



07 May 2024

Honorable Mayor Watson  
Honorable City Council Members

**Re: LDC Reforms for Minimum Lot Size, City-Wide Compatibility, and ETOD Overlay**

Dear Mayor Watson and City Council Members,

As the professional organization for Austin's architecture & design community, AIA Austin eagerly advocates for improvements to policies that shape our built and natural environment that align with the AIA Framework for Design Excellence, which includes considerations for Equitable Communities, Integration, Well-being, Economy, and more. Historically, zoning regulations and development processes in Austin promoted exclusion, segregation, and economic imbalance. Therefore, we commend City Council's efforts to modify zoning regulations to increase access to housing, provide more options for preserving existing housing, and support more equitable outcomes. On May 16<sup>th</sup> you will consider three policies with the potential to support these goals.

**Minimum Lot Sizes**

We strongly support the reduction of minimum lot sizes for Single-Family zoning districts. The current minimum lot sizes are excessive compared to other cities and were put in place during the legal challenges that made racial restrictive covenants unenforceable. Increasing the size and cost of land required to build a home limits the number and demographic of people to whom homeownership is available as an option. While the damage of large lot sizes has been done, and decreasing them will not lead to an immediate drastic decrease in housing costs, removing the burden of large minimum lot sizes will provide individual homeowners with more options to access the value of their property and create the opportunity for smaller and less expensive housing options moving forward.

Further, we support the Planning Commission's amendments to the draft ordinance that reduces the minimum lot size to 1,500 square feet, reduces setbacks, and establishes a Floor-to-Area Ratio (FAR) floor at 1,650 square feet. All these measures put single-family entitlements in line with HOME Phase 1 policies such that the choice to subdivide lots will not lose a homeowner any entitlements. They also mean that in the cases where subdivision is an advantage, that advantage is moderate and in keeping with the overall scale of the existing regulations.

Providing education and resources, simplifying the subdivision process, permitting for owner-occupied lots, and expanding funding for low-income households are all paramount for ensuring that these regulatory tools are available to those who are routinely excluded from the benefits of development. We ask you to take affirmative action to ensure that these resources are made available and easier to access, for all homeowners.

**City-Wide Compatibility Reform**

We welcome any reduction to the enormous impacts currently imposed on properties by the existence of a nearby single-family zoning district. The draft ordinance under consideration makes significant progress by reducing the extent of height limitations from an arbitrary distance of 540 to 75 feet. Further, the proposed changes to the criteria for triggering properties remedies most of the unusual and counterproductive zoning cases that we have seen over the years since compatibility was adopted.

On the other hand, the current draft ordinance does not similarly reduce the buffer requirements, as Council outlined in Resolution 20230608-045, which directed staff to reduce the buffers so that impacted properties were "equal to or less restrictive" than triggering properties. This results in cases where we would still be requiring buffering between residents to "protect" certain citizens from the houses of others they deem less desirable. We would strongly encourage the Council to follow their Resolution intent and reduce the buffer requirements accordingly.

Additionally, the Planning Commission introduced proposed amendments to reduce or waive restrictions in cases of "missing middle" and smaller mixed-use projects. We support these amendments as they would help create additional housing options that otherwise could not be built under the proposed ordinance language.

### **ETOD and DBETOD Overlay**

The ETOD Final Report accepted by City Council via Resolution No. 20230309-016 contains detailed language that addresses the stated goals of what an Equitable Transit Oriented Development could achieve. The report's specificity of the station area typologies set up the potential for geographically based regulations tuned to address the hyper-local impacts of development. Further, the emphasis on moving from a "traditional TOD" to "equitable outcomes" informs every aspect of that report and its proposed tools. AIA Austin wholeheartedly supported the goals of the ETOD Final Report and looks forward to collaborating on policies that can achieve these goals. However, the ETOD and DBETOD overlays currently proposed by staff are a single set of regulations that would apply to every station area across the city with no response to the local conditions at each station. Further, the affordability requirements and density bonus tools outlined in the program are essentially identical to the existing TOD overlays, which do not address the city's stated equity goals. We strongly encourage the Council to increase the requirements for affordable housing and put policies in place to combat the abuses and failures of the city's existing affordable housing fee-in-lieu programs. These pieces must be considered if progress is to be made in achieving the equitable goals outlined in the report.

### **Conclusion**

While we whole-heartedly support the proposed ordinances, with PC amendments, for minimum lot size and compatibility reform, we believe the proposed ETOD ordinance, as written, will fall short of achieving the city's stated equity goals and therefore we strongly encourage City Council to direct staff to better align this program with the goals in the adopted ETOD Report. While zoning overlays and density bonus programs are important, they are only two parts of the equation for implementing a truly Equitable TOD policy. AIA Austin appreciates the opportunity to speak on these matters and looks forward to being a resource to the city as these reforms move forward. Please do not hesitate to reach out to discuss any of these items further.

Sincerely,



Sophia Razzaque, AIA  
AIA Austin President