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Anguiano, Dora

From: Steven Zettner [redacted]

Sent: Monday, May 09, 2011 1:25 PM

To: Dave Sullivan; danette.chimenti@gmail.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; tbui.planningcommission@gmail.com; mnrghatfield@yahoo.com; alfonsochernandez@gmail.com

Cc: Anguiano, Dora; Zapalac, George; Jonathan Locklin; snaustin-steering@googlegroups.com

Subject: Feedback on Open Space ordinance

Commissioners:

I'm writing to express support for the Open Space Ordinance, and to point out a few gaps that should be closed in the draft.

This ordinance does two things that are vital to the success of mixed use development. It clearly defines open space, and it sets a clear minimum standard.

The ordinance could be further improved by addressing the following gaps:

1. **Transit station areas on VMU corridors appear to be at risk of not getting the same level of open space and connectivity support as TODs**. In discussions with staff, we argued that transit station areas supporting TOD or VMU need more grade-level public space to encourage higher levels of pedestrian and bicycle traffic. Staff has communicated that such supplementary standards can be added for TOD plans. However, there does not appear to be a similar mechanism for de facto centers on VMU corridors supported by BRT.
2. **Different parts of town prioritize affordability and public space differently**. Both are important throughout the city. But affordability is especially acute near downtown and in East Austin. In North Central Austin, lack of public space within walking distance of transit corridors is chronic.
3. **Outdoor play space needs to be close to home.** A quarter mile is just too far for busy parents to take their small children on a daily basis for outdoor exercise.

Please consider the following amendments to the current draft:

1. **2.7.2 Applicability** Require open space even for sites under 2 acres, if the site is within 1/8 mile of a designated Bus Rapid Transit station. Such stations could be determined by staff or designated in a land use-transportation plan.
2. **2.7.3 A** Raise minimum open space to 7%, if the site is within 1/8 mile of a designated Bus Rapid Transit station.
3. **2.7.3 D4** - Remove VMU from the list of zoning categories exempted from the 30% maximum for above-ground open space, if the site is within 1/8 mile of a designated Bus Rapid Transit station.
4. **2.7.3** Either in this or in a subsequent ordinance, introduce a renewable fund, modeled on the Great Streets program, to subsidize transit plazas for designated Bus Rapid Transit Stations.
5. **25-2-776 G, 25-2-780 B** - Regulate affordability and open space trade-offs in neighborhood plans.

Thank you for your attention,

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Zapalac, George

[redacted]

From: Delgado, Javier
Sent: Thursday, May 19, 2011 1:44 PM
To: Zapalac, George
Cc: Copic, Regina
Subject: Open Space Proposal

George,

Good afternoon. After discussion about the open space requirement, here are two concerns that NHCD would like to see addressed in the proposal:

1. The definitions and affordability need to be consistant with the SMART Housing Ordinance. We want the affordability to apply to a household at 80% MFI or below and the terms of the affordability would be governed by the established terms in the ordinance or overlays.Recommend referencing back to the SMART Housing Ordinance as minimum standard or the affordability requirements as defined in any other developer incentive/density bonus ordinance.
2. We feel that the developer incentive ordinance could be negatively impacted by the proposal. We ask that if a project that is certified to use one of our developer incentive/density bonus programs can demonstrate a negative impact due to the open space requirement, that the density incentive ordianance / program be exempt for the open space ordinance requirement. If a density bonus is offered in exchange for affordability, the density bonus ordinance should supersede the open space ordinance.

Thank you for meeting with NHCD Staff to discuss your proposal.

Regards,

Javier V. Delgado
Project Coordinator-Real Estate & Finance Development
City of Austin-Neighborhood Housing & Community Development
(512) 974-3154
javier.delgado@ci.austin.tx.us

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Zapalac, George

From: Jean mather [redacted]
Sent: Monday, May 23, 2011 5:17 PM
To: Dave Sullivan; Mandy Dealey; alfonsochernandez@gmail.com; dave.anderson.07@gmail.com; vskirk@att.net; Danette Chimenti; tbui.planningcommission@gmail.com; mnrghatfield@yahoo.com
Cc: Zapalac, George
Subject: new open space ordinance

Dear Commissioners:

I'm sure you can improve on the proposed open space ordinance. It misses the boat in several important sections that particularly effect the EROC Planning area. It would in the future also affect stable
SF-3 neighborhoods like SRCC if Imagine Austin follows its intended path.

A revised ordinance should include the following improvements:

*Providing affordable units should not be rewarded by reducing the requirements for open space! Parks should be provided in ratio to the population and within the distance required by use.

*Does the new formula for open space improve on the existing requirements?

*If the required open space is not provided, payment in-lieu-of should be used within the appropriate distances of the development and the amount should be related to land values, cost of installation and maintenance in the area. The existing formula in not adequate.

* Any open space counted as public should, of course, have access to the public.

Jean Mather
Member of EROC Planning Team
444-4153

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DOWNTOWN AUSTIN ALLIANCE

May 9, 2011

Commissioner Dave Sullivan
City of Austin Planning Commission
P.O. Box 1088
Austin, Texas 78767

Commissioner Sullivan,

At its April 13, 2011, meeting the Downtown Austin Alliance Board of Directors passed the following resolution regarding the proposed changes to the City of Austin Open Space Ordinance:

Whereas open space is important to the quality of life in Austin; and

Whereas the Downtown Austin Parks & Open Space Master Plan shows that there are very few places in downtown that are more than 800 feet (or just over two blocks) from an existing park or publicly accessible open space; and

Whereas the Downtown Austin Plan, which has been underway since 2007, does not recommend any changes for CBD and DMU projects regarding the open space ordinance; and

Whereas the Imagine Austin Comprehensive Plan is ongoing, and its plans should be the basis for open space policy and ordinance changes; and

Whereas 50% of downtown's land area is considered the "public realm," consisting of parks, open spaces, and streets, which provide the most significant successes and opportunities in downtown Austin for creating quality public spaces, including Great Streets—such as 2nd Street, Cesar Chavez, and Brazos Street—that create usable community gathering spaces with amenities of sidewalk cafes, planters, benches, and shade trees; and

Whereas a City staff review shows that most downtown projects have provided more open space than the proposed ordinance would require; and

Whereas the proposed ordinance could create unintended negative consequences for small projects and for affordability, since maintenance of community open space is funded through HOA fees;

Now, therefore, be it resolved that the Downtown Austin Alliance recommends that CBD and DMU zoning be exempt from the proposed changes to the open space ordinance.

Sincerely,

Charles Betts, Executive Director

HousingWorks
AUSTIN

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May 24, 2011

Chairperson
Community Development Commission and
Planning Commission
City of Austin
301 West Second Street
Austin, TX 78701

Dear Chairs:

On behalf of HousingWorks, I would like to submit comments related to the University Neighborhood Ordinance Affordable Housing Fee Update. Darin Smith of Economic & Planning Systems, Inc. presented his preliminary findings to a group of UNO stakeholders on March 22, 2011. For a variety of reasons (detailed below), HousingWorks is supportive of the proposed maximum fee increase. However, there are some additional issues related to UNO that need to be addressed.

As you know, the current fee-in-lieu of $.50/net sf has not been updated since its inception in 2004. All UNO developments are required to incorporate 10% of the units at 80% MFI. The current in-lieu fee is required when developers take advantage of the UNO development bonus but choose not to incorporate the required 10% at 65% MFI units on-site.

The current fee-in-lieu is problematic for the following reasons:

The in-lieu fee is so low that it discourages on-site affordability. To date, only one UNO project has incorporated affordable units (at 65% MFI) on site. The vast majority of developers have chosen to contribute to the UNO Trust Fund. While this has raised nearly $1 million in funds for true affordability (including units at 50% MFI) in the UNO district, there is value in incorporating affordability on-site. If the fee is raised to be reflective of the true cost of subsidizing a 65% MFI unit, some developers may choose to incorporate on-site affordability and others may choose to pay the (higher) fee-in-lieu. The higher fees will continue to build the UNO Trust Fund, while additional units will be incorporated into new developments. The result will be both on-site and off-site affordability throughout the UNO district. HousingWorks is supportive of all types of homes in all parts of town, and this fee increase will help to ensure the true dispersion of affordability.

The in-lieu fee is not structured similarly to other density bonus programs. In order to simplify the City's various density bonus programs and to facilitate accurate contrasts and comparisons, the density bonus programs should be comparable. Accordingly, the UNO program should include affordable units at 60% MFI, rather than the current 65% MFI. In addition, the density bonus should be calculated based on the actual density bonus square footage, not the total square footage. The current Affordable Housing Fee Update that was commissioned by Neighborhood Housing and Community Development provides an excellent opportunity to incorporate the mathematical and economic analysis necessary to make these changes.

Based on our review of the analysis, the proposed $4.33/net square feet appears to reasonably represent the subsidy required to develop a 65% MFI unit in the UNO district. However, the consultant should recalibrate the maximum fee based on (1) 60% MFI affordability; and (2) the bonus square footage, rather than the total square footage. This analysis should be represented for public input and discussion.

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Thank you for your commitment to affordable housing in Austin. If you have any questions, or would like to meet to discuss in more detail, feel free to contact me at (512) 441-5441.

Sincerely,

Frances Ferguson
President, Board of Directors