



## MEMORANDUM

**TO: Mayor and City Council**

**FROM: Greg Guernsey, Director  
Planning and Development Review Department**

**DATE: January 17, 2013**

**SUBJECT: Results of informal outreach for revising the Land Development Code**

The process for revising the Land Development Code (LDC) that staff presented on November 1, 2012 called for informal outreach to representatives of four key stakeholder groups: household affordability, neighborhoods, development and business, and environment and sustainability. Chairs of three of the city's Boards and Commissions were also contacted. A summary of the results are enclosed, including a list of names recommended to serve on the Advisory Group.

Please feel free to contact me with any questions or concerns at (512) 974-2387.

Attachment

Cc: Marc Ott, City Manager  
Sue Edwards, Assistant City Manager  
George Adams, Assistant Director  
Garner Stoll, Assistant Director

**1/10/2013**

**Results: Informal Outreach for Imagine Austin priority program #8 Revise the Land Development Code**

## **Background**

As part of the process to revise the city's Land Development Code (LDC) informal outreach was conducted with representatives of four key stakeholder groups: household affordability, neighborhoods, development and business, and environment and sustainability, as well as the Chairs of three of the city's Boards and Commissions. In November and December 2012, Planning and Development Review Department staff interviewed 21 people, and compiled the results below.

## **Participants**

Annie Armbrust, Real Estate Council of Austin	Brandi Clark Burton, Austin EcoNetwork
Brian Almon, NACA Neighborhood Contact Team	Brian Reis, Oak Hill Neighborhood Contact Team
Carol Lee, Austin Neighborhoods Council	Francie Ferguson, HousingWorks
Dave Anderson, Planning Commission	Janet Barkley-Booher, Southeast Neighborhood Contact Team
Harry Savio, Home Builders Association	Jeremy Martin, Chamber of Commerce
Ken Blaker, MWI Texas	Richard MacKinnon, Urban Transportation Commission
Larry Hanrahan, Hanrahan Pritchard Engineering	Robin Rather, Collective Strength
Mary Gay Maxwell, Environmental Board	Ophelia Zapata, Southeast Neighborhood Contact Team
Pat Smith, Southeast Neighborhood Contact Team	Steven Beers, Save Barton Creek Association
RECA, Austin Policy Issues Committee	Terry Mitchell, Momark Development
Steven Aleman, Austin Neighborhoods Council	Wes Peoples, Wes Peoples Homes

## **What would make you and your group participate?**

Create a topic specific group to consult throughout the entire process.

Value household affordability.

Test changes to the code.

Some areas of code are broke, some areas are working well.

Avoid things in code that take time and money.

It's not cheap to develop in the City of Austin.

Make it convenient; online, survey sent to contact teams.

Knowing that we are making a difference; knowing it would lead to more predictable, reasonable outcomes.

Cut permit time, clearly understood regulations.

If process maintains status quo of code or adds more hoops to code, then people will drop out.

Knowing that it will be meaningful; strong perception of predetermined outcome; public meetings are a charade. People need to feel like they are contributing.

Strong interest in participating.

Timely invitations.

Make each meeting specific about something, not general.

LDC sounds foreign, not accessible, not relevant. Why it's important? What decisions does it govern?

Tie LDC to broader goals; focus needs to be why are we doing this? Have measurable outcomes.

Knowing there is a sincere desire to achieve a common goal.

It's not just about affordability, but it is an important issue.

Issues that drive up cost of housing are not considered.

Request from WPD, ARR, PARD for something, then they lose a housing unit; need balance.

My group is the Urban Transportation Commission. We are already highly motivated to participate since land use decisions may be the single most important influencer on transportation demands.

Seeing how relevant it is to neighborhoods.

Understand basic elements of code; illustrations of why it matters; look at a certain project.

Being asked.

Having a light at the end of the tunnel will help get participation.

Ask environmental group for environmental solutions; compile suggestions from different groups.

Give people 30-60 day deadline for review and comment on drafts.

An invitation, adequate notice of at least two weeks.

Required by City Charter.

Make sure people know schedule of process and where they can participate.

Interested in anything that relates to environmental regulations.

Where LDC changes will impact the environment.

## **What are the best ways to engage your group?**

Email

We will create a subcommittee or working group

We have government relations groups / committees

Go to various groups more often – you get a freer dialog than at public meetings

Email

Present at Neighborhood Contact Team meetings; we will put information in our newsletter and website.

Focus group style discussion works really well; staff identifies questions and they can identify people to participate.

General listening / presentation loose people's interest.

Present at our monthly meetings; we'll send out info to our listserv and member list.

A lot of our members are subscribers to City Notes.

Our weekly newsletter; quarterly planners meeting; monthly meeting of government relations committee.

A call to action.

Specifics on why we can make a difference.

People are clear right now that this isn't working.

Email, surveys online.

Context that this affects decisions every day.

Our policy issues committee.

Early and often; our newsletter.

The environmental group is very fractured.

Combination of in person meetings and other;

Facebook page with relevant documents, comments, meeting minutes.

Most people are digitally literate; digital is better than in person meetings.

Affordability has multiple definitions: workforce housing, subsidy, permanent supportive, multifamily, need to touch different constituencies.

Construction types: stick built to high-rise; stick built can lower cost of housing by adding density, also by making units smaller.

Density brings down the cost of infrastructure.

Death by project doesn't achieve vision of Imagine Austin.

Density is key to building more affordable housing with amenities.

Briefings to the entire Urban Transportation Commission culminating in a recommendation to Council.

Presentation at our regular meeting for what is happening and why, before the listening session.

Website, and our membership list; a one pager summarizing project that could be distributed.

Come to our meetings.

Give two week notice before meetings.

Website.

Ask for written replies to drafts.

Our neighborhood contact meetings.

Email.

Planning Commission subcommittee.

Presentation at Environmental Board meeting.

### **Any special considerations we should keep in mind?**

Lot of complex issues; focus on task or subject instead of whole thing; like herding cats.

Identify the top 5-6 issues and let people pick what they want to work on.

Need outside legal counsel to find legal tools; a place that's gentrifying that we're trying to preserve; place that's low-income; need special tools or overlays for those areas.

Need better processes, better rules.

Smaller builders/developers are not as concerned with affordability as large developer.

As much clarity as possible as early as possible.

Identify: What is the problem we are trying to solve? What is the desired outcome? Timeline; milestones

Make it clear, make it real; what are we asking?

Our group is very much affected by LDC, but driven by market.

Attention spans are short.

The regulatory environment is hard on builders.

Good practice to publish bus routes, encourage biking to meetings.

Two different audiences: people that know LDC like their job, and others.

Night and day meetings.

Refreshments.

Public meetings are not a friendly environment, the hostility makes people pull back.

Process Watershed Ordinance went through; multiple perspectives were good.

Focus topics so discussion does not ramble.

Need to know why a suggestion was not used.

Don't waste time with sacred cows.

Different environmental groups (Sierra Club, SOS, etc) all have separate organization structure and no unified approach.

Don't come across as having a predetermined outcome. Not checking a box, people need to feel like they are shaping something with city.

If you have all but extremes on both sides you can accomplish a lot.

Technique: upfront say where is common ground, then areas with disagreements; park disagreements and work on common ground first.

Don't separate the business community from the environment community.

No, excepting any limitations placed on the engagement by Open Meeting rules.

Geographic dispersion to get people to participate; One Texas Center is not a good location, nor the Town Lake Center.

Take listening sessions out to the people.

There is both a want/need to change the status quo and a comfort with it.

Translation to Spanish.

We like food.

Providing childcare is very important during meetings.

Hispanics – trouble reaching them; contact Hispanic Chamber.

Tracking participation with Imagine Austin was good.

## **What content does your group or the public need to understand about the Land Development Code?**

The difference between Planning Commission, Zoning and Platting Commission, Board of Adjustments.

The concepts of Imagine Austin relating to our neighborhood plan; anxiety of Imagine Austin overriding neighborhood plan; especially statements about water quality.

Subsidies will never be enough to solve affordability.

Texas rules for affordability; understand existing legal environment, and how other places have found a way.

The general public needs to understand constant changes, they add up, they cost money and passed on to the buyer.

Open space, tree regulations add to the cost and kill affordability.

Common person doesn't understand LDC, but might not need to know.

Neighborhood Contact Teams formed to provide input back to city.

Lessons from Imagine Austin Comprehensive Plan with the Growth Concept Map.

Need to balance different perspectives, voices.

How does the public input lead to a decision? How does it lead to better development?

Information about development review process; intake (not transparent).

Board of Adjustment or PC or Parks and Recreation Board?; diagram out processes.

Basic info on existing regulations.

Who does LDC govern?

Timeline.

In what ways is it limiting? How could it empower a sustainable future?

Everything.

Approval process; which boards and commissions are you required to be in front of?

Put information in video/writing, instead of meeting.

Four zip codes (78701, 78702, 78704, 78705) contain 30 percent of our workforce, but 90 percent do not live in those zip codes.

Traffic and congestion directly impact affordability.

Increased time and cost for review process – not a lot of interaction between reviewers.

Example: eight months to get building permit; lost 14 months with review process, costs \$50,000 per month; one comment takes two months; staff cannot quickly address problems;

Example: Round Rock – a 53 unit project by medical center had a pre-submittal meeting, and get a review team assigned to project; issues of lift station, trees, drainage were balanced and took 1.5 hours (not 120 days).

Most people don't understand the LDC, people latch on to provisions that serve their own interests; ask what's the goal?

Regulations have direct intended consequences, and indirect unintended consequences.

A link to the online version.

A primer on the code, the city's power and limits for planning land use and how that power relates to the state and county. We often hear "We're helpless because that's the county" or "As the county, we're helpless because we don't have the same power as the city." The nuances of this dynamic would be helpful in understanding the big picture. Also, we've heard that when it comes to developing land, "obtaining the water" is the most important and difficult piece. If this is true, we want to know more about who/what controls the water and how it relates to the LDC.

Personal perspective – a homeowner wanting to remodel vs. community perspective – how do we accomplish community's goals.

Why do we need new code?

How construction phases of projects affect water quality; example, Hamilton Pool; how does LDC work to prevent erosion and sediment control?

How does LDC implement SOS ordinance, stormwater irrigation rules?

Who is responsible for stormwater bmp's?

Make code easier to use, more transparent.

Simplify and get better results, better predictability.

People don't know enough about it to know they don't know.

As a business owner it is very challenging dealing with the city.

Make information simple, at first grade level, pictures.

It's so complicated, and a challenge to explain something so complicated.

Explain basics, here's where we deal with this issue, etc.

Need specific ideas to break down LCD to manageable chunks.

How do environmental regulations fit into LDC.

Will the Environment Criteria Manual changed due to LDC.

Environmental community does not understand the impact of environmental regulations on the built environment.

## **Who would you recommend to be on the Advisory Group?**

Amanda Swor, Winstead

Andrew Hawkins, Texas General Land Office

Barbara Brown Wilson, University of Texas

Bob Anderson, Environmental Board

Brian Reis, Neighborhood Contact Team Oak Hill, RPS Espey

Chris Randazzo, Bury + Partners

Christopher Bradford, Coats Rose

Clif Steed, retired engineer and architect

Darren Webber, Jones & Carter

Dave Sullivan, former Planning Commissioner

Executive Committee Members, Austin Neighborhoods Council

Francie Ferguson, HousingWorks

Gabe Rojas, Oak Hill Neighborhood Contact Team

George Cofer, Hill Country Conservancy

Hank Smith, Texas Engineering Solutions

Jackie Goodman, Save Barton Creek Association

James McCann, Pape-Dawson Engineers



James Schissler, Environmental Board  
Jeb Boyt,  
Jeffrey Scott, Bury + Partners  
Jerry Garcia, Structures PE  
John Sutton, Building Owners and Managers Association (BOMA)  
John-Michael Vincent Cortez, Capital Metro  
Joyce Baciano, Austin Neighborhoods Council, 2nd Vice President  
Karen Friese, K Friese & Associates  
Katherine Loayza, Jackson Walker  
Keith Jackson, Reynolds Smith and Hills  
Ken Blaker, MWI Texas  
Kent Collins, Imagine Austin task force, Centro Development  
Kevin Foster, University of Texas  
Kevin Pape, DR Horton  
Larry Hanrahn, Hanrahan Pritchard Engineering  
Lauren Ross, Glenrose Engineering  
Lee Einsweiler, Code Studio  
Marisa Perales , Environmental Board  
Mary Arnold,  
Mary Gay Maxwell, Environmental Board  
Melissa Whaley Hawthorne, Austin Permit Service, Inc.  
Michael Padavic, AIA, LEED BD+C  
Michael Wilt, Big Red Dog  
Mitch Wright, Vista Planning & Design  
Pat Smith, Southeast Neighborhood Contact Team  
Paul Linehan, Land Strategies  
Perry Lorenz, Constructive Ventures  
Peter Cesaro (registered lobbyist), Graves, Dougherty, Hearon & Moody  
Peter Pfeiffer, Barley & Pfeiffer Architects  
Richard MacKinnon, Urban Transportation Commission  
Sarah Faust, Save Barton Creek Association, Kemp Smith  
Stephen Rye, Winstead  
Steven Aleman, Austin Neighborhoods Council, Immediate Past President  
Tara Thomason, DR Horton  
Terry Mitchell, Momark Development  
Tim Taylor, Affordable Housing task force, Jackson Walker  
Tom Hurt, Tom Hurt Architecture  
Tom Terkel, FourT Realty

Wes Peoples, Wes Peoples Homes

Will Schnier, Big Red Dog

## **What is the biggest issue for your group?**

Compatibility

2006 decision that residential development not subject to net site area (construction on slopes).

Need consistency; balance piecemeal ordinances – historic, waterfront, McMansion, etc.

Our hope is to make LDC simpler; and competing regulatory mandates will be reconciled.

Traditional Neighborhood Design – let's make it possible.

Confusion. What is the hierarchy of codes? Subdivision, East Riverside Corridor, etc.

CS-MU-2-HU-...

Make less complicated; explain how different parts of the code relate.

Example: Have to move building 5 feet to save a tree, so the driveway has to be extended 5 feet, now it doesn't meet impervious cover requirement; Two different staff reviewers telling you two different things to do.

Expectation of past rewrite experiences are just plain fear.

Existing code is hodgepodge.

Say what is the on the ground benefit of revising code.

Mistrust of undoing all the work we spent years and years on; we have to go through anxiety.

Water, land, energy.

Being able to think creatively to bring housing costs down.

We need to value household affordability as much as we do the environment.

Because we've exhausted the vehicle capacity of our central transportation corridors, we need to transition to and accommodate higher capacity modes in those corridors such as buses and trains. Unfortunately, development patterns over the last several decades have created a car-oriented city that's difficult to serve efficiently with public transit. Further, central city neighborhoods are often opposed to re-envisioning themselves as former suburban sites that have matured into semi-urban settings. A great example is Hyde Park which uses its historic status to prevent many changes that could help it adapt to a modern Austin. For instance, most of the residents on Speedway between 30th and 45th live in apartments and enjoy frequent bus service and good cycling infrastructure. Ideally you'd want to support and encourage these moderately high-density uses and increased pedestrianism by enabling VMU in this stretch. That said, the historic character of the neighborhood should be acknowledged while also facilitating better transportation and pedestrian uses for its residents. There's little to no historic value in the surface parking lots serving the apartments, the congestion, and even the buildings themselves.

The problem is the same for the city in general--preserving the historic and the weird while also facilitating better transportation to and from those destinations. Often, it means enabling more people to live and work near these desirable places so that they do not need to place demands on the limited capacity road network.

Finally, we'd like to encourage developments that integrate transportation uses and discourage developments that do not. We were not pleased with the way the Domain seemingly objected to bus access. Publicized as our "second downtown," we would have rather seen a transit terminal designed into this green field "new" downtown project. We are very supportive of comprehensive integration such as buildings that share transportation uses such as a "built-in" bus terminal or rail stop or pedestrian walkway.

Compatibility standards; doing something that encroaches on existing neighborhoods.

Environmental Criteria Manual has a lot of good suggestions, is it getting the results we want? Is it going to save the springs? Does it incentivize better building practices?

Need complete community.

We have dense residential development, need to attract businesses, jobs, food.

Reduction in crime.

Improvement of juvenile health.

There are so many loop holes to solve discrete issues; simplify it and make consistent.

A dozen people in town truly know the ins and outs of code.

Need simplification and progressive thinking.

How will LDC encompass our unique environmental situation.

All the creeks that run through Austin, how do we develop and protect them.

## **Other info**

You're not going to simplify anything

Vision of complete communities needs an advocate

City staff won't make decision outside of box; they are too specialized and conflict with other staff.

Everything is a negotiation; LDC is constantly changing, need predictability, need to remove interpretation.

Example: fee creep – incremental changes over years; project expired before permit; got a new city staff review team and new comments, instead of working from old comments; six months in and still no permit. New tree requirement from \$75/caliper inch to \$200/caliper inch; additional 480 caliper inches replacement for cedar, mesquite and hackberry trees; adds \$96,000 incremental cost (\$258,000 total to buy out), which adds \$1,573/unit for trees on a 61 unit project.

If your project is not Smart Housing, then pay \$650/unit for dedicated open space.

A lot of time and effort spent on streets, ponds, retention for engineers; city staff only knows one way and each is different by reviewer.

Different reviewers give different results; the city doesn't change the design of downtown buildings.

Example: fiscal posting – final plat approval, then build project; bank needs you to post money; need cash to post and have to borrow money to build; need to get financing twice.

Completeness check process – cannot submit for formal review; it's supposed to improve submittals.

Review times not being met, a lot due to new regulations.

Site plan expiration date – need project done in 3 years, get extension and its treated as a new submittal and new review.

Phasing-fee – single family detached condo project, cannot get certificate of occupancy until all units complete; \$450/phase adds \$450/unit to cost.

Imagine Austin is the vision, how does that get translated into code? Fix code conflicts vs. implement Imagine Austin?

Sometimes limited by city for green approaches to development.

Following different plans and codes, how will they interrelate?

City staff needs education as well.

Get list of code issues City Council would like to fix.

Tough to get direction from staff for what code/staff wants; need illustrated way to show what is required/wanted.

A good thing with Imagine Austin is now we have goals; in past regulations were written without goals.

Be clear all the time; what are measureable outcomes? How do we measure success?

What are options?

Put up document and let people comment on it and let people see all the comments.

Wouldn't do a code 101, too jargon-y; translate into customer benefit terms; speak English.

Your neighborhood will double in population so ask people, how do you want it to grow?

Seattle allows by right in single family districts to have rent house.

Highland Park in Dallas has back homes/ granny flats that provide affordable units in an expensive central neighborhood.

Notify all Austin Neighborhoods Council Sector Reps about the opportunity to participate.

Incentivize better use of stormwater; prevent erosion.