



## COMMISSION RECOMMENDATION

### Urban Transportation Commission

#### Recommendation Number 20191101-02A: Land Development Code Revision

WHEREAS, this Land Development Code revision is the first major rewrite of Austin's Land Development Code in 30 years; and,

WHEREAS, the existing code lacks the tools our city needs to effectively shape and manage growth, and the existing code has exacerbated our congestion, displacement, and segregation issues; and,

WHEREAS, codified racial inequity, housing affordability, and transportation and traffic concerns are among the foremost issues for the City's citizens; and,

WHEREAS, the Imagine Austin Comprehensive Plan was adopted in 2012 as a vision for Austin's future, focusing on sustainability, social equity, economic opportunity; and,

WHEREAS, Imagine Austin identified preserving livability, expanding transportation choices, tackling the ethnic divide, protecting our natural resources, promoting prosperity for all, and collaborating regionally as key challenges and opportunities; and,

WHEREAS, the Land Development Code provides updates to the allowable land uses throughout the City; and,

WHEREAS, the best transportation plan is a good land use plan; and,

WHEREAS, the City approved earlier this year a new city-wide transportation plan, the Austin Strategic Mobility Plan (ASMP), that will expand the vision of the Imagine Austin Comprehensive Plan into actionable mobility-related goals and objectives to guide Austin's near- and long-term transportation investments; and,

WHEREAS, the foremost goals of the ASMP are improving safety on our transportation network and significantly changing the City's work commute mode split to be less reliant on single-occupancy vehicle trips; and,

WHEREAS, the transit mode split must increase four-fold to realize the vision of the ASMP; and,

WHEREAS, the bicycle mode split must increase five-fold to realize the vision of the ASMP; and,

WHEREAS, the pedestrian mode split must increase two-fold to realize the vision of the ASMP; and,

WHEREAS, the Central Texas region is anticipated to double its population and add two million citizens in the next 20 years; and,

WHEREAS, City Council issued Policy Direction on May 2, 2019, that indicated their desires for the revision of the Land Development Code, which included:

- “The revised Land Development Code should be sufficiently clear and unambiguous that administrative criteria manuals are not relied upon to establish policy, except in circumstances where Council has directed that particular requirements be established administratively.”
- “Transportation and VMT. Developments should be able to use a predetermined set of transportation demand management tools such as building additional bike lanes or sidewalks, providing bike storage, public transit stops and other mechanisms.”
- “Code and map revisions should maximize potential for employment and residential units within Downtown, in accordance with the Downtown Austin Plan and the guidance in this document, with affordable housing benefits included and calibrated. Code and map revisions should maximize potential for employment and residential units within Regional Centers, in accordance with the guidance in this document, with affordable housing benefits included and calibrated.”
- “Minimum parking requirements should be generally eliminated in areas that are within the ¼ mile of activity centers, activity corridors, and transit priority network, except that some parking requirements may be maintained for areas where elimination of parking requirements would be particularly disruptive (conditions to be proposed by staff).”; and,

WHEREAS, as a reference for recommendations in the following section, the 80 pages of Section 23-8 (Transportation) in the October 4 release of the Code includes more than 30 references to the Transportation Criteria Manual, several of which are references to potential transportation and land use policy; and,

WHEREAS, as a reference for recommendations in the following section, Section 23A-8A-1030 “Transportation Criteria Manual” dictates that the criteria manual “shall be adopted by administrative rule” and include sections on:

- (2) Dedication and alignment of right-of-way
- (4) Proportionality determinations
- (5) Transportation demand management plans
- (6) Transportation impact analysis
- (8) Criteria for transit operations

...all of which include policy elements that should be in the code, not in an administrative criteria manual per City Council direction; and,

WHEREAS, as a reference for recommendations in the following section, Section 23-8A-1040 “Administrative Modifications” (A) (1) states “This section authorizes the director to administratively modify application of this chapter to a proposed development based on the impacts of particular requirements relative to the transportation needs generated by the development.”; and,

WHEREAS, as a reference for recommendations in the following section, Section 23-8A-2020 “Proportionality Determination” (D) states “To aid in making a proportionality determination and identifying required infrastructure improvements, the director may adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination.”; and,

WHEREAS, as a reference for recommendations in the following section, Section 23-8B-2020 “Timing of Dedication and Construction” (B) (1) (a) states “Unless an obligation is deferred under Subsection (B)(2), all

required dedication or improvement of public right-of-way must occur prior to approval of a development application as provided in Section 23-8B-2030 (Approval Conditioned on Dedication)."; and,

WHEREAS, as a reference for recommendations in the following section, Section 23-8B-1010 "Purpose and Applicability" (A) states his article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by: (1) Determining the extent to which streets and other municipal transportation infrastructure are impacted by new development; and (2) Requiring new development to provide transportation infrastructure improvements and other mitigation necessary to address the impacts of new development."

WHEREAS, as a reference for recommendations in the following section, Section 23-8C-2020 "Transportation Demand Management" does not exist in the current code and the Transportation Criteria Manual is not available, it is not possible to assess the implications of this provision.

WHEREAS, as a reference for recommendations in the following section, Section 23-8D-1030 "Conditions to Development Approval" (B) states "If a development application requires review under Article 23-8C (Transportation Review and Analysis), the director or the body responsible for acting on the application may require: (1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or (2) Reducing the density or intensity of the development, to the extent necessary to ensure that the capacity of the street network can safely accommodate vehicle trips generated by the proposed development."

NOW, THEREFORE, BE IT RESOLVED that the Urban Transportation Commission recommends that the approved code should be modified to reflect the values in Imagine Austin and best practices for addressing the City's most pressing issues:

- **Modify Section 23-8A-1010 (B) (3) to remove "vehicle" trip from that language.**
  - Removal of "vehicle" ensures that ATD is not limiting the potential nexus for improvements.
- **Ensure that "trips" are specified as either person-trips or vehicle-trips throughout the chapter.**
  - Specificity for the intended meaning is important given the applicability of Transportation Demand Management tools/evaluations in the development process.
- **Modify or eliminate Section 23-8A-1040 (A) (1).**
  - This section could be read as allowing the Austin Transportation Department to change the rules on a development-by-development basis.
- **Modify that Section 23-8A-2020 to appropriately respond to policy direction existing within the code.**
  - Too much policy can be hidden within the administrative guidelines mentioned.
- **Modify Section 23-8B-2020 (B) (1) (a).**
  - Construction of right-of-way improvements before approval of a development application will not be possible given current permitting procedures. This section also seems to contradict 23-8B-2030 (A) and several other statements directly.
- **Modify Section 23-8C to complete the objective suggested in Section 23-8C-1010 (A) and include all of the procedures, standards, and requirements for completion of a Transportation Review & Analysis, including impact criteria and nexus standards for all modes of transportation:**
  - Transportation Impact Analyses should focus less on peak 15-minute period traffic congestion and more on aligning with larger plans and goals, such as the ASMP 50/50 mode split goal, Vision

Zero safety goals, active transportation plans and goals, and Capital Metro operating and capital plans;

- Develop clear analysis requirements that are followed for all projects;
  - Specifically, remove level of service (LOS) as a metric and include VMT as a replacement to better align analyses with the City's goals;
  - Create a person-trip generation model specific to the City of Austin that includes the specific context of the development and location;
  - Re-examine the Rough Proportionality and cost-sharing requirements to more directly reflect the impact of the development and not the cost of historical infrastructure;
  - Focus on Transportation Demand Management (TDM) rather than supply-side improvements (LOS analysis);
  - Develop TDM standards for development that focus on the inclusion of TDM elements rather than trip reduction results.
- Specifically, **modify Section 23-8C-2030 "Transportation Impact Analysis"** to include policy standards for vehicles.
    - This should be decided as part of this code and should be consistent with the ASMP (Vision Zero/safety is the first priority, 50/50 mode split, etc.).
    - Measuring LOS (especially during the peak fifteen minutes of the day) and mitigating for it are actively harmful to both those goals.
  - **Eliminate Section 23-8D-1030 (B) "Design and Construction Requirements."**
    - Land use decisions should not be left to the Austin Transportation Department, particularly based on "the capacity of the street network" to "safely accommodate vehicle trips."
    - If ATD is striving for a 50/50 mode split, it should support density throughout the City, particularly in areas that already have density and could support more significant and more frequent transit.
    - ATD should have say on phasing, density, or intensity of development if safe access to/from the site cannot be provided.
    - This statement could be read to not allow any more development in downtown and other dense areas of the City.
    - This is also an elimination of by-right zoning; no development applicant will know their possible yield until ATD makes a determination regarding capacity.
    - Capacity definitions are not included in the current draft revision,
  - **Reference in Sections 23-8D-2010 (B) and 2020 23-8D-2020 (B) "Scope of Required Improvements"** that required improvements still must meet nexus standards between the development and the improvement in Section 23-8D-2030 "Nexus Standards" (B) (i.e., identify impact, then identify mitigation).
  - **Add a statement to Section 23-8D-2030 "Nexus Standards"** that the development places demand for these facilities/improvements.
  - **Improve nexus standards** for Traffic Calming Devices and Rectangular Rapid Flashing Beacons in Section 23-8D-2030 "Nexus Standards."
  - **Trip generation evaluations** mentioned throughout the chapter should be made clear if/when evaluations are made with traditional ITE *Trip Generation Manual* rates, before or after potential TDM elements, with other reductions due to location in the City, and/or other elements that affect trip generation estimates.
    - This should make clear what the baseline is for the ultimate project application.
  - **Officially approve the Draft Austin Street Design Guide** and incorporate into Section 23-8F "Street Design" such that expectations are clear.

- As a result of the missing policy in the current version of the Land Development Code revision, **require that the updated Transportation Criteria Manual be reviewed by the Urban Transportation Commission and approved by both the Planning Commission and City Council.**

Date of Approval:

Record of the vote:

Attest:

DRAFT