



## AFFORDABILITY IMPACT STATEMENT

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

CITY COUNCIL AGENDA: PENDING      CASE NUMBER: C20-2013-017

<p>PROPOSED CODE AMENDMENT:</p>	<p>PROPOSED: WATERSHED PROTECTION ORDINANCE</p>
<p>IMPACT ON REGULATORY BARRIERS TO HOUSING DEVELOPMENT</p>	<p><input checked="" type="checkbox"/> INCREASE    <input type="checkbox"/> DECREASE    <input type="checkbox"/> NO IMPACT</p> <p>THE PROPOSED ORDINANCE INCREASES REGULATORY BARRIERS BY CHANGING THE AREA OF DRAINAGE THAT REQUIRES STREAM BUFFERING IN SUBURBAN WATERSHEDS FROM 320 ACRES DOWN TO 64 ACRES, INCREASING THE ACREAGE IMPACTED BY NEW BUFFERING REGULATIONS. APPROXIMATELY 106,085 ACRES OF UNDEVELOPED LAND WILL BE SUBJECT TO NEW BUFFERING REQUIREMENTS.</p> <p>HOWEVER, ACCORDING TO WPD ANALYSIS, ONLY ABOUT 11% OF DEVELOPMENTS, OR ABOUT 13,000 ACRES, WOULD HAVE A POTENTIAL REDUCTION IN THE AMOUNT OF IMPERVIOUS COVER ALLOWED. UNDER THE SAME ANALYSIS, ABOUT 19% OF PROPERTIES, OR ABOUT 57,000 ACRES WOULD HAVE A POTENTIAL GAIN IN THE AMOUNT OF IMPERVIOUS COVER ALLOWED.</p> <p>AN ANALYSIS OF AHFC'S FRONTIER AT MONTANA SUBDIVISION SHOWED THAT AT LEAST 25 OF 81 LOTS WOULD HAVE BEEN WITHIN THE PROPOSED BUFFER. THEREFORE, A DIFFERENT LAYOUT, HOUSING PRODUCT, OR ENTIRE SITE WOULD HAVE HAD TO HAVE BEEN SELECTED TO MAINTAIN AN EQUIVALENT NUMBER OF AFFORDABLE UNITS. ON THE OTHER HAND, THE PROJECT'S DESIGN PLACED FENCES AND HOMES IN VERY CLOSE PROXIMITY TO THE CREEK BANKS, LEFT LITTLE ROOM FOR STABILIZING RIPARIAN VEGETATION, AND DID NOT PROVIDE TRAIL CONNECTIVITY, COMMUNITY OPEN SPACE, AND OTHER FEATURES AFFORDED BY MORE GENEROUS CREEK BUFFERS. THIS CASE STUDY UNDERSCORES THE COMPLEXITY OF THE DECISIONS TO BE MADE ABOUT SHORT AND LONG-TERM COSTS AND BENEFITS.</p>
<p>LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT</p>	<p><input type="checkbox"/> INCREASE    <input checked="" type="checkbox"/> DECREASE    <input type="checkbox"/> NO IMPACT</p> <p>THE PROPOSED AMENDMENT WOULD ELIMINATE THE WATER QUALITY TRANSITION ZONE AND CALCULATE IMPERVIOUS COVER ON A GROSS SITE AREA BASIS FOR SUBURBAN</p>

	<p>WATERSHEDS. THIS MEANS LARGER SITES WOULD IN GENERAL HAVE MORE FLEXIBILITY TO ADD IMPERVIOUS COVER WITHIN THE UPLANDS TO OFFSET THE NEW BUFFER.</p> <p>OTHER PROVISIONS SUCH AS "BUFFER AVERAGING" AND ADDITIONAL USES WITHIN THE BUFFER (E.G., WATER QUALITY CONTROLS AND WASTEWATER LINES) PROVIDE DEVELOPMENT FLEXIBILITY AS WELL.</p> <p>SMALLER, INFILL TYPE DEVELOPMENTS COULD BE MORE NEGATIVELY IMPACTED AND WOULD NOT BE ABLE TO AS EASILY MITIGATE THE LOSS DUE TO THE SMALLER SITE AREA. AGAIN, IN OUR EXAMPLE OF AN ACTUAL DEVELOPMENT, 25 OF 81 LOTS COULD HAVE POTENTIALLY BEEN LOST BY THE ADDITIONAL BUFFERING REQUIREMENTS.</p>
<p>IMPACT ON COST OF DEVELOPMENT</p>	<p><input checked="" type="checkbox"/> INCREASE   <input type="checkbox"/> DECREASE   <input type="checkbox"/> NO IMPACT</p> <p>THE PROPOSED EROSION HAZARD ZONE (EHZ) ANALYSIS COULD IMPACT COSTS TO DEVELOPMENT. THERE IS NO ANALYSIS OF EROSION POTENTIAL REQUIRED AT THIS TIME.</p> <p>THE EHZ ANALYSIS COULD BE STRAIGHTFORWARD AND COST \$100-\$200 FOR A LETTER TO BE GENERATED BY A CIVIL ENGINEER. IF THE ZONE REQUIRES ADDITIONAL ANALYSIS AND ARMORING, THE COST OF DESIGN AND INSTALLATION COULD BE A RANGE OF \$1,000 - \$20,000+ PER AREA DEPENDING ON THE MITIGATION NEEDED. THIS ANALYSIS AND POTENTIAL MITIGATION WOULD INCREASE DEVELOPMENT COSTS AND NEGATIVELY IMPACT HOUSING AFFORDABILITY. THE COST TO <u>NOT</u> PERFORM THIS ANALYSIS CAN LEAD TO SIGNIFICANT PUBLIC AND PRIVATE COSTS TO ADDRESS THE UNDERMINING OF FENCES, YARDS, AND STRUCTURES DUE TO STREAM CHANNEL EROSION. (SEE MORE DISCUSSION ON HISTORIC COSTS BELOW.)</p>
<p>IMPACT ON PRODUCTION OF AFFORDABLE HOUSING</p>	<p><input type="checkbox"/> INCREASE   <input checked="" type="checkbox"/> DECREASE   <input type="checkbox"/> NO IMPACT</p> <p>A WPD ANALYSIS DEMONSTRATES, THE MAJORITY OF THE ACREAGE SUBJECT TO THE PROPOSED ORDINANCE WOULD SEE NO CHANGE OR A POTENTIAL INCREASE IN AVAILABLE IMPERVIOUS COVER ENTITLEMENTS. A WPD ANALYSIS OF 90 EXISTING S.M.A.R.T. HOUSING MULTI-FAMILY PROJECTS REVEALED ONLY 9 WOULD HAVE BEEN SUBJECT TO THE PROPOSED BUFFERS AND OF THOSE ONLY 2 HAD A</p>

	<p>PROPOSED BUFFER THAT WOULD HAVE SIGNIFICANTLY IMPACTED THE DEVELOPMENT.</p> <p>SOME AFFORDABLE DEVELOPMENTS COULD FACE A DECREASE IN HOUSING YIELD BY ADHERING TO THE PROPOSED TRIGGERS FOR THE BUFFERING. SMALLER INFILL PROJECTS WOULD BE MORE NEGATIVELY IMPACTED DUE TO SMALLER LAND AREA AVAILABLE TO RE-CONFIGURE.</p> <p>A POTENTIAL OUTCOME OF THE ORDINANCE WILL BE TO REDIRECT DEVELOPMENT AND DENSITY TO UPLAND AREAS AND PROPERTIES THAT ARE NOT ADJACENT TO SENSITIVE WATERWAYS AND FLOODPLAINS, WHICH IS AN OBJECTIVE OF THE IMAGINE AUSTIN COMPREHENSIVE PLAN.</p>
<p>ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:</p>	<p>NHCD RECOMMENDS WPD CONSIDER INCORPORATING ADMINISTRATIVE VARIANCES TO THE ORDINANCE TO ALLOW DEVELOPMENTS FLEXIBILITY AND TO AVOID THE ADDITIONAL COSTS ASSOCIATED WITH OBTAINING BOARD AND COMMISSION VARIANCES.</p>
<p>OTHER HOUSING POLICY CONSIDERATIONS:</p>	<p>THE PURPOSE OF THE WATERSHED PROTECTION ORDINANCE IS TO IMPROVE CREEK AND FLOODPLAIN PROTECTION; PREVENT UNSUSTAINABLE PUBLIC EXPENSE ON DRAINAGE SYSTEMS; SIMPLIFY DEVELOPMENT REGULATIONS WHERE POSSIBLE; AND MINIMIZE THE IMPACT ON THE ABILITY TO DEVELOP LAND. IT ALSO SEEKS TO BETTER BALANCE THE ENVIRONMENTAL PROTECTION LONG AFFORDED TO WESTERN WATERSHEDS TO THOSE OF THE EAST. THESE EASTERN CREEKS ARE AMONG THE MOST EROSION IN AUSTIN'S JURISDICTION.</p> <p>THE CITY'S STREAM RESTORATION PROGRAM HAS SPENT OVER \$30 MILLION TO REPAIR EROSION PROBLEMS— VIRTUALLY ALL OF WHICH WOULD HAVE BEEN PREVENTED HAD THE DEVELOPMENT PROTECTED BEEN ADEQUATELY SET BACK FROM CREEKS. AND THIS EXPENDITURE REPRESENTS ONLY A FRACTION OF THE REMAINING, UNRESOLVED PROBLEMS CREATED IN THE PAST.</p>
	<p>THE HEADWATERS BUFFERS AND EROSION HAZARD ZONE PROVISIONS OF THE ORDINANCE ARE CENTRAL TO IMPLEMENTING THESE COST-SAVING MEASURES. HOUSING PROJECTS BUILT IN CLOSE PROXIMITY TO EROSION CREEK BANKS WILL LIKELY CREATE BOTH NUISANCE FOR FUTURE HOMEOWNERS AS WELL AS POTENTIAL PUBLIC AND PRIVATE COSTS.</p>

WITH ALLOWANCES FOR TRAILS, COMMUNITY GARDENS, AND PARKS, STREAM BUFFERS ALSO SERVE AS A VALUABLE OPPORTUNITY TO PROVIDE CONNECTIVITY AND COMMUNITY OPEN SPACE FOR HOUSING PROJECTS. THIS HELPS TO IMPLEMENT THE HEALTHY AUSTIN AND GREEN INFRASTRUCTURE PRIORITY PROGRAMS OF IMAGINE AUSTIN, IN ADDITION TO SUSTAINABLY MANAGING OUR WATER RESOURCES.

DATE PREPARED:

September 12  
August, 2013

DIRECTOR'S SIGNATURE: \_\_\_\_\_



ELIZABETH A. SPENCER