswales to manage stormwater."*

- Prescription: 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.

*Response: This places a disproportionate financial and spatial burden on developers of urban projects, and especially smaller developments that don't have the space available for expensive retention facilities (Missing Middle housing). Consider an incentive-based program to allow additional entitlements in exchange for onsite beneficial stormwater re-use.*

- Prescription: Reclaim excess right of way for green infrastructure.

*Response: This is an excellent recommendation, and should be carried forward with the Mobility Prescription Paper. Consider integrating active transportation (sidewalks and bike lanes) along with green infrastructure in this excess ROW.*

- Prescription: Incorporate green streets throughout Austin that are calibrated for context, whether located downtown or in a neighborhood.

*Response: Could be a great tool for localized stormwater management. The licensing agreement process should be streamlined so as not to discourage this approach.*

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## LANDSCAPE AND TREES

- Prescription: Maintain our current code's strong emphasis on preservation of existing topography, native vegetation, and environmental health.

*Response: This is a positive goal for the city, but consider that in some cases natural preservation within the city's core can hinder development on small lots. We must ensure that preservation measures within the city are preserving something of true value to the community.*

- Prescription: Recognize that compact development can pressure existing vegetation, particularly trees; provide the tools to implement a site-specific approach to preservation that prioritizes protection of "significant" trees.

*Response: It's important to remember that compact development and beautiful trees aren't mutually exclusive; look no further than Austin's Second Street District for an example of how simple street trees complement compact development. Granting additional entitlements for site designs that preserve trees, instead of a blanket requirement, which disproportionately harms smaller, urban projects, should incentivize compact development.*

- Prescription: 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.

*Response: This prescription is confusing, as it suggests new development projects are currently using their maximum allowed impervious cover as a reason to subvert other code requirements. Current projects must comply with all applicable codes and ordinances, so we struggle to see how this is an issue that needs to be addressed. However, we do suggest the new code investigate alternative ways to measure run off. Stormwater and flooding impacts are most directly tied to runoff, not impervious cover. For example, a site that is 100% impervious could retain all run off on site.*

- Prescription: Use a site-by-site approach to tree preservation, Avoid the use of a purely quantitative, one-size-fits-all, approach to tree preservation (e.g., 80% of site trees must be preserved), in recognition of the non-uniform distribution of trees, the varying biological and structural health of trees, and differing land development types.
  - a. Look at reasonable use of and reasonable to the property. To administer these criteria effectively, the City Arborist will utilize a process that assess specific site characteristics and identifies the health of the regulated trees to ensure protection of the healthy trees onsite.
  - b. Adopt policies to define more effectively the varying contexts (e.g., urban, suburban, commercial, residential, etc.) and how best trees can be preserved in these varied contexts.

*Response: While context-based regulations are desirable, they also add layers of complexity and time to the review process. Site-by-site tree preservation would*

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*lead to unpredictability for architects and developers, who rely on a consistent staff interpretation when looking at the feasibility of projects. Any proposed site-specific criteria/regulations should be kept simple and clearly defined to avoid the risk of multiple interpretations.*

- Prescription: Allow for more flexibility in accounting for various building types, internal circulation, utility assignments, parking requirements, and so forth, allowing more creative site layouts to preserve trees.  
*Response: In addition to allowing flexible and creative solutions to tree preservation, consider incentivizing this preservation with additional entitlements. Missing Middle housing for example.*
- Prescription: Explore opportunities to improve tree preservation for “missing middle” developments. For example, protective trees smaller than 19” might be an opportunity to bridge the gap between the current commercial site plan recognition of trees (8” and greater diameter trees) and single-family home development (19”).  
*Response: Imagine Austin calls for compact development and homes on smaller lots; these development patterns are disproportionately impacted by tree protection. In some cases, one unfortunately located tree may ruin the viability of a property. Consider incentive-based tree preservation for Missing Middle housing instead of a blanket protection requirement.*

## COMPATIBILITY AND TRANSITIONS

- Prescription: Form-Based Standards: These standards, which will regulate factors like building placement, height, and mass, parking placement, four-sided design, and so forth, will allow compatibility to be built right into the base zoning districts. The new standards will also employ landscape as a means of promoting compatibility.  
*Response: As an overarching point of agreement among many AIA Austin members, we strongly encourage the new LDC to focus form-based code language on a buildable tent/envelope. The new code should not regulate materials, style, or show preference to a certain architectural era. Austin has a talented field of design professionals who are experts in this aspect of the built environment, and it would undermine their role to prescribe anything more than the basic scale and location of a building. Similarly, we encourage the CodeNEXT team to include examples of contemporary architecture in future reports, and to use images that more accurately represent the wide range of architectural styles found in Austin. Any exemptions to these form-based regulations should be evaluated carefully as to their desired outcomes. SubChapter F, for example, has led to a proliferation of shed roofs.*
- Prescription: Building Types: Each Transect District will authorize certain specific Building Types, each of which must adhere to certain design and dimensional standards. This will allow the application of Transect Zones to compel compatibility. Unlike the current Compatibility Standards, which are tied to use (residential zoning or residential use), the

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use of Building Types acknowledges that form – rather than use – is typically what drives compatibility.

*Response: We have the same concerns about Building Types as the previous prescription (see above).*

- Prescription: Housing Types: A greater array of housing types, including Missing Middle Housing, which allows the code to regulate more effectively for compatibility.  
*Response: Missing Middle housing types are strongly embraced by AIA Austin, and we see these typologies playing a crucial role in the successful transition to a compact and connected city. We encourage allowing all Missing Middle housing types throughout the transect districts in the urban core, and not concentrated only on Corridors and Centers. All neighborhoods would benefit from diversity of housing types, which would in turn promote diversity of residents.*
- Prescription: Compatibility Standards: It is likely that the new code will retain something akin to the current Compatibility Standards in the portions of Austin that remained zoned with “use-based” (as opposed to form-based) zoning districts.  
*Response: While it has not been made clear which areas of Austin will remain under use-based zoning, the entire city would benefit from compatibility standards that were more context-specific and allowed for incremental density. As is currently evident use-based compatibility prevents positive redevelopment on small infill lots.*
- Prescription: It should be noted that the effective deployment of these tools to ensure true compatibility would rely heavily upon sound mapping decisions. Mapping is the process of assigning various zoning districts to parcels on a map. Since the mapping process can take into account topography and other context-specific factors, it can allow the customization of compatibility, which is in contrast to the current Compatibility Standards.  
*Response: Sound mapping decisions are understood to be critical to success, and the first most important decision to be made is the scope of the mapping itself. AIA Austin strongly encourages the CodeNEXT team to implement the new code throughout Austin's urban core, and not limit it to Imagine Austin Corridors and Centers. The current auto-centric code is not appropriate for any central neighborhoods; all areas of the city must do their part in accommodating new growth rather than focusing on one area.*

## DESIGN FOR MOBILITY

- *(What's the Prescription?)* CodeNEXT will not (nor should it) spell the demise of the automobile. Our city is, in many ways, built for the automobile, and most of us rely on it for many of our mobility needs. But CodeNEXT can offer some tools to provide non-automotive options for those who choose them, tame the automobile's negative impacts on our built environment, and prepare our city for rapid changes powered by emerging technologies (electric and autonomous vehicles) and systems (mobility on demand). For example, we don't want to look back from 2040 (where mobility options are available on demand and when car ownership might be viewed as a quaint, old-

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fashioned notion) wishing we had not wasted so much space and money on vast seas of parking that are difficult to redevelop.

*Response: Preparing a city for emerging technologies (self-driving cars, mobility on demand, etc.) without first making the highest and best use of proven technologies (light rail, bus rapid transit) is misguided. One should not mistake self-driving cars for a panacea that solves all mobility issues. The new code must anticipate a future high-frequency bus network that acts as the spine of our transportation system, with high-capacity transit connecting our highest ridership corridors to the central core.*

- Prescription: 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.

*Response: Reducing parking minimums only in areas of the city that are targeted for compact development does not go far enough in achieving an affordable, multi-modal city. Parking minimums should be significantly reduced citywide, and abolished in the urban core. Parking maximums should also be considered in the CBD. Public transit will only be desirable to citizens when it becomes the quickest, easiest transportation option.*

- Prescription: Form-Based Standards: Form-based zoning districts that provide functionality but also minimize the negative impacts of on-site parking such as sidewalks interrupted by wide and frequent driveways, surface parking lots separating the sidewalk from the building, and parking lots without trees.

*Response: This prescription will be crucial to developing more equitable public space for pedestrians and cyclists. Any code language that eliminates parking in these areas should also require sidewalks to be built. More people parking on the street will mean unsafe conditions for pedestrians. Building safe and beautiful places to walk will encourage more walking, and these form-based standards are an important tool to accomplish this. Consider how the form-based standards for buildings interface with new public infrastructure design guidelines. Adopt National Association of City Transportation Officials (NACTO) design standards wherever possible.*

- Prescription: Roadway Design: Courtesy of the Austin Thoroughfare Plan (being developed as part of CodeNEXT), roadway designs based not only the function of a roadway, but also on the contexts through which it passes.

*Response: Roadway and ROW design should accommodate all modes of transportation, including walking, bicycling, and mass transit with appropriate buffers in between*

- Prescription: Location Efficiency: Form-based coding that will enable compact redevelopment to be constructed in transit-rich environments (e.g., rail, rapid bus, and frequent service bus lines). By doing so, the new code will promote land uses and

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development patterns that support mobility choice, reduce congestion, and reduce the negative environmental consequences of prolific automobile usage.

*Response: Location efficiency is perhaps the single most important concept in this paper, and is an essential part of being a compact and connected city. Given that very few environments in Austin could be considered "transit-rich", we encourage progressive land uses in the new code that promote transit-richness. Our entire urban core should be envisioned as transit-rich, and it's only through more compact land development patterns that we will achieve this vision.*

- Prescription: Connectivity:
  - a. Subdivision and Site Plan standards that promote connectivity by: ensuring that development sites include roadway connections, and where that is not possible, through pedestrian and bicycle connections; and through block sizes and patterns that promote walking, biking, and efficient automobile circulation.
  - b. Using greenways to build new transportation systems; for example, by utilizing a certain number of feet from a floodplain to provide trails, bank stabilization, and to keep natural flooding areas free from development.

*Response: We are supportive of the items in this prescription, and would only add that NACTO design standards should be adopted for new site plan and subdivision mobility infrastructure.*

## REDEVELOPMENT

- (Where are We Now?) ...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, tree protection, adequate parking, neighborhood character, and compatibility.

*Response: Balancing so many goals leads to a "straddled" approach; one that will ultimately not achieve or satisfy any goal because it's trying to do too much. It's important for the staff to understand the real priorities in this code rewrite, and accept that one makes tradeoffs when there are conflicting goals. "Supporting redevelopment and infill" could be directly at odds with the goal of "compatibility".*

- Prescription: Reduce Parking Standards
  - a. Required parking minimums will be reduced from current levels to improve stormwater and water quality benefits; reduce development costs; promote walking, bicycling, and transit; provide opportunities for building expansion and development in retrofitted parking lots; and provide opportunities for open space and landscaping.
  - b. These reductions in parking standards will likely be focused in walk-able urban areas, Transect Zones T4 and higher, and areas near high capacity

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transit. Drivable suburban areas and Transect Zones T3 and lower may see less of a reduction. In other words, the parking standards will be calibrated to context.

*Response: While all areas of the city could benefit from reduced parking minimums, the staff should ensure that at least all neighborhoods within the urban core achieve this goal.*

- Prescription: Connectivity: In order to reap the full benefit of redevelopment in Centers and Corridors, those redeveloped areas will need to be well connected to nearby neighborhoods so that those neighborhoods can take advantage of the increased access to services and amenities that redevelopment will provide.

- c. Require the extension of roads, alleys, trails, bike lanes, sidewalks, or green connectors as opportunities allow.

- d. Walkability will be promoted on large parcels through requirements for walkable block sizes, the number of required parking spots and their placement, and building coverage and placement standards.

*Response: Extending mobility infrastructure to and through an infill project is an important component of being a connected city, but the disclaimer "as opportunities allow" is a cause for concern. Ensure that standards are written with clarity and predictability in mind, and that subjective site plan regulations are avoided whenever possible. Note that to be walkable, there must be sidewalks. How is the new code going to reconcile that we are so deficient in sidewalks?*

- Prescription: Housing and Building Diversity:

- e. Providing a diverse array of housing and building types leverages redevelopment in at least two ways:

- i. It affords access to the array of amenities and services available in Corridors and Centers to diverse households and businesses.

- ii. It ensures that redevelopment occurs in the compact manner for which Imagine Austin calls.

- f. The new Land Development Code will promote this diversity through: reduced parking requirements, diverse and compact lot sizes, adaptable buildings that readily accommodate shifting markets and uses, and carrying forward the recently adopted Accessory Dwelling Unit code elements.

*Response: Housing and building diversity, and the prescriptions that follow, are all positive changes. Our suggestion is that these benefits be spread around the entire urban core, and not limited to only corridors and centers.*

- Prescription: Form-Based Standards: The new Land Development Code will integrate into the base zoning district standards that will help integrate redevelopment with its surroundings and adjacent neighborhoods. These standards will include: interconnected streets; walkable block sizes; lower parking ratios and appropriate design and location of parking; requirements compelling meaningful and functional landscape and open

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space; and requirements for flood mitigation and water quality. And the zoning districts will allow a wide array of uses, thereby allowing the creation of more complete communities.

*Response: It's unclear how will Form-based code and Subchapter E work together? Again, predictability is a goal.*

## GREENFIELD DEVELOPMENT

• Prescription: Promote connectivity: As the city grows, it is increasingly important to create a built form that promotes walking and other mobility options, and that can be connected with other parts of the city, both existing and future. Our current greenfield development does not usually meet this standard, leading to isolated developments that generate car traffic and are often unsafe for other modes of transportation, such as walking and biking.

- a. The Code prescription for new development will include increased connectivity through shorter block lengths, such as 400-500 feet, and by re-examining our minimum lot size to allow for a variety of building types on varying lot sizes.
- b. New tools to encourage creative design that respects the natural environment, such as conservation subdivisions.

*Response: We suggest requiring a more uniformly gridded street layout for large greenfield development sites. We also question the 400-500 foot block lengths, which still seem excessively long when compared to a standard city block. The block sizes should be calibrated to a reasonable walk by an average person.*

## PARKS AND OPEN SPACE: BUILD GREAT PUBLIC SPACES

• Prescription: Increase access to recreation, as recommended in Imagine Austin, by expanding the number of parks and outdoor play spaces available to residents.

*Response: We agree with the concept in this prescription that a more critical measurement of success is "access to recreation" instead of "park acreage per person," but how will the code achieve actually this? Modifications to the Parkland Dedication Ordinance (PDO)? Given the current deficiencies in PARD funding new park opportunities will be in private development.*

• Prescription: Infuse recommended code changes from the Parkland Dedication Ordinance: Parkland Dedication requires developers of dwelling units to provide land for parks or pay a fee in-lieu of land in proportion to the impact their development has on the park system.

- a. Expand the amount of parkland options by setting fees to current land and construction costs and increase the amount of land required to meet the City's current level of service for neighborhood parks (9.4 acres of parkland per 1,000 residents).

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- b. Increase credits for developments that agree to provide outdoor spaces that, while not dedicated parkland, are designed and designated for active use by the public. These private park spaces are maintained by the development and can provide unique play areas throughout the city.
- c. Develop standards for public spaces to be used in giving parkland dedication credits. Practices for making earlier decisions about whether land will be given or fees paid on a residential development also give the development community increased assurances about incorporating public space and parkland into their project.
- d. Retain the City's Park level-of-service as codified in the new parkland dedication ordinance. Intense competition for space on parcels in the City's core usually makes parkland an afterthought. Items labeled Open Space are routinely stormwater detention and drainage areas, protected tree stands, a swimming pool area for residents, or transitional elements between building types where no recreation items are allowed under current Compatibility Standards. The Code must include:
  - i. Metrics or design standards that retain percentages or pervious areas while incentivizing options for active recreation in urban and dense areas, as there is intense competition for space in the city's core.
  - ii. Improve the definition of Open Space to counteract current ambiguity in code.
  - iii. Open space in a project may be designated as a transitional element between building types where no recreation items are allowed under current Compatibility Standards.
  - iv. Open space may also be identified in the stormwater detention or drainage area.

*Response: Funds collected from PDO cannot be used for park maintenance. Building all these new parks is a great idea, but how will the city maintain them? It is acknowledged that this issue is beyond the scope of CodeNEXT, but it should be considered.*

- Prescription: Incorporate a metric for green infrastructure, for public space, and other items to obtain higher quality Open space.

*Response: The Design Commission is currently tasked with drafting new Infrastructure Design Guidelines. This could be an opportunity for collaboration; or at least not reinventing the wheel.*

We offer our general support of the Code Prescription concept, and applaud the overall direction set forth in this first paper. Austin's natural resources are integral to the character of the city and it's refreshing to see bold recommendations that further integrate nature with the built environment. Although we feel many of these prescriptions

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conveyed a positive intent, and may result in the desired outcome, we are concerned about the effects of so many proposed regulatory "requirements". To this end, AIA Austin encourages the CodeNEXT team to consider more incentive-based approaches to these prescriptions in lieu of blanket requirements that may be seen as a "taking" of property rights. We also encourage you to apply water quality, flood management, and tree preservation regulations on a larger, regional scale and shift focus away from our current practice of regulating on a site-by-site basis; resulting in unpredictable results. One of the essential outcomes of CodeNEXT is to implement a code with clarity and predictability, with a simplified site plan review process that allows more by-right development. We notice many prescriptions in this paper falling into the same old pattern of complex, site-specific requirements that don't serve the purpose of simplification. We wholeheartedly endorse the vision of a compact and connected city, as set forth in Imagine Austin, and encourage the CodeNEXT team to continue to champion this concept. AIA Austin looks forward to continuing our part in helping the City craft a new code that encourages smart growth and leads to a more beautiful and resilient community.

Sincerely,

Jim Susman, AIA  
President  
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