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Community Priorities for CodeNEXT: Environment, Equity, & Neighborhoods

Our Message to the Incoming City Council as the Public Prepares for Draft Code

Austin, Tex. – January 25, 2017 – Today, a diverse coalition of environmental, neighborhood, and local community leaders announced a joint effort to approach the City of Austin’s planned public release of the land development code rewrite known as “CodeNEXT,” with a set of shared benchmarks for success.

Austin’s land development code regulates the city’s built environment to provide homes, businesses, and industrial sites that are safe, respectful of neighbors, and consistent with community values. In so doing, the land development code has the capacity to preserve trees, parks, and creeks, require management and reuse of stormwater, and encourage green infrastructure to bring nature into the city. Historically, Austin’s land development code has also been used as a tool of racial segregation, and as relentless growth continues, some communities are bearing the brunt of rapid new development and redevelopment. Long-time residents, many of them people of color, are being displaced from their neighborhoods to the city’s outskirts. Many residents face the dangers and economic hardship of flooding caused by upstream development. And too many neighborhoods still lack nearby necessities, such as parks, healthy food, and safe walkable environments.

Through the CodeNEXT process, Austin has an opportunity to achieve a simpler set of land development regulations, one that could be applied consistently without the exceptions of Planned Unit Developments (PUDs) and special ordinances. These new and simpler regulations must, however, reflect the community’s need to protect neighborhoods, support healthy communities and good jobs, preserve the natural environment, and ensure equitable development around the city. These are the values of the newly established and growing coalition, who say these benchmarks are a way to identify, measure, and ensure the success of CodeNEXT.

Lauren Ice, an attorney with Save Our Springs Alliance, and a member of the CodeNEXT Advisory Group or “CAG” described CodeNEXT as a massive and important task. “CodeNEXT will affect every single person in Austin in some way. We formed this coalition to provide a tool for folks to

learn, engage, and provide input on certain issues that we all care deeply about—our environment, neighborhoods, and equity.”

According to its director, David Foster, Clean Water Action is participating in part, to help ensure the city becomes more resilient in the face of climate change. “We are encouraged by what the city has proposed to reduce flooding and protect our waterways and aquifers from runoff pollution. We’re also excited about the potential increase in green infrastructure. We plan to follow through and make sure these goals are realized and that we’re also protecting and expanding our tree canopy and green spaces throughout the city.”

Carmen Llanes Pulido, the Community Director at GO! Austin/VAMOS! Austin (GAVA), which is itself a coalition working to improve the health of Southeast Austin residents, emphasizes the importance that equity and fair access play in the decisions we make about our land development. “All neighborhoods deserve access to healthy food, green space, safe and active transportation options, protection from flooding, and other important environmental protections. As we work to ensure complete communities, we must also guarantee that these policies do not displace people.” David King, active with Austin neighborhoods, echoes that sentiment: “CodeNEXT must respect neighborhood self-determination. Local neighborhoods should play an important role in determining whether future code language and zoning maps will meet the needs of existing residents.”

The coalition invites other groups and individuals to join them and help ensure CodeNEXT meets these benchmarks. Ice says the groups are committed to sharing information and expertise as they work to understand the likely impacts from the proposed changes. “We want to be a resource for the community to learn about how CodeNEXT will impact our environment and neighborhoods, but we also want to listen to what our local communities, especially underrepresented communities, need so that we can provide powerful and focused feedback to the CodeNEXT team. Without greater public involvement, we leave these decisions up to others to determine what’s best for Austin.”

Contact Lauren Ice at lauren@sosalliance.org or 512-477-2320 with questions or to reach any of the coalition members. Attached are the coalition’s shared benchmarks and a list of all participating organizations and individuals to date.

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Community Priorities for CodeNEXT: Environment, Equity, & Neighborhoods

The purpose of Austin’s proposed rewrite of our Land Development Code, known as “CodeNEXT,” is to faithfully implement the eight priority programs of *Imagine Austin*. The undersigned community organizations and individuals join together in adopting the following key benchmarks for measuring the CodeNEXT draft’s consistency with *Imagine Austin*. We invite others to join with us in assuring that all of these benchmarks are met in any draft code that is advanced to the City Council for consideration.

Austin must manage its growth responsibly, intelligently, and in a way that is equitable for all of the city’s residents. Compact and infill development so far has not achieved the goals of housing affordability or preservation of natural areas. Any code changes to facilitate more intense development must include standards to conserve water and the natural environment, reduce climate change and become climate resilient, protect existing neighborhoods and trees, reduce development sprawl, support healthy communities, promote equitable development, prevent displacement, and lead to truly affordable housing.ⁱ Together, we call for CodeNEXT to meet the following standards:

1. CodeNEXT shall increase transparency, consistency, fairness and meaningful public participation.	
<input type="checkbox"/>	The CodeNEXT public engagement process shall include diverse strategies to ensure feedback reflects the true demographics of the City; give ample, advanced notice to all residents of all events; and include multiple meetings in each district. Meaningful participation includes both language access AND outreach and engagement of diverse communities in Austin.
<input type="checkbox"/>	The CodeNEXT public engagement process shall allot more time for an iterative, transparent public mapping process that respects neighborhood self determination. Neighborhoods should be involved in the mapping to ensure that the Growth Concept Map and Zoning Map reflect a plan for equitable growth and environmental justice ⁱⁱ throughout the city and the ETJ.
<input type="checkbox"/>	The Code Advisory Group (CAG) ⁱⁱⁱ should remain an official body until the new code is adopted to help ensure meaningful public participation throughout the CodeNEXT consideration process.
<input type="checkbox"/>	The CodeNEXT draft code shall be presented so that the public can easily track additions and deletions, and follow where new sections were derived from old code. ^{iv} Intent statements shall also be provided for each code section for clarity and consistent implementation.
<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, increase predictability and fairness by setting clear and consistent standards and reducing staff discretion. Well-defined standards should replace the current exceptions of Planned Unit Developments (PUDs) and special ordinances. Opportunities to pay a fee instead of complying with code provisions, known as “fee-in-lieu,” should be eliminated in instances where onsite benefits are critical, such as flood reduction and sidewalks.
<input type="checkbox"/>	CodeNEXT shall maintain existing public participation and rights of appeal by neighbors and interested parties and ensure that all development application information is filed online as required and subject to online public review and comment.

2. CodeNEXT shall reduce climate change, increase resilience, reduce the urban heat island effect, and preserve and restore our natural environment.

<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, require a safe, connected, and convenient pedestrian, bicycle, and transit transportation network in new development and redevelopment throughout the City and reduce our reliance on single-occupancy vehicles. ^v	
<input type="checkbox"/>	CodeNEXT shall require on-site green space and green elements in all new development and redevelopment, including in “missing middle housing,” ^{vi} for stormwater infiltration and protection of existing trees. The same tree protections that currently apply to commercial and multi-family zoned properties shall be extended to the “missing middle housing” to protect the existing tree canopy.	
<input type="checkbox"/>	CodeNEXT shall maximize protections for the environment and plan for healthy communities in redevelopment and greenfield developments, ^{vii} including preserving green space, ^{viii} planning for a network of parks and trails, and maintaining and improving the tree canopy. Achieving this goal will require cooperation with the surrounding jurisdictions.	
<input type="checkbox"/>	CodeNEXT shall, consistent with its stated goals, support and increase food producing spaces, like community gardens and farms that use sustainable methods, provided that these operations are consistent with local zoning and community agreements.	

3. CodeNEXT shall require that new and redevelopment mitigate and reduce flooding, runoff pollution, and downstream erosion. Flooding threatens lives, homes, and businesses. Developments that fail to capture their own stormwater impose real harm and costs on others by increasing the severity of floods, erosion, and pollution of creeks, rivers, lakes, and aquifers.

<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, require new and redevelopment to keep or return rainfall runoff to undeveloped ^{ix} levels of volume and intensity. “Fee-in-lieu” ^x for onsite flood mitigation should only be allowed in watersheds with excess flood mitigation capacity to fully accommodate increased flood flows from the proposed development.	
<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, require new and redevelopment to capture rainfall for beneficial reuse to the maximum extent practicable, using, among other strategies, green infrastructure that includes rain gardens, permeable pavement, green roofs, rain harvesting, bioswales, and disconnected downspouts.	
<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, maintain and strengthen the Watershed Protection Ordinance which, among other things, improves stream buffers, floodplain protections, and erosion hazard provisions for much of East Austin and Suburban watersheds. The voter-approved Save Our Springs Ordinance as well as the SOS redevelopment ordinance shall be maintained in all respects.	
<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, encourage compact and infill new and redevelopment in order to help reduce sprawl, protect our natural areas, and reduce overall impervious cover while respecting neighborhoods, floodplains, and stream buffers.	
<input type="checkbox"/>	CodeNEXT shall utilize a flood capacity analysis for each individual watershed to inform the CodeNEXT mapping process.	

4. CodeNEXT shall protect and respect neighborhoods.

<input type="checkbox"/>	CodeNEXT, consistent with stated goals, shall promote neighborhood self determination and respect neighborhood plans, future land use maps, and the wishes of neighborhoods seeking to update or modify or create their own neighborhood plan.	
<input type="checkbox"/>	CodeNEXT, consistent with stated goals, shall refrain from a blanket application of a ¼-mile, ½-mile, or any set distance “transition area” ^{xi} between activity corridors and neighborhoods.	
<input type="checkbox"/>	CodeNEXT shall respect and reinforce “compatibility standards” ^{xii} in the new code by maintaining the intent and effect of current ordinances protecting single-family zoned ^{xiii} properties from incompatible features and uses of commercial and multi-family development.	
<input type="checkbox"/>	CodeNEXT shall protect and preserve existing affordable multifamily housing.	
<input type="checkbox"/>	CodeNEXT shall maintain the existing proportion of family-suitable housing in the housing mix, in order to retain intergenerational communities, as well as facilities and services for seniors and young families. ^{xiv}	

5. CodeNEXT shall promote affordable housing for all Austin residents, especially for low income residents.

<input type="checkbox"/>	CodeNEXT shall require growth to pay for itself by requiring the consistent payment of utility and transportation impact fees, reasonable permitting fees, and other fees to prevent current residents and taxpayers from bearing the direct or indirect costs of new development.	
<input type="checkbox"/>	CodeNEXT, or parallel ordinance measures, shall ensure we meet the City’s affordable housing goal of 45,000 affordable dwellings ^{xv} in ten years for residents making less than 60% MFI ^{xvi} distributed throughout the city and on preferred transit lines, by assessing an affordable housing linkage fee on all new development.	
<input type="checkbox"/>	CodeNEXT shall establish broad-based, low-rate affordable housing linkage fees, because such fees have the capacity to provide substantially more revenue for affordable housing at less than 60% MFI, and diverse housing types, including for families and intergenerational families. Additionally, linkage fees do not pit affordable units against green space, trees, flood control, or other environmental and community benefits that all residents should be able to access and enjoy.	
<input type="checkbox"/>	CodeNEXT shall discourage development that displaces residents from changing neighborhoods and encourage development that mitigates displacement.	

6. CodeNEXT shall support healthy and complete communities with adequate access to healthy food, physically active lifestyles and jobs that pay a living wage.

<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, facilitate “complete communities” ^{xvii} in both established and new developments, that include everything a family needs, including healthy food, parks and green spaces, and other amenities.	
<input type="checkbox"/>	CodeNEXT shall, consistent with stated goals, facilitate development throughout the City and along corridors that allows for reliable, accessible public transportation, active transportation, and connected publicly-accessible green spaces, including within transit plazas.	

Participating Groups and Individuals:

Clean Water Action

Flood Mitigation Action Group

GO! Austin/VAMOS! Austin

People Organized in Defense of Earth and Her Resources (PODER)

Save Barton Creek Association

Save Our City Austin

Save Our Springs Alliance

Sierra Club, Austin Regional Group

Southeast Combined Neighborhood Plan Contact Team

Standing Up for Racial Justice-Austin

Sustainable Food Center

Texas Chapter, American Society of Landscape Architects, Central Texas Section

David King

Fred I. Lewis

Dr. Lauren Ross

Marisa Perales

Mary Ingle

Roy Waley

Ruthie Redmond

ⁱ “Affordable housing” is used here to mean housing that is affordable to residents making 30, 50, and 60% median family income (MFI), proportional and in abundance to the demand for it, including housing types for couples, families, and multigenerational families, and for owners and renters. In reality, affordable housing will only be achieved through government intervention as well as programs outside of the code. Density in and of itself does not automatically equate to affordable housing. “Affordable housing” is distinguished from “housing affordability” which is the ability of any given household to afford its housing costs, including rent or mortgage, transportation, and utilities.

ⁱⁱ “Environmental justice” is used here to mean the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Specific concerns here include industrial facilities that are harming parts of East Austin.

ⁱⁱⁱ Unlike other land use commissions, the CAG is an 18-member, especially diverse commission, appointed specifically to help facilitate community involvement throughout the CodeNEXT process.

^{iv} Specifically, upon release, one CodeNEXT draft shall be in “clean” form and one in traditional legislative format, showing additions and deletions, and shall further be accompanied with comprehensive derivation and disposition tables so that the new draft code shows where new sections were derived from the old code; and the old code is marked to show where sections were disposed to in the new draft code (or eliminated). This is essential for comparing the old code to the new code, and for interpreting the new code in future years. If comprehensive disposition and derivation tables are not provided at the release date, then all review timelines must be extended by the number of additional days it takes to provide the derivation and disposition tables.

^v Incentivizing pedestrian and bicycle trips also necessitates connectivity, moderate block sizes, and a mix of uses. Gated communities work against these goals and should not be permitted. Concentrating development within ½ mile of high frequency transit stops must also be a priority.

^{vi} “Missing middle housing” is used by the City of Austin to describe a range of housing types occupying the spectrum between detached single-family housing and large multi-family housing products, providing a range of housing types with incremental increases in density ranging from accessory dwelling units, duplexes, triplexes, fourplexes, courtyard housing, bungalow courts, townhomes, multiplexes, live/work units, studios or “micro units” as well as those offering larger units, with multiple bedrooms for family households.

^{vii} “Greenfield development” is used by the City of Austin to mean development that occurs in previously undeveloped areas. We want to avoid sprawling growth, but we recognize that before more greenfield areas are developed, it is important that our code ensures this development is controlled and responsible.

^{viii} Green space is one type of open space. The City of Austin defines open space as public open space and private open space with “public” referring to parks and “private” referring to the required amount of open space on private property. The amount of private open space required will vary by transect zone. Private open space will be a critical element to track in the new code for tree protection and stormwater infiltration.

^{ix} “Undeveloped levels” is used here to mean rainfall runoff levels equivalent in volume and intensity to those on an undeveloped grassland site. “Undeveloped” is used instead of “pre-developed” to clearly distinguish the difference between completely undeveloped land and the property prior to the proposed new or redevelopment, which could already contain some level of development.

^x “Fee-in-lieu” is a system, when instead of providing certain infrastructure directly on the site being developed, the City allows the developer to pay a fee as a substitution. The City would collect that fee, and in the case of flood mitigation infrastructure, would put it toward a different or a regional project.

^{xi} “Transition area” or “transition zone” is used by the City of Austin to mean the area between existing single-family zones and activity corridors as identified in *Imagine Austin*, where much of the “missing middle housing” will, by its size and form, provide compatibility between commercial and large multi-family uses on activity corridors and the small-scale residential you find in existing single-family zoning.

^{xii} “Compatibility standards” is used here to mean those restrictions that help protect older neighborhoods by ensuring new construction and redevelopment is compatible in scale, design, and use with existing neighborhoods, such as minimum setbacks and maximum height limits.

^{xiii} “Single-family zoned” is used here to mean the types of housing available in our current single-family zoned properties, which can include detached single-family homes, duplexes, townhouses, condominiums, and accessory dwelling units (ADUs).

^{xiv} In harmony with CodeNEXT, the City shall adopt policies that raise the living standards for low- and middle-income families and protect established neighborhoods, homeowners, and renters from gentrification and excessive cost increases. .

^{xv} “Dwellings” is used to here to demonstrate that we believe our city’s affordable housing goals should include housing of all types, from multifamily to detached single-family homes, for both renters and owners.

^{xvi} City of Austin, Draft Strategic Housing Plan (Dec. 5, 2016) (passed Housing Committee of Council on Dec. 9, 2016).

^{xvii} “Complete community” is used by *Imagine Austin* to mean a community that “provides access by foot, bike, transit and car to jobs, shopping, learning, open space, recreation, and other amenities and services.” We include safety as part of access, and healthy food as an amenity.