

November 21<sup>st</sup> 2019

To: Mayor Steve Adler and Austin City Council  
Re: Walk Austin's Land Development Code recommendations

Dear Mayor Adler and Austin City Council,

A land development code (LDC) impacts every facet of life in a city. For somewhere to be affordable, diverse, equitable, beautiful, sustainable, sociable, accessible, and walkable, a quality LDC is essential. For decades, Austin's code has produced dull, unwalkable, and unsustainable suburban sprawl produced by an increasingly consolidated corporate development culture. It's time to chart a new course that meets our citizens' needs and which leads to a built environment produced by and for the people of Austin.

The recently-released draft LDC is a significant improvement over Austin's current code. Highlights include allowing Accessory Dwelling Units (ADUs) citywide, reducing parking minimum requirements near transit lines, and introducing missing middle housing to many areas. These and many other changes are important steps toward a better, more walkable Austin.

However, the draft code must go much further before it can align with the goals of Imagine Austin, the Austin Strategic Mobility Plan, and other key plans to adequately address the challenges and opportunities we face now and in the years to come. Walkability will be key to, and reflective of, a sustainable, just, sociable, and happy future Austin. To those ends, we propose the below amendments to the draft LDC.

The Walk Austin board commends the considerable time and effort that City of Austin staff, elected leaders, and many others have made in bringing the draft LDC to its current state. We encourage you to be bold and think big to deliver the code we, and future generations most of all, need. Your leadership and vision will impact Austin for decades to come.

Regards,



Adam Greenfield  
*Secretary, Walk Austin*

# WalkAustin

## Summary of Land Development Code recommendations

### **A. Pedestrian accessibility and comfort**

1. Create more small neighborhood commercial zones
2. Incentivize better pedestrian and bicycling connectivity through properties
3. Require that buildings be pedestrian-accessible from the street
4. Encourage building features, such as awnings and sittable spaces, on commercial streets
5. Ban new gated subdivisions and encourage existing subdivisions to be integrated into the public street network
6. Discourage lot consolidations and large, block-long development
7. Create an urban growth boundary around Austin and ensure development be infill-oriented

### **B. Sociability-enhancing development**

1. Prioritize and incentivize socially-oriented housing
2. Incentivize public spaces to be created as part of new developments
3. Eliminate setback requirements between buildings and streets in residential and main street zones
4. Eliminate or greatly decrease minimum residential lot sizes

### **C. Parking**

1. Eliminate parking minimum requirements citywide
2. Encourage existing parking to be converted into other uses
3. Address missing sidewalks with sidewalks, not with more parking
4. Eliminate Floor Area Ratio (FAR) as a tool or require that parking in buildings count toward FAR
5. Don't downscale proposed developments because of road capacity concerns

### **D. Community-rooted and equitable development**

1. Incentivize community participation in development from the start
2. Apply the LDC to all neighborhoods

# WalkAustin

## Land Development Code recommendations

### A. Pedestrian accessibility and comfort

#### 1. Create more small neighborhood commercial zones

Small neighborhood commercial centers such as Duval & 43<sup>rd</sup> Street and W Lynn & 12<sup>th</sup> Street, some of Austin's favorite places, place daily needs within walking distance and establish focal points that give communities a shared identity. In contrast with longer arterial-based commercial corridors, these smaller commercial crossroads often adapt more harmoniously to neighborhood character, function better as centers of community, and more effectively enhance walkability. All Austinites should live a 10 minute walk from such places and the new LDC should allow them throughout the City.<sup>1</sup>

#### 2. Incentivize better pedestrian and bicycling connectivity through properties

Large areas of Austin are planned around unwalkable suburban collector networks, long blocks, and large lots, requiring people on foot to take circuitous paths to their destination. To address this issue, the LDC should:

- Incentivize developers and property owners to provide easements for access for public mixed-use paths across/ through strategically-located properties
- Require developers to create public paths/paseos through developments larger than 500ft wide
- Cap maximum block lengths without public paths/paseos at 250 ft, a reasonable walking distance<sup>2</sup>

#### 3. Require that buildings be pedestrian-accessible from the street

Relationships between buildings and streets fundamentally influence relationships between people. Therefore, the LDC should ensure that buildings and sidewalks are well-connected by:

- Requiring building entrances to be street-facing and, where possible, sidewalk-level
- Prohibiting parking between streets and building entrances
- Banning new drive-through businesses<sup>3</sup>; if they are allowed to be built, they must be pedestrian/ wheelchair-accessible

#### 4. Encourage building features, such as awnings and sittable spaces, on commercial streets

A vibrant, comfortable pedestrian realm on commercial streets has always depended on a symbiotic relationship with buildings through features such as awnings, arcades, and built-in sittable spaces. Austin's LDC should strongly encourage these elements in commercial buildings that abut the sidewalk.

#### 5. Ban new gated subdivisions and encourage existing subdivisions to be integrated into the public street network

Not only do gated subdivisions “shrink the notion of civic engagement and allow residents to retreat from civic

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1 These centers could be reasonably spaced out with rules that mandate a certain distance between such areas.

2 This is roughly a 45 second walk from block end to end and comparable to block lengths in walkable places such as Portland, Oregon and Manhattan. Block lengths in the current LDC draft are too long to produce walkable places.

3 Minneapolis's Planning Commission recently recommended banning new drive-throughs.

responsibility”<sup>4</sup>, by removing streets from the public street network such developments increase travel distances and discourage walking. Austin should follow cities such as San Francisco and ban gated subdivisions. Furthermore, owners of existing gated subdivisions should be incentivized to remove gates and transfer streets from private to public ownership.

## **6. Discourage lot consolidations and large, block-long developments**

Development in Austin has become increasingly massive with many new buildings consuming multiple lots and even spanning entire blocks, producing an unwelcoming, coarse-grained environment that discourages walking, shuts out local small-scale developers, concentrates land in the hands of fewer wealthier players, and prevents the business diversity that arises from differently-ages buildings. Without reducing overall potential housing capacity and with the exception of consolidating a small number of tiny lots to create missing middle housing, the LDC should discourage lot consolidations and large, block-long developments.

## **7. Create an urban growth boundary around Austin and ensure development be infill-oriented**

Low-density sprawl around Austin has already consumed large areas of countryside, reducing agricultural capacity and ecological health and forcing people to drive long distances to reach downtown jobs. Dense development in Austin’s outer regions and beyond would still perpetuate many of these problems. Therefore, for the foreseeable future, Austin should focus on infill development and cease extending development into the countryside.

The LDC should create an urban growth boundary (UGB) around existing development, commit to ending annexations beyond city limits<sup>5</sup>, and zone currently undeveloped countryside in city limits as undevelopable until a defined density threshold has been reached inside the UGB.

### **B. Sociability-enhancing development**

#### **1. Prioritize and incentivize socially-oriented housing**

Housing policy shouldn’t just concern numbers of units but also quality of life, beginning with the deepest human need: Social contact. Much of Austin’s current housing isolates people, whether buildings be single-family homes encircled by barely-used yards or denser apartment buildings that segregate people in units high above the ground and away from public space. The LDC should prioritize and incentivize more socially-oriented development, such as row homes, courtyard cottages, shared fence-free backyards, and small ground-level front yards that typically accompany traditional row housing and apartment buildings<sup>6</sup>.

#### **2. Incentivize public spaces to be created as part of new developments**

When accessed on foot, public spaces are overwhelmingly used by people within a 3 minute walk<sup>7</sup>, suggesting that Austin needs many more of such places around the city. The LDC should reward developers of larger projects<sup>8</sup> for creating new public spaces. While incentivizing park creation should continue, plazas and more compact socially-oriented spaces should also be encouraged.

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4 Blakely, E. and Snyder, M.G. (1997). *Fortress America: Gated Communities in the United States*.

5 Unless annexations are for the purposes of preserving countryside.

6 Such yards should be of depths no deeper than 10.5’, a distance considered of optimum sociable potential according to studies conducted by architect Jan Gehl, and bounded by fences no higher than 4’.

7 Alexander, C. et al (1977). *A Pattern Language*. Pattern #60.

8 However, generally the LDC should encourage smaller, more incremental development. See recommendation A6.

### **3. Eliminate setback requirements between buildings and streets in residential and main street zones**

Residential setback requirements are a twentieth-century relic with origins in exclusionary policies that exclude low income communities<sup>9</sup>. The LDC should eliminate minimum setback requirements between residences and streets and establish zero-lot-lines as standard. Over time, this will produce well-framed, inviting, and more walkable streets and more sociable neighborhoods. Setbacks should only be imposed on a case by case basis to provide space for essential uses such as future sidewalks and to provide a buffer between planned sidewalks and high-speed roadways.

The draft LDC also requires setback minimums for Main Street zones, despite millennia of best practices from most commercial streets around the world, including 6<sup>th</sup> Street and South Congress in Austin. Business success is highly sensitive to distance from the sidewalk; the LDC should not mandate commercial setbacks.

### **4. Eliminate or greatly decrease minimum residential lot sizes**

Minimum residential lot sizes reduce affordability, limit access to property-ownership for lower-income households, and reduce walkability and sociability by spreading people more thinly across land. The draft LDC's minimum lot size reduction from 5,750 to 5,000 sq ft is an improvement but would still represent a significant barrier to home ownership for lower income households.

Minimum lot sizes serve no good purpose and the LDC should eliminate them, as Bastrop has done in its new LDC. If such requirements persist, we recommend allowing lots to be as narrow as 12-25', a traditional row house's width.

## **C. Parking**

### **1. Eliminate parking minimum requirements citywide**

Parking minimum requirements are an increasingly discredited policy tool that reduces mobility options; decreases housing supply; increases costs across a plethora of areas including housing, goods, and costs of doing business; and damages the environment. Austinites should not be forced to create parking if they cannot or do not want to drive. Austin should join a growing number of cities and eliminate parking minimum requirements.

### **2. Encourage existing parking to be converted into other uses**

For existing parking that exceeds requirements under the new LDC, property owners should be incentivized to convert such parking to other uses.

### **3. Address missing sidewalks with sidewalks, not with more parking**

The draft LDC requires onsite parking where a property within a ¼ mile of certain centers / transportation corridors is on the medium or lower-priority sidewalk network or if the property is on the high or very-high sidewalk network but lacks adequate sidewalks. However, the solution to poor pedestrian infrastructure is good pedestrian infrastructure, not more space for cars.

No development within this ¼ mile, no matter where it sits on the sidewalk network, should be forced to create more parking. Instead, development on streets lacking adequate sidewalks should have the option to pay a fee-in-lieu toward sidewalk construction or to install sidewalks, either using traditional raised sidewalks along the property line or, where appropriate, less expensive street-level, barrier-protected sidewalks<sup>10</sup> could be installed on streets with lower traffic volumes and speeds. Developers on these streets could be required to use this cheaper design to create longer stretches

9 "They sought through minimum lot and set-back requirements to insure that only members of acceptable social classes could settle in their privileged sanctuaries." Jackson, K (1985). *Crabgrass Frontier: The Suburbanization of the United States*.

10 For example, on the sidewalk on E MLK Jr Blvd opposite Scottsdale Rd (see <http://bit.ly/33EX15G>).

of sidewalk<sup>11</sup> beyond the lot width that could connect to the existing pedestrian infrastructure network<sup>12</sup>.

#### **4. Eliminate Floor Area Ratio (FAR) as a tool, or require that parking in buildings count toward FAR**

Excluding parking from FAR calculations disincentivizes travel modes such as walking, undercuts the aim behind removing parking minimum requirements downtown<sup>13</sup>, and increases strain upon the street network. Downtown in particular is now bloated with unsightly parking podiums and a vast amount of parking.

While for several key reasons<sup>14</sup> the FAR requirement should ideally be eliminated altogether, the LDC should at least ensure that parking in buildings count towards FAR calculations. Furthermore, density bonuses should be offered to encourage space to be used for housing rather than parking.

#### **5. Don't downscale proposed developments because of road capacity concerns**

The draft LDC allows ATD's Director to mandate that a proposed development be downscaled if the street/area in question would have insufficient capacity to handle the new traffic. This is the wrong solution to density and should be removed from the final LDC. Instead, larger developments' impact on local street networks should be addressed by minimizing car-dependency through reducing parking requirements (if they exist); by applying TDM-style requirements, such as pedestrian/bicycle infrastructure and free/discounted transit passes; and by using Vehicle Miles Traveled rather than Transportation Impact Analysis as an analysis framework.

### **D. Community-rooted and equitable development**

#### **1. Incentivize community participation in development from the start**

A growing proportion of the public has become disenchanted with modern development, feeling that it is too often ugly and out of place, lacking any kind of regional flavor, and that development is done "to the community" with only limited public input. This problem poses major challenges in creating buildings, places, and a city that reflects people's daily wellbeing needs and risks inflaming public opposition to further development.

The LDC should incentivize developers work with communities from the beginning, before any plans have been made, on co-creating new developments with the developer acting as facilitator to gauge the community's wishes in regard to building use, design, scale, materials, and other elements.

#### **2. Apply the LDC to all neighborhoods**

An LDC rooted in equity and committed to addressing Austin's present and future challenges and opportunities cannot cherry-pick neighborhoods to be included or exempt from the new code. The LDC must apply to all neighborhoods.

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11 If installing cheaper sidewalks, the requirement should be to incur the same costs as what a typical sidewalk installed just along the property line would have cost. This cheaper design should be mandated where possible to increase the likelihood of sidewalks connecting to other nearby sidewalks.

12 For future development on lots abutting low-cost sidewalks installed by other developers, such development could be required to install the same amount of low-cost sidewalks on nearby streets.

13 ie. That there should not be an excessive amount of parking downtown.

14 Duany et al (2000) note that FAR is a poor predictor of physical form and should not be used when the aim is to conserve and enhance neighborhood character; whereas traditional design standards enable greater predictability. If FAR is combined with traditional setbacks, assembled lots have a considerable advantage over individual lots, which makes fine-grained streets and ownership diversity less likely.