

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2012-011 University Neighborhood Overlay – Affordability

Proposed Language: See attached draft ordinance.

Staff Recommendation: Staff recommends this amendment.

Background: Initiated by Council Resolution 20091210-044

Description:

Amend the City Land Development Code pertaining to the University Neighborhood Ordinance (UNO) to:

1. Change fee in-lieu to \$1.00 per square foot. Add: and such fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor or other appropriate standard as determined by the director of Austin Neighborhood Housing and Community Development.
2. Change dwelling unit to dwelling unit or bedroom.
3. Change 80% MFI to 60% MFI.
4. Change 65% MFI to 50% MFI.
5. Rents will be established annually by the director of the Austin Neighborhood Housing and Community Development Office as follows:
 - a. Single occupancy 60% MFI rents may not exceed the Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.
 - b. Single occupancy 50% MFI rents may not exceed the 40% MFI HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.
6. On site affordability period change from 15 years to 40 years.

Additional Stakeholder recommendations, recommended for approval by Codes and Ordinances Subcommittee on May 21, 2013 and Planning Commission on May 28, 2013:

1. Add group residential to affordability requirements when opting into UNO: group residential would be treated as multi-family developments.
2. Increase requirements under Height to include: Pay into the University Neighborhood District Housing Trust Fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use development. This fee

would be in addition to providing 10% of the units at 60% MFI and 10% of the units at 50% MFI.

Staff Recommendation:

Staff recommends approval of this amendment. The draft ordinance is attached. The ordinance is a consensus between Staff and stake holders.

Board and Commission Actions

Community Development Commission: May 14, 2013 – Unanimously recommended approval of the two additional proposed amendments (above), on an 11-0 vote.

September 17, 2013 – Unanimously recommended the following amendments on a 9-0 vote:

1. Currently a developer must provide a minimum of 10 percent of their units/beds serving 50 percent or below MFI households in order to access the UNO Housing Trust Fund. Stakeholders are requesting the unit/bed percentage change to 30 percent.
2. Stakeholders recommend that developers accessing the UNO Housing Trust Fund and providing at least 30 percent of their units/beds to households at 50 percent or below MFI are eligible for 100 percent of the S.M.A.R.T. Housing™ Fee Waivers.

Planning Commission Committee on Codes and Ordinances: April 17, 2012 - The Planning Commission Codes and Ordinances approved this item as amended on a motion by Commissioner Kirk, second by Commissioner Stevens on a vote of 5-0. The rate of payment per square foot of residential conditioned space was recommended to change from \$0.50 to \$1.00 on a motion by Commissioner Stevens, seconded by Commissioner Kirk and a vote of 4-1 (Commissioner Chimenti opposed.)

May 21, 2013 – Unanimously recommended approval of two additional proposed amendments to Planning Commission, on a 6-0 vote.

Planning Commission: June 26, 2012 – Unanimously recommended approval to the City Council on a 7-0 vote.

May 28, 2013 – Unanimously recommended approval of two additional proposed amendments to the City Council, on an 8-0 vote.

City Council Action

City Council: December 6, 2012 – Postponed to February 28, 2013

February 28, 2013 – Postponed to April 25, 2013

April 25, 2013 – Postponed to June 6, 2013

June 6, 2013 – Postponed to June 20, 2013

June 20, 2013 – Postponed to June 27, 2013

June 27, 2013 – Postponed to August 8, 2013

August 8, 2013 – Postponed to August 22, 2013

City Council: August 22, 2013 – Unanimously approved on first reading only on a 7-0 vote, with direction that the Community Development Commission review the following changes before second/third readings:

1. In Part 2, Section 25-2-765(C), line 22, revise the percentage from 40% to 30%.
2. Add “ Projects Qualifying for the University Neighborhood Overlay Affordable Housing Trust Funds, those projects shall receive 100% fee waivers as set forth in the S.M.A.R.T. Housing Policy” to the ordinance.
3. Direct the City Manager to consider bringing forth an emergency rule implementing and administrating the University Neighborhood Overlay S.M.A.R.T. Housing program.

City Council: October 24, 2013 – Unanimously approved on second reading on a 7-0 vote.

City Council: Third reading of this item has been set for January 23, 2014.

Ordinance Number:

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