



December 10, 2021

Dear Mayor and Council Members,

We write to ask you to adopt staff-generated changes in the city's Land Development Code (LDC) that would improve water quality and reduce flooding in the city.¹

We understand that Judge Jan Soifer's ruling last year halted the city's efforts to rewrite the LDC. While we still believe that a comprehensive code rewrite offers a rare opportunity to adopt a wide range of important environmental protections, we urge the Council to immediately identify areas of consensus and move forward on adopting code changes to include strong water quality standards for new development.

Water pollution continues to be a serious problem in Austin. At least seven dogs have died from exposure to toxic algae in area lakes playing in Lake Travis and Lady Bird Lake since 2019.² And harmful algae isn't the only problem in local waters. According to the Watershed Protection Department, 41% of the city's creeks have levels of fecal bacteria that make them unsafe for swimming, wading, or fishing.³

Austin is growing rapidly, and more and more of our city is being paved. Since 1997, Travis County has lost almost 30% of its open space.⁴ In a two-year period, Austin lost 6% of our tree canopy.⁵ Our growing concrete web of development prevents rainwater from soaking into the ground, forcing it to run over parking lots, roads, roofs, and even the compacted soil of many suburban yards before flowing into a creek or lake. Along the way, this runoff picks up not just poop from pets and wildlife, but also yard and garden fertilizers and wastewater from leaking septic systems. Both are also rich sources of the phosphorus and nitrogen that can cause algae to

¹ Environment Texas, Clean Water Action, Save Barton Creek Association. "CodeNEXT Water Advocacy Letter," 2017. https://environmenttexas.org/sites/environment/files/reports/CodeNEXT%20Water%20Advocate%20Letter_final.pdf

² B Bellinger (personal communication, July 6, 2021)

³ A Clamann (personal communication, October 4, 2021)

⁴ Travis County, Texas. "Texas lands trend database," n.d. <https://data.txlandtrends.org/trends/county/Travis>

⁵ Stephen Langford, "Go big and stay green," 2021. <https://www.proudgreenbuilding.com/articles/go-big-and-stay-green-how-austin-is-juggling-growth-and-the-environment/>

grow out of control.

Green spaces naturally absorb and cleanse runoff, but as we pave over our green areas, we lose our natural defenses. Fortunately, clever development can mimic these solutions with nature-based infrastructure, such as rain gardens and green roofs, that filter the water as it flows. These techniques allow rainwater to soak into the ground, slowing it down and filtering out pollution. Also known as green stormwater infrastructure and low-impact development, these projects are not only intuitive, but effective as well; environmental evaluations have shown that these solutions can reduce stormwater pollution by 52-85%.⁶

City staff have developed proposed changes to the landscape code to require nature-based infrastructure on commercial properties.⁷ The Development Services Department has proposed a Functional Green policy (23-3D-3110) which would require green infrastructure in urban settings where traditional landscape requirements are not possible as well as “tree islands” in surface parking lots which are graded to receive stormwater (23-3D-3050).

Staff have said the code changes are “an important step toward restoring natural hydrology in the city. And perhaps most importantly, it is a relatively small change that can usher in a significant paradigm shift for stormwater treatment.”⁸ They would also have a big impact on environmental quality in Austin. One study estimated that the Functional Green policy alone could reduce stormwater runoff volumes by 10 to 15%, reduce ambient air temperatures by 2 to 5 degrees, and capture 2000 tons of air pollutants every year.⁹

In addition, a report for the City noted that “many potential redevelopment areas have undersized drainage infrastructure, and unless improvements are made during redevelopment, adverse downstream impacts can occur...larger redevelopment projects are not required to upgrade stormwater detention facilities if they do not increase existing impervious cover.”¹⁰ Staff have proposed closing this loophole.

Of course, many sources of pollution come from outside city limits and cleaning up our waterways will require cooperation with other local governments and the state. But, like in the fight against global climate change, we can lead by example and significantly reduce our share of the pollution. These measures will help the city make meaningful progress towards cleaning up

⁶ Gonzales-Meler et al. Ecological Society of America Annual Meeting 2010. “The effectiveness of green infrastructure at improving water quality: A literature review,” 2010. https://www.researchgate.net/publication/267284038_The_effectiveness_of_green_infrastructure_at_improving_water_quality_A_literature_review

⁷ Proposed LDC Revision to the Zoning Code – January 31, 2020, <https://app.box.com/s/cnjilbg728g0fh2emx490xcryp4tiid>

⁸ P. Abee-Tauli (Personal communication, March 13, 2020)

⁹ Garcia et al. “Quantifying ecosystem services of green infrastructure in Austin, Texas,” 2019. <https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/18456/QuantifyingEcosystemServicesofGreenInfrastructureATX.pdf?sequence=1&isAllowed=y>

¹⁰ CodeNext. “Land development code diagnosis. Austin, Texas,” 2015. https://www.austintexas.gov/sites/default/files/files/Planning/CodeNEXT/Austin_CodeDiagnosis_PublicDraft_web_050514.pdf

our waterways.¹¹

Sincerely,

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¹¹ Environment Texas Research and Policy Center. “Growing greener,” 2017.
<https://environmenttexas.org/reports/txe/growing-greener>