

## **Introduction**

AURA is a grassroots, membership based organization that advocates for a more livable Austin where everyone is welcome. We appreciate the opportunity for involvement in the rewrite of Austin's Land Development Code, and intend to advocate for an inclusive vision of Austin. In short, we believe that anyone who wants to become an Austinite should have the opportunity to do so. We believe that better land use and transportation policy can make Austin greener, more affordable, and more livable.

## **Austin's Character**

As pertains to the growth of our city, AURA seeks to change the focus of discussions of our character from a focus on the buildings in our city to a focus on the people that live within it. We believe that among Austin's greatest strengths people, not buildings, and that Austin's character is defined by allowing ease of access to Austin's economy, place, and greenspace.

## **Auto-centric Code**

AURA praises the consultant team for identifying the auto-centric nature of the current Land Development Code as a major impediment to an Austin for everyone. The primary driver of this auto-centricity is burdensome requirements for off-street parking. We frequently hear architects say that they have to design the parking before designing the building. Needless to say, prioritizing the storage of self-propelled steel wagons over the housing, employment, and recreation of our citizens is no way to run a city.

The code diagnosis lists some of the harms caused by our auto-centric code, but one that it missed is underutilizing much of our existing on-street parking. As stated in the AURA platform, an empty street is a wasted street. There are many reasons to embrace on-street parking, but for the purposes of this document, we will address only three.

First, on-street parking is environmentally responsible. It is well accepted that storm water runoff is an issue that we must manage in our city, and the primary way we do this is through regulation of maximum impervious cover. Our street network represents a great deal of existing impervious cover, and instead of requiring new development (and even renovations!) to add more impervious cover solely for vehicle storage, we should make full use of the existing impervious cover that is our neighborhood streets. This could have secondary benefits by freeing up already permitted impervious cover for the construction of space for human use such as housing and commerce.

Additionally, on-street parking makes for a safer neighborhood. This is achieved through both active and passive action. Traffic engineers have long understood the relationship between lane width and travel speed, and when many cars are parked on a street, traffic is passively calmed by reducing the effective width of a travel lane. Such calming massively increases safety for pedestrians. There is a 45% chance that a pedestrian struck by a vehicle traveling at 30 mph will be killed, but the chance of mortality falls to just a 5% when the vehicle is traveling at 20 mph. On the active side, embracing and encouraging on-street parking makes possible additional

public investments such as pedestrian bulb-out crossings and bike lanes protected by on-street parking.

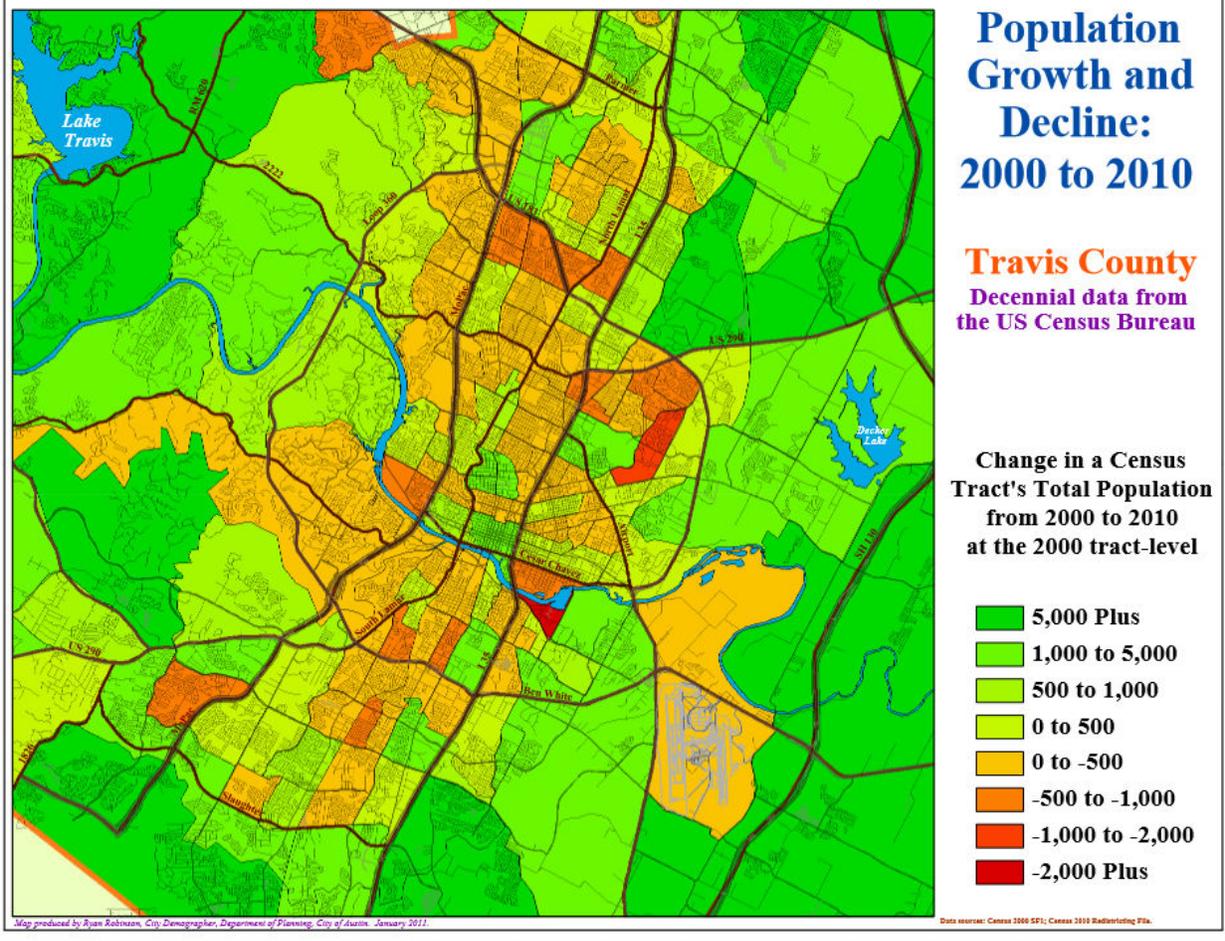
Finally, on-street parking is fiscally responsible. Each foot of the public street is a public investment, and the city should manage that investment to maximize the benefit for the citizens of Austin. We have a strong demand for parking, and the city has already invested in constructing and maintaining a great deal of space that can be used for that purpose. And, in some cases that investment can go beyond utilization to monetization. Although the demand for on-street parking is extremely low for in most of our urban core neighborhoods, if we embraced and encouraged on-street parking one can imagine metering neighborhood parking or selling long-term permits through some kind of marketplace. Moreover, off-street parking always requires a curb cut, and while property owners are responsible for the initial construction of such curb cuts, the city is responsible for reconstructing existing curb cuts when they are affected by public works. This raises the cost of water, sewer, and other works. Eliminating off-street parking requirements, and perhaps even charging property owners for privatizing the public right-of-way in the form of curb cuts, would reduce the prevalence of them. In the addition the added pedestrian friendliness and general aesthetic improvements that would bring, it would also have a positive impact on the city's budget.

Our code has taken some incremental steps toward addressing the oversupply of parking mandated by our code and the associated harms it causes, but these are limited in both scope (e.g. the 20% reduction in the urban core) and geographic coverage (e.g. the elimination of parking minimums downtown). AURA calls on the CodeNEXT team to eliminate all off-street parking minimums across the city and to consider stringent maximums to discourage the over production of off-street parking. Affordability in the CodeNEXT Diagnosis

### **Affordability and Housing Choice**

The CodeNEXT Diagnosis has identified a clear problem in affordability and lack of housing choice caused in no small part by the current Land Development Code. Housing prices have skyrocketed for both homeowners and renters in the last decade, with the median home value going up 50% and the median rent going up 43%, according to a recent Austin American Statesman article.

Many critics of the argument that allowing density creates affordable housing ignore actual market effects. They point to individual deals – a developer buying a lot, razing an older home, and then building a newer home, maybe even a duplex, and raising the price. They miss the point that individual transactions exist in a market, and the overall market determines price. The map below shows clearly that even as Austin's population has grown 20% from 2000 to 2010, many central city neighborhoods actually *lost* population. As the map also shows, suburbs have continued to add housing a faster rate than the central core, with the areas of darkest green either on the fringes of Austin proper, or in the suburbs around it.



Meanwhile there is significant interest from workers in moving closer in to the central core. Elizabeth Mueller and Clifford Kaplan from the Center for Sustainable Development found in their study, “Coming Home: The Benefits of Housing Choice for Low-Wage Commuters” that 48 percent of low-wage commuters in our area would move closer to work if they could. Of those not interested in moving, 88 percent listed the cost of housing as among their primary reasons for not moving.

From these figures, we can see that the city is not creating enough housing to meet the desires of those in need of affordable housing. Meanwhile, building permits clearly show one major piece of the missing puzzle, from the City of Austin’s Housing Market Analysis, released as part of the draft Consolidated Plan for 2014-2019:

**Building Units Permits**

Type of Housing	2007	2008	2009	2010	2011	2012	2013
Single family detached	3,155	1,928	1,951	1,664	1,713	2,539	2,573
Duplexes, triplexes, fourplexes	587	246	21	250	46	23	370
Multifamily (5+ units)	4,029	2,205	1,561	860	2,419	7,648	8,891
Total	7,771	4,379	3,533	2,774	4,178	10,210	11,834

The “Missing Middle” of 2-4 unit buildings is pathetically low compared to either multi-family or single-family detached, amounting to a rounding error in the overall numbers of building permits. The numbers also show a large deficit in the number of permits vs. the number of households moving to Austin for several years running. About 6,000 household per year have been moving to Austin, while deficits in building permits show several thousand units of shortfall from 2008 – 2011. No wonder housing prices have been driven up! Meanwhile, when people can’t afford to live centrally, as the map above clearly shows, they move to the suburbs, where housing prices are relatively cheap, but come with the added costs of long commutes, pollution, and all the other environmental and health problems associated with sprawl.

In general, more density can direct growth of housing to desirable locations – the central core of Austin, where it contributes to walkable spaces, short commutes, carless and car-lite households. Minimum site areas and high parking requirements for multi-family also keep smaller, more affordable units from being built. For instance, national estimates show that the capital cost of an urban surface parking spot to be \$13,333 in 2002 dollars, from a study by the Victoria Transport Policy Institute. So if we are requiring two parking spots for two bedrooms in most of Austin, we have already added around \$26,666 to the cost of building it without even beginning to account for minimum site area, engineering, and other requirements.

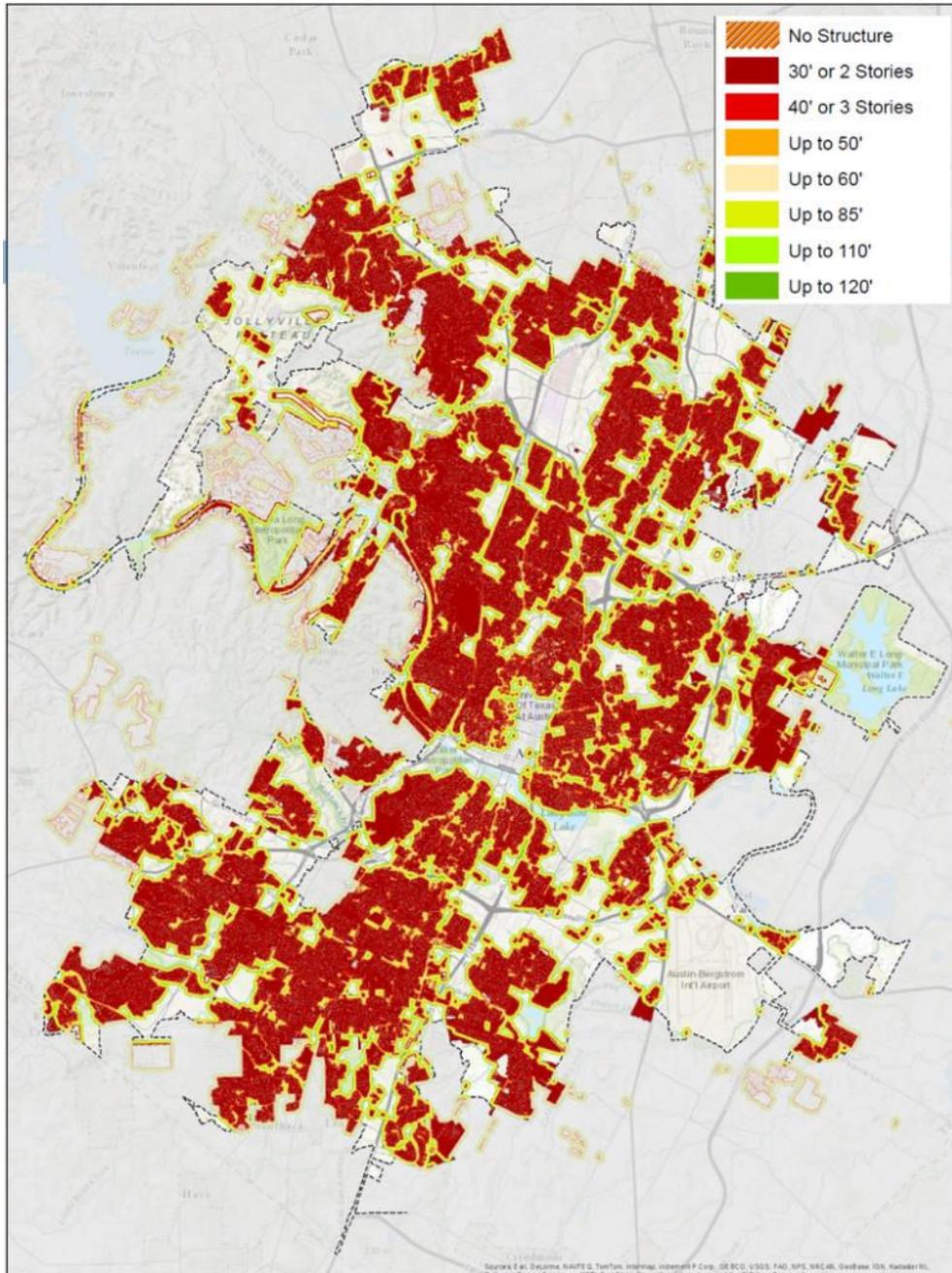
Without allowing more density in Austin, we are condemning the area to more sprawl, more congestion, higher pollution, worse health, because poorer people will be excluded from Austin proper. We will not somehow “fix” demand for people moving to the Austin area short of actually making it a worse place to live, and no Austin-ite should be advocating that.

Only by allowing density on a significant scale can we begin to affect the larger market forces that have increased housing prices so dramatically over the last decade. If we only allow dense housing in carefully isolated, small, cordoned off areas where it is deemed “appropriate,” critics are right that affordability will not be affected.

To achieve a healthy community *and* affordability, we must allow truly abundant housing in Austin. That means using all the options available –dense development, “Missing Middle,” smaller units, and fewer expensive parking requirements.

## Compatibility in the CodeNEXT Diagnosis

Another major hole in the diagnosis of current land codes is the lack of discussion of compatibility. Compatibility is a vague-sounding word that has come to mean a very specific set of policies in the current Land Development Code, including maximum heights for anything *near* a single family home, *whether or not the parcel is zoned single family*. So a lone house on Cesar Chavez automatically triggers setbacks and height maximums for nearby buildings, *even though they are all zoned for vertical mixed use*. The map below shows how much of the city is subject to a 30' height limit:



So compatibility has come to mean something specific and affects huge swathes of the city, but much of the CodeNEXT Diagnosis relies on a subjective definition of “compatible” when discussing it. This implies a probably unintentional endorsement of such draconian height limits and setbacks, among other problems AURA calls on the CodeNEXT Diagnosis to explicitly acknowledge the drawbacks of Austin’s current, extreme version of “compatibility” enshrined in the code.

### **Neighborhood Plans**

Again, the CodeNEXT process has done a good job of identifying some of the problems in the code. One area that is mentioned is the complicated opt-in/opt-out neighborhood planning process. This is true as far as it goes, but it does not go far enough. Neighborhood plans are a failed experiment in direct democracy. They were made with the intention of being revised periodically, but with few exceptions, have become set in stone, with neighborhood groups that participated having in some cases gone dormant, while in other cases incumbents seem to require passing a very high bar before revision occurs – a bar that was not met even when the original plan was adopted!

For instance, Hyde Park is currently considering adopting the infill tool allowing garage apartments (aka granny flats, carriage houses, etc) on smaller lots. The people in this process have been undertaking a careful financial analysis of who could afford to build these, and under what financial circumstances, and the likely prices of housing that would result. They have been attempting to survey a representative and broad group of Hyde Park residents, and have had at least three controversial meetings. It is clear the barriers to changing that neighborhood plan is very high, and it is unclear that all these steps were taken *before* the neighborhood declined to adopt the infill tool.

Meanwhile, the East MLK Combined Neighborhood Plan covers about 17,000 Austin residents, and was adopted in 2002 with few if any revisions since then. At most, based on public records associated with the plan, maybe 250 people participated in deciding almost street by street what kinds of development would be allowed. Although a demographic analysis is not realistic, it is clear that families with small children, renters, people who speak languages other than English, and people simply unlucky enough to live in an area without a functioning neighborhood association were under-represented in a process that affects their life on a very granular level. Broad public input on policy can be inclusive, but involvement on this micro-level privileges those with the education, time, and interest over the general populace affected.

Simply put, neighborhood plans are undemocratic and uninclusive, and should not be the starting point for deciding the land use, especially since they are inflexible tools in the face of a rapidly changing economic and demographic context.

A separate criticism is that the “infill tools” that neighborhood plans opted into or out of do not reflect a wide variety of choices. For example, there was no infill tool that would allow a neighborhood to adopt Vertical Mixed Use, or to allow garage apartments on lots smaller than the arbitrary 5,750 minimum lot size set in Austin code. The infill tools both added uncertainty and complexity, without the tradeoff of sufficient flexibility.

## **Transit Nodes and Density**

The discussion of transit nodes and stepping down in density between nodes in the CodeNEXT Diagnosis misses an important opportunity for allowing more dense uses on transit corridors *between* nodes. Right now, many nodes are surrounded by single family housing districts or commercial developments with large surface parking lots (for example, see the HEB on Koenig and Burnet, directly on the stop on the newly opening MetroRapid route 803.) Eventually, maybe a rezoning would affect usage, but we are concerned that such a plan would lock in low density in the center of these transit lines while delays occur in density around built-out nodes.

These same transit corridors are still extremely valuable for car-less and car-lite lifestyles, and we can still accommodate density in these areas. Burnet Road, for example, has a vibrant and improving streetscape even between major nodes, and it is easy to access bike routes and carshares like Car2Go. Indeed, Bus Rapid Transit in Austin, whatever its failings so far in providing dedicated lanes, has been explicitly designed to accommodate bicyclists and mixed-mode transit. There is no reason to lock in low density forms in between nodes when taller buildings with more units can be easily incorporated.

## **Child and Family Friendly Spaces**

The Code Diagnosis also does not address child and family friendly spaces clearly. More than a quarter, creeping up on one third, of children in Austin live in poverty. These families cannot afford homes in much of central Austin unless they hit the lottery or get a slot in subsidized housing, at long odds either way. Meanwhile, several strong central city AISD schools are below capacity, and some were even proposed for closure not long ago. For instance, Blackshear, Blanton, and Dawson Elementary Schools are all above the AISD average in test scores, yet are well below seating capacity. Multi-family, high density, smaller unit housing should be encouraged especially in these areas.

Many cities have seen incredibly divisive and counterproductive arguments over school-closings. Better to avoid the situation entirely by allowing enough housing to be built near these schools so that they can be filled. It is undeniable that many families start off in apartments or small homes, especially when children are young. Requiring large lots, large amounts of off-street parking, and single-family homes excludes families from central Austin rather than encouraging them. Pretending that central Austin is made more “family-friendly” by such policies is a smokescreen. And, as discussed above, high off-street parking requirements actually increases danger in many places by allowing traffic to move more swiftly without regard to pedestrians, especially children.

Finally, there is an argument to be made that Austin has a responsibility under the Fair Housing Act to ensure that zoning is not a barrier to more affordable, family friendly housing being built in areas of high opportunity. Many subsidized or below-market housing developments proposed in the last year have been located on the fringes of Austin, far from transit, quality schools, and job centers. This is antithetical to the Fair Housing Act, and Austin has a legal responsibility to ensure that it is decreasing segregation and improving access to opportunity.

## **Complexity**

The Diagnosis addresses complexity as well, and we applaud it for doing so. One particular problem with complexity that we would highlight is that it imposes major barriers for small-scale developers, also known as “neighbors.” If a normal person is asked to become an expert on “Accessory Dwelling Units,” figure out how to read the 433 potential combinations of code and overlays to decide whether to buy a particular lot, or go through meeting after painful meeting at the Board of Adjustments or Planning Commission to seek a variance or zoning change, they begin to question whether it is worth pursuing.

Many well off but not wealthy Austinites might have the desire and financial wherewithal to develop a duplex or triplex on a particular lot, but facing the morass of zoning is an incredibly daunting prospect. Even seasoned professionals often get it wrong, judging by the amount of time that the Austin City Council spends in dealing with headaches caused by misreadings of code by their own planning department! The risk is just too much for many, and it leaves the only people in the market as huge developers like Endeavor or greenfield single family detached home developers. If we want more development to happen from neighbors and homeowners with a direct lived experience that will be affected by that development, then we need to simplify the code so that normal, fallible human beings might have a chance at comprehending its workings.

## **Conclusion**

In short, AURA is pleased with the initial Code Diagnosis reached in this process. It has correctly identified many existing problems. Our main critiques are that these analyses do not go far enough, and that there are several significant holes that we think should be addressed. Please do not hesitate to contact us with questions or requests for clarification through our website at [www.aura-atx.org](http://www.aura-atx.org) or at our email [info@aura-atx.org](mailto:info@aura-atx.org).